

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 9621
OFFERED BY MR. WESTERMAN OF ARKANSAS

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Northwest Endangered
3 Salmon Predation Prevention Act of 2026”.

4 SEC. 2. ADAPTIVE PINNIPED MANAGEMENT.

5 (a) IN GENERAL.—Section 120 of the Marine Mam-
6 mal Protection Act of 1972 (16 U.S.C. 1389) is amend-
7 ed—

8 (1) in subsection (f)—

9 (A) in the heading, by striking “TEM-
10 PORARY” and inserting “PROVIDE ADAPTIVELY
11 MANAGED”;

12 (B) by striking “sea lions” each place it
13 appears and inserting “pinnipeds”;

14 (C) by striking “sea lion” each place it ap-
15 pears and inserting “pinniped”;

16 (D) in paragraph (4), to read as follows:

17 “(4) REQUIREMENTS.—Intentional lethal
18 takings under this subsection shall be—

1 “(A) humane and carried out in accord-
2 ance with veterinary-approved guidelines;

3 “(B) carried out—

4 “(i) in a manner the Secretary, in
5 consultation with eligible entities, deter-
6 mines appropriate; and

7 “(ii) in accordance with each term
8 and condition included in the applicable
9 permit issued under this subsection; and

10 “(C) implemented by—

11 “(i) qualified individuals employed by
12 eligible entities;

13 “(ii) qualified individuals employed by
14 a consortium of Indian Tribes described in
15 paragraph (6)(A)(ii); or

16 “(iii) qualified Federal employees of
17 the Wildlife Services program of the Ani-
18 mal and Plant Health Inspection Service of
19 the Department of Agriculture.”;

20 (E) in paragraph (5), to read as follows:

21 “(5) SUSPENSION OF PERMITTING AUTHORITY;
22 REPORT.—

23 “(A) SUSPENSION OF PERMITTING AU-
24 THORITY.—If, 5 years after the date of the en-
25 actment of the Northwest Endangered Salmon

1 Predation Prevention Act of 2026, the Sec-
2 retary, after consulting with State and tribal
3 fishery managers, determines that lethal re-
4 moval authority is no longer necessary to pro-
5 tect salmonid and other fish species from
6 pinniped predation, the Secretary shall suspend
7 the issuance of permits under this subsection.

8 “(B) REPORT.—Not later than 1 year
9 after the date of the enactment of the North-
10 west Endangered Salmon Predation Prevention
11 Act of 2026 and annually thereafter, the Sec-
12 retary shall submit to the Committee on Nat-
13 ural Resources of the House of Representatives
14 and the Committee on Commerce, Science, and
15 Transportation of the Senate a report detail-
16 ing—

17 “(i) the population status of pinnipeds
18 in the Columbia River and its tributaries
19 in the States of Washington and Oregon;
20 and

21 “(ii) the extent to which predation by
22 such pinnipeds on salmonid and other fish
23 species are preventing the recovery of such
24 species that are listed as threatened spe-
25 cies or endangered species under the En-

1 dangered Species Act of 1973 (16 U.S.C.
2 1531 et seq.).”;
3 (F) in paragraph (6)—
4 (i) in subparagraph (A)—
5 (I) in clause (i), by striking “,
6 from river mile 112 to the McNary
7 Dam”; and
8 (II) in clause (ii), by striking
9 “from river mile 112 to the McNary
10 Dam”;
11 (ii) in subparagraph (B)—
12 (I) by striking “above river mile
13 112 and below McNary Dam”; and
14 (II) by striking “above Bonneville
15 Dam and below McNary Dam”; and
16 (iii) in subparagraph (C)—
17 (I) by striking “above river mile
18 112 and below McNary Dam”; and
19 (II) by striking “above Bonneville
20 Dam and below McNary Dam”;
21 (G) in paragraph (7), by striking “up-
22 stream of river mile 112 and downstream of
23 McNary Dam,” and inserting “in the Columbia
24 River”;

1 (H) in paragraph (8), by striking “up-
2 stream of river mile 112 and downstream of
3 McNary Dam,”; and

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

5 “(10) COLUMBIA RIVER PINNIPED EXCLUSION
6 TECHNOLOGY ACCELERATOR.—

7 “(A) IN GENERAL.—Subject to the avail-
8 ability of appropriations, the Secretary, in co-
9 ordination with the Secretary of the Interior
10 and the governors of the States of Oregon,
11 Washington, and Idaho, shall establish and
12 maintain within the National Marine Fisheries
13 Service a program to be known as the ‘Colum-
14 bia River Pinniped Exclusion Technology Accel-
15 erator’.

16 “(B) PURPOSE.—The purpose of the Co-
17 lumbia River Pinniped Exclusion Technology
18 Accelerator is to stimulate innovation in the de-
19 velopment of pinniped exclusion technology ap-
20 plicable to the mainstem of the Columbia River
21 and its tributaries in the States of Washington
22 and Oregon that—

23 “(i) prevents a majority of pinnipeds
24 from proceeding upstream into—

1 “(I) habitat of salmon and other
2 anadromous fish; and

3 “(II) brackish and freshwater en-
4 vironments that support juvenile
5 salmonid outmigration;

6 “(ii) does not impede commercial, rec-
7 reational, or Tribal navigation; and

8 “(iii) does not affect the migration,
9 passage, or movement of species of salmon
10 or other anadromous fish.”; and

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

12 “(k) INTENTIONAL LETHAL TAKE BY CERTAIN EN-
13 TITIES OF CERTAIN PINNIPEDS IN CERTAIN WATERS IN
14 STATE OF WASHINGTON.—

15 “(1) IN GENERAL.—

16 “(A) ISSUANCE OF PERMITS.—Notwith-
17 standing any other provision of this Act, an eli-
18 gible entity may apply to the Secretary for a
19 permit under this subsection and the Secretary
20 may issue permits under this subsection to eli-
21 gible entities to authorize the intentional lethal
22 taking on covered waters by such eligible enti-
23 ties of covered pinnipeds for the purpose of pro-
24 tecting covered fish.

1 “(B) PERMIT PROCEDURES.—The Sec-
2 retary shall establish procedures to coordinate
3 issuance of permits under this paragraph, in-
4 cluding with respect to—

5 “(i) application procedures and
6 timelines;

7 “(ii) delegation and revocation of per-
8 mits to and between eligible entities;

9 “(iii) monitoring;

10 “(iv) periodic review; and

11 “(v) geographic, seasonal take, and
12 species-specific considerations.

13 “(C) APPLICATION INFORMATION.—An eli-
14 gible entity that submits an application under
15 subparagraph (A) shall include in such applica-
16 tion information such as—

17 “(i) a description of the number of
18 covered pinnipeds the eligible entity pro-
19 poses to take on covered waters each year;

20 “(ii) the status of covered fish;

21 “(iii) the estimated effect of covered
22 pinniped predation on covered fish;

23 “(iv) the anticipated result and bene-
24 fits to covered fish from taking covered
25 pinnipeds; and

1 “(v) a description of how the eligible
2 entity will monitor for effectiveness.

3 “(D) ACTIONS IN RESPONSE TO APPLICA-
4 TION.—

5 “(i) IN GENERAL.—Not later than 15
6 days after the date on which the Secretary
7 receives an application under subparagraph
8 (A), the Secretary shall determine whether
9 the application has produced sufficient evi-
10 dence to warrant establishing a Pinniped-
11 Fishery Interaction Task Force to address
12 the situation described in the application.

13 “(ii) ESTABLISHMENT OF TASK
14 FORCE.—If the Secretary determines
15 under clause (i) that an application has
16 produced sufficient evidence to warrant es-
17 tablishing a Pinniped-Fishery Interaction
18 Task Force to address the situation de-
19 scribed in the application, the Secretary
20 shall establish such a Pinniped-Fishery
21 Interaction Task Force and publish a no-
22 tice in the Federal Register requesting
23 public comment on the application.

24 “(iii) TASK FORCE MEMBERS.—A
25 Pinniped-Fishery Interaction Task Force

1 established under clause (ii) shall consist
2 of—

3 “(I) designated employees of the
4 Department of Commerce;

5 “(II) scientists who are knowl-
6 edgeable about the covered pinniped
7 interaction that the application ad-
8 dresses;

9 “(III) representatives of affected
10 conservation and fishing community
11 organizations;

12 “(IV) covered Indian Tribes;

13 “(V) the State of Washington;
14 and

15 “(VI) such other organizations as
16 the Secretary determines appropriate.

17 “(iv) RECOMMENDATIONS.—Not later
18 than 60 days after a Pinniped-Fishery
19 Interaction Task Force is established
20 under clause (ii), and after reviewing pub-
21 lic comments in response to the notice pub-
22 lished in the Federal Register under that
23 clause, the Pinniped-Fishery Interaction
24 Task Force shall—

1 “(I) recommend to the Secretary
2 whether to approve or deny the pro-
3 posed intentional lethal taking of cov-
4 ered pinnipeds, including—

5 “(aa) a description of the
6 number of covered pinnipeds to
7 be taken;

8 “(bb) the proposed location,
9 time, and method of such taking;

10 “(cc) criteria for evaluating
11 the success of such taking; and

12 “(dd) the duration of the in-
13 tentional lethal taking authority;
14 and

15 “(II) suggest nonlethal alter-
16 natives, if available and practicable,
17 including a recommended course of
18 action.

19 “(v) APPROVAL OR DENIAL OF APPLI-
20 CATION.—Not later than 30 days after the
21 date on which the Secretary receives rec-
22 ommendations from a Pinniped-Fishery
23 Interaction Task Force under clause (iv),
24 the Secretary shall approve or deny the ap-

1 plication associated with such rec-
2 ommendations.

3 “(vi) IMPLEMENTATION.—If the Sec-
4 retary approves an application under
5 clause (v), the Secretary shall immediately
6 take steps to implement the intentional le-
7 thal taking, as appropriate.

8 “(vii) EVALUATION OF IMPLEMENTED
9 ACTIONS.—After implementation of an ap-
10 proved application, the applicable
11 Pinniped-Fishery Interaction Task Force
12 shall evaluate the effectiveness of the in-
13 tentional lethal taking that was the subject
14 of the application or any alternative ac-
15 tions that were implemented.

16 “(viii) FINDINGS OF TASK FORCE.—If
17 a Pinniped-Fishery Interaction Task Force
18 finds under clause (vii) that—

19 “(I) implementation was ineffec-
20 tive in eliminating the problem inter-
21 action, the Pinniped-Fishery Inter-
22 action Task Force shall recommend
23 additional actions; or

24 “(II) implementation was effec-
25 tive in eliminating the problem inter-

1 action, the Pinniped-Fishery Inter-
2 action Task Force shall so advise the
3 Secretary and the Secretary shall dis-
4 band the Pinniped-Fishery Interaction
5 Task Force.

6 “(2) REQUIREMENTS.—Subject to paragraph
7 (3), an eligible entity may carry out an intentional
8 lethal taking of a covered pinniped pursuant to a
9 permit issued to the eligible entity under paragraph
10 (1) only—

11 “(A) in a manner the Secretary, in con-
12 sultation with eligible entities, determines ap-
13 propriate; and

14 “(B) in accordance with each term and
15 condition included in the permit.

16 “(3) HUMANE METHODS.—Intentional lethal
17 takings under this subsection shall be—

18 “(A) humane and carried out in accord-
19 ance with veterinary-approved guidelines; and

20 “(B) implemented by—

21 “(i) qualified individuals employed by
22 eligible entities;

23 “(ii) qualified individuals employed by
24 a consortium of covered Indian Tribes; or

1 “(iii) qualified Federal employees of
2 the Wildlife Services program of the Ani-
3 mal and Plant Health Inspection Service of
4 the Department of Agriculture.

5 “(4) DELEGATION AUTHORITY.—The Secretary,
6 upon the request of an eligible entity that is issued
7 a permit under paragraph (1), may allow such eligi-
8 ble entity to delegate to any other eligible entity its
9 authority under such permit with respect to the in-
10 tentional lethal taking on covered waters of covered
11 pinnipeds for the purpose described in that para-
12 graph.

13 “(5) TERM.—A permit issued under paragraph
14 (1)—

15 “(A) shall be effective for a period of not
16 more than 5 years; and

17 “(B) may be renewed by the Secretary.

18 “(6) SUSPENSION OF PERMITTING AUTHOR-
19 ITY.—

20 “(A) IN GENERAL.—If, after the 5-year
21 period beginning on the date of the enactment
22 of the Northwest Endangered Salmon Preda-
23 tion Prevention Act of 2026, the Secretary,
24 after consulting with State and tribal fishery
25 managers, determines that lethal removal au-

1 thority is no longer necessary to protect
2 salmonid and other fish species from pinniped
3 predation, the Secretary shall suspend the
4 issuance of permits under this subsection.

5 “(B) REPORT.—Not later than 1 year
6 after the date of the enactment of the North-
7 west Endangered Salmon Predation Prevention
8 Act of 2026 and annually thereafter, the Sec-
9 retary shall submit to the Committee on Nat-
10 ural Resources of the House of Representatives
11 and the Committee on Commerce, Science, and
12 Transportation of the Senate a report detail-
13 ing—

14 “(i) the population status of pinnipeds
15 in covered waters; and

16 “(ii) the extent to which predation by
17 such pinnipeds on salmonid and other fish
18 species are preventing the recovery of such
19 species that are listed as threatened spe-
20 cies or endangered species under the En-
21 dangered Species Act of 1973 (16 U.S.C.
22 1531 et seq.).

23 “(7) LIMITATIONS ON ANNUAL TAKINGS.—The
24 Secretary shall apply the process for determining
25 limitations on annual take of sea lions under sub-

1 section (c) to determinations on limitations under
2 this subsection, and the cumulative number of cov-
3 ered pinnipeds authorized to be taken each year
4 under all permits in effect under this subsection
5 shall not exceed 10 percent of the annual potential
6 biological removal level for covered pinnipeds.

7 “(8) DEFINITIONS.—In this subsection:

8 “(A) COVERED FISH.—The term ‘covered
9 fish’ means an individual of a species of—

10 “(i) salmon, steelhead, or eulachon
11 that is listed as an endangered species or
12 a threatened species under the Endangered
13 Species Act of 1973 (16 U.S.C. 1531 et
14 seq.); or

15 “(ii) fish that is a species of concern.

16 “(B) COVERED INDIAN TRIBE.—The term
17 ‘covered Indian Tribe’ means each federally rec-
18 ognized Indian Tribe with treaty-reserved fish-
19 ing rights in the western portion of the State
20 of Washington.

21 “(C) COVERED PINNIPED.—The term ‘cov-
22 ered pinniped’ means a harbor seal (*Phoca*
23 *vitulina*), California sea lion (*Zalophus*
24 *californianus*), or Steller sea lion (*Eumetopias*
25 *jubatus*) that is part of a population or stock

1 that is not categorized under this Act as de-
2 pleted or strategic.

3 “(D) COVERED WATERS.—The term ‘cov-
4 ered waters’—

5 “(i) means each river and stream in
6 the State of Washington that flows into
7 the marine waters of the State, includ-
8 ing—

9 “(I) estuaries and bays attendant
10 or adjacent to such marine waters;

11 “(II) the Puget Sound; and

12 “(III) the Pacific Coast of the
13 State; and

14 “(ii) does not include the—

15 “(I) Columbia River; or

16 “(II) any tributary of the Colum-
17 bia River.

18 “(E) ELIGIBLE ENTITY.—The term ‘eligi-
19 ble entity’ means—

20 “(i) the State of Washington; and

21 “(ii) each covered Indian Tribe.”.

22 (b) STUDY; REPORT.—

23 (1) STUDY.—The Secretary, acting through the
24 Assistant Administrator of the National Marine
25 Fisheries Service, in consultation with the eligible

1 entities and heads of Federal agencies the Secretary
2 determines appropriate, shall carry out a study re-
3 garding the effect of actions authorized by section
4 120(f) of the Marine Mammal Protection Act of
5 1972 (16 U.S.C. 1389(f)), as amended by this sec-
6 tion, on the recovery of species of salmon and
7 steelhead that are listed as endangered species or
8 threatened species under the Endangered Species
9 Act of 1973 (16 U.S.C. 1531 et seq.) in the
10 mainstem and tributaries of the Columbia River in
11 the States of Washington and Oregon.

12 (2) REPORT.—Not later than 10 years after the
13 date of the enactment of this section, the Secretary,
14 acting through the Assistant Administrator of the
15 National Marine Fisheries Service, in consultation
16 with the eligible entities and heads of Federal agen-
17 cies the Secretary determines appropriate, shall sub-
18 mit to Congress a report regarding the results of the
19 study carried out under paragraph (1).

20 (c) REGULATIONS.—The Secretary may issue such
21 regulations as are necessary to carry out this section, in-
22 cluding the amendments made by this section.

23 (d) RULE OF CONSTRUCTION.—Nothing in this Act
24 or the amendments made by this Act may be construed

1 to enlarge, confirm, adjudicate, modify, or otherwise affect
2 any treaty or other right of an Indian Tribe.

3 (e) DEFINITIONS.—In this section:

4 (1) ELIGIBLE ENTITY.—The term “eligible enti-
5 ty” has the meaning given the term in section
6 120(f)(6)(A) of the Marine Mammal Protection Act
7 of 1972 (16 U.S.C. 1389(f)(6)(A)), as amended by
8 this section.

9 (2) INDIAN TRIBE.—The term “Indian Tribe”
10 has the meaning given the term in section 4 of the
11 Indian Self-Determination and Education Assistance
12 Act (25 U.S.C. 5304).

13 (3) SECRETARY.—The term “Secretary” has
14 the meaning given the term in section 3 of the Ma-
15 rine Mammal Protection Act of 1972 (16 U.S.C.
16 1362).

