

[DISCUSSION DRAFT]

116TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

To amend the Magnuson-Stevens Fishery Conservation and Management Act to \_\_\_\_\_, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. HUFFMAN introduced the following bill; which was referred to the Committee on \_\_\_\_\_

**A BILL**

To amend the Magnuson-Stevens Fishery Conservation and Management Act to \_\_\_\_\_, 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 “\_\_\_\_\_ Act”.

5 **SEC. 2. TABLE OF CONTENTS.**

6 The table of contents for this Act is the following:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.
- Sec. 4. Definitions.
- Sec. 5. Conforming amendments to the table of contents of the Magnuson-Stevens Fishery Conservation and Management Act.

## TITLE I—CLIMATE-READY FISHERIES

- Sec. 101. Findings, purpose, and policy.
- Sec. 102. Promoting climate resilience in fisheries management.
- Sec. 103. Incorporating climate science.
- Sec. 104. Climate-ready fisheries innovation program.
- Sec. 105. Managing shifting stocks.
- Sec. 106. Emerging fisheries.

## TITLE II—SUPPORTING FISHING COMMUNITIES

- Sec. 201. Fishery resource disaster relief.
- Sec. 202. Subsistence fishing.
- Sec. 203. Working Waterfronts Grant Program.
- Sec. 204. Seafood marketing.
- Sec. 205. Community participation in limited access privilege programs.
- Sec. 206. Miscellaneous amendments.

TITLE III—STRENGTHENING PUBLIC PROCESS AND  
TRANSPARENCY

- Sec. 301. Tribal representation at the Pacific Fishery Management Council.
- Sec. 302. Atlantic Councils.
- Sec. 303. Council procedures and participation.
- Sec. 304. Council accountability and membership.
- Sec. 305. Amendments to Western Pacific Sustainable Fisheries Fund.
- Sec. 306. National Oceanic and Atmospheric Administration Sexual Harassment and Assault Prevention.
- Sec. 307. Saltonstall-Kennedy Act reform.
- Sec. 308. Sport Fishing and Boating Partnership Council.

## TITLE IV—MODERNIZING FISHERIES SCIENCE AND DATA

- Sec. 401. Data modernization.
- Sec. 402. Expanding and improving electronic technologies.
- Sec. 403. Stock Assessments.
- Sec. 404. Cooperative research and management.
- Sec. 405. Northeast Regional pilot research trawl survey and study.
- Sec. 406. Recreational data consistency.
- Sec. 407. Emergency operating plans.
- Sec. 408. Zeke Grader Fisheries Conservation and Management Fund.
- Sec. 409. Offshore wind collaboration.

TITLE V—SUSTAINING FISHERIES THROUGH HEALTHY  
ECOSYSTEMS AND IMPROVED MANAGEMENT

- Sec. 501. Essential fish habitat consultation.
- Sec. 502. Atlantic highly migratory species.
- Sec. 503. Reducing bycatch.
- Sec. 504. Improving rebuilding outcomes.
- Sec. 505. Depleted fisheries and preventing overfishing.
- Sec. 506. Preparation and review of secretarial plans.
- Sec. 507. Councils.
- Sec. 508. Forage fish conservation.
- Sec. 509. Direct enhancement of snapper conservation and the economy through novel devices.

Sec. 510. Funding for monitoring implementation of Northeast Multispecies Fishery Management Plan.

Sec. 511. Authorization of appropriations.

1 **SEC. 3. REFERENCES.**

2 Except as otherwise expressly provided in this Act,  
3 wherever in this Act an amendment or repeal is expressed  
4 in terms of an amendment to, or repeal of, a section or  
5 other provision, the reference shall be considered to be  
6 made to that section or other provision of the Magnuson-  
7 Stevens Fishery Conservation and Management Act (16  
8 U.S.C. 1801 et seq.).

9 **SEC. 4. DEFINITIONS.**

10 In this Act:

11 (1) ADMINISTRATOR.—The term “Adminis-  
12 trator” means the Administrator of the National  
13 Oceanic and Atmospheric Administration.

14 (2) SECRETARY.—The term “Secretary” means  
15 the Secretary of Commerce.

16 **SEC. 5. CONFORMING AMENDMENTS TO THE TABLE OF**  
17 **CONTENTS OF THE MAGNUSON-STEVENSON**  
18 **FISHERY CONSERVATION AND MANAGEMENT**  
19 **ACT.**

20 The table of contents is amended to read as follows:

“TABLE OF CONTENTS

“Sec. 2. Findings, purposes, and policy.

“Sec. 3. Definitions.

“Sec. 4. Authorization of appropriations.

“TITLE I—UNITED STATES RIGHTS AND AUTHORITY REGARDING  
FISH AND FISHERY RESOURCES

“Sec. 101. United States sovereign rights to fish and fishery management authority.

“Sec. 102. Highly migratory species.

“TITLE II—FOREIGN FISHING AND INTERNATIONAL FISHERY AGREEMENT

“Sec. 201. Foreign fishing.

“Sec. 202. International fishery agreements.

“Sec. 203. Congressional oversight of international fishery agreements.

“Sec. 204. Permits for foreign fishing.

“Sec. 205. Import prohibitions.

“Sec. 206. Large-scale driftnet fishing.

“Sec. 207. International monitoring and compliance.

“TITLE III—NATIONAL FISHERY MANAGEMENT PROGRAM

“Sec. 301. National standards for fishery conservation and management.

“Sec. 302. Regional fishery management councils.

“Sec. 303. Contents of fishery management plans.

“Sec. 304. Actions by the Secretary.

“Sec. 305. Other requirements and authority.

“Sec. 306. State jurisdiction.

“Sec. 307. Prohibited acts.

“Sec. 308. Civil penalties and permit sanctions.

“Sec. 309. Criminal offenses.

“Sec. 310. Civil forfeitures.

“Sec. 311. Enforcement.

“Sec. 312. Transition to sustainable fisheries.

“Sec. 313. North Pacific fisheries conservation.

“Sec. 314. Northwest Atlantic Ocean fisheries reinvestment program.

“Sec. 315. Repealed.

“Sec. 316. Bycatch Reduction Engineering Program.

“Sec. 317. Shark Feeding.

“Sec. 318. Cooperative Research and Management Program.

“Sec. 319. Herring Study.

“Sec. 320. Restoration Study.

“Sec. 321. Required possession of descending devices.

“TITLE IV—FISHERY MONITORING AND RESEARCH

“Sec. 401. Registration and information management.

“Sec. 402. Information collection.

“Sec. 403. Observers.

“Sec. 404. Fisheries research.

“Sec. 405. Incidental harvest research.

“Sec. 406. Fisheries systems research.

“Sec. 407. Gulf of Mexico red snapper research.

“Sec. 408. Deep sea coral research and technology program.”.

1           **TITLE I—CLIMATE-READY**  
2                           **FISHERIES**

3   **SEC. 101. FINDINGS, PURPOSE, AND POLICY.**

4           Section 2 (16 U.S.C. 1801) is amended—

5                   (1) in subsection (a)—

6                           (A) by amending paragraph (2) to read as  
7                   follows:

8                           “(2) Certain stocks of fish have declined to the  
9                   point where their survival is threatened, and other  
10                   stocks of fish have been so substantially reduced in  
11                   number that they could become similarly threatened  
12                   as a consequence of—

13                           “(A) increased fishing pressure;

14                           “(B) the inadequacy of fishery resource  
15                   conservation and management practices and  
16                   controls;

17                           “(C) direct and indirect habitat losses  
18                   which have resulted in a diminished capacity to  
19                   support existing fishing levels; or

20                           “(D) changing environmental conditions,  
21                   including climate change.”.

22                           (B) in paragraph (6), by inserting “to ac-  
23                   count for the impacts of environmental changes  
24                   on stocks of fish,” after “insure conservation,”;

1 (C) by amending paragraph (9) to read as  
2 follows:

3 “(9) One of the greatest long term threats to  
4 the viability of commercial and recreational fisheries  
5 is the continuing degradation of marine ecosystems,  
6 including the loss of marine, estuarine, and other  
7 aquatic habitats, including as a result of changing  
8 environmental conditions associated with climate  
9 change. Habitat and ecosystem considerations  
10 should receive increased attention for the conserva-  
11 tion and management of fishery resources of the  
12 United States.”.

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

14 “(14) Environmental changes associated with  
15 climate change, including changes in water tempera-  
16 ture, ocean acidification, and deoxygenation, are rap-  
17 idly altering the abundance, productivity, and dis-  
18 tribution of fish and are affecting commercial, rec-  
19 reational, and subsistence fisheries.

20 “(15) The impacts of climate change on fish  
21 and their habitats are resulting in management and  
22 sustainability challenges that threaten to negatively  
23 impact marine ecosystems, fishery resources, and  
24 coastal communities.”;

1           (2) by amending subsection (b)(5) to read as  
2 follows:

3           “(5) to establish Regional Fishery Management  
4 Councils to exercise sound judgement in the stew-  
5 ardsip of fishery resources through the preparation,  
6 monitoring, and revision of such plans under cir-  
7 cumstances—

8           “(A) which will enable the States, the fish-  
9 ing industry, consumer and environmental orga-  
10 nizations, and other interested persons to par-  
11 ticipate in, and advise on, the establishment  
12 and administration of such plans;

13           “(B) which take into account the social  
14 and economic needs of the States; and

15           “(C) which address the impacts of environ-  
16 mental conditions associated with climate  
17 change on stocks of fish, marine ecosystems,  
18 fisheries management, and coastal commu-  
19 nities.”; and

20           (3) in subsection (c)—

21           (A) in paragraph (3), by inserting “, in-  
22 cluding the best available climate science” after  
23 “information available”;

24           (B) in paragraph (6), by striking “and”  
25 after the semicolon at the end;

1 (C) in paragraph (7), by striking the pe-  
2 riod at the end and inserting a semicolon; and

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

4 “(8) to promote management that accounts for  
5 changes in stocks of fish and the marine environ-  
6 ment that result from climate change; and

7 “(9) to ensure that the research, resource man-  
8 agement, and expenditures to prepare fisheries for  
9 climate change promote racial and socioeconomic eq-  
10 uity with respect to environmental and economic  
11 outcomes across fisheries and regions.”.

12 **SEC. 102. PROMOTING CLIMATE RESILIENCE IN FISHERIES**

13 **MANAGEMENT.**

14 (a) IN GENERAL.—Section 303(a) (16 U.S.C.  
15 1853(a)) is amended—

16 (1) in paragraph (1)(A), by inserting “and to  
17 promote the resilience of fish stocks to cumulative  
18 stressors, including climate change” before the semi-  
19 colon at the end;

20 (2) by amending paragraph (3) to read as fol-  
21 lows:

22 “(3) assess and specify the present and prob-  
23 able future condition of, and the maximum sustain-  
24 able yield and optimum yield from, the fishery under  
25 prevailing and anticipated future environmental con-



1       ditions, and include a summary of the information  
2       used in making such specification;”;

3           (3) in paragraph (8), by striking “1991” and  
4       inserting “2021”, and by inserting “, including data  
5       needed to implement the plan effectively under pre-  
6       vailing and anticipated environmental or ecological  
7       conditions, including climate change” before the  
8       semicolon at the end;

9           (4) in paragraph (13), by inserting “as well as  
10      examine the vulnerability of the fishery and fishery  
11      participants to the impacts of prevailing and antici-  
12      pated environmental or ecological conditions, includ-  
13      ing climate change” before the semicolon at the end;  
14      and

15          (5) in paragraph (14), by striking “and;” and  
16      inserting a semicolon;

17          (6) by striking the period at the end of para-  
18      graph (15) and inserting “; and”; and

19          (7) by adding at the end the following:

20           “(16) assess and describe the anticipated im-  
21      pacts of climate change and other environmental and  
22      ecological changes on the fishery, including an as-  
23      sessment of whether and how the management  
24      measures contained in the plan or plan amendment

1 have accounted for these changes, and a summary of  
2 the information used in these assessments;

3 “(17) describe and identify the current range  
4 and distribution of, and fishing patterns on, fish  
5 stocks managed under the plan, including areas out-  
6 side the jurisdiction of the Council having authority  
7 to issue the plan, and for fish stocks whose distribu-  
8 tion crosses management boundaries, describe the  
9 measures used for coordination with other relevant  
10 management bodies for the conservation and man-  
11 agement of the fish stock; and”.

12 (b) EFFECTIVE DATE.—The amendments made by  
13 subsection (a) shall take effect on 4 years after the date  
14 of enactment of this section.

15 **SEC. 103. INCORPORATING CLIMATE SCIENCE.**

16 (a) COUNCIL TRAINING PROGRAM.—Section  
17 302(k)(1) (16 U.S.C. 1852(k)(1)) is amended—

18 (1) by striking “may” and inserting “shall”;

19 (2) by redesignating subparagraphs (C) through  
20 (H) as subparagraphs (D) through (I), respectively;

21 (3) by redesignating subparagraph (I) as sub-  
22 paragraph (K);

23 (4) by inserting after subparagraph (B) the fol-  
24 lowing:

1 “(C) climate change and its relevant im-  
2 pacts on fisheries health, range, and other fac-  
3 tors that would affect the conservation and  
4 management of a stock;”;

5 (5) by striking “and” after the semicolon at the  
6 end of subparagraph (I), as so redesignated; and

7 (6) by inserting after subparagraph (I), as so  
8 redesignated, the following:

9 “(J) ecosystem-based fishery management;  
10 and”.

11 (b) FISHERIES RESEARCH.—Section 404 (16 U.S.C.  
12 1881c) is amended—

13 (1) in subsection (a), by inserting “; on changes  
14 in geographic range, spatial distribution, and pro-  
15 ductivity of a fishery or interrelated fisheries;” after  
16 “management”; and

17 (2) in subsection (c)(1), by inserting “changes  
18 in geographic range, spatial distribution, and pro-  
19 ductivity of a fishery or interrelated fisheries,” after  
20 “degradation,”.

21 **SEC. 104. CLIMATE-READY FISHERIES INNOVATION PRO-**  
22 **GRAM.**

23 (a) CLIMATE-READY FISHERIES INNOVATION PRO-  
24 GRAM.—Not later than 1 year after the date of enactment  
25 of this Act, the Administrator shall establish a program,

1 including grants, to develop innovative tools and ap-  
2 proaches designed to increase the adaptive capacity of  
3 fishery management to the impacts of climate change. In  
4 administering such program, the Administrator shall—

5 (1) develop science and management ap-  
6 proaches that address regional and national prior-  
7 ities to improve the conservation and management of  
8 fishery resources under current and anticipated cli-  
9 mate impacts;

10 (2) provide for routine consultation with fishery  
11 managers and scientists in order to maximize oppor-  
12 tunities to incorporate results of the program in  
13 fishery management actions;

14 (3) promote adoption of methods developed  
15 under the program in fishery management plans de-  
16 veloped by the Regional Fishery Management Coun-  
17 cils;

18 (4) provide information and outreach to the pri-  
19 vate sector and academic sector to encourage devel-  
20 opment of tools and approaches to manage the ef-  
21 fects of climate change on fisheries; and

22 (5) provide information and outreach to fishery  
23 participants to increase understanding of and en-  
24 courage adoption and use of tools and approaches  
25 developed under the program.

1 (b) COORDINATION OF THE PROGRAM.—

2 (1) The Administrator shall establish a process  
3 to ensure coordination with and outreach to—

4 (A) regional offices and science centers of  
5 the National Marine Fisheries Service.

6 (B) the Regional Fishery Management  
7 Councils;

8 (C) the scientific and statistical committees  
9 of such Fishery Management Councils; and

10 (D) other relevant programs, including the  
11 cooperative research and management program  
12 under Section 318 of the Magnuson-Stevens  
13 Fishery Conservation and Management Act (16  
14 U.S.C. 1867), the Integrated Ocean Observing  
15 System, and programs within the National Oce-  
16 anic and Atmospheric Administration designed  
17 to address ocean acidification.

18 (2) Such coordination should include identifica-  
19 tion of multi-year research priorities to study and  
20 understand the current and anticipated impacts of  
21 climate change on fisheries, fisheries interactions,  
22 habitats, fishery participants, fisheries science and  
23 monitoring, or other relevant priority. Such prior-  
24 ities should be routinely reviewed in a timeframe not  
25 to exceed 5 years and updated as necessary.

1 (c) REPORT.—Every 2 years, beginning 2 years after  
2 the date of enactment of this Act, the Administrator shall  
3 transmit a report to the Senate Committee on Commerce,  
4 Science, and Transportation and the House of Represent-  
5 atives Committee on Natural Resources that—

6 (1) describes funding provided to implement  
7 this section;

8 (2) includes descriptions of and developments in  
9 tools and approaches achieved under this section;

10 (3) describes how and in which fisheries these  
11 tools and approaches have been implemented; and

12 (4) describes improvements in fishery climate-  
13 readiness associated with implementing this section,  
14 as well as proposals to address remaining problems.

15 **SEC. 105. MANAGING SHIFTING STOCKS.**

16 (a) CROSS-JURISDICTIONAL MANAGEMENT.—Section  
17 304(f) (16 U.S.C. 1855(f)) is amended to read as follows:

18 “(f) FISHERIES UNDER AUTHORITY OF MORE THAN  
19 ONE COUNCIL.—

20 “(1) DETERMINATION OF CROSS-JURISDIC-  
21 TIONAL FISHERY.—If any fishery extends beyond  
22 the geographical area of authority of any one Coun-  
23 cil, at the request of an affected Council or when de-  
24 termined necessary by the Secretary, the Secretary  
25 shall determine whether a substantial portion of a

1 fishery is located in the geographical area of author-  
2 ity of more than one Council.

3 “(2) DESIGNATION OF COUNCIL TO PREPARE  
4 PLAN.—If the Secretary determines under subpara-  
5 graph (A) that a substantial portion of a fishery is  
6 located in the geographical area of authority of more  
7 than one Council, the Secretary shall—

8 “(A) not later than 6 months after the  
9 date on which the request is made under sub-  
10 paragraph (A), notify the Councils concerned;  
11 and

12 “(B) require, not later than 1 year after  
13 the date on which the notification is made  
14 under clause (i), that each of the Councils con-  
15 cerned, by a majority of the voting members  
16 present and voting—

17 “(i) designate one of the Councils con-  
18 cerned to prepare the fishery management  
19 plan for such fishery and any amendment  
20 to such plan, if required under this Act; or

21 “(ii) agree to jointly prepare the fish-  
22 ery management plan for such fishery and  
23 any amendment to such plan, if required  
24 under this Act.

1           “(3) SECRETARIAL DESIGNATION.—If the  
2 Councils concerned are unable to meet the require-  
3 ments of paragraph (2)(B) within the relevant time  
4 period, the Secretary shall—

5           “(A) designate one of the Councils con-  
6 cerned to prepare the fishery management plan  
7 and any amendment to such plan, if required  
8 under this Act; or

9           “(B) require that such plan and any such  
10 amendment, if required under this Act, be pre-  
11 pared jointly by the Councils concerned.

12           “(4) DEADLINE FOR SUBMITTAL OF JOINT  
13 PLAN.—Not later than 2 years after the date on  
14 which the Councils concerned make a decision pur-  
15 suant to paragraph (2)(B)(ii), or the date on which  
16 the Secretary makes a decision pursuant to para-  
17 graph (3)(B), and at such other times as required  
18 under this Act, the Council or Councils required  
19 under subparagraph (B)(ii) or (C) (as applicable) to  
20 prepare the fishery management plan or any such  
21 plan amendment, if required under this Act, shall  
22 prepare and submit such plan or amendment (with  
23 implementing regulations as needed) in accordance  
24 with this Act.



1           “(5) TERMINATION OF CROSS-JURISDICTIONAL  
2 AUTHORITY.—

3           “(A) REQUEST OF COUNCIL.—At the re-  
4 quest of a Council in accordance with the proce-  
5 dures established under paragraph (1), the Sec-  
6 retary shall determine whether a fishery de-  
7 scribed in subparagraph (B) no longer has a  
8 substantial portion located in the geographical  
9 area of authority of more than one Council.

10           “(B) TERMINATION.—If the Secretary de-  
11 termines under subparagraph (A) that a fishery  
12 no longer has a substantial portion located in  
13 the geographic area of authority of more than  
14 one Council—

15           “(i) the Secretary shall determine  
16 which Council that has predominant geo-  
17 graphical authority over the fishery; and

18           “(ii) not later than 2 years after the  
19 date on which the determination under  
20 subclause (I) is made, and at such other  
21 times as required under this Act, the  
22 Council determined under such subclause  
23 shall directly and individually adopt any  
24 previously existing joint or shared fishery  
25 management plan for the fishery, and shall

1           prepare and submit any plan amendments  
2           necessary for transitioning to single-Coun-  
3           cil management as well as for any other  
4           purposes, in accordance with the provisions  
5           of this Act.

6           “(6) ESTABLISHMENT OF CRITERIA.—The Sec-  
7           retary shall, by regulation, identify criteria for deter-  
8           mining under paragraphs (1) and (5) whether a sub-  
9           stantial portion of a fishery is located in the geo-  
10          graphical area of authority of more than one Coun-  
11          cil.

12          “(7) ESTABLISHMENT OF BOUNDARIES.—The  
13          Secretary shall establish the boundaries between the  
14          geographical areas of authority of adjacent Councils.

15          “(8) REQUIREMENT FOR MAJORITY OF VOTING  
16          MEMBERS.—No jointly prepared plan or amendment  
17          required to be prepared under this subsection may  
18          be submitted to the Secretary unless such plan or  
19          amendment is approved by a majority of the voting  
20          members, present and voting, of each Council con-  
21          cerned.

22          “(9) HIGHLY MIGRATORY SPECIES IN CERTAIN  
23          FISHERIES.—This subsection shall not apply with  
24          respect to any fishery to which section 302(a)(3) ap-  
25          plies.”.

1 (b) SHIFTING STOCKS TASK FORCE.—

2 (1) ESTABLISHMENT.—The Administrator shall  
3 establish, not later than 120 days after the date of  
4 enactment of this Act, a task force to be known as  
5 the “Shifting Stocks Task Force” consisting of 10  
6 members, including 1 member recommended by each  
7 of 8 Regional Fishery Management Councils and the  
8 Highly Migratory Species Advisory Panel and the  
9 Administrator or their designee.

10 (2) MEMBERSHIP.—

11 (A) TERMS.—Except as provided by para-  
12 graph (2), terms of appointed members of the  
13 Task Force shall be staggered, shall be 2 years  
14 in duration, and no member shall serve more  
15 than 3 terms.

16 (B) VACANCY.—Any member appointed to  
17 fill a vacancy occurring before the expiration of  
18 the term for which the member’s predecessor  
19 was appointed shall be appointed only for the  
20 remainder of that term.

21 (C) CRITERIA FOR APPOINTMENT.—Mem-  
22 bers appointed to the Task Force shall be Fed-  
23 eral employees, State employees, Tribal and In-  
24 digenous representatives, academics, or inde-  
25 pendent experts, shall have strong scientific or

1 technical credentials and experience, and shall  
2 not include members of the Regional Fishery  
3 Management Councils.

4 (D) TRAVEL EXPENSES.—Each member  
5 shall receive travel expenses, including per diem  
6 in lieu of subsistence, in accordance with appli-  
7 cable provisions under subchapter I of chapter  
8 57 of title 5, United States Code.

9 (E) CHAIRPERSON.—The chairperson of  
10 the Task Force shall be elected by the mem-  
11 bers.

12 (3) MEETINGS.—The Task Force shall meet  
13 not less than 4 times annually.

14 (4) STAFF SUPPORT.—Upon request of the  
15 Task Force, the Administrator may detail on a reim-  
16 bursable basis personnel to the Task Force to assist  
17 such Task Force.

18 (5) DEVELOPMENT OF CRITERIA.—Not later  
19 than 1 year after the date of enactment of this Act,  
20 the Task Force shall develop, in consultation with  
21 the Administrator and the Regional Fishery Man-  
22 agement Councils, science-based decision-making cri-  
23 teria to make allocation determinations that mini-  
24 mize the risk of overfishing and maximize stock and  
25 ecosystem resilience to the effects of climate change,

1 are consistent with the national standards, the other  
2 provisions of the Magnuson-Stevens Fishery Con-  
3 servation and Management Act (16 U.S.C. 1801 et  
4 seq.), regulations implementing recommendations by  
5 international organizations in which the United  
6 States participates (including to closed areas,  
7 quotas, and size limits), and any other applicable  
8 law.

9 (6) RECOMMENDATIONS.—The Task Force  
10 shall make recommendations to the Administrator  
11 and to the Regional Fishery Management Councils  
12 recommendations for the allocation and distribution  
13 of fishing privileges based on the criteria developed  
14 under paragraph (5).

15 (7) PETITIONS.—Any member of the public  
16 may submit a petition to request the review of po-  
17 tentially shifting stock. In order to be eligible for  
18 consideration, a petition must include sufficiently de-  
19 scriptive information regarding the stock or stocks  
20 in question, the jurisdiction or allocation concerns,  
21 and any other relevant information.

22 (8) PETITION REVIEW AND RECOMMENDA-  
23 TION.—

24 (A) DETERMINATION OF SUFFICIENT IN-  
25 FORMATION.—Upon receipt of a petition under

1 paragraph (7), the Task Force shall, not later  
2 than 60 days after the date of such receipt, de-  
3 termine by majority vote whether the petition  
4 contains sufficient information to show that a  
5 substantial shift in the distribution of a stock  
6 has occurred.

7 (B) REVIEW PROCESS.—If the Task Force  
8 makes a determination under subparagraph (A)  
9 that a petition contains sufficient information,  
10 the Task Force shall review such petition. Such  
11 review shall include—

12 (i) a public hearing in the affected re-  
13 gion; and

14 (ii) a public notice and comment pe-  
15 riod of not less than 90 days.

16 (C) WRITTEN RECOMMENDATION.—Upon  
17 completion of a review under subparagraph (B),  
18 the Task Force shall—

19 (i) determine which Regional Fishery  
20 Management Council's or Councils' geo-  
21 graphic area of authority the fishery is lo-  
22 cated in; and

23 (ii) submit to the Administrator, each  
24 affected Regional Fishery Management  
25 Council, and the petitioner written rec-

1                   ommendations for allocation and distribu-  
2                   tion of fishing privileges within the fishery.

3                   (D) RESPONSE.—Upon receipt of a rec-  
4                   ommendation from the Task Force under sub-  
5                   paragraph (C), the Administrator shall—

6                   (i) begin consultation with the af-  
7                   fected Regional Fishery Management  
8                   Council regarding necessary changes to  
9                   fishery management plans; and

10                  (ii) not later than 180 days after the  
11                  date of receipt of the Task Force’s rec-  
12                  ommendation, ensure that a compliant  
13                  fishery management plan that fully ac-  
14                  counts for the best available science on  
15                  shifting stocks and the recommendations of  
16                  the Task Force is created, published, and  
17                  implemented.

18                  (E) PUBLICATION.—The Task Force shall  
19                  publish on the internet each petition received  
20                  under this section, the determination as made  
21                  under paragraph (1) and any written rec-  
22                  ommendations produced under subparagraph  
23                  (C).

1           (9) TASK FORCE.—In this subsection, the term  
2           “Task Force” means the Shifting Stocks Task  
3           Force established pursuant to paragraph (1).

4           (c) INTERNATIONAL COOPERATION IN THE RE-  
5 SEARCH AND MANAGEMENT OF CROSS-JURISDICTIONAL  
6 FISHERIES.—

7           (1) IN GENERAL.—The Secretary of Commerce,  
8           in coordination with the Secretary of State and Ad-  
9           ministrator of the Agency for International Develop-  
10          ment where necessary, shall develop a strategy for  
11          coordinated research and management with other  
12          relevant nations with which the United States shares  
13          a fishery or stock of a fishery that currently or is  
14          expected to see shifts in geographic range or spatial  
15          distribution that does or will span international  
16          boundaries, including within the same life stage or  
17          across life stages.

18          (2) REPORT.—Not later than 2 years after the  
19          date of enactment of this Act, the Secretary shall  
20          submit to the Congress a report that includes—

21                 (A) a list of fisheries that are currently or  
22                 expected to see shifts in geographic range or  
23                 spatial distribution that spans or will span  
24                 international boundaries and the relevant coun-



1 tries for each fishery or stock of a fishery's cur-  
2 rent or expected range;

3 (B) an analysis of priority research needs  
4 for each of these fisheries or stocks of fisheries  
5 that should be coordinated with other affected  
6 nations;

7 (C) a 5-year strategy to undertake and  
8 complete such research, including a proposed  
9 budget and timeline for that work; and

10 (D) a 10-year strategy to implement co-  
11 ordinated management measures that reflect  
12 the needs for each fishery or stock of a fishery  
13 as determined by the research conducted under  
14 subparagraph (C).

15 **SEC. 106. EMERGING FISHERIES.**

16 Section 305(a) (16 U.S.C. 1855(a)) is amended—

17 (1) in the subsection heading, by striking “NO-  
18 TIFICATION OF ENTRY” and inserting “DEVELOP-  
19 MENT OF NEW FISHERIES”;

20 (2) in paragraph (2), by striking “those” and  
21 all that follows through the end of the paragraph  
22 and inserting “those already listed as to constitute  
23 a new fishery or gear type”;

24 (3) by redesignating paragraph (6) as para-  
25 graph (9); and

1           (4) by striking paragraphs (3), (4), and (5) and  
2 inserting the following:

3           “(3) Not later than 18 months after the date  
4 of enactment of the \_\_\_\_\_ Act, and at least once  
5 every 5 years thereafter, each Council (or the Sec-  
6 retary for fisheries to which section 302(a)(3) ap-  
7 plies) shall review the fisheries and gear on the list  
8 that are under its authority and submit to the Sec-  
9 retary proposed changes to such list in specific and  
10 narrow terms, including geographic range, to ensure  
11 that only active fisheries are included on the list.  
12 The Secretary shall review proposed changes pursu-  
13 ant to the guidelines established under paragraph  
14 (2) and publish a revised list, after notice and an op-  
15 portunity for public comment, upon receiving pro-  
16 posed changes from a Council (or from the Secretary  
17 for fisheries to which section 302(a)(3) applies).

18           “(4) The Secretary may permit, pursuant to  
19 section 318(d), on a limited interim basis, fishing  
20 activity that is not included on the list, if—

21           “(A) the experimental fishing permit is de-  
22 signed and implemented so as to yield informa-  
23 tion necessary and currently lacking for the  
24 analysis required under paragraph (6);

1           “(B) the Council collects, evaluates, and  
2           makes public the data generated by the experi-  
3           mental fishing activity at the end of each per-  
4           mit year, and based on such evaluation, renders  
5           a determination of whether the fishery or fish-  
6           ing gear should be continued, either in the form  
7           of a subsequent year of experimental fishing  
8           under this paragraph, or in the form of a pro-  
9           posal under paragraph (5) for a new fishery or  
10          fishing gear to be added to the list; and

11           “(C) the data collected from, and the  
12          Council’s evaluation of, the experimental fishing  
13          activity are included in any proposal under  
14          paragraph (5) for a new fishery or fishing gear  
15          that may result from the experimental fishing  
16          permit.

17          “(5) The Secretary may authorize a new fishery  
18          or fishing gear that is not included on the list, upon  
19          receiving a proposal for a new fishery or fishing gear  
20          from a Council, if—

21                 “(A) the Secretary determines that a suffi-  
22                 cient analysis supporting the proposal, as speci-  
23                 fied in paragraph (7), has been conducted by  
24                 the Council;

1           “(B) the Secretary determines that the  
2           new fishery or fishing gear, as specified in the  
3           proposal and the accompanying fishery manage-  
4           ment plan or amendment and regulations under  
5           subparagraph (C), is consistent with conserva-  
6           tion and management requirements in this Act  
7           and other applicable laws; and

8           “(C) the Council has prepared and sub-  
9           mitted for Secretarial approval pursuant to sec-  
10          tion 304, concurrently with the proposal for a  
11          new fishery or fishing gear, a fishery manage-  
12          ment plan for the new fishery or fishing gear or  
13          an amendment to an existing fishery manage-  
14          ment plan, including proposed regulations to  
15          implement the plan or amendment, in accord-  
16          ance with section 303. If the new fishery or  
17          fishing gear will include one or more stocks of  
18          fish that also substantially exist in the geo-  
19          graphical area of authority of another Council,  
20          the fishery management plan or amendment,  
21          and implementing regulations, shall be prepared  
22          pursuant to section 304(f).

23          “(6) The Secretary shall publish in the Federal  
24          Register, after notice and an opportunity for public  
25          comment, all authorizations for new fisheries or fish-

1       ing gear, including revisions to the list of fisheries  
2       and gear as appropriate, and shall make public all  
3       supporting documentation and analysis. The Sec-  
4       retary also shall publish in the Federal Register,  
5       after notice and an opportunity for public comment,  
6       all decisions to not authorize the development of a  
7       new fishery or fishing gear under this paragraph, in-  
8       cluding the reasons for the decision.

9               “(7)(A) A Council shall analyze, for purposes of  
10       paragraph (4)(A)—

11               “(i) the potential impacts of a new fishery  
12       or fishing gear on the proposed target stock or  
13       stocks of fish, as well as on other stocks of fish  
14       and species, and the marine ecosystem;

15               “(ii) the potential impacts of a new fishery  
16       or fishing gear on existing fisheries and fishing  
17       communities, both within the Council’s jurisdic-  
18       tion and, if relevant, in neighboring jurisdic-  
19       tions;

20               “(iii) different potential management strat-  
21       egies for the new fishery or fishing gear, includ-  
22       ing identifying any significant differences across  
23       management strategies with respect to the po-  
24       tential impacts described in clauses (i) and (ii);

1           “(iv) whether the proposed target stock or  
2           stocks of fish occur in any neighboring jurisdic-  
3           tions, and if so, whether it or they are managed  
4           by those jurisdictions; and

5           “(v) whether the proposed fishing activity  
6           should be managed under an existing fishery  
7           management plan, or a new plan.

8           “(B) The Secretary shall issue guidance for suf-  
9           ficient analysis of these topics, to be used in making  
10          determinations under paragraph (5)(A).

11          “(8) No person or vessel may employ fishing  
12          gear or engage in a fishery not included on the list,  
13          except as provided in paragraph (4). A Council may  
14          request the Secretary to promulgate emergency reg-  
15          ulations under subsection (c) to prohibit any persons  
16          or vessels from using an unlisted fishing gear or en-  
17          gaging in an unlisted fishery.”.

## 18       **TITLE II—SUPPORTING FISHING** 19       **COMMUNITIES**

### 20       **SEC. 201. FISHERY RESOURCE DISASTER RELIEF.**

21          (a) IN GENERAL.—Section 312(a) (16 U.S.C.  
22       1861a(a)) is amended to read as follows:

23          “(a) FISHERY RESOURCE DISASTER RELIEF.—

24          “(1) DEFINITIONS.—In this subsection:

1           “(A) ALLOWABLE CAUSE.—The term ‘al-  
2           lowable cause’ means a natural cause, discrete  
3           anthropogenic cause, or undetermined cause.

4           “(B) ANTHROPOGENIC CAUSE.—The term  
5           ‘anthropogenic cause’ means an anthropogenic  
6           event, such as an oil spill or spillway opening—

7                   “(i) that could not have been ad-  
8                   dressed or prevented by fishery manage-  
9                   ment measures; and

10                   “(ii) that is otherwise beyond the con-  
11                   trol of fishery managers to mitigate  
12                   through conservation and management  
13                   measures, including regulatory restrictions  
14                   imposed as a result of judicial action or to  
15                   protect human health or marine animals,  
16                   plants, or habitats.

17           “(C) FISHERY RESOURCE DISASTER.—The  
18           term ‘fishery resource disaster’ means a dis-  
19           aster that is determined by the Secretary in ac-  
20           cordance with this subsection and—

21                   “(i) is an unexpected large decrease in  
22                   fish stock biomass or other change that re-  
23                   sults in significant loss of access to the  
24                   fishery resource, which may include loss of  
25                   fishing vessels and gear for a substantial

1 period of time and results in significant  
2 revenue or subsistence loss due to an al-  
3 lowable cause; and

4 “(ii) does not include—

5 “(I) reasonably predictable, fore-  
6 seeable, and recurrent fishery cyclical  
7 variations in species distribution or  
8 stock abundance; or

9 “(II) reductions in fishing oppor-  
10 tunities resulting from conservation  
11 and management measures taken pur-  
12 suant to this Act.

13 “(D) INDIAN TRIBE.—The term ‘Indian  
14 Tribe’ has the meaning given such term in sec-  
15 tion 102 of the Federally Recognized Indian  
16 Tribe List Act of 1994 (25 U.S.C. 5130), and  
17 the term ‘Tribal’ means of or pertaining to such  
18 an Indian Tribe.

19 “(E) NATURAL CAUSE.—The term ‘natural  
20 cause’—

21 “(i) means a weather, climatic, haz-  
22 ard, or biology-related event, such as—

23 “(I) a hurricane;

24 “(II) a flood;

25 “(III) a harmful algal bloom;



- 1 “(IV) a tsunami;
- 2 “(V) a hypoxic zone;
- 3 “(VI) a drought;
- 4 “(VII) El Niño effects on water
- 5 temperature;
- 6 “(VIII) a marine heat wave; or
- 7 “(IX) disease; and
- 8 “(ii) does not mean a normal or cycli-
- 9 cal variation in a species distribution or
- 10 stock abundance.
- 11 “(F) 12-MONTH REVENUE LOSS.—The
- 12 term ‘12-month revenue loss’ means the per-
- 13 centage reduction, as applicable, in commercial,
- 14 charter, headboat, or processor revenue for the
- 15 12 months during which the fishery resource
- 16 disaster occurred, if compared to average an-
- 17 nual revenue in the most recent 5-years during
- 18 which no fishery resource disaster occurred or
- 19 equivalent for stocks with cyclical life histories.
- 20 “(G) UNDETERMINED CAUSE.—The term
- 21 ‘undetermined cause’ means a cause in which
- 22 the current state of knowledge does not allow
- 23 the Secretary to identify the exact cause, and
- 24 there is no current conclusive evidence sup-

1           porting a possible cause of the fishery resource  
2           disaster.

3           “(2) GENERAL AUTHORITY.—

4                   “(A) IN GENERAL.—The Secretary shall  
5           have the authority to determine the existence,  
6           extent, and beginning and end dates of a fish-  
7           ery resource disaster under this subsection in  
8           accordance with this subsection.

9                   “(B) AVAILABILITY OF FUNDS.—After the  
10          Secretary determines that a fishery resource  
11          disaster has occurred, the Secretary is author-  
12          ized to make sums available, from funds appro-  
13          priated for such purposes, to be used by the af-  
14          fected State, Tribal government, or interstate  
15          marine fisheries commission, or by the Sec-  
16          retary in cooperation with the affected State,  
17          Tribal government, or interstate marine fish-  
18          eries commission.

19                  “(C) SAVINGS CLAUSE.—The requirements  
20          under this subsection shall take effect only with  
21          respect to requests for a fishery resource dis-  
22          aster determination submitted after the date of  
23          enactment of the \_\_\_\_\_ Act.

24                  “(3) INITIATION OF A FISHERY RESOURCE DIS-  
25          ASTER REVIEW.—

1           “(A) ELIGIBLE REQUESTERS.—Not later  
2 than 1 year after the date of the conclusion of  
3 the fishing season, a request for a fishery re-  
4 source disaster determination may be submitted  
5 to the Secretary, if the Secretary has not inde-  
6 pendently determined that a fishery resource  
7 disaster has occurred, by—

8                   “(i) the Governor of an affected State;

9                   “(ii) an official Tribal resolution; or

10                   “(iii) any other comparable elected or  
11 politically appointed representative as de-  
12 termined by the Secretary.

13           “(B) REQUIRED INFORMATION.—A com-  
14 plete request for a fishery resource disaster de-  
15 termination under subparagraph (A) shall in-  
16 clude—

17                   “(i) identification of all presumed af-  
18 fected fish stocks;

19                   “(ii) identification of the fishery as  
20 Federal, non-Federal, or both;

21                   “(iii) the geographical boundaries of  
22 the fishery;

23                   “(iv) preliminary information on  
24 causes of the fishery resource disaster, if  
25 known; and

1 “(v) information needed to support a  
2 finding of a fishery resource disaster, in-  
3 cluding—

4 “(I) information demonstrating  
5 the occurrence of an unexpected large  
6 decrease in fish stock biomass or  
7 other change that results in signifi-  
8 cant loss of access to the fishery re-  
9 source, which could include the loss of  
10 fishing vessels and gear, for a sub-  
11 stantial period of time;

12 “(II) 12-month revenue loss or  
13 subsistence loss for the affected fish-  
14 ery, or if a fishery resource disaster  
15 has occurred at any time in the pre-  
16 vious 5-year period, the most recent  
17 5-year period during which no fishery  
18 resource disaster occurred;

19 “(III) if applicable, information  
20 on lost resource tax revenues assessed  
21 by local communities, such as a raw  
22 fish tax or a local sourcing require-  
23 ment; and

24 “(IV) if applicable and available,  
25 information on 12-month revenue loss

1 for charter, headboat, or processors  
2 related to the information provided  
3 under subclause (I), subject to section  
4 402(b).

5 “(C) ASSISTANCE.—The Secretary may  
6 provide data and analysis assistance to an eligi-  
7 ble requester described in paragraph (1), if—

8 “(i) the assistance is so requested;

9 “(ii) the Secretary is in possession of  
10 the required information described in sub-  
11 paragraph (B); and

12 “(iii) the data is not available to the  
13 requester, in carrying out the complete re-  
14 quest under subparagraph (B).

15 “(D) INITIATION OF REVIEW.—The Sec-  
16 retary shall have the discretion to initiate a  
17 fishery resource disaster review without a re-  
18 quest.

19 “(4) REVIEW PROCESS.—

20 “(A) INTERIM RESPONSE.—Not later than  
21 20 days after receipt of a request under para-  
22 graph (3), the Secretary shall provide an in-  
23 terim response to the individual that—

24 “(i) acknowledges receipt of the re-  
25 quest;

1           “(ii) provides a regional contact with-  
2           in the National Oceanographic and Atmos-  
3           pheric Administration;

4           “(iii) outlines the process and timeline  
5           by which a request shall be considered; and

6           “(iv) requests additional information  
7           concerning the fishery resource disaster, if  
8           the original request is considered incom-  
9           plete.

10          “(B) EVALUATION OF REQUESTS.—

11           “(i) IN GENERAL.—Based on the in-  
12           formation provided or analyzed under  
13           paragraph 4The Secretary shall complete a  
14           review, within the time frame described in  
15           clause (ii), using the best scientific infor-  
16           mation available, in consultation with the  
17           affected fishing communities, States, or  
18           Tribes, of—

19           “(I) the information provided by  
20           the requester and any additional in-  
21           formation relevant to the fishery,  
22           which may include—

23                   “(aa) fishery characteristics;

24                   “(bb) stock assessments;

1                   “(cc) the most recent fishery  
2 independent surveys and other  
3 fishery resource assessments and  
4 surveys conducted by Federal,  
5 State, or Tribal officials;  
6                   “(dd) estimates of mortality;  
7 and  
8                   “(ee) overall effects; and  
9                   “(II) the available economic in-  
10 formation, which may include an anal-  
11 ysis of—  
12                   “(aa) landings data;  
13                   “(bb) revenue;  
14                   “(cc) the number of partici-  
15 pants involved;  
16                   “(dd) the number and type  
17 of jobs and persons impacted,  
18 which may include—  
19                   “(AA) fishers;  
20                   “(BB) charter fishing  
21 operators;  
22                   “(CC) subsistence  
23 users;  
24                   “(DD) United States  
25 fish processors; and

1                   “(EE) an owner of a  
2                   related fishery infrastructure  
3                   or business affected by the  
4                   disaster, such as a marina  
5                   operator, recreational fishing  
6                   equipment retailer, or char-  
7                   ter, headboat, or tender ves-  
8                   sel owner, operator, or crew;  
9                   “(ee) an impacted Indian  
10                  Tribe;  
11                  “(ff) other forms of disaster  
12                  assistance made available to the  
13                  fishery, including prior awards of  
14                  disaster assistance for the same  
15                  event;  
16                  “(gg) the length of time the  
17                  resource, or access to the re-  
18                  source, has been restricted;  
19                  “(hh) status of recovery  
20                  from previous fishery resource  
21                  disasters;  
22                  “(ii) lost resource tax reve-  
23                  nues assessed by local commu-  
24                  nities, such as a raw fish tax;  
25                  and



1                   “(jj) other appropriate indi-  
2                   cators to an affected fishery, as  
3                   determined by the National Ma-  
4                   rine Fisheries Service.

5                   “(ii) TIME FRAME.—The Secretary  
6                   shall complete the review described in  
7                   clause (i), if the fishing season, applicable  
8                   to the fishery—

9                   “(I) has concluded or there is no  
10                  defined fishing season applicable to  
11                  the fishery, not later than 120 days  
12                  after the Secretary receives a com-  
13                  plete request for a fishery resource  
14                  disaster determination;

15                  “(II) has not concluded, not later  
16                  than 120 days after the conclusion of  
17                  the fishing season; or

18                  “(III) is expected to be closed for  
19                  the entire fishing season, not later  
20                  than 120 days after the Secretary re-  
21                  ceives a complete request for a fishery  
22                  resource disaster determination.

23                  “(C) FISHERY RESOURCE DISASTER DE-  
24                  TERMINATION.—The Secretary shall make the  
25                  determination of a fishery resource disaster

1 based on the criteria for determinations listed  
2 in paragraph (5).

3 “(D) NOTIFICATION.—Not later than 14  
4 days after the conclusion of the review under  
5 this paragraph, the Secretary shall notify the  
6 requester and the Governor of the affected  
7 State or Tribal representative of the determina-  
8 tion of the Secretary.

9 “(5) CRITERIA FOR DETERMINATIONS.—

10 “(A) IN GENERAL.—The Secretary shall  
11 make a determination about whether a fishery  
12 resource disaster has occurred, based on the  
13 revenue loss thresholds under subparagraph  
14 (B), and, if a fishery resource disaster has oc-  
15 curred, whether the fishery resource disaster  
16 was due to—

17 “(i) a natural cause;

18 “(ii) an anthropogenic cause;

19 “(iii) a combination of a natural cause  
20 and an anthropogenic cause; or

21 “(iv) an undetermined cause.

22 “(B) REVENUE LOSS THRESHOLDS.—

23 “(i) IN GENERAL.—Based on the in-  
24 formation provided or analyzed under  
25 paragraph (4)(B), the Secretary shall

1 apply the following 12-month revenue loss  
2 thresholds in determining whether a fish-  
3 ery resource disaster has occurred:

4 “(I) Losses greater than 80 per-  
5 cent shall result in a positive deter-  
6 mination that a fishery resource dis-  
7 aster has occurred.

8 “(II) Losses between 35 percent  
9 and 80 percent shall be evaluated to  
10 determine whether economic impacts  
11 are severe enough to declare that a  
12 fishery resource disaster has occurred,  
13 based on the information provided or  
14 analyzed under paragraph (4)(B).

15 “(III) Losses less than 35 per-  
16 cent shall not be eligible for a deter-  
17 mination that a fishery resource dis-  
18 aster has occurred, except in a case in  
19 which the Secretary determines there  
20 are extenuating circumstances that  
21 justify using a lower threshold in  
22 making the determination.

23 “(ii) CHARTER FISHING.—In making  
24 a determination of whether a fishery re-  
25 source disaster has occurred, the Secretary

1 shall consider the economic impacts to the  
2 charter fishing industry to ensure financial  
3 coverage for charter fishing businesses.

4 “(iii) SUBSISTENCE LOSS.—In consid-  
5 ering subsistence loss, the Secretary shall  
6 evaluate the severity of loss to the fishing  
7 community instead of applying the revenue  
8 loss thresholds described in clause (i).

9 “(C) INELIGIBLE FISHERIES.—A fishery  
10 subject to overfishing in any of the 3 years pre-  
11 ceding the date of a determination under this  
12 subsection is not eligible for a determination of  
13 whether a fishery resource disaster has occurred  
14 unless the Secretary determines that overfishing  
15 was not a contributing factor to the fishery re-  
16 source disaster.

17 “(D) EXCEPTIONAL CIRCUMSTANCES.—In  
18 an exceptional circumstance in which substan-  
19 tial economic impacts to the affected fishery  
20 and fishing community have been subject to a  
21 disaster declaration under another statutory au-  
22 thority, such as in the case of a natural disaster  
23 or from the direct consequences of a Federal  
24 action taken to prevent, or in response to, a  
25 natural disaster for purposes of protecting life

1 and safety, the Secretary may determine a fish-  
2 ery resource disaster has occurred without a re-  
3 quest.

4 “(6) DISBURSAL OF APPROPRIATED FUNDS.—

5 “(A) AUTHORIZATION.—The Secretary  
6 shall allocate funds available under paragraph  
7 (9) for fishery resource disasters.

8 “(B) ALLOCATION OF APPROPRIATED  
9 FISHERY RESOURCE DISASTER ASSISTANCE.—

10 “(i) NOTIFICATION OF FUNDING  
11 AVAILABILITY.—If there are appropriated  
12 funds for 1 or more fishery resource disas-  
13 ters, the Secretary shall notify—

14 “(I) the public; and

15 “(II) representatives of affected  
16 fishing communities with a positive  
17 disaster determination that is un-  
18 funded;

19 of the availability of funds, not more than  
20 14 days after the date of the appropriation  
21 or the determination of a fishery resource  
22 disaster, whichever occurs later.

23 “(ii) EXTENSION OF DEADLINE.—The  
24 Secretary may extend the deadline under

1 clause (i) by 90 days to evaluate and make  
2 determinations on eligible requests.

3 “(C) CONSIDERATIONS.—In determining  
4 the allocation of appropriations for a fishery re-  
5 source disaster, the Secretary shall consider  
6 commercial, charter, headboat, or seafood proc-  
7 essing revenue losses and may consider the fol-  
8 lowing factors:

9 “(i) Direct economic impacts.

10 “(ii) Uninsured losses.

11 “(iii) Losses of subsistence and Tribal  
12 ceremonial fishing opportunity.

13 “(iv) Losses of recreational fishing op-  
14 portunity.

15 “(v) Aquaculture operations revenue  
16 loss.

17 “(vi) Direct revenue losses to a fishing  
18 community.

19 “(vii) Treaty obligations.

20 “(viii) Other economic impacts.

21 “(D) SPEND PLANS.—To receive an alloca-  
22 tion from funds available under paragraph (9),  
23 a requester with an affirmative fishery resource  
24 disaster determination shall submit a spend  
25 plan to the Secretary, not more than 120 days

1 after receiving notification that funds are avail-  
2 able, that shall include the following informa-  
3 tion, if applicable:

4 “(i) Objectives and outcomes, with an  
5 emphasis on addressing the factors con-  
6 tributing to the fishery resource disaster  
7 and minimizing future uninsured losses, if  
8 applicable.

9 “(ii) Statement of work.

10 “(iii) Budget details.

11 “(E) REGIONAL CONTACT.—If so re-  
12 quested, the Secretary shall provide a regional  
13 contact within the National Oceanic and Atmos-  
14 pheric Administration to facilitate review of  
15 spend plans and disbursal of funds.

16 “(F) DISBURSAL OF FUNDS.—

17 “(i) AVAILABILITY.—Funds shall be  
18 made available to grantees not later than  
19 90 days after the date the Secretary re-  
20 ceives a complete spend plan.

21 “(ii) METHOD.—The Secretary may  
22 provide an allocation of funds under this  
23 subsection in the form of a grant, direct  
24 payment, cooperative agreement, loan, or  
25 contract.

1 “(iii) ELIGIBLE USES.—

2 “(I) IN GENERAL.—Funds allo-  
3 cated for fishery resources disasters  
4 under this subsection shall restore the  
5 fishery affected by such a disaster,  
6 prevent a similar disaster in the fu-  
7 ture, or assist the affected fishing  
8 community, and shall prioritize the  
9 following uses, which are not in order  
10 of priority:

11 “(aa) Habitat conservation  
12 and restoration and other activi-  
13 ties, including scientific research,  
14 that reduce adverse impacts to  
15 the fishery or improve under-  
16 standing of the affected species  
17 or its ecosystem.

18 “(bb) The collection of fish-  
19 ery information and other activi-  
20 ties that improve management of  
21 the affected fishery.

22 “(cc) In a commercial fish-  
23 ery, capacity reduction and other  
24 activities that improve manage-  
25 ment of fishing effort, including



1 funds to offset budgetary costs to  
2 refinance a Federal fishing ca-  
3 pacity reduction loan or to repay  
4 the principal of a Federal fishing  
5 capacity reduction loan.

6 “(dd) Developing, repairing,  
7 or improving fishery-related pub-  
8 lic infrastructure.

9 “(ee) Direct assistance to a  
10 person, fishing community (in-  
11 cluding assistance for lost fish-  
12 eries resource levies), or a busi-  
13 ness to alleviate economic loss in-  
14 curred as a direct result of a  
15 fishery resource disaster, particu-  
16 larly if affected by a cir-  
17 cumstance described in para-  
18 graph (5)(D).

19 “(ff) Hatcheries and stock  
20 enhancement to help rebuild the  
21 affected stock or offset fishing  
22 pressure on the affected stock.

23 “(II) DISPLACED FISHERY EM-  
24 PLOYEES.—If appropriate, individuals  
25 carrying out the activities described in

1 items (aa) through (ff) of subclause  
2 (I) shall be individuals who are, or  
3 were, employed in a commercial, char-  
4 ter, or Tribal fishery for which the  
5 Secretary has determined that a fish-  
6 ery resource disaster has occurred.

7 “(7) LIMITATIONS.—

8 “(A) FEDERAL SHARE.—

9 “(i) IN GENERAL.—Except as pro-  
10 vided in clauses (ii) and (iii), the Federal  
11 share of the cost of any activity carried out  
12 under the authority of this subsection shall  
13 not exceed 75 percent of the cost of that  
14 activity.

15 “(ii) WAIVER.—The Secretary may  
16 waive the non-Federal share requirements  
17 of this subsection, if the Secretary deter-  
18 mines that—

19 “(I) no reasonable means are  
20 available through which the recipient  
21 of the Federal share can meet the  
22 non-Federal share requirement; and

23 “(II) the probable benefit of 100  
24 percent Federal financing outweighs

1 the public interest in imposition of the  
2 non-Federal share requirement.

3 “(iii) EXCEPTION.—The Federal  
4 share shall be equal to 100 percent in the  
5 case of—

6 “(I) direct assistance as de-  
7 scribed in paragraph  
8 (6)(F)(iii)(I)(hh); or

9 “(II) assistance to subsistence or  
10 Tribal fisheries.

11 “(B) LIMITATIONS ON ADMINISTRATIVE  
12 EXPENSES.—

13 “(i) FEDERAL.—Not more than 3 per-  
14 cent of the funds available under this sub-  
15 section may be used for administrative ex-  
16 penses by the National Oceanographic and  
17 Atmospheric Administration.

18 “(ii) STATE OR TRIBAL GOVERN-  
19 MENTS.—Of the funds remaining after the  
20 use described in clause (i), not more than  
21 5 percent may be used by States, Tribal  
22 governments, or interstate marine fisheries  
23 commissions for administrative expenses.

24 “(C) FISHING CAPACITY REDUCTION PRO-  
25 GRAM.—

1           “(i) IN GENERAL.—No funds available  
2           under this subsection may be used as part  
3           of a fishing capacity reduction program in  
4           a fishery unless the Secretary determines  
5           that adequate conservation and manage-  
6           ment measures are in place in such fishery.

7           “(ii) ASSISTANCE CONDITIONS.—As a  
8           condition of providing assistance under  
9           this subsection with respect to a vessel  
10          under a fishing capacity reduction pro-  
11          gram, the Secretary shall—

12                   “(I) prohibit the vessel from  
13                   being used for fishing in Federal,  
14                   State, or international waters; and

15                   “(II) require that the vessel be—

16                           “(aa) scrapped or otherwise  
17                           disposed of in a manner approved  
18                           by the Secretary;

19                           “(bb) donated to a nonprofit  
20                           organization and thereafter used  
21                           only for purposes of research,  
22                           education, or training; or

23                           “(cc) used for another non-  
24                           fishing purpose provided the Sec-  
25                           retary determines that adequate

1 measures are in place to ensure  
2 that the vessel cannot reenter  
3 any fishery anywhere in the  
4 world.

5 “(D) NO FISHERY ENDORSEMENT.—

6 “(i) IN GENERAL.—A vessel that is  
7 prohibited from fishing under subpara-  
8 graph (C)(ii)(I) shall not be eligible for a  
9 fishery endorsement under section  
10 12113(a) of title 46, United States Code.

11 “(ii) NONREFLECTIVE.—A fishery en-  
12 dorsement for a vessel described in clause  
13 (i) shall not be effective.

14 “(iii) NO SALE.—A vessel described in  
15 clause (i) shall not be sold to a foreign  
16 owner or reflagged.

17 “(8) PUBLIC INFORMATION ON DATA COLLEC-  
18 TION.—The Secretary shall make available and up-  
19 date as appropriate, information on data collection  
20 and submittal best practices for the information de-  
21 scribed in paragraph (4)(B).”.

22 (b) MAGNUSON-STEVENSON FISHERY CONSERVATION  
23 AND MANAGEMENT ACT.—

24 (1) REPEAL.—Section 315 (16 U.S.C. 1864) is  
25 repealed.

1           (2) REPORT.—Section 113(b)(2) of the Magnu-  
2           son-Stevens Fishery Conservation and Management  
3           Reauthorization Act of 2006 (16 U.S.C. 460ss note)  
4           is amended—

5                   (A) in the paragraph heading, by striking  
6                   “ANNUAL REPORT” and inserting “REPORT”;

7                   (B) in the matter preceding subparagraph  
8                   (A), by striking “Not later than 2 years after  
9                   the date of enactment of this Act, and annually  
10                  thereafter” and inserting “Not later than 2  
11                  years after the date of enactment of the  
12                  \_\_\_\_\_ Act, and biennially thereafter”; and

13                  (C) in subparagraph (D), by striking “the  
14                  calendar year 2003” and inserting “the most  
15                  recent”.

16           (c) INTERJURISDICTIONAL FISHERIES ACT OF  
17           1986.—

18                   (1) REPEAL.—Section 308 of the Interjurisdic-  
19                   tional Fisheries Act of 1986 (16. U.S.C. 4107) is re-  
20                   pealed.

21                   (2) TECHNICAL EDIT.—Section 3(k)(1) of the  
22                   Small Business Act (15 U.S.C. 632(k)(1)) is amend-  
23                   ed by striking “(as determined by the Secretary of  
24                   Commerce under section 308(b) of the Interjurisdic-  
25                   tional Fisheries Act of 1986)” and inserting “(as de-

1       terminated by the Secretary of Commerce under the  
2       \_\_\_\_\_ Act)".

3       (d) BUDGET REQUESTS; REPORTS.—

4           (1) BUDGET REQUEST.—In the budget jus-  
5       tification materials submitted to Congress in support  
6       of the budget of the Department of Commerce for  
7       each fiscal year (as submitted with the budget of the  
8       President under section 1105(a) of title 31, United  
9       States Code), the Secretary of Commerce shall in-  
10      clude a separate statement of the amount requested  
11      to be appropriated for that fiscal year for out-  
12      standing unfunded fishery resource disasters.

13          (2) DRIFTNET ACT AMENDMENTS OF 1990 RE-  
14      PORT AND BYCATCH REDUCTION AGREEMENTS.—

15           (A) IN GENERAL.—The Magnuson-Stevens  
16      Fishery Conservation and Management Act (16  
17      U.S.C. 1801 et seq.) is amended—

18           (i) in section 202(h), by striking para-  
19      graph (3); and

20           (ii) in section 206—

21           (I) by striking subsections (e)  
22      and (f); and

23           (II) by redesignating subsections  
24      (g) and (h) as subsections (e) and (f),  
25      respectively.

1 (B) BIENNIAL REPORT ON INTERNATIONAL  
2 COMPLIANCE.—Section 607 of the High Seas  
3 Driftnet Fishing Moratorium Protection Act  
4 (16 U.S.C. 1826h) is amended—

5 (i) by inserting “(a) IN GENERAL.—”  
6 before “The Secretary” and indenting ap-  
7 propriately; and

8 (ii) by adding at the end the fol-  
9 lowing:

10 “(b) ADDITIONAL INFORMATION.—In addition to the  
11 information described in paragraphs (1) through (5) of  
12 subsection (a), the report shall include—

13 “(1) a description of the actions taken to carry  
14 out the provisions of section 206 of the Magnuson-  
15 Stevens Fishery Conservation and Management Act  
16 (16 U.S.C. 1826), including—

17 “(A) an evaluation of the progress of those  
18 efforts, the impacts on living marine resources,  
19 including available observer data, and specific  
20 plans for further action;

21 “(B) a list and description of any new fish-  
22 eries developed by nations that conduct, or au-  
23 thorize their nationals to conduct, large-scale  
24 driftnet fishing beyond the exclusive economic  
25 zone of any nation; and



1           “(C) a list of the nations that conduct, or  
2 authorize their nationals to conduct, large-scale  
3 driftnet fishing beyond the exclusive economic  
4 zone of any nation in a manner that diminishes  
5 the effectiveness of or is inconsistent with any  
6 international agreement governing large-scale  
7 driftnet fishing to which the United States is a  
8 party or otherwise subscribes; and

9           “(2) a description of the actions taken to carry  
10 out the provisions of section 202(h) of the Magnu-  
11 son-Stevens Fishery Conservation and Management  
12 Act (16 U.S.C. 1822(h)).

13           “(c) CERTIFICATION.—If, at any time, the Secretary,  
14 in consultation with the Secretary of State and the Sec-  
15 retary of the department in which the Coast Guard is op-  
16 erating, identifies any nation that warrants inclusion in  
17 the list described under subsection (b)(1)(C), due to large  
18 scale drift net fishing, the Secretary shall certify that fact  
19 to the President. Such certification shall be deemed to be  
20 a certification for the purposes of section 8(a) of the Fish-  
21 ermen’s Protective Act of 1967 (22 U.S.C. 1978(a)).”.

22 **SEC. 202. SUBSISTENCE FISHING.**

23           (a) PURPOSES.—Section 2(b)(3) (16 U.S.C.  
24 1801(b)(3)) is amended by inserting “, subsistence,” after  
25 “commercial”.

1 (b) DEFINITION OF SUBSISTENCE FISHING.—Section  
2 3 is amended—

3 (1) by redesignating the second paragraph (33)  
4 (appearing after paragraph (50) as paragraph (51);  
5 and

6 (2) by inserting after paragraph (42) the fol-  
7 lowing:

8 “(42A)(A) SUBSISTENCE FISHING.—The term  
9 ‘subsistence fishing’ means fishing in which the fish  
10 harvested are intended for customary and traditional  
11 uses, including—

12 “(i) for direct personal or family con-  
13 sumption as food or clothing;

14 “(ii) for the making or selling of  
15 handicraft articles out of nonedible byprod-  
16 ucts taken for personal or family consump-  
17 tion, for barter, or sharing for personal or  
18 family consumption; and

19 “(iii) for customary trade.

20 “(B) In this paragraph—

21 “(i) the term ‘family’ means all persons re-  
22 lated by blood, marriage, or adoption, or any  
23 person living within the household on a perma-  
24 nent basis; and

1           “(ii) the term ‘barter’ means the exchange  
2 of a fish or fish part—

3           “(I) for another fish or fish part; or

4           “(II) for other food or for nonedible  
5 items other than money if the exchange is  
6 of a limited and noncommercial nature.”.

7 **SEC. 203. WORKING WATERFRONTS GRANT PROGRAM.**

8       (a) IN GENERAL.—The Coastal Zone Management  
9 Act of 1972 (16 U.S.C. 1451 et seq.) is amended by add-  
10 ing at the end the following:

11 **“SEC. 320. WORKING WATERFRONTS GRANT PROGRAM.**

12       “(a) WORKING WATERFRONT TASK FORCE.—

13           “(1) ESTABLISHMENT AND FUNCTIONS.—The  
14 Secretary of Commerce shall establish a task force  
15 to work directly with coastal States, user groups,  
16 and coastal stakeholders to identify and address crit-  
17 ical needs with respect to working waterfronts.

18           “(2) MEMBERSHIP.—The members of the task  
19 force shall be appointed by the Secretary of Com-  
20 merce, and shall include—

21           “(A) experts in the unique economic, so-  
22 cial, cultural, ecological, geographic, and re-  
23 source concerns of working waterfronts; and

24           “(B) representatives from the National  
25 Oceanic and Atmospheric Administration’s Of-

1 office of Coastal Management, the United States  
2 Fish and Wildlife Service, the Department of  
3 Agriculture, the Environmental Protection  
4 Agency, the United States Geological Survey,  
5 the Navy, the National Marine Fisheries Serv-  
6 ice, the Economic Development Agency, and  
7 such other Federal agencies as the Secretary  
8 considers appropriate.

9 “(3) FUNCTIONS.—The task force shall—

10 “(A) identify and prioritize critical needs  
11 with respect to working waterfronts in States  
12 that have a management program approved by  
13 the Secretary of Commerce pursuant to section  
14 306, in the areas of—

15 “(i) economic and cultural importance  
16 of working waterfronts to communities;

17 “(ii) changing environments and  
18 threats working waterfronts face from en-  
19 vironment changes, trade barriers, sea level  
20 rise, extreme weather events, ocean acidifi-  
21 cation, and harmful algal blooms; and

22 “(iii) identifying working waterfronts  
23 and highlighting them within communities;

24 “(B) outline options, in coordination with  
25 coastal States and local stakeholders, to address

1 such critical needs, including adaptation and  
2 mitigation if applicable;

3 “(C) identify Federal agencies that are re-  
4 sponsible under existing law for addressing such  
5 critical needs; and

6 “(D) recommend Federal agencies best  
7 suited to address any critical needs for which  
8 no agency is responsible under existing law.

9 “(4) INFORMATION TO BE CONSIDERED.—In  
10 identifying and prioritizing policy gaps pursuant to  
11 paragraph (3), the task force shall consider the find-  
12 ings and recommendations contained in section VI of  
13 the report entitled ‘The Sustainable Working Water-  
14 fronts Toolkit: Final Report’, dated March 2013.

15 “(5) REPORT.—Not later than 18 months after  
16 the date of enactment of this section, the task force  
17 shall submit a report to Congress on its findings.

18 “(6) IMPLEMENTATION.—The head of each  
19 Federal agency identified in the report pursuant to  
20 paragraph (3)(C) shall take such action as is nec-  
21 essary to implement the recommendations contained  
22 in the report by not later than 1 year after the date  
23 of the issuance of the report.

24 “(b) WORKING WATERFRONT GRANT PROGRAM.—

1           “(1) The Secretary shall establish a Working  
2 Waterfront Grant Program, in cooperation with ap-  
3 propriate State, regional, and other units of govern-  
4 ment, under which the Secretary may make a grant  
5 to any coastal State for the purpose of implementing  
6 a working waterfront plan approved by the Secretary  
7 under subsection (c).

8           “(2) Subject to the availability of appropria-  
9 tions, the Secretary shall award matching grants  
10 under the Working Waterfronts Grant Program to  
11 coastal States with approved working waterfront  
12 plans through a regionally equitable, competitive  
13 funding process in accordance with the following:

14           “(A) The Governor, or the lead agency  
15 designated by the Governor for coordinating the  
16 implementation of this section, if appropriate in  
17 consultation with the appropriate local govern-  
18 ment, shall determine that the application is  
19 consistent with the State’s or territory’s ap-  
20 proved coastal zone plan, program, and policies  
21 prior to submission to the Secretary.

22           “(B) In developing guidelines under this  
23 section, the Secretary shall consult with coastal  
24 States, other Federal agencies, and other inter-

1           ested stakeholders with expertise in working  
2 waterfront planning.

3           “(C) Coastal States may allocate grants to  
4 local governments, agencies, or nongovern-  
5 mental organizations eligible for assistance  
6 under this section.

7           “(3) In awarding a grant to a coastal State, the  
8 Secretary shall consider—

9           “(A) the economic, cultural, and historical  
10 significance of working waterfront to the coast-  
11 al State;

12           “(B) the demonstrated working waterfront  
13 needs of the coastal State as outlined by a  
14 working waterfront plan approved for the coast-  
15 al State under subsection (c), and the value of  
16 the proposed project for the implementation of  
17 such plan;

18           “(C) the ability to successfully leverage  
19 funds among participating entities, including  
20 Federal programs, regional organizations, State  
21 and other government units, landowners, cor-  
22 porations, or private organizations;

23           “(D) the potential for rapid turnover in  
24 the ownership of working waterfront in the  
25 coastal State, and if applicable the need for

1 coastal States to respond quickly when prop-  
2 erties in existing or potential working water-  
3 front areas or public access areas as identified  
4 in the working waterfront plan submitted by  
5 the coastal State come under threat or become  
6 available; and

7 “(E) the impact of the working waterfront  
8 plan approved for the coastal State under sub-  
9 section (c) on the coastal ecosystem and the  
10 users of the coastal ecosystem.

11 “(4) The Secretary shall approve or reject an  
12 application for such a grant within 60 days after re-  
13 ceiving an application for the grant.

14 “(c) WORKING WATERFRONT PLANS.—

15 “(1) To be eligible for a grant under subsection  
16 (b), a coastal State must submit and have approved  
17 by the Secretary a comprehensive working water-  
18 front plan in accordance with this subsection, or be  
19 in the process of developing such a plan and have an  
20 established working waterfront program at the State  
21 or local level, or the Secretary determines that an  
22 existing coastal land use plan for that State is in ac-  
23 cordance with this subsection.

24 “(2) Such plan—



1           “(A) must provide for preservation and ex-  
2           pansion of access to coastal waters to persons  
3           engaged in commercial fishing, recreational  
4           fishing and boating businesses, aquaculture,  
5           boatbuilding, or other water-dependent, coastal-  
6           related business;

7           “(B) shall include one or more of—

8                   “(i) an assessment of the economic,  
9                   social, cultural, and historic value of work-  
10                  ing waterfront to the coastal State;

11                  “(ii) a description of relevant State  
12                  and local laws and regulations affecting  
13                  working waterfront in the geographic areas  
14                  identified in the working waterfront plan;

15                  “(iii) identification of geographic  
16                  areas where working waterfronts are cur-  
17                  rently under threat of conversion to uses  
18                  incompatible with commercial and rec-  
19                  reational fishing, recreational fishing and  
20                  boating businesses, aquaculture,  
21                  boatbuilding, or other water-dependent,  
22                  coastal-related business, and the level of  
23                  that threat;

24                  “(iv) identification of geographic areas  
25                  with a historic connection to working wa-

1 terfronts where working waterfronts are  
2 not currently available, and, if appropriate,  
3 an assessment of the environmental im-  
4 pacts of any expansion or new development  
5 of working waterfronts on the coastal eco-  
6 system;

7 “(v) identification of other working  
8 waterfront needs including improvements  
9 to existing working waterfronts and work-  
10 ing waterfront areas;

11 “(vi) a strategic and prioritized plan  
12 for the preservation, expansion, and im-  
13 provement of working waterfronts in the  
14 coastal State;

15 “(vii) for areas identified under  
16 clauses (iii), (iv), (v), and (vi), identifica-  
17 tion of current availability and potential  
18 for expansion of public access to coastal  
19 waters;

20 “(viii) a description of the degree of  
21 community support for such strategic plan;  
22 and

23 “(ix) a contingency plan for properties  
24 that revert to the coastal State pursuant to

1 determinations made by the coastal State  
2 under subsection (g)(4)(C);

3 “(C) may include detailed environmental  
4 impacts on working waterfronts, including haz-  
5 ards, sea level rise, inundation exposure, and  
6 other resiliency issues;

7 “(D) may be part of the management pro-  
8 gram approved under section 306;

9 “(E) shall utilize to the maximum extent  
10 practicable existing information contained in  
11 relevant surveys, plans, or other strategies to  
12 fulfill the information requirements under this  
13 paragraph; and

14 “(F) shall incorporate the policies and reg-  
15 ulations adopted by communities under local  
16 working waterfront plans or strategies in exist-  
17 ence before the date of enactment of this sec-  
18 tion.

19 “(3) A working waterfront plan—

20 “(A) shall be effective for purposes of this  
21 section for the 5-year period beginning on the  
22 date it is approved by the Secretary;

23 “(B) must be updated and re-approved by  
24 the Secretary before the end of such period; and

1           “(C) shall be complimentary to and incor-  
2           porate the policies and objectives of regional or  
3           local working waterfront plans as in effect be-  
4           fore the date of enactment of this section or as  
5           subsequently revised.

6           “(4) The Secretary may—

7           “(A) award planning grants to coastal  
8           States for the purpose of developing or revising  
9           comprehensive working waterfront plans; and

10          “(B) award grants consistent with the pur-  
11          poses of this section to States undertaking the  
12          working waterfront planning process under this  
13          section, for the purpose of preserving and pro-  
14          tecting working waterfronts during such pro-  
15          cess.

16          “(5) Any coastal State applying for a working  
17          waterfront grant under this title shall—

18          “(A) develop a working waterfront plan,  
19          using a process that involves the public and  
20          those with an interest in the coastal zone;

21          “(B) coordinate development and imple-  
22          mentation of such a plan with other coastal  
23          management programs, regulations, and activi-  
24          ties of the coastal State; and

1           “(C) if the coastal State allows qualified  
2 holders (other than the coastal State) to enter  
3 into working waterfront covenants, provide as  
4 part of the working waterfront plan under this  
5 subsection a mechanism or procedure to ensure  
6 that the qualified holders are complying their  
7 duties to enforce the working waterfront cov-  
8 enant.

9           “(d) USES, TERMS, AND CONDITIONS.—

10           “(1) Each grant made by the Secretary under  
11 this section shall be subject to such terms and condi-  
12 tions as may be appropriate to ensure that the grant  
13 is used for purposes consistent with this section.

14           “(2) A grant under this section may be used—

15           “(A) to acquire a working waterfront, or  
16 an interest in a working waterfront;

17           “(B) to make improvements to a working  
18 waterfront, including the construction or repair  
19 of wharfs, boat ramps, or related facilities; or

20           “(C) for necessary climate adaptation miti-  
21 gation.

22           “(e) PUBLIC ACCESS REQUIREMENT.—A working  
23 waterfront project funded by grants made under this sec-  
24 tion must provide for expansion, improvement, or preser-  
25 vation of reasonable and appropriate public access to

1 coastal waters at or in the vicinity of a working water-  
2 front, except for commercial fishing or other industrial ac-  
3 cess points where the coastal State determines that public  
4 access would be unsafe.

5 “(f) LIMITATIONS.—

6 “(1) Except as provided in paragraph (2), a  
7 grant awarded under this section may be used to  
8 purchase working waterfront or an interest in work-  
9 ing waterfront, including an easement, only from a  
10 willing seller and at fair market value.

11 “(2) A grant awarded under this section may  
12 be used to acquire working waterfront or an interest  
13 in working waterfront at less than fair market value  
14 only if the owner certifies to the Secretary that the  
15 sale is being entered into willingly and without coer-  
16 cion.

17 “(3) No Federal, State, or local entity may ex-  
18 ercise the power of eminent domain to secure title to  
19 any property or facilities in connection with a  
20 project carried out under this section.

21 “(g) ALLOCATION OF GRANTS TO LOCAL GOVERN-  
22 MENTS AND OTHER ENTITIES.—

23 “(1) The Secretary shall encourage coastal  
24 States to broadly allocate amounts received as  
25 grants under this section among working water-

1 fronts identified in working waterfront plans ap-  
2 proved under subsection (c).

3 “(2) Subject to the approval of the Secretary,  
4 a coastal State may, as part of an approved working  
5 waterfront plan, designate as a qualified holder any  
6 unit of State or local government or nongovern-  
7 mental organization, if the coastal State is ulti-  
8 mately responsible for ensuring that the property  
9 will be managed in a manner that is consistent with  
10 the purposes for which the land entered into the pro-  
11 gram.

12 “(3) A coastal State or a qualified holder des-  
13 igned by a coastal State may allocate to a unit of  
14 local government, nongovernmental organization,  
15 fishing cooperative, or other entity, a portion of any  
16 grant made under this section for the purpose of  
17 carrying out this section, except that such an alloca-  
18 tion shall not relieve the coastal State of the respon-  
19 sibility for ensuring that any funds so allocated are  
20 applied in furtherance of the coastal State’s ap-  
21 proved working waterfront plan.

22 “(4) A qualified holder may hold title to or in-  
23 terest in property acquired under this section, except  
24 that—

1           “(A) all persons holding title to or interest  
2           in working waterfront affected by a grant under  
3           this section, including a qualified holder, private  
4           citizen, private business, nonprofit organization,  
5           fishing cooperative, or other entity, shall enter  
6           into a working waterfront covenant;

7           “(B) such covenant shall be held by the  
8           coastal State or a qualified holder designated  
9           under paragraph (2);

10          “(C) if the coastal State determines, on  
11          the record after an opportunity for a hearing,  
12          that the working waterfront covenant has been  
13          violated—

14                 “(i) all right, title, and interest in and  
15                 to the working waterfront covered by such  
16                 covenant shall, except as provided in sub-  
17                 paragraph (D), revert to the coastal State;  
18                 and

19                 “(ii) the coastal State shall have the  
20                 right of immediate entry onto the working  
21                 waterfront;

22          “(D) if a coastal State makes a determina-  
23          tion under subparagraph (C), the coastal State  
24          may convey or authorize the qualified holder to  
25          convey the working waterfront or interest in



1 working waterfront to another qualified holder;  
2 and

3 “(E) nothing in this subsection waives any  
4 legal requirement under any Federal or State  
5 law.

6 “(h) MATCHING CONTRIBUTIONS.—

7 “(1) Except as provided in paragraph (2), the  
8 Secretary shall require that each coastal State that  
9 receives a grant under this section, or a qualified  
10 holder designated by that coastal State under sub-  
11 section (g), shall provide matching funds in an  
12 amount equal to at least 25 percent of the total cost  
13 of the project carried out with the grant.

14 “(2) The Secretary may waive the application  
15 of paragraph (1) for any qualified holder that is an  
16 underserved community, a community that has an  
17 inability to draw on other sources of funding because  
18 of the small population or low income of the commu-  
19 nity, or for other reasons the Secretary considers ap-  
20 propriate.

21 “(3) A local community designated as a quali-  
22 fied holder under subsection (g) may utilize funds or  
23 other in-kind contributions donated by a nongovern-  
24 mental partner to satisfy the matching funds re-  
25 quirement under this subsection.

1           “(4) As a condition of receipt of a grant under  
2 this section, the Secretary shall require that a coast-  
3 al State provide to the Secretary such assurances as  
4 the Secretary determines are sufficient to dem-  
5 onstrate that the share of the cost of each eligible  
6 project that is not funded by the grant awarded  
7 under this section has been secured.

8           “(5) If financial assistance under this section  
9 represents only a portion of the total cost of a  
10 project, funding from other Federal sources may be  
11 applied to the cost of the project. Each portion shall  
12 be subject to match requirements under the applica-  
13 ble provision of law.

14           “(6) The Secretary shall treat as non-Federal  
15 match the value of a working waterfront or interest  
16 in a working waterfront, including conservation and  
17 other easements, that is held in perpetuity by a  
18 qualified holder, if the working waterfront or inter-  
19 est is identified in the application for the grant and  
20 acquired by the qualified holder within 3 years of  
21 the grant award date, or within 3 years after the  
22 submission of the application and before the end of  
23 the grant award period. Such value shall be deter-  
24 mined by an appraisal performed at such time before

1 the award of the grant as the Secretary considers  
2 appropriate.

3 “(7) The Secretary shall treat as non-Federal  
4 match the costs associated with acquisition of a  
5 working waterfront or an interest in a working wa-  
6 terfront, and the costs of restoration, enhancement,  
7 or other improvement to a working waterfront, if the  
8 activities are identified in the project application and  
9 the costs are incurred within the period of the grant  
10 award, or, for working waterfront described in para-  
11 graph (6), within the same time limits described in  
12 that paragraph. These costs may include either cash  
13 or in-kind contributions.

14 “(i) LIMIT ON ADMINISTRATIVE COSTS.—No more  
15 than 5 percent of the funds made available to the Sec-  
16 retary under this section may be used by the Secretary  
17 for planning or administration of the program under this  
18 section.

19 “(j) OTHER TECHNICAL AND FINANCIAL ASSIST-  
20 ANCE.—

21 “(1) Up to 5 percent of the funds appropriated  
22 under this section may be used by the Secretary for  
23 purposes of providing technical assistance as de-  
24 scribed in this subsection.

25 “(2) The Secretary shall—

1           “(A) provide technical assistance to coastal  
2 States and local governments in identifying and  
3 obtaining other sources of available Federal  
4 technical and financial assistance for the devel-  
5 opment and revision of a working waterfront  
6 plan and the implementation of an approved  
7 working waterfront plan;

8           “(B) provide technical assistance to States  
9 and local governments for the development, im-  
10 plementation, and revision of comprehensive  
11 working waterfront plans, which may include,  
12 subject to the availability of appropriations,  
13 planning grants and assistance, pilot projects,  
14 feasibility studies, research, and other projects  
15 necessary to further the purposes of this sec-  
16 tion;

17           “(C) assist States in developing other tools  
18 to protect working waterfronts;

19           “(D) collect and disseminate to States  
20 guidance for best storm water management  
21 practices in regards to working waterfronts;

22           “(E) provide technical assistance to States  
23 and local governments on integrating resilience  
24 planning into working waterfront preservation  
25 efforts; and

1           “(F) collect and disseminate best practices  
2           on working waterfronts and resilience planning.

3           “(k) REPORTS.—

4           “(1) The Secretary shall—

5           “(A) develop performance measures to  
6           evaluate and report on the effectiveness of the  
7           program under this section in accomplishing the  
8           purpose of this section; and

9           “(B) submit to Congress a biennial report  
10          that includes such evaluations, an account of all  
11          expenditures, and descriptions of all projects  
12          carried out using grants awarded under this  
13          section.

14          “(2) The Secretary may submit the biennial re-  
15          port under paragraph (1)(B) by including it in the  
16          biennial report required under section 316.

17          “(l) DEFINITIONS.—In this section:

18          “(1) The term ‘qualified holder’ means a coast-  
19          al State or a unit of local or coastal State govern-  
20          ment or a non-State organization designated by a  
21          coastal State under subsection (g).

22          “(2) The term ‘Secretary’ means the Secretary,  
23          acting through the National Oceanic and Atmos-  
24          pheric Administration.

1           “(3) The term ‘working waterfront’ means real  
2           property (including support structures over water  
3           and other facilities) that provides access to coastal  
4           waters to persons engaged in commercial and rec-  
5           reational fishing, recreational fishing and boating  
6           businesses, boatbuilding, aquaculture, or other  
7           water-dependent, coastal-related business and is  
8           used for, or that supports, commercial and rec-  
9           reational fishing, recreational fishing and boating  
10          businesses, boatbuilding, aquaculture, or other  
11          water-dependent, coastal-related business.

12           “(4) The term ‘working waterfront covenant’  
13          means an agreement in recordable form between the  
14          owner of working waterfront and one or more quali-  
15          fied holders, that provides such assurances as the  
16          Secretary may require that—

17                   “(A) the title to or interest in the working  
18                   waterfront will be held by a grant recipient or  
19                   qualified holder in perpetuity, except as pro-  
20                   vided in subparagraph (C);

21                   “(B) the working waterfront will be man-  
22                   aged in a manner that is consistent with the  
23                   purposes for which the property is acquired  
24                   pursuant to this section, and the property will

1 not be converted to any use that is inconsistent  
2 with the purpose of this section;

3 “(C) if the title to or interest in the work-  
4 ing waterfront is sold or otherwise exchanged—

5 “(i) all working waterfront owners  
6 and qualified holders involved in such sale  
7 or exchange shall accede to such agree-  
8 ment; and

9 “(ii) funds equal to the fair market  
10 value of the working waterfront or interest  
11 in working waterfront shall be paid to the  
12 Secretary by parties to the sale or ex-  
13 change, and such funds shall, at the dis-  
14 cretion of the Secretary, be paid to the  
15 coastal State in which the working water-  
16 front is located for use in the implementa-  
17 tion of the working waterfront plan of the  
18 State approved by the Secretary under this  
19 section; and

20 “(D) such covenant is subject to enforce-  
21 ment and oversight by the coastal State or by  
22 another person as determined appropriate by  
23 the Secretary.





1           agement of a Working Waterfronts Preservation  
2           Loan Fund.

3           “(3) Upon the completion of the study under  
4           paragraph (2), the Secretary shall establish a fund  
5           in accordance with the results of that study, and es-  
6           tablish such criteria as referenced in subsection (c)  
7           in consultation with States that have a management  
8           program approved by the Secretary of Commerce  
9           pursuant to section 306 and local government coast-  
10          al management programs.

11          “(c) AWARD CRITERIA.—The Secretary shall award  
12          loans under this section through a regionally equitable,  
13          competitive funding process, and in accordance with the  
14          following:

15                 “(1) The Governor, or the lead agency des-  
16                 ignated by the Governor for coordinating the imple-  
17                 mentation of this section, where appropriate in con-  
18                 sultation with the appropriate local government,  
19                 shall determine that an application for a loan is con-  
20                 sistent with the State’s approved coastal zone plan,  
21                 program, and policies prior to submission to the Sec-  
22                 retary.

23                 “(2) In developing guidelines under this section,  
24                 the Secretary shall consult with coastal States, other

1 Federal agencies, and other interested stakeholders  
2 with expertise in working waterfront planning.

3 “(3) Coastal States may allocate amounts  
4 loaned under this section to local governments, agen-  
5 cies, or nongovernmental organizations eligible for  
6 loans under this section.

7 “(4) In awarding a loan for activities in a  
8 coastal State, the Secretary shall consider—

9 “(A) the economic and cultural significance  
10 of working waterfront to the coastal State;

11 “(B) the demonstrated working waterfront  
12 needs of the coastal State as outlined by a  
13 working waterfront plan approved for the coast-  
14 al State under section 320(c), and the value of  
15 the proposed loan for the implementation of  
16 such plan;

17 “(C) the ability to successfully leverage  
18 loan funds among participating entities, includ-  
19 ing Federal programs, regional organizations,  
20 State and other government units, landowners,  
21 corporations, or private organizations;

22 “(D) the potential for rapid turnover in  
23 the ownership of working waterfront in the  
24 coastal State, and where applicable the need for  
25 coastal States to respond quickly when prop-

1           erties in existing or potential working water-  
2           front areas or public access areas as identified  
3           in the working waterfront plan submitted by  
4           the coastal State come under threat or become  
5           available;

6           “(E) the impact of the loan on the coastal  
7           ecosystem and the users of the coastal eco-  
8           system; and

9           “(F) the extent of the historic connection  
10          between working waterfronts for which the loan  
11          will be used and the local communities within  
12          the coastal State.

13         “(d) LOAN AMOUNT AND TERMS.—

14           “(1) The amount of a loan under this section—

15           “(A) shall be not less than \$100,000; and

16           “(B) shall not exceed 15 percent of the  
17          amount in the Fund as of July 1 of the fiscal  
18          year in which the loan is made.

19           “(2) The interest rate for a loan under this sec-  
20          tion shall not exceed 4 percent.

21           “(3) The repayment term for a loan under this  
22          section shall not exceed 20 years.

23         “(e) DEADLINE FOR APPROVAL.—The Secretary  
24          shall approve or reject an application for a loan under this

1 section within 60 days after receiving an application for  
2 the loan.

3 “(f) LIMIT ON ADMINISTRATIVE COSTS.—No more  
4 than 5 percent of the funds made available to the Sec-  
5 retary under this section may be used by the Secretary  
6 for planning or administration of the program under this  
7 section.

8 “(g) DEFINITIONS.—The definitions in section 320(l)  
9 shall apply to this section.

10 “(h) AUTHORIZATION OF APPROPRIATIONS.—There  
11 is authorized to be appropriated to the Fund  
12 \$12,000,000.”.

13 **SEC. 204. SEAFOOD MARKETING.** 

14 (a) ESTABLISHMENT.—The Administrator shall, in  
15 consultation with the Secretary of Agriculture, establish  
16 the National Seafood Council.

17 (b) OUTREACH PLAN.—The Secretary of Agriculture,  
18 in conjunction with the Administrator, shall develop an  
19 outreach plan to expand Department of Agriculture out-  
20 reach to fishing industry stakeholders to increase aware-  
21 ness of and assist with the use of programs in the Agricul-  
22 tural Marketing Service.

23 (c) STUDY.—The Administrator shall, in consultation  
24 with the Secretary of Agriculture and members of the sea-  
25 food industry, study the possibility of establishing edu-

1 cation and marketing programs within the National Oce-  
2 anic and Atmospheric Administration.

3 (d) REPORTS.—Not later than 2 years after the date  
4 of enactment of this Act—

5 (1) the Secretary of Agriculture, in conjunction  
6 with the Administrator, shall submit a report to  
7 Congress on the outreach plan developed under sub-  
8 section (b); and

9 (2) the Administrator shall submit a report to  
10 Congress on the findings of the study conducted  
11 under subsection (c).

12 **SEC. 205. COMMUNITY PARTICIPATION IN LIMITED ACCESS**

13 **PRIVILEGE PROGRAMS.**

14 Section 303A(c) (16 U.S.C. 1853a(c)) is amended—

15 (1) in paragraph (1)—

16 (A) in subparagraph (C)(iii), by inserting  
17 “, including the participation of fishing commu-  
18 nities in the fishery” after “benefits”; and

19 (B) by adding at the end the following:

20 “(L) consider the needs of fishing commu-  
21 nities and provide a process for fishing commu-  
22 nities to participate in the limited access privi-  
23 lege program in accordance with subsection  
24 (c)(3).”; and

1           (2) by amending paragraph (3) to read as fol-  
2           lows:

3           “(3) FISHING COMMUNITIES.—

4                   “(A) ELIGIBILITY.—To be eligible to par-  
5           ticipate in a limited access privilege program to  
6           harvest fish, a fishing community shall—

7                           “(i) be located within the management  
8                           area of the relevant Council;

9                           “(ii) consist of residents who conduct  
10                          commercial or recreational fishing, proc-  
11                          essing, or fishery-dependent support busi-  
12                          nesses within the Council’s management  
13                          area; and

14                          “(iii) develop and submit a community  
15                          sustainability plan to the Council and the  
16                          Secretary that demonstrates how the plan  
17                          will address the social and economic devel-  
18                          opment needs of coastal communities, in-  
19                          cluding those that have not historically had  
20                          the resources to participate in the fishery,  
21                          for approval.

22                          “(B) COMMUNITY SUSTAINABILITY PLAN  
23           APPROVAL.—

24                           “(i) IN GENERAL.—A community sus-  
25                           tainability plan submitted by a fishing

1 community to a Council for approval shall  
2 include, at a minimum, the following com-  
3 ponents:

4 “(I) A description of the Board  
5 and governance for the entity that will  
6 receive the allocation.

7 “(II) A description of the quota  
8 allocation process that will be used by  
9 the fishing community entity, includ-  
10 ing an appeals process within the enti-  
11 ty.

12 “(III) Provisions for monitoring  
13 and enforcement of the community  
14 sustainability plan.

15 “(IV) Goals and objectives for  
16 the fishing community and how the  
17 entity will use the allocation to meet  
18 those goals and objectives.

19 “(V) A description of how the en-  
20 tity will sustain the participation of  
21 the fishing community in the fisheries,  
22 including providing for new entry and  
23 intergenerational transfer, encour-  
24 aging active participation and ad-

1 dressing economic barriers to access  
2 to the fisheries.

3 “(VI) A description of how the  
4 community sustainability plan will ad-  
5 dress the projected economic and so-  
6 cial impacts associated with the imple-  
7 mentation of the limited access pro-  
8 gram, including the potential for  
9 strengthening economic conditions in  
10 remote fishing communities lacking  
11 the resources to participate in har-  
12 vesting activities in the fishery.

13 “(VII) A description of how the  
14 community sustainability plan will en-  
15 sure the benefits of participating in  
16 the limited access privilege program  
17 accrue to the fishing community and  
18 participants.

19 “(ii) PREVIOUSLY ADOPTED PLAN.—A  
20 community sustainability plan submitted  
21 before the date of enactment of the  
22 \_\_\_\_\_ Act shall not be invalidated by  
23 failure to comply with clause (i) unless  
24 such plan is amended after such date.”.



1 **SEC. 206. MISCELLANEOUS AMENDMENTS.**

2 (a) MARINE AQUACULTURE .—Section 3(16) (16  
3 U.S.C. 1802(16)) is amended to read as follows:

4 “(16) FISHING.—

5 “(A) IN GENERAL.—The term fishing  
6 means—

7 “(i) the catching, taking, or har-  
8 vesting of fish;

9 “(ii) the attempted catching, taking,  
10 or harvesting of fish;

11 “(iii) any other activity which can rea-  
12 sonably be expected to result in the catch-  
13 ing, taking, or harvesting of fish; or

14 “(iv) any operations at sea in support  
15 of, or in preparation for, any activity de-  
16 scribed in clauses (i) through (iii).

17 “(B) EXCLUSION.—Such term does not in-  
18 clude—

19 “(i) any scientific research activity  
20 which is conducted by a scientific research  
21 vessel; or

22 “(ii) the propagation and rearing of  
23 aquatic species in controlled or selected en-  
24 vironments in marine waters.”.

25 (b) FINDINGS.—Section 2(a)(3) (16 U.S.C.  
26 1802(a)(3)) is amended to read as follows:

1           “(3) Commercial and recreational fishing (in-  
2           cluding charter fishing) constitutes a major source  
3           of employment and contributes significantly to the  
4           economy of the Nation. Many coastal areas are de-  
5           pendent upon fishing and related activities, and their  
6           economies have been badly damaged by the over-  
7           fishing of fishery resources; ensuring sustainable use  
8           of fishery resources is essential to the economic well-  
9           being of these areas.”.

10 **TITLE            III—STRENGTHENING**  
11 **PUBLIC        PROCESS        AND**  
12 **TRANSPARENCY**

13 **SEC. 301. TRIBAL REPRESENTATION AT THE PACIFIC FISH-**  
14 **ERY MANAGEMENT COUNCIL.**

15           (a) IN GENERAL.—Section 302(b)(5) (16 U.S.C.  
16 1852(b)(5)) is amended—

17               (1) in subparagraph (A), by striking “of not  
18           less than 3 individuals”; and

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

20                       “(E) TERM OF TRIBAL REPRESENTA-  
21           TIVE.—An individual appointed under subpara-  
22           graph (A) shall serve on the Pacific Council  
23           until such time as a new appointment to the  
24           tribal seat is made under subparagraph (A).”.

1 (b) CONFORMING AMENDMENT.—Section 302(b)(3)  
2 is amended by striking “paragraphs (2) and (5)” and in-  
3 serting “paragraph (2)”.

4 **SEC. 302. ATLANTIC COUNCILS.**

5 Section 302(a)(1) (16 U.S.C. 1852(a)(1)) is amend-  
6 ed—

7 (1) in subparagraph (A)—

8 (A) by striking “18” and inserting “19”;  
9 and

10 (B) by inserting before the period at the  
11 end “and a liaison who is a member of the Mid-  
12 Atlantic Fishery Management Council to rep-  
13 resent the interests of fisheries under the juris-  
14 diction of such Council”;

15 (2) in subparagraph (B)—

16 (A) by striking “21” and inserting “23”;  
17 and

18 (B) by inserting before the period at the  
19 end “, a liaison who is a member of the New  
20 England Fishery Management Council to rep-  
21 resent the interests of fisheries under the juris-  
22 diction of such Council, and a liaison who is a  
23 member of the South Atlantic Fishery Manage-  
24 ment Council to represent the interests of fish-

1           eries under the jurisdiction of such Council”;

2           and

3           (3) in subparagraph (C)—

4                 (A) by striking “13” and inserting “14”;

5           and

6                 (B) by inserting before the period at the

7           end “and a liaison who is a member of the Mid-

8           Atlantic Fishery Management Council to rep-

9           resent the interests of the fisheries under juris-

10          diction of such Council”.

11 **SEC. 303. COUNCIL PROCEDURES AND PARTICIPATION.**

12          (a) **RECORDED VOTES.**—Section 302(e) (16 U.S.C.

13 1852(e)) is amended—

14                 (1) in paragraph (5), by striking “At the re-

15                 quest of any voting member of a Council, the Coun-

16                 cil shall hold a roll call vote on any matter before

17                 the Council.” and inserting “Each Council shall hold

18                 a recorded vote on all nonprocedural matters before

19                 the Council.”; and

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

21                         “(6) **MINIMIZATION OF COSTS.**—To the extent

22                         possible, each Council shall ensure the availability of

23                         remote meeting participation and voting.”.

24          (b) **COUNCIL MEETINGS.**—Section 302(i)(2) is

25          amended by adding at the end the following:

1           “(G) Each Council shall make available on  
2 the website of the Council—

3           “(i) to the extent practicable, a  
4 webcast or a live audio or video broadcast  
5 of each meeting of the Council, and of the  
6 Council Coordination Committee estab-  
7 lished under subsection (l), that is not  
8 closed in accordance with paragraph (3);  
9 and

10           “(ii) an audio or video recording (if  
11 the meeting was in person or by video con-  
12 ference), or a searchable audio recording  
13 or written transcript, of each meeting of  
14 the Council and of the meetings of commit-  
15 tees referred to in section 302(g)(1)(B) of  
16 the Council, by not later than 30 days  
17 after the conclusion of the meeting.

18           “(H) The Secretary shall maintain and  
19 make available to the public an archive of  
20 Council and scientific and statistical committee  
21 meeting audio and video recordings and tran-  
22 scriptions made available under clauses (i) and (ii)  
23 of subparagraph (G).”.

1 **SEC. 304. COUNCIL ACCOUNTABILITY AND MEMBERSHIP.**

2 (a) ETHICS.—Section 302(f) (16 U.S.C. 1852(f)) is  
3 amended—

4 (1) in paragraph (1), by inserting “Such em-  
5 ployees, including executive directors, shall be  
6 deemed Federal employees with respect to any re-  
7 quirement that applies to Federal employees.” after  
8 “functions.”; and

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

10 “(8) Council members shall be subject to all  
11 law, rules, and policies regarding ethics and sexual  
12 harassment and assault that apply to Federal em-  
13 ployees. Council members found to have violated  
14 such laws, rules, or policies shall be held individually  
15 liable for their actions. The Secretary may impose  
16 civil penalties for violations including suspension or  
17 expulsion from participation or membership in a  
18 council, advisory body, or related entity or activity.”.

19 (b) DISCLOSURE OF FINANCIAL INTEREST AND  
20 RECUSAL.—Section 302(j) (16 U.S.C. 1852(j)) is amend-  
21 ed—

22 (1) by amending paragraph (1)(B) to read as  
23 follows:

24 “(B) the term ‘designated official’ means an at-  
25 torney employed in the Office of the General Counsel  
26 of the National Oceanic and Atmospheric Adminis-

1       tration with an expertise in Federal conflict-of-inter-  
2       est requirements who is designated by the Secretary,  
3       in consultation with the Council, to attend Council  
4       meetings and make determinations under paragraph  
5       (7)(B).”;

6             (2) in paragraph (2)(C), by inserting “con-  
7       tractor,” after “partner,”;

8             (3) in paragraph (5)(B), by striking “on the  
9       Internet” and inserting “on the website of the agen-  
10      cy, on the website of the applicable Council,”;

11            (4) by amending paragraph (7) to read as fol-  
12      lows:

13            “(7) AFFECTED INDIVIDUALS WITH A CON-  
14      FLICT OF INTEREST.—

15            “(A) PROHIBITION ON VOTING WITH CON-  
16      FLICT OF INTEREST.—After the effective date  
17      of the regulations issued under subparagraph  
18      (I), an affected individual required to disclose a  
19      financial interest under paragraph (2) shall not  
20      vote on a Council decision which would have a  
21      relevant and probable effect on such financial  
22      interest. A Council decision shall be considered  
23      to have a relevant and probable effect on a fi-  
24      nancial interest if there is a causal link between  
25      the Council decision and an expected benefit to

1 the financial interest of the affected individual  
2 relative to the financial interests of other par-  
3 ticipants in the same gear type or sector of the  
4 fishery.

5 “(B) NOTIFICATION.—An affected indi-  
6 vidual who may not vote pursuant to subpara-  
7 graph (A) must notify the Council immediately  
8 and identify the financial interest that would be  
9 affected.

10 “(C) DETERMINATION OF FINANCIAL IN-  
11 TEREST.—At the request of an affected indi-  
12 vidual, a member of the public, any member of  
13 the Council, or upon the initiative of the appro-  
14 priate designated official, the designated official  
15 shall make a determination for the record  
16 whether a Council decision would have a rel-  
17 evant and probable effect on a financial inter-  
18 est.

19 “(D) PROHIBITION ON DELIBERATION.—  
20 An individual ineligible to vote on a decision by  
21 means of this paragraph may not participate in  
22 Council deliberations relating to such decision  
23 except to provide technical and factual informa-  
24 tion based on such individual’s knowledge of the  
25 fishery.



1           “(E) PUBLICATION OF DETERMINATION.—  
2           A Council shall make any determination made  
3           under subparagraph (C) available to the public  
4           on such Council’s website as soon as prac-  
5           ticable.

6           “(F) REQUEST FOR REVIEW.—Any Council  
7           member may submit a written request to the  
8           Secretary to review any determination by the  
9           designated official under subparagraph (C)  
10          within 10 days of such determination. The Sec-  
11          retary shall complete such review not later than  
12          30 days after the date of receipt of such re-  
13          quest.

14          “(G) STATEMENT FOR THE RECORD.—Any  
15          affected individual who does not vote in a Coun-  
16          cil decision in accordance with this subsection  
17          may state for the record how he or she would  
18          have voted on such decision if he or she had  
19          voted.

20          “(H) ERROR NOT A BASIS FOR RECONSID-  
21          ERATION.—If the Council makes a decision be-  
22          fore the Secretary has reviewed a determination  
23          under subparagraph (F), the eventual ruling  
24          may not be treated as cause for the invalidation  
25          or reconsideration by the Secretary of such de-

1           cision if the Secretary’s review indicates the de-  
2           termination was made in error and the recusal  
3           or lack thereof could have changed the outcome  
4           of the Council’s decision.

5           “(I) REGULATIONS.—The Secretary, in  
6           consultation with the Councils and not later  
7           than one year after the date of enactment of  
8           the \_\_\_\_\_ Act, shall issue regulations to im-  
9           plement this paragraph.”.

10          (c) LOBBYING.—Section 302 is amended by adding  
11          at the end the following:

12          “(m) LOBBYING.—

13                 “(1) PROHIBITION ON COUNCIL LOBBYING.—  
14          Regional Fishery Management Council members,  
15          members of Council advisory bodies, and Council  
16          employees and contractors, are prohibited from  
17          using Federal funds to attempt to influence the in-  
18          troduction, advancement, enactment, amendment, or  
19          repeal of Federal or State legislation, as well as the  
20          issuance, advancement, modification, or overturning  
21          of an executive order, Presidential proclamation, or  
22          similar Presidential directive or decree. Notwith-  
23          standing the foregoing, such individuals may provide  
24          a technical and factual presentation directly related  
25          to the performance of a Council’s duties, through

1 hearing testimony or written statements, if such  
2 presentation is in response to a documented request  
3 and is made available under paragraph (4).

4 “(2) ADJUDICATING VIOLATIONS.—

5 “(A) INITIATION BY SECRETARY.—The  
6 Secretary may initiate an investigation of a po-  
7 tential violation of this subsection.

8 “(B) COMPLAINT.—The Secretary shall in-  
9 vestigate a complaint submitted by any person  
10 or government entity regarding a potential vio-  
11 lation of this subsection.

12 “(3) PENALTIES.—If the Secretary determines  
13 that an individual violated paragraph (1), such indi-  
14 vidual shall be subject to civil penalties including  
15 suspension or expulsion from participation in, mem-  
16 bership of, or employment by a council, advisory  
17 body, or related entity or activity.

18 “(4) CONTENT OF COMMUNICATIONS.—Councils  
19 shall maintain and make publicly available Council  
20 websites—

21 “(A) copies of all documents and commu-  
22 nication relevant to paragraph (1), including  
23 any relevant Council meeting minutes, briefing  
24 book materials, and correspondence, including  
25 with a office of general counsel of a regional of-

1           fice of the National Oceanic and Atmospheric  
2           Administration;

3           “(B) copies of all communication with  
4           Federal or State legislators, or any communica-  
5           tion with executive branch officials on subjects  
6           other than routine fishery management in the  
7           region; and

8           “(C) documentation of verbal communica-  
9           tion with Federal or State legislators or with  
10          Federal executive branch officials on subjects  
11          other than routine fishery management in the  
12          region.

13          “(5) TRAINING.—The Secretary shall provide  
14          training to individuals described in paragraph (1) on  
15          compliance with rules issued under this subsection  
16          and general limits of Federal grant recipients on  
17          contacts with members and staff of the Executive  
18          and Legislative branches.

19          “(6) REPORT.—The Secretary shall submit an  
20          annual report to the Committee on Natural Re-  
21          sources of the House of Representatives and the  
22          Committee on Commerce, Science, and Transpor-  
23          tation of the Senate that describes—

24                 “(A) the funding provided to implement  
25                 this subsection;

1           “(B) complaints received of and investiga-  
2           tions into potential violations of this subsection;  
3           and

4           “(C) barriers associated with and pro-  
5           posals to improve implementation of this sub-  
6           section.

7           “(7) REGULATIONS.—Not later than 12 months  
8           after the date of enactment of the \_\_\_\_\_ Act, the  
9           Secretary shall issue implementing regulations for  
10          this subsection.”.

11          (d) VOTING MEMBERS.—Section 302(b)(2) (16  
12          U.S.C. 1852(b)(2)) is amended—

13           (1) by amending subparagraph (A) to read as  
14          follows:

15           “(A) REQUIRED EXPERTISE.—In making  
16           appointments to the Council under this section,  
17           the Secretary shall appoint an individual who,  
18           by reason of occupational or other experience,  
19           scientific expertise, or training, is knowledge-  
20           able regarding—

21           “(i) the conservation and manage-  
22           ment, or the commercial, recreational, or  
23           subsistence harvest, of the fishery re-  
24           sources of the geographical area concerned;  
25           or

1                   “(ii) ecosystem-based fishery manage-  
2                   ment or climate science.”;

3                   (2) by amending subparagraph (B) to read as  
4 follows:

5                   “(B) APPORTIONMENT.—The Secretary, in  
6 making appointments under this section, shall,  
7 to the extent practicable, ensure a fair and bal-  
8 anced apportionment, on a rotating or other  
9 basis, of active participants or representatives  
10 of such participants in the commercial, rec-  
11 reational, and subsistence fisheries under the  
12 jurisdiction of the Council and of members of  
13 the conservation community, scientists, non-  
14 consumptive users, and indigenous and tribal  
15 communities as applicable, and of the active  
16 participants (or their representatives) in the  
17 commercial, recreational, and subsistence fish-  
18 eries under the jurisdiction of the Council. The  
19 Secretary shall, on an annual basis, submit to  
20 the Committee on Commerce, Science, and  
21 Transportation of the Senate and the Com-  
22 mittee on Natural Resources of the House of  
23 Representatives a report on the actions taken  
24 by the Secretary to ensure that such fair and

1 balanced apportionment is achieved. The report  
2 shall—

3 “(i) list the fisheries under the juris-  
4 diction of each Council, outlining for each  
5 fishery the type and quantity of fish har-  
6 vested, fishing and processing methods em-  
7 ployed, the number of participants, the du-  
8 ration and range of the fishery, and other  
9 distinguishing characteristics;

10 “(ii) assess the membership of each  
11 Council in terms of the apportionment of  
12 the active participants in each such fishery  
13 and of members of the conservation com-  
14 munity, scientists, non-consumptive users,  
15 indigenous and tribal communities; and

16 “(iii) state the Secretary’s plans and  
17 schedule for actions to achieve a fair and  
18 balanced apportionment on the Council for  
19 the active participants in any such fishery  
20 and for the categories of members listed in  
21 clause (ii).”;

22 (3) by amending subparagraph (C) to read as  
23 follows:

24 “(C) APPOINTMENTS.—

25 “(i) LIST FROM GOVERNOR.—

1                   “(I)     APPOINTMENT     FROM  
2                   LIST.—The Secretary shall appoint  
3                   the members of each Council from a  
4                   list of individuals submitted by the  
5                   Governor of each applicable con-  
6                   stituent State.

7                   “(II)    REQUIREMENTS    FOR  
8                   LIST.—in submitting a list for the  
9                   purposes of subclause (I), a Gov-  
10                  ernor—

11                   “(aa) may only submit the  
12                   name of an individual if such  
13                   Governor has determined such in-  
14                   dividual is qualified under the re-  
15                   quirements of subparagraph (A);  
16                   and

17                   “(bb) shall include the  
18                   names and pertinent biographical  
19                   data of not less than three indi-  
20                   viduals for each applicable va-  
21                   cancy and shall be accompanied  
22                   by a statement by the Governor  
23                   explaining how each such indi-  
24                   vidual meets the requirements of  
25                   subparagraph (A).



1                   “(III) REVIEW.—The Secretary  
2                   shall review each list submitted under  
3                   this subparagraph. If the Secretary  
4                   determines that any individual does  
5                   not meet the requirements of this  
6                   paragraph, the Secretary shall notify  
7                   the appropriate Governor.

8                   “(IV) RESPONSE TO REVIEW.—If  
9                   a Governor receives notice under sub-  
10                  clause (III), the Governor may submit  
11                  a revised list or resubmit the original  
12                  list with an additional explanation of  
13                  the qualifications of the individual in  
14                  question.

15                  “(ii) INDIVIDUALS WHO DO NOT HAVE  
16                  A FINANCIAL INTEREST.—The Secretary  
17                  shall appoint to each Council at least two  
18                  individuals who do not have a financial in-  
19                  terest in matters before the Council.

20                  “(iii) GEOGRAPHIC REPRESENTA-  
21                  TION.—In appointing at-large members,  
22                  the Secretary shall ensure geographic rep-  
23                  resentation across all constituent states of  
24                  each Council.

1                   “(iv) FINANCIAL DISCLOSURE RE-  
2                   QUIREMENTS.— An individual is not eligi-  
3                   ble for appointment by the Secretary until  
4                   that individual complies with the applicable  
5                   financial disclosure requirements under  
6                   subsection (j).”.

7                   (4) in subparagraph (D)—

8                   (A) in clause (i), by inserting “and South  
9                   Atlantic Fishery Management Council” after  
10                  “Fisheries Management Council”; and

11                  (B) by striking clause (iv).

12                  (e) JUDICIAL REVIEW.—Section 305(f)(1) is amend-  
13                  ed by striking “30” and inserting “60”.

14                  **SEC. 305. AMENDMENTS TO WESTERN PACIFIC SUSTAIN-**  
15                  **ABLE FISHERIES FUND.**

16                  section 204(e) is amended—

17                  (1) in paragraph (4)—

18                  (A) by amending subparagraph (A) to read  
19                  as follows:

20                  “(A) IN GENERAL.—

21                  “(i) REQUIREMENT.—Prior to enter-  
22                  ing into a Pacific Insular Area fishery  
23                  agreement, the Western Pacific Council  
24                  and the appropriate Governor shall develop  
25                  a 3-year marine conservation plan includ-

1 ing detailing uses for funds to be collected  
2 by the Secretary pursuant to such agree-  
3 ment.

4 “(ii) PROCESS.—Not later than 30  
5 days before submitting a marine conserva-  
6 tion plan to the Secretary for approval, the  
7 Western Pacific Council shall issue a pub-  
8 lic notice of intent to submit such plan to  
9 the Secretary, including publishing such  
10 plan.

11 “(iii) CONTENTS.—The marine con-  
12 servation management plan required by  
13 clause (i) shall be consistent with any ap-  
14 plicable fishery management plan, identify  
15 conservation and management objectives  
16 (including criteria for determining when  
17 such objectives have been met), and  
18 prioritize planned marine conservation  
19 projects. Conservation and management  
20 objectives shall include—

21 “(I) Pacific Insular Area ob-  
22 server programs, or other monitoring  
23 programs, that the Secretary deter-  
24 mines are adequate to monitor the  
25 harvest, bycatch, and compliance with

1 the laws of the United States by for-  
2 eign fishing vessels that fish under  
3 Pacific Insular Area fishing agree-  
4 ments;

5 “(II) conduct of marine and fish-  
6 eries research, including development  
7 of systems for information collection,  
8 analysis, evaluation, and reporting;

9 “(III) conservation, education,  
10 and enforcement activities related to  
11 marine and coastal management, such  
12 as living marine resource assessments,  
13 habitat monitoring and coastal stud-  
14 ies;

15 “(IV) grants to the University of  
16 Hawaii for technical assistance  
17 projects by the Pacific Island Net-  
18 work, such as education and training  
19 in the development and implementa-  
20 tion of sustainable marine resources  
21 development projects, scientific re-  
22 search, and conservation strategies;  
23 and

24 “(V) western Pacific community-  
25 based demonstration projects under

1 section 112(b) of the Sustainable  
2 Fisheries Act and other coastal im-  
3 provement projects to foster and pro-  
4 mote the management, conservation,  
5 and economic enhancement of the Pa-  
6 cific Insular Areas.

7 “(iv) APPLICABILITY OF RECUSAL RE-  
8 QUIREMENTS.—The development of a ma-  
9 rine conservation plan under this subpara-  
10 graph shall be a Council decision for the  
11 purposes of section 302(j).”.

12 (B) in subparagraph (B), by inserting  
13 “Hawaii,” before “American Samoa,”;

14 (2) by amending paragraph (7) to read as fol-  
15 lows:

16 “(7) WESTERN PACIFIC SUSTAINABLE FISH-  
17 ERIES FUND.—There is established in the United  
18 States Treasury a Western Pacific Sustainable Fish-  
19 eries Fund into which any payments received by the  
20 Secretary under a Pacific Insular Area fishery  
21 agreement and any funds or contributions received  
22 in support of conservation and management objec-  
23 tives under a marine conservation plan for any Pa-  
24 cific Insular Area other than American Samoa,  
25 Guam, or the Northern Mariana Islands shall be de-

1       posited. The Western Pacific Sustainable Fisheries  
2       Fund shall be made available, without appropriation  
3       or fiscal year limitation, to the Secretary, who shall  
4       provide such funds only—

5               “(A) for the purpose of carrying out the  
6               provisions of this subsection, as determined by  
7               the Secretary in consultation with the Western  
8               Pacific Sustainable Fishery Fund Advisory  
9               panel under paragraph (9), including implemen-  
10              tation of a marine conservation plan approved  
11              under paragraph (4);

12             “(B) to the Secretary of State for mutually  
13             agreed upon travel expenses for no more than  
14             2 Federal representatives incurred as a direct  
15             result of complying with paragraph (1)(B); and

16             “(C) to meet conservation and manage-  
17             ment objectives in the State of Hawaii if funds  
18             remain in the Western Pacific Sustainable Fish-  
19             eries Fund after the funding requirements of  
20             subparagraphs (A) and (B) have been satis-  
21             fied.”; and

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

23             “(9) WESTERN PACIFIC SUSTAINABLE FISHERY  
24             FUND ADVISORY PANEL.—

1           “(A) ESTABLISHMENT.—The Secretary  
2 shall establish an advisory panel under section  
3 302(g) to evaluate and annually rank applica-  
4 tions for grants under paragraph (7).

5           “(B) MEMBERSHIP.—The Secretary shall  
6 appoint to such advisory panel the following in-  
7 dividuals who shall not be members or employ-  
8 ees of the Western Pacific Fishery Management  
9 Council:

10                   “(i) One individual selected by the  
11 Governor of Hawaii.

12                   “(ii) One individual selected by the  
13 Governor of the Northern Mariana Islands.

14                   “(iii) One individual selected by the  
15 Governor of Guam.

16                   “(iv) One individual selected by the by  
17 the Governor of American Samoa.

18           “(10) WRITTEN EXPLANATION.—In any case in  
19 which the Secretary issues a grant that is incon-  
20 sistent with the ranking given by such advisory  
21 panel under subparagraph (A), the Secretary shall  
22 provide a detailed written explanation of such devi-  
23 ation.

1           “(11) NOTICE.—The Secretary shall provide  
2 timely notice to the public of each meeting of such  
3 advisory panel.

4           “(12) MINUTES.—The Secretary shall publish  
5 minutes of each meeting of such advisory panel.

6           “(13) REPORT.—The Secretary shall, in con-  
7 sultation with such advisory panel, submit an annual  
8 report to Congress identifying any projects funded in  
9 the previous year under this subsection and the sta-  
10 tus and progress of projects carried out under this  
11 subsection.

12           “(14) EXEMPTION FROM FEDERAL ADVISORY  
13 COMMITTEE ACT.—The Federal Advisory Committee  
14 Act (5 U.S.C. App) shall not apply to such advisory  
15 panel.”.

16 **SEC. 306. NATIONAL OCEANIC AND ATMOSPHERIC ADMIN-**  
17 **ISTRATION SEXUAL HARASSMENT AND AS-**  
18 **SAULT PREVENTION.**

19           (a) POLICY ON THE PREVENTION OF AND RESPONSE  
20 TO SEXUAL HARASSMENT INVOLVING NATIONAL OCE-  
21 ANIC AND ATMOSPHERIC ADMINISTRATION PER-  
22 SONNEL.—

23           (1) COVERED PERSONNEL.—Section 3541(a) of  
24 the National Defense Authorization Act for Fiscal  
25 Year 2017 (33 U.S.C. 894(a)) is amended—



1 (A) by striking “Not later” and inserting  
2 the following:

3 “(1) IN GENERAL.—Not later”; and

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

5 “(2) INCLUDED PERSONNEL.—The individuals  
6 who work with or conduct business on behalf of the  
7 Administration referred to in paragraph (1) include  
8 the following:

9 “(A) Observers and at-sea monitors re-  
10 quired by the National Marine Fisheries Service  
11 to be aboard commercial fishing vessels and  
12 other privately owned vessels, barges, or plat-  
13 forms for—

14 “(i) commercial fisheries observation  
15 required by the Magnuson-Stevens Fishery  
16 Conservation and Management Act (16  
17 U.S.C. 1801 et seq.);

18 “(ii) protected species or endangered  
19 species observation required by the Marine  
20 Mammal Protection Act of 1972 (16  
21 U.S.C. 1361 et seq.) or the Endangered  
22 Species Act of 1973 (16 U.S.C. 1531 et  
23 seq.); or

24 “(iii) platform removal observation.

1           “(B) Voting members and executive and  
2           administrative staff of regional fishery manage-  
3           ment councils established by section 302 of the  
4           Magnuson-Stevens Fishery Conservation and  
5           Management Act (16 U.S.C. 1852).”.

6           (2) MECHANISM FOR ANONYMOUS REPORTING  
7           OF INCIDENTS.—Section 3541(b)(3)(B) of such Act  
8           (33 U.S.C. 894(b)(3)(B)) is amended to read as fol-  
9           lows:

10           “(B) incidents of sexual harassment can be  
11           anonymously reported to the Office of Inclusion  
12           and Civil Rights of the National Oceanic and  
13           Atmospheric Administration or to the program  
14           established under section 3541(b)(1); and”.

15           (3) INCLUSION OF EQUAL EMPLOYMENT IN  
16           QUARTERLY REPORTS.—Section 3541(f) of such Act  
17           (33 U.S.C. 894(f)) is amended—

18           (A) by inserting “and equal employment”  
19           after “sexual harassment” each place it ap-  
20           pears; and

21           (B) in paragraph (2)—

22           (i) by redesignating subparagraphs  
23           (C) and (D) as subparagraphs (D) and  
24           (E), respectively; and

1 (ii) by inserting after subparagraph

2 (B) the following:

3 “(C) A synopsis of each case and the dis-  
4 ciplinary action taken (if any) in each case.”.

5 (b) COMPREHENSIVE POLICY ON PREVENTION OF  
6 AND RESPONSE TO SEXUAL ASSAULTS.—

7 (1) COVERED PERSONNEL.—Section 3542(a) of  
8 such Act (33 U.S.C. 894a(a)) is amended—

9 (A) by striking “Not later” and inserting  
10 the following:

11 “(1) IN GENERAL.—Not later”; and

12 (B) by adding at the end the following:

13 “(2) INCLUDED PERSONNEL.—The individuals  
14 who work with or conduct business on behalf of the  
15 Administration referred to in paragraph (1) include  
16 the individuals described in section 3541(a)(2).”.

17 (2) MECHANISM FOR ANONYMOUS REPORTING  
18 OF INCIDENTS.—Section 3542(b)(5)(B) of such Act  
19 (33 U.S.C. 894a(b)(5)(B)) is amended to read as  
20 follows:

21 “(B) incidents of sexual assault can be  
22 anonymously reported to the program estab-  
23 lished under section 3541(b)(1).”.

24 (3)

1 (A) IN GENERAL.—Section 3542(c)(2) of  
2 such Act (33 U.S.C. 894a(c)(2)) is amended to  
3 read as follows:

4 “(2) VICTIM ADVOCATES.—For purposes of this  
5 subsection, a victim advocate is a full-time perma-  
6 nent employee of the Administration trained in and  
7 responsible solely for matters relating to sexual as-  
8 sault and the comprehensive policy developed under  
9 subsection (a).”.

10 (B) LOCATION.—Section 3542(c)(4) of  
11 such Act (33 U.S.C. 894a(c)(4)) is amended by  
12 inserting “full time” after “stationed”.

13 (c) INVESTIGATION AND CRIMINAL REFERRAL RE-  
14 QUIREMENTS.—

15 (1) REDESIGNATION.—Sections 3546 and 3547  
16 of such Act (33 U.S.C. 894e and 894f) are redesi-  
17 gnated as sections 3551 and 3552, respectively.

18 (2) IN GENERAL.—Such Act (33 U.S.C. 894 et  
19 seq.) is amended by inserting the following after sec-  
20 tion 3545:

21 **“SEC. 3546. INVESTIGATION REQUIREMENT.**

22 “(a) REQUIREMENT TO INVESTIGATE.—

23 “(1) IN GENERAL.—The Secretary of Com-  
24 merce, acting through the Under Secretary for  
25 Oceans and Atmosphere, shall ensure that each alle-

1       gation of sexual harassment reported under section  
2       3541 and each allegation of sexual assault reported  
3       under section 3542 is investigated thoroughly and  
4       promptly.

5           “(2) SENSE OF CONGRESS ON COMMENCEMENT  
6       OF INVESTIGATION.—It is the sense of Congress  
7       that the Secretary should ensure that an investiga-  
8       tion of an alleged incident of sexual harassment re-  
9       ported under section 3541 or sexual assault reported  
10      under section 3542 commences not later than 48  
11      hours after the time at which the allegation was re-  
12      ported.

13      “(b) NOTIFICATION OF DELAY.—In any case in  
14      which the time between the reporting of an alleged inci-  
15      dent of sexual harassment or sexual assault under section  
16      3541 or 3542, respectively, and commencement of an in-  
17      vestigation of the allegation under this section exceeds 48  
18      hours, the Secretary shall notify the Committee on Com-  
19      merce, Science, and Transportation of the Senate and the  
20      Committee on Natural Resources of the House of Rep-  
21      resentatives of the delay.

22      **“SEC. 3547. CRIMINAL REFERRAL.**

23      “If the Secretary of Commerce finds, pursuant to an  
24      investigation under section 3546, evidence that a crime  
25      may have been committed, the Secretary shall refer the

1 matter to the appropriate law enforcement authorities, in-  
2 cluding the appropriate United States Attorney.

3 **“SEC. 3548. EXCEPTIONS REGARDING ANONYMITY OF SUR-**  
4 **VIVORS IN CERTAIN CASES.**

5 “(a) IN GENERAL.—In any case in which an em-  
6 ployee, member of the commissioned officer corps, or indi-  
7 vidual conducting business on behalf of the administration  
8 elects anonymous reporting under section 3541(b)(3)(B)  
9 or 3542(b)(5)(B), disclosure of their personally identifying  
10 information is authorized to the following persons or orga-  
11 nizations when disclosure would be for the following rea-  
12 sons:

13 “(1) To National Oceanic and Atmospheric Ad-  
14 ministration staff or law enforcement personnel,  
15 when authorized by the survivor in writing.

16 “(2) To National Oceanic and Atmospheric Ad-  
17 ministration staff or law enforcement personnel to  
18 prevent or lessen a serious or imminent threat to the  
19 health or safety of the survivor or another person.

20 “(3) To a victim advocate or healthcare pro-  
21 vider, when required for the provision of victim serv-  
22 ices.

23 “(4) To a State or Federal court, when ordered  
24 by such court or if disclosure is required by Federal  
25 or State statute.

1           “(b) NOTICE OF DISCLOSURE AND PRIVACY PROTEC-  
2 TION.—In any case in which information is disclosed  
3 under subsection (a), the Secretary shall—

4           “(1) make reasonable attempts to provide no-  
5 tice to the employee, member, or individual whose  
6 personally identifying information is disclosed; and

7           “(2) take such action as is necessary to protect  
8 the privacy and safety of the employee, member, or  
9 individual.

10 **“SEC. 3549. RESTRICTED REPORTING.**

11           “(a) IN GENERAL.—Not later than 3 years after the  
12 date of enactment of the National Oceanic and Atmos-  
13 pheric Administration Sexual Harassment and Assault  
14 Prevention Improvements Act of 2020, the Secretary of  
15 Commerce, acting through the Under Secretary for  
16 Oceans and Atmosphere, shall develop a mechanism to  
17 provide a system of restricted reporting.

18           “(b) RESTRICTED REPORTING DEFINED.—In this  
19 section the term ‘restricted reporting’ means a system of  
20 reporting that allows employees of the National Oceanic  
21 and Atmospheric Administration, members of the Com-  
22 missioned Officer Corps of the Administration, and indi-  
23 viduals who work with or conduct business on behalf of  
24 the Administration who are sexually assaulted to confiden-  
25 tially disclose the details of their assault to specified indi-

1 viduals and receive the services outlined in this subtitle  
2 title—

3 “(1) without the dissemination of their person-  
4 ally identifying information except as necessary for  
5 the provision of such services; and

6 “(2) without automatically triggering an inves-  
7 tigative process.

8 **“SEC. 3550. MARINER REFERRAL.**

9 “The Under Secretary of Commerce for Oceans and  
10 Atmosphere, acting through the Director of the Office of  
11 Marine and Aviation Operations and in consultation with  
12 the Commandant of the Coast Guard, shall, within 180  
13 days after the date of enactment of the National Oceanic  
14 and Atmospheric Administration Sexual Harassment and  
15 Assault Prevention Improvements Act of 2020, develop  
16 and implement a policy to report to the Coast Guard Sus-  
17 pension and Revocation National Center of Expertise, the  
18 names of personnel of the National Oceanic and Atmos-  
19 pheric Administration who—

20 “(1) are the subject of a claim of an act or of-  
21 fense detrimental to good discipline and safety at  
22 sea, such as sexual harassment or sexual assault  
23 that is substantiated by an investigation under sec-  
24 tion 3546, or any other substantiated claim of an  
25 act or offense for which suspension or revocation of



1 a credential is either mandatory or sought pursuant  
2 to part 5 of title 46 of the Code of Federal Regula-  
3 tions; and

4 “(2) are—

5 “(A) employees or contractors of the Ad-  
6 ministration required to hold a valid merchant  
7 mariner credential as a condition of employ-  
8 ment; or

9 “(B) crew of a vessel that, at the time of  
10 such act or offence, was operating under a con-  
11 tract with the Administration.”.

12 (d) ANNUAL REPORT ON SEXUAL ASSAULTS, SEX-  
13 UAL HARASSMENT, AND EQUAL EMPLOYMENT.—Section  
14 3551 of such Act (33 U.S.C. 894e), as redesignated, is  
15 amended—

16 (1) by striking the section heading and insert-  
17 ing the following: “**ANNUAL REPORT ON SEXUAL**  
18 **ASSAULTS, SEXUAL HARASSMENT, AND EQUAL**  
19 **EMPLOYMENT IN THE NATIONAL OCEANIC AND**  
20 **ATMOSPHERIC ADMINISTRATION.**”;

21 (2) in subsection (a), by inserting “, sexual har-  
22 assment, and equal employment” after “sexual as-  
23 saults”; and

24 (3) in subsection (b)—

1 (A) in paragraph (4), by inserting “, in-  
2 cluding a synopsis of each case and the discipli-  
3 nary action taken, if any, in each case” before  
4 the period at the end; and

5 (B) by adding at the end the following:

6 “(5) A summary of the number of change of  
7 station, unit transfer, and change of work location  
8 requests submitted to the Under Secretary under  
9 section 3544(a), including the number of such re-  
10 quests that were denied.

11 “(6) A summary of the number of cases re-  
12 ferred to the Coast Guard under section 5 of Na-  
13 tional Oceanic and Atmospheric Administration Sex-  
14 ual Harassment and Assault Prevention Improve-  
15 ments Act of 2020.

16 “(7) The number of alleged sexual assaults and  
17 sexual harassment cases involving fisheries, pro-  
18 tected species, and endangered species observers, in-  
19 cluding—

20 “(A) a synopsis of each case and the sta-  
21 tus;

22 “(B) the disposition of any investigation;  
23 and

24 “(C) a description of the fishery manage-  
25 ment region and fishery or the geographic re-

1           gion and type of permitted operation in which  
2           the assault or harassment is alleged to have oc-  
3           curred, as appropriate.”.

4           (e) CONFORMING AND CLERICAL AMENDMENTS.—

5           (1) CONFORMING AMENDMENTS.—Subtitle C of  
6           title XXXV of such Act (33 U.S.C. 894 et seq.) is  
7           amended—

8           (A) by striking the term “victims” each  
9           place it appears and inserting “survivors”;

10          (B) in section 3541(b)(2)(B), by striking  
11          “victim” and inserting “target of sexual harass-  
12          ment”;

13          (C) in section 3542(c)(5)(A), by striking  
14          “victim of” and inserting “survivor of”;

15          (D) in section 3543—

16              (i) in the heading, by striking “**VIC-**  
17              **TIM**” and inserting “**SURVIVOR**”; and

18              (ii) by striking “victim” and inserting  
19              “survivor”;

20          (E) in section 3544—

21              (i) in subsection (a)—

22                  (I) by striking “VICTIMS” and in-  
23                  serting “SURVIVORS”; and

1 (II) in paragraph (1), by striking  
2 “was” each place such term appears  
3 and inserting “is”; and

4 (ii) by striking “victim” each place  
5 such term appears and inserting “sur-  
6 vivor”.

7 (2) CLERICAL AMENDMENT.—Each of the ta-  
8 bles of contents in section 2(b) and at the beginning  
9 of title XXXV of such Act (Public law 114–328) is  
10 amended—

11 (A) by striking the item relating to section  
12 3543 and inserting the following:

“Sec. 3543. Rights of the survivor of a sexual assault.”; and

13 (B) by striking the items relating to sec-  
14 tions 3546 and 3547 and inserting the fol-  
15 lowing:

“Sec. 3546. Investigation requirement.

“Sec. 3547. Criminal referral.

“Sec. 3548. Exceptions regarding anonymity of survivors in certain cases.

“Sec. 3549. Restricted reporting.

“Sec. 3550. Mariner referral.

“Sec. 3551. Annual report on sexual assaults, sexual harassment, and equal  
employment in the National Oceanic and Atmospheric Administra-  
tion.

“Sec. 3552. Sexual assault defined.”.

16 (f) PROHIBITED ACTS.—Section 307(1)(L) (16  
17 U.S.C. 1857(1)(L)) is amended—

18 (1) by striking “forcibly”; and

19 (2) by striking “on a vessel”.

1 (g) PROHIBITION ON SERVICE IN THE NATIONAL  
2 OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMIS-  
3 SIONED OFFICER CORPS BY INDIVIDUALS CONVICTED OF  
4 CERTAIN SEXUAL OFFENSES.—Section 261(a) of the Na-  
5 tional Oceanic and Atmospheric Administration Commis-  
6 sioned Officer Corps Act of 2002 (33 U.S.C. 3071(a)) is  
7 amended—

8 (1) by redesignating paragraphs (4) through  
9 (16) as paragraphs (5) through (17), respectively;  
10 and

11 (2) by inserting after paragraph (3) the fol-  
12 lowing:

13 “(4) Section 657, relating to prohibition on  
14 service by individuals convicted of certain sexual of-  
15 fenses.”.

16 **SEC. 307. SALTONSTALL-KENNEDY ACT REFORM.**

17 (a) ESTABLISHMENT.—Section 2 of the Act of Au-  
18 gust 11, 1939 (15 U.S.C. 713e–3), is amended—

19 (1) by redesignating subsection (e) as sub-  
20 section (f); and

21 (2) by inserting after subsection (d) the fol-  
22 lowing:

23 “(e) AMERICAN FISHERIES ADVISORY COM-  
24 MITTEE.—

25 “(1) DEFINITIONS.—In this subsection:

1           “(A) COMMITTEE.—The term ‘Committee’  
2 means the American Fisheries Advisory Com-  
3 mittee established under paragraph (2).

4           “(B) FISHING COMMUNITY.—The term  
5 ‘fishing community’ means harvesters, market-  
6 ers, growers, processors, recreational fishermen,  
7 charter fishermen, and persons providing goods  
8 and services to such persons.

9           “(C) MARKETING AND PROMOTION.—The  
10 term ‘marketing and promotion’ means an ac-  
11 tivity aimed at encouraging the consumption of  
12 seafood or expanding or maintaining commer-  
13 cial markets for seafood.

14           “(D) PROCESSOR.—The term ‘processor’  
15 means any person in the business of preparing  
16 or packaging seafood (including seafood of the  
17 processor’s own harvesting) for sale.

18           “(E) SEAFOOD.—The term ‘seafood’  
19 means farm-raised and wild-caught fish, shell-  
20 fish, or marine algae harvested in the United  
21 States or by a United States flagged vessel for  
22 human consumption.

23           “(2) ESTABLISHMENT.—Not later than 90 days  
24 after the date of enactment of the \_\_\_\_\_ Act, the  
25 Secretary shall establish the American Fisheries Ad-

1 visory Committee. Such Committee shall use the fol-  
2 lowing division of regions for organizational pur-  
3 poses:

4 “(A) Region 1 shall consist of Alaska, Ha-  
5 waii, the Commonwealth of the Northern Mar-  
6 iana Islands, and the Territories of Guam and  
7 American Samoa.

8 “(B) Region 2 shall consist of Maine, New  
9 Hampshire, Massachusetts, Rhode Island, and  
10 Connecticut.

11 “(C) Region 3 shall consist of Texas, Ala-  
12 bama, Louisiana, Mississippi, Florida, Arkan-  
13 sas, Puerto Rico, and the Territory of the Vir-  
14 gin Islands of the United States.

15 “(D) Region 4 shall consist of California,  
16 Washington, Oregon, and Idaho.

17 “(E) Region 5 shall consist of New Jersey,  
18 New York, Delaware, Maryland, Virginia,  
19 North Carolina, South Carolina, and Georgia.

20 “(F) Region 6 shall consist of Michigan,  
21 Minnesota, Wisconsin, Illinois, Indiana, Ohio,  
22 and Pennsylvania.

23 “(3) MEMBERSHIP.—The Committee shall be  
24 composed of the following members:

1           “(A) REGIONAL REPRESENTATION.—The  
2 Secretary shall appoint 3 members to the Com-  
3 mittee from each of the regions described in  
4 paragraph (2)—

5           “(i) who reside in a State or territory  
6 in the region that the member will rep-  
7 resent;

8           “(ii) of which—

9           “(I) one shall have experience as  
10 a seafood harvester or processor;

11           “(II) one shall have experience as  
12 recreational or commercial fisher or  
13 have experience growing seafood; and

14           “(III) one shall be an individual  
15 who represents the fisheries science  
16 community or the relevant Regional  
17 Fishery Management Council; and

18           “(iii) that are selected so that the  
19 members of the Committee have experience  
20 or expertise with as many seafood species  
21 as practicable.

22           “(B) AT-LARGE MEMBERS.—The Secretary  
23 shall appoint to the Committee at-large mem-  
24 bers as follows:



1           “(i) One individual with experience in  
2           food distribution, marketing, retail, or food  
3           service.

4           “(ii) One individual with experience in  
5           the recreational fishing industry supply  
6           chain, such as fishermen, manufacturers,  
7           retailers, and distributors.

8           “(iii) One individual with experience  
9           in the commercial fishing industry supply  
10          chain, such as fishermen, manufacturers,  
11          retailers, and distributors.

12          “(iv) One individual who is an em-  
13          ployee of the National Marine Fisheries  
14          Service with expertise in fisheries research.

15          “(C) BALANCED REPRESENTATION.—In  
16          selecting the members described in subpara-  
17          graphs (A) and (B), the Secretary shall seek to  
18          maximize on the Committee, to the extent prac-  
19          ticable, a balanced representation of expertise  
20          in United States fisheries, seafood production,  
21          and science.

22          “(4) MEMBER TERMS.—The term for a member  
23          of the Committee shall be 3 years, except that the  
24          Secretary shall designate staggered terms for the  
25          members initially appointed to the Committee.

1           “(5) RESPONSIBILITIES.—The Committee shall  
2           be responsible for—

3                   “(A) identifying needs of the fishing com-  
4                   munity that may be addressed by a project  
5                   funded with a grant under subsection (c);

6                   “(B) developing the request for proposals  
7                   for such grants;

8                   “(C) reviewing applications for such  
9                   grants; and

10                   “(D) selecting applications for approval  
11                   under subsection (c)(2)(B).

12           “(6) CHAIR.—The Committee shall elect a chair  
13           by a majority of those voting, if a quorum is  
14           present.

15           “(7) QUORUM.—A simple majority of members  
16           of the Committee shall constitute a quorum, but a  
17           lesser number may hold hearings.

18           “(8) MEETINGS.—

19                   “(A) FREQUENCY.—The Committee shall  
20                   meet not more than 2 times each year.

21                   “(B) LOCATION.—The meetings of the  
22                   Committee shall rotate between the geographic  
23                   regions described under paragraph (2).

24                   “(C) MINIMIZING COSTS.—The Committee  
25                   shall seek to minimize the operational costs as-

1           sociated with meetings, hearings, or other busi-  
2           ness of the Committee, including through the  
3           use of video or teleconference.

4           “(9) DESIGNATION OF STAFF MEMBER.—The  
5           Secretary shall designate a staff member to coordi-  
6           nate the activities of the Committee and to assist  
7           with administrative and other functions as requested  
8           by the Committee.

9           “(10) PER DIEM AND EXPENSES AND FUND-  
10          ING.—

11           “(A) IN GENERAL.—A member of the  
12           Committee shall serve without compensation,  
13           but shall be reimbursed in accordance with sec-  
14           tion 5703 of title 5, United States Code, for  
15           reasonable travel costs and expenses incurred in  
16           performing duties as a member of the Com-  
17           mittee.

18           “(B) FUNDING.—The costs of reimburse-  
19           ments under subparagraph (A) and the other  
20           costs associated with the Committee shall be  
21           paid from funds made available to carry out  
22           this section (which may include funds described  
23           in subsection (f)(1)(B)), except that no funds  
24           allocated for grants under subsection (f)(1)(A)

1           shall be expended for any purpose under this  
2           subsection.

3           “(11) CONFLICT OF INTEREST.—The conflict of  
4           interest and recusal provisions set out in section  
5           302(j) of the Magnuson-Stevens Fishery Conserva-  
6           tion and Management Act shall apply to any deci-  
7           sion by the Committee and to all members of the  
8           Committee as if each member of the Committee is  
9           an affected individual within the meaning of such  
10          section 302(j), except that in addition to the disclo-  
11          sure requirements of section 302(j)(2)(C) of such  
12          Act, each member of the Committee shall disclose  
13          any financial interest or relationship in an organiza-  
14          tion or with an individual that is applying for a  
15          grant under subsection (c) held by the member of  
16          the Committee, including an interest as an officer,  
17          director, trustee, partner, employee, contractor,  
18          agent, or other representative.

19          “(12) TECHNICAL REVIEW OF APPLICATIONS.—

20                  “(A) IN GENERAL.—Prior to review of an  
21                  application for a grant under subsection (c) by  
22                  the Committee, the Secretary shall obtain an  
23                  independent written technical evaluation from 3  
24                  or more appropriate Federal, private, or public

1 sector experts (such as industry, academia, or  
2 governmental experts) who—

3 “(i) have subject matter expertise to  
4 determine the technical merit of the pro-  
5 posal in the application;

6 “(ii) shall independently evaluate each  
7 such proposal; and

8 “(iii) shall certify that the expert does  
9 not have a conflict of interest concerning  
10 the application that the expert is review-  
11 ing.

12 “(B) GUIDANCE.—Not later than 180 days  
13 after the date of enactment of the \_\_\_\_\_  
14 Act, the Secretary shall issue guidance related  
15 to carrying out the technical evaluations under  
16 subparagraph (A). Such guidance shall include  
17 criteria for the elimination by the National Oce-  
18 anic and Atmospheric Administration of appli-  
19 cations that fail to meet a minimum level of  
20 technical merit as determined by the review de-  
21 scribed in subparagraph (A).”.

22 (b) ROLE IN APPROVAL OF GRANTS.—Section  
23 2(c)(3) of the Act of August 11, 1939 (15 U.S.C. 713c–  
24 3(c)(3)), is amended to read as follows:

1 “(3)(A) No application for a grant under this sub-  
2 section may be approved unless the Secretary—

3 “(i) is satisfied that the applicant has the req-  
4 uisite technical and financial capability to carry out  
5 the project; and

6 “(ii) based on the recommendations of the  
7 American Fisheries Advisory Committee established  
8 in subsection (e), evaluates the proposed project as  
9 to—

10 “(I) soundness of design;

11 “(II) the possibilities of securing produc-  
12 tive results;

13 “(III) minimization of duplication with  
14 other fisheries research and development  
15 projects;

16 “(IV) the organization and management of  
17 the project;

18 “(V) methods proposed for monitoring and  
19 evaluating the success or failure of the project;  
20 and

21 “(VI) such other criteria as the Secretary  
22 may require.

23 “(B) If the Secretary fails to provide funds to a grant  
24 selected by the American Fisheries Advisory Committee,

1 the Secretary shall provide a written document to the  
2 Committee justifying the decision.”.

3 (c) PUBLIC AVAILABILITY OF GRANTS PROPOSALS.—  
4 Section 2(c) of the Act of August 11, 1939 (15 U.S.C.  
5 713c–3(c)), is amended by adding at the end the following:

6 “(6) Any person awarded a grant under this  
7 subsection shall make publicly available a title and  
8 abstract of the project to be carried out by the grant  
9 funds that serves as the public justification for fund-  
10 ing the project that includes a statement describing  
11 how the project serves to enhance United States  
12 fisheries, including harvesting, processing, mar-  
13 keting, and associated infrastructures, if applica-  
14 ble.”.

15 (d) FUNDING FROM CUSTOMS RECEIPTS ON FISH-  
16 ERY PRODUCTS.—Section 2 of the Act of August 11, 1939  
17 (15 U.S.C. 713c–3(b)), is amended—

18 (1) by amending subsection (b) to read as fol-  
19 lows:

20 “(b) TRANSFER OF FUNDS.—The Secretary of Agri-  
21 culture shall transfer to the Secretary each fiscal year,  
22 from funds made available to carry out section 32 of the  
23 Act of August 24, 1935, an amount equal to 30 percent  
24 of the gross receipts from duties collected under the cus-  
25 toms laws on fishery products (including fish, shellfish,

1 mollusks, crustaceans, aquatic plants and animals, and  
2 any products thereof, including processed and manufac-  
3 tured products), which shall be used only for the purposes  
4 described in subsection (e).”; and

5 (2) by amending subsection (c)(1) to read as  
6 follows:

7 “(1) The Secretary shall make grants from the  
8 fund made available under subsection (b) to—

9 “(A) assist persons in carrying out re-  
10 search and development projects addressed to  
11 any aspect of United States fisheries, including  
12 fisheries science, recreational fishing, har-  
13 vesting, processing, marketing, and associated  
14 infrastructures; or

15 “(B) assist persons to market and promote  
16 the consumption of—

17 “(i) local or domestic fishery products;

18 “(ii) environmentally- and climate  
19 friendly fishery products; or

20 “(iii) well-managed but less known  
21 species.”.

22 **SEC. 308. SPORT FISHING AND BOATING PARTNERSHIP**  
23 **COUNCIL.**

24 The Sport Fishing and Boating Partnership Council  
25 established by the Secretary of the Interior shall be a Fed-



1 eral advisory committee of both the Department of the In-  
2 terior and the Department of Commerce, and the secre-  
3 taries of Interior and Commerce shall jointly carry out the  
4 requirements of the Federal Advisory Committee Act with  
5 respect to the Sport Fishing and Boating Partnership  
6 Council.

## 7 **TITLE IV—MODERNIZING** 8 **FISHERIES SCIENCE AND DATA**

### 9 **SEC. 401. DATA MODERNIZATION.**

10 (a) IN GENERAL.—Not later than 180 days after the  
11 date of enactment of this Act, the Secretary, acting  
12 through the Assistant Administrator for Fisheries, shall  
13 provide to Congress an implementation plan for the Fish-  
14 eries Information Management Modernization initiative.  
15 Such plan shall include a description of—

16 (1) activities for the goals and objectives of the  
17 initiative;

18 (2) a schedule for implementation;

19 (3) an estimated budget;

20 (4) a plan for stakeholder engagement for de-  
21 velopment of user-centric systems, processes, and  
22 policies; and

23 (5) how the initiative will align with other Na-  
24 tional Oceanic and Atmospheric Administration data  
25 management efforts to provide for efficiency and

1 interoperability including such Administration's  
2 Data Strategy, Cloud Strategy, and Artificial Intel-  
3 ligence strategy.

4 (b) ASSISTANCE FROM EXPERTS.—The Secretary  
5 shall seek assistance from data management and tech-  
6 nology experts inside and outside the government in car-  
7 rying out this section.

8 (c) REPORT.—The Secretary shall annually report to  
9 Congress on progress in carrying out this section.

10 **SEC. 402. EXPANDING AND IMPROVING ELECTRONIC TECH-**  
11 **NOLOGIES.**

12 (a) SENSE OF CONGRESS.— It is the sense of Con-  
13 gress that the use of electronic technologies such as digital  
14 video cameras and monitors, digital recording systems,  
15 and other forms of electronic technology as a complement  
16 to, and in some cases a replacement for, observers may  
17 maintain, increase, or improve the amount and accuracy  
18 of observer and fishery dependent information collected  
19 from fisheries while reducing costs and logistical difficul-  
20 ties. To achieve optimum yields while maintaining sustain-  
21 able fisheries and healthy ecosystems, managers require  
22 timely, accurate, and comprehensive stock assessment and  
23 catch accounting across all regions and fishing sectors. To  
24 achieve management goals especially in the context of cli-  
25 mate change, the National Oceanic and Atmospheric Ad-

1 ministration should work to meet evolving management  
2 needs and, in collaboration with industry stakeholders,  
3 identify appropriate data collection technologies and strat-  
4 egies.

5 (b) FISHERY MANAGEMENT COUNCILS.—Section  
6 303(b)(8) is amended to read as follows:

7 “(8) require the collection of data necessary for  
8 the conservation and management of the fishery to  
9 be collected from a vessel of the United States en-  
10 gaged in fishing for species that are subject to the  
11 plan while that vessel is at-sea through—

12 “(A) electronic monitoring or other elec-  
13 tronic technology; or

14 “(B) on-board observation, except that  
15 such a vessel shall not be required to carry an  
16 observer on board if the facilities of the vessel  
17 for the quartering of an observer, or for car-  
18 rying out observer functions, are so inadequate  
19 or unsafe that the health or safety of the ob-  
20 server or the safe operation of the vessel would  
21 be jeopardized;”.

22 (c) INFORMATION SYSTEMS.—Section 402(a) (16  
23 U.S.C. 1881a(a)) is amended—

24 (1) in paragraph (1), by inserting “The Council  
25 shall consider the use of electronic monitoring and

1 reporting or other electronic technology as part of an  
2 information collection program under this sub-  
3 section.” after “request.”;

4 (2) in paragraph (2), by inserting “The Sec-  
5 retary shall consider the use of electronic monitoring  
6 and reporting or other electronic technology as part  
7 of an information collection program.” after “fish-  
8 ery.”; and

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

10 “(3) SECRETARIAL REVIEW.—Not less often  
11 than once every 5 years, the Secretary shall review  
12 the procedures and policies by which information is  
13 collected, managed, and used to manage fisheries  
14 and revise information collection programs and poli-  
15 cies needed to integrate data collection and manage-  
16 ment, improve the timeliness, quality, usability, cost-  
17 effectiveness, and to reduce unnecessary duplication  
18 within and across fishery management plans and re-  
19 gions. Upon the completion of each such review, the  
20 Secretary shall publish a report for the public de-  
21 scribing the findings of such review and planned re-  
22 visions to information collection programs.”.

23 (d) ASSESSMENT OF ELECTRONIC TECHNOLOGIES IN  
24 FISHERIES MANAGEMENT.—

1           (1) IN GENERAL.—The Comptroller General of  
2           the United States shall, in consultation with the rel-  
3           evant committees of Congress, conduct a review of  
4           the capabilities of the National Marine Fisheries  
5           Service with respect to developing, deploying, and  
6           using electronic monitoring and data collection tools  
7           to monitor fisheries and shall make recommenda-  
8           tions to improve such capabilities, taking into con-  
9           sideration cost and efficiency.

10           (2) REPORT.—The Comptroller General shall  
11           submit to Congress a report describing the results of  
12           the review required by paragraph (1) and the rec-  
13           ommendations made pursuant to such review not  
14           later than 18 months after the date of enactment of  
15           this Act.

16           (e) ELECTRONIC TECHNOLOGIES INNOVATION  
17 PRIZE.—The Administrator, in consultation with the Sec-  
18 retary of Defense and the heads of other relevant Federal  
19 agencies, and in conjunction with such nongovernmental  
20 partners as the Administrator determines appropriate,  
21 shall establish at least 1 electronic technologies innovation  
22 prize to catalyze the rapid development and deployment  
23 of electronic technology-based data collection to be used  
24 in fisheries management. Such prize shall focus on one  
25 or more of the following:

- 1 (1) Improved fish species recognition software.
- 2 (2) Confidential data management.
- 3 (3) Cost-effective storage of electronic reports,
- 4 imagery, location information, and other data.
- 5 (4) Data analysis and visualization.
- 6 (5) Artificial intelligence and machine learning
- 7 applications for data collection and monitoring.
- 8 (6) Battery storage and energy supply storage
- 9 at sea.
- 10 (7) Improved internet connectivity onshore and
- 11 at sea in support of data uploads.
- 12 (8) Bycatch hotspot mapping and adaptive use
- 13 of protected areas.
- 14 (9) Such other area as the Administrator deter-
- 15 mines appropriate.

16 (f) ADVISORY PANEL FOR ELECTRONIC TECH-  
17 NOLOGIES DEVELOPMENT AND DEPLOYMENT.—

- 18 (1) ESTABLISHMENT.—The Secretary shall es-
- 19 tablish an advisory panel (referred to in this sub-
- 20 section as the “Advisory Panel”) to inform the Ad-
- 21 ministrator, the Assistant Administrator for Fish-
- 22 eries, and the Regional Fishery Management Coun-
- 23 cils on developments in the advancement of elec-
- 24 tronic technologies that can be used in fisheries
- 25 monitoring, data collection, and management.

1           (2) APPOINTMENTS.—In appointing individuals  
2           to the Advisory Panel, the Secretary shall appoint at  
3           least one member who is an electronic technology de-  
4           veloper, operator, or provider.

5           (3) SUMMARIES.—The Secretary shall publish,  
6           on an annual basis, summaries of Advisory Panel  
7           discussions, including a summary of best practices  
8           and technical guidance to support Regional Fishery  
9           Management Councils.

10          (4) RECOMMENDATIONS.—Not later than 1  
11          year after the date of enactment of this Act, the Ad-  
12          visory Panel shall make a recommendation to the  
13          Secretary regarding the potential value of national  
14          performance standards for electronic technologies  
15          used in fisheries data collection and management.  
16          Such recommendation shall include—

17                 (A) an assessment of how the National  
18                 Marine Fisheries Service and electronic tech-  
19                 nology developers, operators, and providers  
20                 could benefit from such performance standards;

21                 (B) if the Advisory Panel recommends es-  
22                 tablishing such performance standards, a rec-  
23                 ommendation for which factors should be in-  
24                 cluded in such performance standards and how

1 the Secretary should determine the appropriate  
2 standards;

3 (C) an assessment of whether such per-  
4 formance standards are likely to spur increased  
5 use of electronic technologies by the Regional  
6 Fishery Management Councils;

7 (D) a list of knowledge gaps or additional  
8 questions the Secretary should consider before  
9 publishing such performance standards;

10 (E) recommendations on ensuring cost ef-  
11 fectiveness of electronic technologies for fish-  
12 eries data collection and management; and

13 (F) recommendations to address data stor-  
14 age problems of electronic technologies.

15 (5) EXEMPTION FROM THE FEDERAL ADVISORY  
16 COMMITTEE ACT.—The Federal Advisory Committee  
17 Act (5 U.S.C. App. 2) shall not apply to the advi-  
18 sory panel created under this subsection.

19 **SEC. 403. STOCK ASSESSMENTS.**

20 Not later than 1 year after the date of enactment  
21 of this Act, and annually thereafter, the Secretary shall  
22 report to the Committee on Natural Resources of the  
23 House of Representatives and the Committee on Com-  
24 merce, Science, and Transportation of the Senate, on the  
25 National Marine Fisheries Service's progress on



1 prioritizing and improving stock assessments. Such report  
2 shall—

3 (1) summarize the methods used for assess-  
4 ments for all stocks of fish for which a fishery man-  
5 agement plan is in effect under the Magnuson-Ste-  
6 vens Fishery Conservation and Management Act (16  
7 U.S.C. 1801 et seq.), and explain which stocks have  
8 not been assessed, and why;

9 (2) summarize each stock assessment and stock  
10 assessment update completed during the preceding  
11 year;

12 (3) include the schedule for all upcoming stock  
13 assessments and stock assessment updates;

14 (4) identify data and analysis, that, if available,  
15 would reduce uncertainty in and improve the accu-  
16 racy of future stock assessments, including whether  
17 such data and analysis could be provided by fisher-  
18 men, fishing communities, universities, and research  
19 institutions; and

20 (5) summarize progress on autonomous surveys  
21 and identify opportunities to expand new tech-  
22 nologies for stock assessments.

23 (6) summarize data gaps that may be a result  
24 of changing ocean and climate conditions, and ac-  
25 tions taken to address changing assessment needs.

1 **SEC. 404. COOPERATIVE RESEARCH AND MANAGEMENT.**

2 (a) IN GENERAL.—Section 318 (16 U.S.C. 1867) is  
3 amended—

4 (1) in subsection (a), by inserting “fishing com-  
5 munities,” after “data,”;

6 (2) by amending subsection (b) to read as fol-  
7 lows:

8 “(b) ELIGIBLE PROJECTS.—The Secretary shall  
9 make funds available under the program for the support  
10 of cooperative research and management projects to ad-  
11 dress critical needs identified by the Councils. Each Coun-  
12 cil shall provide a list of such needs to the Secretary on  
13 an annual basis, identifying and prioritizing such needs.  
14 The program shall promote and encourage efforts to use  
15 sources of data maintained by other Federal agencies,  
16 State agencies, or academia for use in such projects.”;

17 (3) by amending subsection (c) to read as fol-  
18 lows:—

19 “(c) PRIORITIES.—In making funds available the  
20 Secretary shall award funding on a competitive basis and  
21 based on regional fishery management needs, select pro-  
22 grams that form part of a coherent program of research  
23 or cooperative management projects focused on solving  
24 priority issues identified by the Councils, and shall give  
25 priority to the following projects:

1           “(1) Projects to collect data to improve, supple-  
2           ment, or enhance stock assessments, including the  
3           use of fishing vessels or acoustic or other marine  
4           technology.

5           “(2) Projects to improve fishery dependent data  
6           collection, intake, use, and access including—

7                   “(A) to assess the amount and type of by-  
8                   catch or post-release mortality occurring in a  
9                   fishery;

10                   “(B) expanding the use of electronic tech-  
11                   nology and modernizing data management sys-  
12                   tems; and

13                   “(C) improving monitoring coverage  
14                   through the expanded use of electronic tech-  
15                   nology.

16           “(3) Conservation engineering or management  
17           projects designed to reduce bycatch, including avoid-  
18           ance of post-release mortality, reduction of bycatch  
19           in high seas fisheries, and transfer of such fishing  
20           technologies and methods to other nations, or other  
21           regional entities, including fishing communities, re-  
22           gional fishery associations, and fishing sectors.

23           “(4) Projects for the identification of habitat  
24           areas of particular concern and for habitat conserva-  
25           tion.

1           “(5) Projects designed to collect and compile  
2           economic and social data for which electronic tech-  
3           nologies can be added.

4           “(6) Projects to test and expand electronic  
5           technologies for monitoring, reporting, observer cov-  
6           erage, and other functions.

7           “(7) Projects that use electronic technologies to  
8           monitor changing ocean conditions, improve meth-  
9           ods, support adaptive management, and ensure cli-  
10          mate resilient fisheries.

11          “(8) Projects designed to identify the impacts  
12          of anticipated changing ocean conditions, including  
13          climate change, on fish stocks and fisheries, or de-  
14          signed to develop conservation and management  
15          strategies to adapt to those impacts.

16          “(9) Cooperative management projects that  
17          make use of data collected under this section.”;

18          (4) by redesignating subsections (e) and (f) as  
19          subsection (f) and (g), respectively;

20          (5) by inserting after subsection (d) the fol-  
21          lowing:

22          “(e) COOPERATIVE MANAGEMENT AGREEMENTS.—

23                 “(1) IN GENERAL.—Not later than 1 year after  
24                 the date of enactment of this Act, the Secretary, in  
25                 consultation with the Councils and with input from

1 the public, shall issue guidance to facilitate a trans-  
2 parent, timely, uniform, and regionally-based process  
3 for the development, oversight, and management of  
4 cooperative management agreements.

5 “(2) PROCESS FOR APPROVAL.—The Secretary  
6 may use the process developed pursuant to (d) to  
7 approve cooperative management agreements as if  
8 such agreements were cooperative fishing agree-  
9 ments.

10 “(3) PERFORMANCE STANDARDS.—An agree-  
11 ment authorized by this subsection shall be subject  
12 to performance standards and accountability meas-  
13 ures specified in a fishery management plan or oth-  
14 erwise established by the Secretary, in consultation  
15 with the Councils.

16 “(4) PRE-EXISTING AGREEMENTS.—This sub-  
17 section shall not apply to a cooperative management  
18 agreement submitted to, proposed by or approved by  
19 the Secretary before the date of enactment of this  
20 Act.”; and

21 (6) by adding at the end the following:

22 “(h) PROGRESS REPORT.—Not later than 180 days  
23 after the date of enactment of this Act, the Assistant Ad-  
24 ministrator for Fisheries shall provide a report to Con-  
25 gress on progress in implementing the recommendations

1 of the Cooperative Research and Cooperative Management  
2 Working Group report entitled ‘NOAA Technical Memo-  
3 randum NMFS-F/SPO-156’ and published in August  
4 2015 and on the development and implementation of any  
5 subsequent recommendations by such Working Group.”.

6 (b) Section 2(a)(8) is amended by inserting “Fish-  
7 eries management is most effective when it uses the best  
8 scientific information available, and incorporates such in-  
9 formation from governmental and nongovernmental  
10 sources, including State and Federal agency staff, fisher-  
11 men, fishing communities, universities, nonprofit organi-  
12 zations, traditional knowledge from Tribes and subsistence  
13 fishermen, and research institutions. Scientific and statis-  
14 tical committees should consider such information when  
15 seeking the best scientific information available to form  
16 the basis of conservation and management.” after  
17 “States”.

18 **SEC. 405. NORTHEAST REGIONAL PILOT RESEARCH TRAWL**

19 **SURVEY AND STUDY.**

20 (a) **INDUSTRY-BASED PILOT STUDY.**—Not later than  
21 1 year after the date of enactment of this Act, the Sec-  
22 retary shall, in coordination with the relevant Councils se-  
23 lected by the Secretary and the Northeast Area Moni-  
24 toring and Assessment Program, develop a fishing indus-  
25 try-based Northeast regional pilot research trawl survey

1 and study to enhance and provide improvement to current  
2 National Oceanic and Atmospheric Administration vessel  
3 trawl surveys.

4 (b) COMPONENTS.—Under the pilot survey and  
5 study—

6 (1) the Secretary—

7 (A) may select fishing industry vessels to  
8 participate in the study by issuing a request for  
9 procurement;

10 (B) may use the Northeast Area Moni-  
11 toring and Assessment Program Southern New  
12 England/Mid-Atlantic Nearshore Trawl Survey  
13 as a model for the pilot survey; and

14 (C) shall outfit participating vessels with a  
15 peer-reviewed net configuration; and


16 (2) the selected Councils shall, in partnership  
17 with the National Marine Fisheries Service North-  
18 east Fisheries Science Center and the Virginia Insti-  
19 tute of Marine Science, collect data and evaluate dis-  
20 crepancies between fishing industry vessel data and  
21 National Oceanic and Atmospheric Administration  
22 vessel data, for 5 years.

23 (c) REPORT.—Upon completion of the pilot survey  
24 and study, the Secretary and the selected Councils shall  
25 submit a detailed report on the results of the pilot survey

1 and study to the Committee on Natural Resources of the  
2 House of Representatives and the Committee on Com-  
3 merce, Science, and Transportation of the Senate.

4 **SEC. 406. RECREATIONAL DATA CONSISTENCY.**

5 (a) IN GENERAL.—Section 305 (16 U.S.C. 1855) is  
6 amended by adding at the end the following:

7 “(1) RECREATIONAL DATA IMPROVEMENT.—Not  
8 later than 2 years after the date of enactment of the  
9 \_\_\_\_\_ Act, the Secretary shall establish guidelines to  
10 improve recreational catch data, which shall include the  
11 development of data standards to improve timeliness, ac-  
12 curacy, precision and validation of data produced by rec-  
13 reational surveys in order to facilitate the use of such data  
14 in assessments, for use in management actions, and for  
15 other uses as applicable. The Secretary’s guidelines shall  
16 consider the relevant recommendations developed under  
17 section 404(e), subsections (g)(4)(C) and (h) of section  
18 401, and section 201(b) of the modernizing Recreational  
19 Fisheries Management Act of 2018 (16 U.S.C. 1881  
20 note). If recreational catch data for a stock of fish come  
21 from more than one survey program, such as Federal and  
22 non-Federal sources, including from States or Marine  
23 Fisheries Commissions, the Secretary shall require the  
24 calibration of such data to ensure statistically valid moni-  
25 toring of catch against the relevant annual catch limits 



1 and the appropriate application of fishery management  
2 measures.”.

3 (b) RECREATIONAL DATA IMPROVEMENT PRO-  
4 GRAM.—Title IV is amended by adding at the end the fol-  
5 lowing:

6 **“SEC. 410. RECREATIONAL DATA IMPROVEMENT PROGRAM.**

7 “(a) IN GENERAL.—The Secretary shall initiate and  
8 maintain a comprehensive program to implement the re-  
9 quirements and associated guidelines in section 305(l). In  
10 executing the program, the Secretary shall coordinate with  
11 programs established in subsection 401(g) and promote  
12 collaboration with State and Federal partners.

13 “(b) STRATEGIC PLAN.—Within one year after the  
14 date of enactment of the \_\_\_\_\_ Act, and not less fre-  
15 quently than once every 5 years thereafter, the Secretary  
16 shall develop and publish in the Federal Register a stra-  
17 tegic plan for recreational data improvements for the 5  
18 years immediately following such publication. The plan  
19 shall—

20 “(1) improve coordination between Federal pro-  
21 grams that implement recreational fishing surveys  
22 and other data from non-Federal sources, including  
23 data from States or Marine Fisheries Commissions;

24 “(2) improve the timeliness, accuracy, precision,  
25 and validation of data produced by surveys;

1 “(3) describe processes to calibrate data sources  
2 with historical time series data prior to being used  
3 for management;

4 “(4) develop methods to integrate recreational  
5 data collected from more than one source for use in  
6 assessments;

7 “(5) create goals, objectives, and timeframes for  
8 achievement of paragraphs (1) through (4);

9 “(6) consider the use and effectiveness of exper-  
10 imental fishing permits to carry out such research;  
11 and

12 “(7) describe the role of fishery participants in  
13 the program. In developing the strategic plan and  
14 subsequent plans, the Secretary shall cooperate with  
15 the Councils and affected States, provide for coordi-  
16 nation with the Councils, affected States, and other  
17 research and data collection entities, and allow for  
18 public input.

19 “(c) AREAS OF RESEARCH.—In initiating and main-  
20 taining the program, the Secretary shall prioritize re-  
21 search and improvement in the following areas:

22 “(1) Development of data standards and valida-  
23 tion processes for survey programs collecting data on  
24 recreational fishing catch and effort, including those

1 produced by State agencies and considered integral  
2 or supplemental to Federal surveys.

3 “(2) Research to understand how surveys of  
4 recreational fishing can more effectively account for  
5 differences in fishing rate and effort, including  
6 among fishermen who use private or public access  
7 points, and fishermen who are State residents or  
8 non-residents.

9 “(3) Methods and policies to improve the esti-  
10 mation of discards in recreational fisheries, including  
11 estimation of discarded fish both during and outside  
12 of fishing seasons.

13 “(4) To improve understanding of best prac-  
14 tices for minimizing discard mortality as well as esti-  
15 mation of adoption rates of such practices by fisher-  
16 men.

17 “(5) To assess changes in discard mortality es-  
18 timates when best fishing practices are adequately  
19 and verifiably applied.

20 “(6) Research on how the use of electronic ap-  
21 plications can be used to collect data in recreational  
22 fisheries, including spatial information, depth, dis-  
23 card rate and disposition, release method, and socio-  
24 economic information, while meeting data and vali-  
25 dation standards.

1           “(7) Research on how electronic technologies  
2           can most effectively be incorporated into survey de-  
3           signs.

4           “(8) Research of methods to integrate rec-  
5           reational catch data from more than one survey  
6           source for use in assessments.

7           “(9) The use of approaches to improve rec-  
8           reational data, including the use of tag and endorse-  
9           ment measures, stock-wide regional effort surveys,  
10          and species-specific oversampling.

11          “(d) PUBLIC NOTICE.—In developing the plan re-  
12          quired under subsection (b), the Secretary shall consult  
13          with relevant Federal, State, and international agencies,  
14          scientific and technical experts, and other interested per-  
15          sons, public and private, and shall publish a proposed plan  
16          in the Federal Register for the purpose of receiving public  
17          comment on the plan. Upon final publication in the Fed-  
18          eral Register, the plan shall be submitted by the Secretary  
19          to the Committee on Commerce, Science, and Transpor-  
20          tation of the Senate and the Committee on Natural Re-  
21          sources of the House of Representatives.”.

22          **SEC. 407. EMERGENCY OPERATING PLANS.**

23          (a) IN GENERAL.—The Administrator, not later than  
24          1 year after the date of enactment of this Act, shall de-  
25          velop a contingency plan for circumstances that would

1 make fisheries monitoring, including human observation,  
2 and stock assessments impractical.

3 (b) REPORT.—Not later than 1 year after the date  
4 of enactment of this Act, The Administrator shall submit  
5 a report to Congress on the contingency plan developed  
6 under subsection (a).

7 **SEC. 408. ZEKE GRADER FISHERIES CONSERVATION AND**  
8 **MANAGEMENT FUND.**

9 (a) IN GENERAL.—Section 208 of the Magnuson-Ste-  
10 vens Fishery Conservation and Management Reauthoriza-  
11 tion Act of 2006 (16 U.S.C. 1891b) is amended—

12 (1) in the section heading, by inserting “**ZEKE**  
13 **GRADER**” before “**FISHERIES CONSERVATION**  
14 **AND MANAGEMENT FUND**”;

15 (2) in subsection (a), by inserting “Zeke Grad-  
16 er” before “Fisheries Conservation and Management  
17 Fund”; and

18 (3) in subsection (c), by striking “Fishery Con-  
19 servation and Management Fund” each place such  
20 term appears and inserting “Zeke Grader Fisheries  
21 Conservation and Management Fund”.

22 (b) ADAPTATION FOR CLIMATE CHANGE.—Section  
23 208(b) (16 U.S.C. 1891b(b)) is amended—

24 (1) in paragraph (6), by striking “and”;

1           (2) in paragraph (7), by striking the period at  
2           the end and inserting “; and”; and

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

4           “(8) conducting research and analysis to pre-  
5           pare and adapt fisheries to the effects of climate  
6           change.”.

7           (c) ALLOCATION.—Section 208(d) (16 U.S.C.  
8 1891b(d)) is amended to read as follows:

9           “(d) ALLOCATION.—

10           “(1) IN GENERAL.—Except as provided in para-  
11           graphs (2) and (3), the Secretary shall, every 2  
12           years, apportion amounts from the Fund among the  
13           eight Council regions according to recommendations  
14           of the Councils, based on regional priorities identi-  
15           fied through the Council process.

16           “(2) MINIMUM ALLOCATION.—In the case of  
17           amounts deposited in the Fund pursuant to sub-  
18           section (c)(2), unless specified otherwise, the Sec-  
19           retary shall allocate not less than 5 percent of the  
20           Fund in each allocation period to each region.

21           “(3) SPECIFICALLY APPORTIONED FUNDS.—  
22           The Secretary may apportion amounts from the  
23           Fund to a specific project or region if such amounts  
24           were identified by the Council that designated such  
25           amounts for inclusion in the Fund under paragraphs

1 (1) or (2) of subsection (c), or by the appropriation  
2 Act, State, public source, or nonprofit or organiza-  
3 tion from which they were received under subsection  
4 (c)(2), as being deposited for that specific project or  
5 region.”.

6 (d) REFERENCES.—Any reference in a law, map, reg-  
7 ulation, document, paper, or other record of the United  
8 States to the “Fisheries Conservation and Management  
9 Fund” is deemed to be a reference to the “Zeke Grader  
10 Fisheries Conservation and Management Fund”.

11 (e) CLERICAL AMENDMENT.—The table of contents  
12 for the Magnuson-Stevens Fishery Conservation and Man-  
13 agement Reauthorization Act of 2006 (Public Law 109–  
14 479) is amended by striking the item relating to section  
15 208 and inserting the following:

“Sec. 208. Zeke Grader Conservation and Management Fund.”.

16 **SEC. 409. OFFSHORE WIND COLLABORATION.**

17 The Secretary and the Secretary of the Interior, act-  
18 ing through the Bureau of Ocean Energy Management,  
19 shall enter into a cooperative agreement to fund such addi-  
20 tional stock assessments as may be necessary as a result  
21 of actions by such Bureau related to the development of  
22 wind energy.

1 **TITLE V—SUSTAINING FISH-**  
2 **ERIES THROUGH HEALTHY**  
3 **ECOSYSTEMS AND IMPROVED**  
4 **MANAGEMENT**

5 **SEC. 501. ESSENTIAL FISH HABITAT CONSULTATION.**

6 (a) IN GENERAL.—Section 305(b) of the Magnuson-  
7 Stevens Fishery Conservation and Management Act (16  
8 U.S.C. 1855(b)) is amended—

9 (1) in subparagraph (D), by inserting “and  
10 such agencies shall take action” after “agencies”;

11 (2) by striking paragraphs (2), (3), and (4);  
12 and

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

14 “(2) CONSULTATIONS REGARDING FEDERAL  
15 AGENCY ACTION WITH ADVERSE EFFECTS ON ES-  
16 SENTIAL FISH HABITAT.—

17 “(A) REQUIREMENT TO AVOID OR MITI-  
18 GATE ADVERSE EFFECTS.—

19 “(i) ESSENTIAL FISH HABITAT.—With  
20 respect to any Federal agency action that  
21 may have an adverse affect on essential  
22 fish habitat, each Federal agency shall, in  
23 consultation with the Secretary, ensure  
24 that any action authorized, funded, or un-  
25 dertaken by such agency avoids the ad-



1           verse effect of such action on essential fish  
2           habitat or, to the extent that the adverse  
3           effect cannot be avoided, the agency shall  
4           minimize and mitigate the adverse effect.

5           “(ii) HABITAT AREA OF PARTICULAR  
6           CONCERN.—No Federal agency may au-  
7           thorize, fund, or undertake an action if  
8           such agency determines, in consultation  
9           with the Secretary, that such action would  
10          have an adverse effect on a habitat area of  
11          particular concern.

12          “(B) CONSIDERATIONS.—In consulting  
13          with a Federal agency under subparagraph (A)  
14          for projects seeking to restore and improve the  
15          long-term resilience of habitat, particularly in  
16          estuarine environments heavily impacted by sea  
17          level rise and other climate change factors, the  
18          Secretary shall account for the consequences of  
19          not pursuing such restoration and habitat resil-  
20          ience projects and the long-term positive im-  
21          pacts on fish populations of such activities.

22          “(C) REGULATIONS.—The Secretary shall  
23          establish regulations for the consultation proc-  
24          ess required by subparagraph (A), including to  
25          ensure that recommendations made by the Sec-

1           retary pursuant to such subparagraph would re-  
2           sult in the avoidance, if possible, of adverse ef-  
3           fects on essential fish habitat and, if avoidance  
4           is not possible, the minimization and mitigation  
5           of any such adverse effects.

6           “(3) INFORMATION TO COUNCIL.—The Sec-  
7           retary shall inform each affected Council of any con-  
8           sultation carried out under paragraph (2), including  
9           information on the proposed action and any poten-  
10          tial adverse effects, and each affected Council—

11                   “(A) may comment on and make rec-  
12                   ommendations to the Secretary and any Federal  
13                   or State agency concerning the underlying ac-  
14                   tion if, in the view of the Council, such action  
15                   may affect the habitat of a fishery resource  
16                   under the authority of such Council; and

17                   “(B) shall comment on and make rec-  
18                   ommendations to the Secretary and any Federal  
19                   or State agency concerning the underlying ac-  
20                   tion if, in the view of the Council, such action  
21                   is likely to adversely affect the habitat of an  
22                   anadromous fishery resource under the author-  
23                   ity of such Council.

24          “(4) INFORMATION FROM OTHER SOURCES.—

1           “(A) RECEIPT OF INFORMATION.—If the  
2           Secretary receives information from any source  
3           and determines that an action taken, funded, or  
4           authorized or proposed to be taken, funded, or  
5           authorized by a State or Federal agency may  
6           have an adverse effect on an essential fish habi-  
7           tat identified under this Act, the Secretary shall  
8           recommend to such agency measures that avoid  
9           such adverse effects and to the extent the ad-  
10          verse effects cannot be avoided, minimize and  
11          mitigate such adverse effects.

12           “(B) REQUIRED RESPONSE.—Not later  
13          than 30 days after receiving a recommendation  
14          under subparagraph (A), a Federal, State, or  
15          local agency shall provide a detailed response in  
16          writing to any Council comment under para-  
17          graph (3) and the Secretary regarding the mat-  
18          ter. The response shall include a description of  
19          measures proposed by the agency for avoiding  
20          the adverse effects, or to the extent the adverse  
21          effects cannot be avoided, mitigating the ad-  
22          verse effects of the action on such essential fish  
23          habitat. In the case of a response that is incon-  
24          sistent with the recommendations of the Sec-  
25          retary, the Federal agency shall explain how the

1 alternative measures proposed will avoid the ad-  
2 verse effects of such action on essential fish  
3 habitat or, to the extent that adverse effects  
4 cannot be avoided, minimize and mitigate the  
5 adverse effects.

6 “(C) PUBLICATION.—The Secretary shall  
7 make available to the public—

8 “(i) any recommendation made under  
9 subparagraph (A) on the date on which  
10 such recommendation is made; and

11 “(ii) any response made by an agency  
12 under subparagraph (B) on the date on  
13 which such response is received.”.

14 (b) CONTENTS OF FISHERY MANAGEMENT PLANS.—  
15 Section 303(a)(7) (16 U.S.C. 1853(a)(7)) is amended to  
16 read as follows:

17 “(7) describe and identify—

18 “(A) essential fish habitat for the fishery  
19 based on the guidelines established by the Sec-  
20 retary under section 305(b)(1)(A), minimize ad-  
21 verse effects on essential fish habitat caused by  
22 fishing, and identify other actions to encourage  
23 the conservation and enhancement of essential  
24 fish habitat; and

1           “(B) habitat areas of particular concern  
2           based on the guidelines established by the Sec-  
3           retary under section 305(b)(1)(A), avoid ad-  
4           verse effects on such habitat caused by fishing,  
5           monitor efficacy of actions to avoid adverse ef-  
6           fects, and identify other actions to encourage  
7           the conservation and enhancement of such habi-  
8           tat;”.

9           (c) PURPOSE.—Section 2(b)(7) (16 U.S.C.  
10 1801(b)(7)) is amended by striking “in the review of  
11 projects” and inserting “from adverse effects caused by  
12 fishing and from projects”.

13           (d) HABITAT AREAS OF PARTICULAR CONCERN.—  
14 Section 3 (16 U.S.C. 1802) is amended by inserting after  
15 paragraph (19) the following:

16           “(19A) HABITAT AREAS OF PARTICULAR CON-  
17           CERN.—The term ‘habitat areas of particular con-  
18           cern’ means specific types of areas of habitat that  
19           are part of or within essential fish habitat that—

20                   “(A) provide important ecological function,  
21                   including for maintaining and restoring the bio-  
22                   mass, demographic, spatial and genetic charac-  
23                   teristics of fish populations;

24                   “(B) are sensitive to human-induced envi-  
25                   ronmental degradation;

1           “(C) are or will be significantly stressed by  
2 human activities;

3           “(D) due to prevailing or anticipated fu-  
4 ture environmental conditions, are or may be-  
5 come important to the health of managed spe-  
6 cies; or

7           “(E) are rare.”.

8 **SEC. 502. ATLANTIC HIGHLY MIGRATORY SPECIES.**

9           Section 304(g)(1)(B) (16 U.S.C. 1854(g)(1)(B)) is  
10 amended to read as follows:

11           “(B) establish a scientific and statistical  
12 committee and an advisory panel under section  
13 302(g) for each fishery management plan to be  
14 prepared under this paragraph, and ensure that  
15 annual catch limits do not exceed the fishing  
16 level recommendations of the scientific and sta-  
17 tistical committee;”.

18 **SEC. 503. REDUCING BYCATCH.**

19           (a) DEFINITION.—Section 3(2) (16 U.S.C. 1802(2))  
20 is amended to read as follows:

21           “(2) BYCATCH.—The term ‘bycatch’—

22           “(A) means—

23           “(i) fish or other living marine re-  
24 sources (as such term is defined in section  
25 206) which are caught in a fishery, but

1           which are not sold or kept for personal or  
2           subsistence use; or

3                   “(ii) economic discards and regulatory  
4           discards;

5                   “(B) does not include fish released alive  
6           under a recreational catch and release fishery  
7           management program.”.

8           (b) MINIMIZING BYCATCH.—

9                   (1) NATIONAL STANDARDS FOR FISHERY CON-  
10           SERVATION AND MANAGEMENT.—Section 301(a)(9)  
11           (16 U.S.C. 1851(a)(9)) is amended to read as fol-  
12           lows:

13                   “(9) Conservation and management measures  
14           shall—

15                           “(A) minimize bycatch; and

16                           “(B) to the extent bycatch cannot be  
17           avoided, minimize the mortality of such by-  
18           catch.”.

19                   (2) CONTENTS OF FISHERY MANAGEMENT  
20           PLANS.—Section 303 (16 U.S.C. 1853) is amend-  
21           ed—

22                           (A) in subsection (a)—

23                                   (i) in paragraph (5), by inserting  
24                           “quantification of bycatch,” after “hauls,”;

25                           and

1 (ii) in paragraph (11), by striking “to  
2 the extent practicable and”; and

3 (B) in subsection (b)—

4 (i) in paragraph (12), by striking  
5 “and” at the end; and

6 (ii) by inserting after paragraph (12)  
7 the following:

8 “(13) consider full retention requirements for  
9 species with high catch mortality rates; and”.

10 (3) ACTION BY THE SECRETARY.—Section 304  
11 (16 U.S.C. 1854) is amended—

12 (A) by redesignating the second subsection  
13 (i) as subsection (j); and

14 (B) by adding at the end the following:

15 “(k) STANDARDIZED BYCATCH REPORTING PRO-  
16 GRAM.—

17 “(1) ESTABLISHMENT.—Not later than 2 years  
18 after the date of enactment of the \_\_\_\_\_ Act, the  
19 Secretary shall establish a national standardized re-  
20 porting program (referred to in this subsection as  
21 ‘the program’) to assess the amount and type of by-  
22 catch occurring in each fishery and across fisheries,  
23 determine the contribution of bycatch to the total  
24 fishing-related mortality of each fishery, and evalu-



1       ate the effects of bycatch on relevant fisheries and  
2       the ecosystem.

3           “(2) **METHODOLOGY AND STANDARDS.**—The  
4       Secretary shall, acting through the program—

5           “(A) identify appropriate methodologies  
6           and standards for collecting and producing sta-  
7           tistically accurate and precise information re-  
8           garding bycatch; and

9           “(B) require consistent data reporting, col-  
10          lection, and assessment for all fisheries man-  
11          aged under fishery management plans.

12          “(3) **MULTIPLE JURISDICTIONS.**—In a case in  
13          which a species is caught in areas under the jurisdic-  
14          tion of more than one Council or fishery manage-  
15          ment plan, the Secretary shall require consistent re-  
16          porting mechanisms across jurisdictions to ensure  
17          that data can be aggregated and compared.

18          “(4) **COORDINATION WITH STATES.**—The Sec-  
19          retary shall coordinate with State fishery managers  
20          to carry out paragraph (3).”.

21       **SEC. 504. IMPROVING REBUILDING OUTCOMES.**

22       Section 304(e) (16 U.S.C. 1854(e)) is amended—

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

1           “(1) The Secretary shall report annually to the  
2 Congress and the Councils on the status of fisheries  
3 within each Council’s geographical area of authority.  
4 In this report, the Secretary shall do the following:

5           “(A) Identify those fisheries that are sub-  
6 ject to overfishing, are depleted, or are ap-  
7 proaching a condition of being depleted. For  
8 those fisheries managed under a fishery man-  
9 agement plan or international agreement, the  
10 status shall be determined using the criteria for  
11 overfishing and depleted status specified in such  
12 plan or agreement. For stocks that lack criteria  
13 as required under Sec 303(a)(10), the Secretary  
14 shall determine whether the stock is depleted or  
15 subject to overfishing using the best available  
16 scientific information. A fishery shall be classi-  
17 fied as approaching a condition of being de-  
18 pleted if, based on trends in fishing effort, fish-  
19 ery resource size, and other appropriate factors,  
20 the Secretary estimates that the fishery will be-  
21 come depleted within two years.

22           “(B) Identify those stocks that are in a re-  
23 building plan or in need of a rebuilding plan (as  
24 specified by this section), including specifying  
25 the number of years the stock has been in a re-

1 building plan, the length in years of the stock's  
2 current rebuilding plan, the number of rebuild-  
3 ing plans that have been implemented for the  
4 stock, and whether a lack of adequate progress  
5 toward ending overfishing and rebuilding has  
6 been found for the stock.”;

7 (2) by amending paragraph (2) to read as fol-  
8 lows:

9 “(2) If the Secretary determines at any time  
10 that a fishery is depleted or approaching a depleted  
11 status, the Secretary shall immediately notify the  
12 appropriate Council and request that action be  
13 taken—

14 “(A) for stocks that are depleted, to end  
15 overfishing immediately in the fishery and to  
16 implement conservation and management meas-  
17 ures to rebuild affected stocks of fish; or

18 “(B) for stocks that are approaching a de-  
19 pleted condition, to end overfishing in the fish-  
20 ery immediately and prevent the stock from  
21 reaching a depleted condition.

22 The Secretary shall publish each notice under this  
23 paragraph in the Federal Register.”;

24 (3) by amending paragraph (3) to read as fol-  
25 lows:

1           “(3) Within 2 years after a new identification  
2           under paragraph (1)(A) or a notification under  
3           paragraph (2), the appropriate Council (or the Sec-  
4           retary, for fisheries under section 302(a)(3)) shall  
5           prepare and implement a fishery management plan,  
6           plan amendment, or proposed regulations for the  
7           fishery to which the identification or notice applies—

8                   “(A) for stocks that are depleted, end over-  
9                   fishing immediately in the fishery and to re-  
10                  build affected stocks of fish; or

11                  “(B) for stocks that are approaching a de-  
12                  pleted condition, to end overfishing immediately  
13                  and prevent the stock from reaching a depleted  
14                  condition.”.

15           (4) in paragraph (4)—

16                   (A) by amending subparagraph (A)(ii) to  
17                  read as follows:

18                           “(ii) not exceed the time the stock of  
19                           fish would be rebuilt without fishing occur-  
20                           ring plus one mean generation, unless  
21                           management measures under an inter-  
22                           national agreement in which the United  
23                           States participates dictate otherwise;”;

24                   (B) in subparagraph (B), by striking  
25                  “and” at the end;

1 (C) in subparagraph (C), by striking the  
2 period at the end and inserting “; and”; and

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

4 “(D) contain objective and measurable cri-  
5 teria for evaluating rebuilding progress.”;

6 (5) by amending paragraph (5) to read as fol-  
7 lows:

8 “(5) If, during the 2-year period beginning on  
9 the date of identification or notification, the Council  
10 does not submit to the Secretary a fishery manage-  
11 ment plan, plan amendment, or proposed regulations  
12 required by paragraph (3), the Secretary shall pre-  
13 pare under subsection (c) not later than 6 months  
14 after the end of such 2-year period, a fishery man-  
15 agement plan or plan amendment and any accom-  
16 panying regulations to, for stocks that are depleted,  
17 stop end overfishing immediately and rebuild af-  
18 fected stocks of fish, or, for stocks that are ap-  
19 proaching an depleted condition, to end overfishing  
20 immediately and prevent the stock from reaching an  
21 depleted condition.”;

22 (6) by amending paragraph (7) to read as fol-  
23 lows:

24 “(7)(A) The Secretary shall review any fishery  
25 management plan, plan amendment, or regulations

1 required by this subsection at routine intervals that  
2 may not exceed two years. The Secretary shall find  
3 a lack of adequate progress toward ending over-  
4 fishing and rebuilding an affected fish stock if—

5 “(i) the status of the stock is not improv-  
6 ing sufficiently such that it becomes unlikely  
7 that the stock will be rebuilt within the rebuild-  
8 ing time period;

9 “(ii) the applicable fishing mortality rate  
10 or annual catch limits are exceeded, and the  
11 causes and rebuilding consequences of such  
12 exceedances have not been corrected;

13 “(iii) the rebuilding expectations are fun-  
14 damentally changed due to new scientific infor-  
15 mation about the stock, and the new informa-  
16 tion indicates that the current rebuilding plan  
17 is inadequate to address the stock’s rebuilding  
18 needs; or

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

20 “(B) If, as a result of the review, the Secretary  
21 finds under clause (i), (ii), or (iv) of paragraph  
22 (7)(A) that such plan, amendment, or regulations  
23 have not resulted in adequate progress toward end-  
24 ing overfishing and rebuilding affected fish stocks,  
25 the Secretary shall—

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

4           “(ii) for all other fisheries, immediately no-  
5           tify the appropriate Council, which must make  
6           revisions necessary to achieve adequate  
7           progress. If the Council fails to take such action  
8           within 9 months of notification, the Secretary  
9           shall, within 15 months of notification, make  
10          such revisions as are needed to ensure adequate  
11          progress.

12          The time period for rebuilding the stock, set under  
13          paragraph (4), may not be changed.

14          “(C) If, as a result of the review, the Secretary  
15          finds under paragraph (7)(A)(iii) that such plan,  
16          amendment, or regulations have not resulted in ade-  
17          quate progress toward ending overfishing and re-  
18          building affected fish stocks, the Secretary shall—

19                 “(i) in the case of a fishery to which sec-  
20                 tion 302(a)(3) applies, prepare a new rebuilding  
21                 plan pursuant to paragraphs (3) through (6) of  
22                 this subsection; or

23                 “(ii) for all other fisheries, immediately no-  
24                 tify the appropriate Council, which shall pre-

1           pare a new rebuilding plan pursuant to para-  
2           graphs (3) through (6) of this subsection.”; and  
3           (7) by adding at the end the following:

4           “(8) If a stock managed under a plan, amend-  
5           ment, or regulations pursuant to this subsection ex-  
6           ceeds the time period for rebuilding but has not re-  
7           built, the Council (or Secretary in the case of a  
8           stock to which section 302(a)(3) applies) shall pre-  
9           pare a new rebuilding plan pursuant to paragraphs  
10          (3) through (6) of this subsection, except that such  
11          plan shall have no less than a 75 percent chance, as  
12          calculated by the relevant scientific and statistical  
13          committee pursuant, of rebuilding the fishery by the  
14          end of the new time period set under paragraph  
15          (4).”.

16 **SEC. 505. DEPLETED FISHERIES AND PREVENTING OVER-**  
17 **FISHING.**

18          (a) DEPLETED FISHERIES.—

19                 (1) DEFINITION.—Section 3 (16 U.S.C. 1802)  
20          is amended by inserting after paragraph (8) the fol-  
21          lowing:

22                 “(8A) DEPLETED.—The term ‘depleted’ means,  
23          with respect to a stock or stock complex, that its  
24          biomass has declined below the level at which the ca-  
25          pacity of the stock or stock complex to produce max-



1 imum sustainable yield on a continuing basis has  
2 been jeopardized. A depleted condition may be  
3 caused by numerous factors, alone or in combina-  
4 tion, such as fishing effort, habitat loss, ecosystem  
5 changes, overfishing, inadequate forage, or other  
6 characteristics of or stressors on the stock or stock  
7 complex.”.

8 (2) **SUBSTITUTION.**—The Magnuson-Stevens  
9 Fishery Conservation and Management Act (16  
10 U.S.C. 1801 et seq.) is amended—

11 (A) in section 3 (16 U.S.C. 1802), by  
12 amending paragraph (34) to read as follows:

13 “(34) **OVERFISHING.**—The term ‘overfishing’  
14 means a rate or level of fishing mortality that jeop-  
15 ardizes the capacity of a fishery to produce the max-  
16 imum sustainable yield on a continuing basis.”;

17 (B) by striking the term “overfished” each  
18 place such term appears and inserting “over-  
19 fished or otherwise depleted”;

20 (C) in the heading of subsection (e) of sec-  
21 tion 304, by striking “OVERFISHED” and in-  
22 serting “DEPLETED”.

23 (3) **REFERENCES IN THIS ACT.**—The term “de-  
24 pleted” in this Act shall be deemed to be a reference  
25 to “overfished” as such term was defined in section

1       3 of the Magnuson-Stevens Fishery Conservation  
2       and Management Act (16 U.S.C. 1802) before the  
3       date of enactment of this Act. The provisions of this  
4       Act and the amendments made by this Act are not  
5       intended to alter the legal mandate to prevent deple-  
6       tion of fisheries and to rebuild depleted fisheries  
7       upon determination of their depleted status, which  
8       includes among other things ending or curtailing  
9       fishing while the fishery rebuilds. The word “de-  
10      pleted” as used in this Act takes the meaning and  
11      case law previously ascribed to the term “over-  
12      fished” as used in the Magnuson-Stevens Fishery  
13      Conservation and Management Act (16 U.S.C.  
14      1802) before the date of the enactment of this Act.

15      (b) INFORMATION PROVIDED BY SCIENTIFIC AND  
16      STATISTICAL COMMITTEES.—Section 302(g)(1) (16  
17      U.S.C. 1852(g)(1)) is amended—

18              (1) in subparagraph (A), by inserting “ecologi-  
19      cal,” after “social”; and

20              (2) by amending subparagraph (B) to read as  
21      follows:

22                      “(B) Each scientific and statistical com-  
23      mittee shall provide the appropriate Council  
24      with ongoing scientific advice for fishery man-  
25      agement decisions, including—

1 “(i) recommendations for accounting  
2 for all sources of mortality in establishing  
3 management measures, for the acceptable  
4 biological catch levels, for preventing over-  
5 fishing, for maximum sustainable yield,  
6 and for achieving rebuilding targets and  
7 promoting resilience of fish stocks to cli-  
8 mate change;

9 “(ii) objective and measurable criteria  
10 for determining whether a stock is depleted  
11 or experiencing overfishing; and

12 “(iii) reports on stock status and  
13 health, sources of mortality, bycatch, habi-  
14 tat status, social, ecological, and economic  
15 impacts of management measures, and  
16 sustainability of fishing practices, and pre-  
17 vailing and anticipated future impacts of  
18 climate change on fish stocks and fishery  
19 sectors.”.

20 (c) MINIMUM REQUIRED PRECAUTIONARY STAND-  
21 ARD.—Section 303(a)(10) (16 U.S.C. 1853(a)(10)) is  
22 amended by inserting “, which may not be less pre-  
23 cautionary than the recommendation of the scientific and  
24 statistical committees for such fishery,” before “and,”.

1 **SEC. 506. PREPARATION AND REVIEW OF SECRETARIAL**  
2 **PLANS.**

3 Section 304(c)(1) (16 U.S.C. 1854(c)) is amended—

4 (1) by striking “may” and inserting “shall”;

5 (2) in subparagraph (A), by inserting “not to  
6 exceed 180 days” after “time”; and

7 (3) in subparagraph (B), by inserting “not later  
8 than 180 days after the disapproval” before the  
9 semicolon.

10 **SEC. 507. COUNCILS.**

11 Section 302(h) (16 U.S.C. 1852(h)) is amended—

12 (1) in paragraph (5), by striking “and” at the  
13 end;

14 (2) in paragraph (7)—

15 (A) by inserting “, including developing the  
16 best available climate science,” after “of re-  
17 search”;

18 (B) in subparagraph (A), by inserting be-  
19 fore the semicolon at the end the following: “,  
20 including a prioritization of fisheries or stocks  
21 of a fishery experiencing or expected to experi-  
22 ence during the 5-year period a shift in geo-  
23 graphic range, spatial distribution, or produc-  
24 tivity”;

1 (C) by redesignating subparagraphs (B)  
2 and (C) as subparagraphs (C) and (D), respec-  
3 tively; and

4 (D) by inserting after subparagraph (A)  
5 the following:

6 “(B) prioritize fisheries and habitats expe-  
7 riencing or expected to experience shifts in geo-  
8 graphic range, spatial distribution, or produc-  
9 tivity;”;

10 (3) by redesignating paragraphs (8) and (9) as  
11 paragraphs (11) and (13), respectively;

12 (4) by inserting after paragraph (7) the fol-  
13 lowing:

14 “(8) approve, for each of its managed stocks,  
15 objective and measurable criteria for identifying  
16 whether the stock is depleted or experiencing over-  
17 fishing, which may not be less precautionary than  
18 the recommendation of its scientific and statistical  
19 committee;

20 “(9) develop and implement a plan to protect  
21 essential fish habitat in the region of the Council  
22 from adverse effects caused by fishing that shall in-  
23 clude—

1           “(A) quantitative and measurable targets  
2           and goals for increasing quality, quantity, and  
3           representativeness of essential fish habitat; and

4           “(B) conservation and management meas-  
5           ures to implement the plan;

6           “(10) at routine intervals not less frequently  
7           than every 7 years and based on new scientific evi-  
8           dence or other relevant information, review habitat  
9           protection plans developed under paragraph (9) by  
10          such Council and each designation of essential fish  
11          habitat and habitat areas of particular concern  
12          under section 303(a)(7) by such Council, and amend  
13          such Council’s fishery management plans as nec-  
14          essary and appropriate;”.

15 **SEC. 508. FORAGE FISH CONSERVATION.**

16          (a) SECRETARY TO DEFINE FORAGE FISH.—Section  
17          305 (16 U.S.C. 1855) is further amended by adding at  
18          the end the following:

19                 “(m) FORAGE FISH.—Not later than 6 months after  
20          the date of enactment of the \_\_\_\_\_ Act, the Secretary  
21          shall issue a definition of the term ‘forage fish’ for the  
22          purposes of this Act. In defining such term, the Secretary  
23          shall consider factors including whether a species covered  
24          by such definition, throughout such species’ lifecycle—

25                 “(1) is at a low trophic level;

1 “(2) is generally small- to intermediate-sized;

2 “(3) occurs in schools or other dense aggrega-  
3 tions;

4 “(4) contributes significantly to the diets of  
5 other fish, marine mammals, or birds; and

6 “(5) serves as a conduit for energy transfer to  
7 species at a higher trophic level.”.

8 (b) DEFINITIONS.—Section 3 (16 U.S.C. 1802) is  
9 further amended—

10 (1) by inserting after paragraph (18) the fol-  
11 lowing:

12 “(18A) FORAGE FISH.—The term ‘forage  
13 fish’—

14 “(A) has the meaning given the term by  
15 the Secretary under section 305(l); and

16 “(B) with respect to a species in a fishery  
17 managed pursuant to a fishery management  
18 plan or plan amendment that is approved by  
19 the Secretary under section 304(a), means any  
20 species identified in such plan as a forage  
21 fish.”; and

22 (2) in paragraph (33)—

23 (A) in subparagraph (B), by striking  
24 “and”;

1 (B) in subparagraph (C), by striking the  
2 period and inserting “; and”; and

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

4 “(D) in the case of a forage fish, is re-  
5 duced, pursuant to subparagraph (B), to pro-  
6 vide for the diet needs of fish species and other  
7 marine wildlife, including marine mammals and  
8 birds, for which forage fish is a significant die-  
9 tary component.”.

10 (c) SCIENTIFIC ADVICE.—Section 302(g)(1)(B) (16  
11 U.S.C. 1852(g)(1)(B)) is further amended by adding at  
12 the end the following:

13 “(iv) maintaining a sufficient abun-  
14 dance, diversity, and localized distribution  
15 of forage fish populations to support the  
16 role of such populations in marine eco-  
17 systems.”.

18 (d) COUNCIL FUNCTIONS.—

19 (1) RESEARCH PRIORITIES.—Section 302(h)(7)  
20 (16 U.S.C. 1852(h)(7)) is further amended by in-  
21 serting “forage fish populations and distribution,”  
22 after “habitats,”.

23 (2) UNMANAGED FORAGE FISH.—Section  
24 302(h) (16 U.S.C. 1852(h)) is further amended by  
25 inserting after paragraph (11) the following:



1           “(12) develop a list of unmanaged forage fish  
2           occurring in the area under its authority and pro-  
3           hibit the development of any new directed forage fish  
4           fishery until the Council has—

5                   “(A) considered the best scientific informa-  
6                   tion available and evaluated the potential im-  
7                   pacts of forage fish harvest on existing fish-  
8                   eries, fishing communities, and the marine eco-  
9                   system;

10                   “(B) determined whether conservation and  
11                   management of the forage fish fishery is need-  
12                   ed;

13                   “(C) if a determination is made that con-  
14                   servation and management is needed, prepared  
15                   and submitted to the Secretary a fishery man-  
16                   agement plan or amendment consistent with  
17                   section 303; and

18                   “(D) received final, approved regulations  
19                   from the Secretary pursuant to section  
20                   304(b)(3); and”.

21           (3) EFFECTIVE DATE.—The amendments made  
22           by subsections (a) and (b) shall take effect 2 years  
23           after the date of enactment of this Act.

24           (e) CONTENTS OF FISHERY MANAGEMENT PLANS.—

1           (1) FORAGE FISH MANAGEMENT.—Section  
2           303(a) (16 U.S.C. 1853(a)) is further amended by  
3           adding at the end the following:

4           “(18) when setting annual catch limits for for-  
5           age fish fisheries, assess, specify, and reduce such  
6           limits by the diet needs of fish species and other ma-  
7           rine wildlife, such as marine mammals and birds, for  
8           which forage fish is a significant part of their diet.”.

9           (2) EFFECTIVE DATE.—The amendment made  
10          by subsection (a) shall take effect 5 years after the  
11          date of enactment of this Act.

12          (f) ACTION BY THE SECRETARY.—Section 304 (16  
13          U.S.C. 1854) is further amended by adding at the end  
14          the following:

15          “(1) FORAGE FISH MANAGEMENT GUIDELINES.—

16                 “(1) IN GENERAL.—Not later than 18 months  
17                 after the date of enactment of the \_\_\_\_\_ Act, the  
18                 Secretary shall establish by regulation guidelines to  
19                 assist the Councils in implementing sections  
20                 302(h)(12), and 303(a)(16).

21                 “(2) WORKSHOPS.—In developing the guide-  
22                 lines under paragraph (1), the Secretary shall con-  
23                 duct workshops with Councils and other scientific,  
24                 fisheries, and conservation interests.”.

25          (g) RIVER HERRING AND SHAD.—

1 (1) DEFINITIONS.—In this section—

2 (A) RIVER HERRING.—The term “river  
3 herring” means blueback herring (*Alosa*  
4 *aestivalis*) and alewife (*Alosa pseudoharengus*).

5 (B) SHAD.—The term “shad” means  
6 American shad (*Alosa sapidissima*) and hickory  
7 shad (*Alosa mediocris*).

8 (2) AMENDMENTS OF PLANS.—Not later than  
9 180 days after the date of enactment of this Act, the  
10 Secretary of Commerce shall—

11 (A) amend the fishery management plans  
12 for the Atlantic Herring and Atlantic Mackerel,  
13 Squid, and Butterfish fisheries for the New  
14 England and Mid-Atlantic Regions to add shad  
15 and river herring as managed stocks in such  
16 plans consistent with section 302(h)(1) of the  
17 Magnuson-Stevens Fishery Conservation and  
18 Management Act (16 U.S.C. 1852(h)(1));

19 (B) initiate additional fishery management  
20 plan amendments to be completed in not more  
21 than 1 year from the date of the addition of the  
22 species identified in paragraph (1) in order to  
23 develop and implement all required conservation  
24 and management measures for such stocks con-  
25 sistent with the Magnuson-Stevens Fisheries

1 Conservation and Management Act (16 U.S.C.  
2 1801 et seq.), and all other applicable law; and  
3 (C) notwithstanding any other law, rule, or  
4 fishery management plan provision, including  
5 conservation and management measures under  
6 section 303(a)(11) of the Magnuson-Stevens  
7 Fishery Conservation and Management Act (16  
8 U.S.C. 1853(a)(11)), reallocate existing re-  
9 sources to provide, for not less than 60 percent  
10 of all relevant fishing trips, not fewer than one  
11 at-sea observer or an on-board electronic or  
12 video means of producing equivalent at-sea  
13 monitoring information, for any vessel using  
14 mid-water trawl or paired mid-water trawl fish-  
15 ing gear in the Atlantic herring and Atlantic  
16 mackerel fisheries.

17 (h) RULE OF CONSTRUCTION.—Nothing in this sec-  
18 tion shall be construed as—

19 (1) extending or diminishing the jurisdiction or  
20 authority of any State within its boundaries; or

21 (2) affecting—

22 (A) section 306 of the Magnuson-Stevens  
23 Fishery Conservation and Management Act (16  
24 U.S.C. 1856); or

1 (B) the Atlantic Coastal Fisheries Cooper-  
2 ative Management Act (16 U.S.C. 5107 et  
3 seq.).

4 **SEC. 509. DIRECT ENHANCEMENT OF SNAPPER CONSERVA-**  
5 **TION AND THE ECONOMY THROUGH NOVEL**  
6 **DEVICES.**

7 (a) SENSE OF CONGRESS.—It is the sense of Con-  
8 gress that commercial and recreational fishermen, includ-  
9 ing charter fishing, for Gulf reef fish are expected to use  
10 a venting tool or a descending device required for posses-  
11 sion under section 322 of the Magnuson-Steven Fishery  
12 Conservation and Management Act (16 U.S.C. 1801 et  
13 seq.), as amended by subsection (b), when releasing fish  
14 that are exhibiting signs of barotrauma. The Secretary,  
15 in coordination with the Gulf of Mexico Fishery Manage-  
16 ment Council, should develop and disseminate to fisher-  
17 men education and outreach materials related to proper  
18 use of venting tools and descending devices, and strongly  
19 encourage their use by commercial and recreational fisher-  
20 men when releasing fish that are exhibiting signs of  
21 barotrauma.

22 (b) REQUIRED GEAR IN THE GULF REEF FISH FISH-  
23 ERY.—Title III (16 U.S.C. 1851 et seq.) is further amend-  
24 ed by adding at the end the following:

1 **“SEC. 321. REQUIRED POSSESSION OF DESCENDING DE-**  
2 **VICES.**

3 “(a) REQUIRE GEAR IN THE GULF REEF FISH FISH-  
4 ERY.—It shall be unlawful for a person on board a com-  
5 mercial or recreational vessel to fish for Gulf reef fish in  
6 the Gulf of Mexico Exclusive Economic Zone without pos-  
7 sessed on board the vessel a venting tool or a descending  
8 device that is rigged and ready for use while fishing is  
9 occurring.

10 “(b) SAVINGS CLAUSE.—No provision of this section  
11 shall be interpreted to affect any program or activity car-  
12 ried out by the Gulf Coast Ecosystem Restoration Council  
13 established by the Resources and Ecosystems Sustain-  
14 ability, Tourist Opportunities, and Revived Economies of  
15 the Gulf Coast States Act of 2012 (33 U.S.C. 1321 note),  
16 or any project contained in an approved Restoration Plan  
17 developed by any Natural Resources Damage Assessment  
18 Trustee Implementation Group to reduce post-release  
19 mortality from barotrauma in Gulf of Mexico Reef Fish  
20 Recreational Fisheries.

21 “(c) DEFINITIONS.—In this section:

22 “(1) DESCENDING DEVICE.—The term ‘de-  
23 scending device’ means an instrument that—

24 “(A) will release fish at a depth sufficient  
25 for the fish to be able to recover from the ef-  
26 fects of barotrauma;

1           “(B) is a weighted hook, lip clamp, or box  
2           that will hold the fish while it is lowered to  
3           depth, or another device determined to be ap-  
4           propriate by the Secretary; and

5           “(C) is capable of—

6                   “(i) releasing the fish automatically;

7                   “(ii) releasing the fish by actions of  
8           the operator of the device; or

9                   “(iii) allowing the fish to escape on its  
10          own.

11          “(2) VENTING TOOL.—The term ‘venting tool’  
12          has the meaning given to it by the Gulf of Mexico  
13          Fishery Management Council.

14          “(3) GULF REEF FISH.—The term ‘Gulf reef  
15          fish’ means any fish chosen by the Gulf of Mexico  
16          Fishery Management Council that is in the reef  
17          Fishery Management Plan for the purposes of this  
18          Act.”.

19          (c) CIVIL PENALTIES.—Section 308(a) (16 U.S.C.  
20          1858(a)) is amended by inserting “or section 321” after  
21          “section 307”.

22          (d) EFFECTIVE DATE.—The amendments made by  
23          this section shall take effect 1 year after the date of enact-  
24          ment of this section.

1 (e) SUNSET.—Five years after the date of enactment  
2 of this section—

3 (1) the table of contents is amended by striking  
4 the item relating to section 322;

5 (2) section 308(a) (16 U.S.C. 1858(a)) is  
6 amended by striking “or section 321”; and

7 (3) title III (16 U.S.C. 1851 et seq.) is amend-  
8 ed by striking section 321.

9 (f) IMPROVING DISCARD MORTALITY DATA.—

10 (1) AGREEMENT.—Not later than 60 days after  
11 the date of enactment of this Act, the Secretary  
12 shall enter into an agreement with the National  
13 Academy of Sciences to conduct a study and produce  
14 a report on discard mortality in the Gulf of Mexico  
15 reef fish fisheries. The study shall include—

16 (A) assessment of gaps and biases in re-  
17 porting of discards and associated discard mor-  
18 tality;

19 (B) assessment of uncertainty and likely  
20 impacts of such uncertainty in discard mor-  
21 tality;

22 (C) assessment of the effectiveness and  
23 usage rates of barotrauma-reducing devices;

24 (D) recommendations for future research  
25 priorities; and



1 (E) recommendations for standardized re-  
2 porting and quantification of discards in the  
3 same metric as landings for fisheries under the  
4 Gulf of Mexico Reef Fish Fishery Management  
5 Plan.

6 (2) DEADLINES.—Not later than 2 years after  
7 the date of enactment of this Act, the National  
8 Academy of Sciences shall complete the study re-  
9 quired under paragraph (1) and transmit the final  
10 report to the Secretary. Not later than 3 months  
11 after receiving the study and report in accordance  
12 with this paragraph, the Secretary shall submit the  
13 study and report to the Committee on Commerce,  
14 Science, and Transportation of the Senate and the  
15 Committee on Natural Resources of the House of  
16 Representatives.

17 (3) PLAN.—Not later than 1 year after the Sec-  
18 retary receives the study and report required under  
19 paragraph (1), Secretary and the Gulf of Mexico  
20 Fishery Management Council shall develop—

21 (A) guidance for minimum standards for  
22 quantifying and reporting discards and associ-  
23 ated mortality in the Gulf of Mexico Reef Fish  
24 Fishery Management Plan; and

1 (B) a plan to assess and monitor the effec-  
2 tiveness and usage of barotrauma-reducing de-  
3 vices and the impact on discard mortality rates  
4 in Gulf of Mexico reef fish fisheries.

5 (4) FOLLOW-UP REPORT.—Not later than 3  
6 years after developing minimum standards and de-  
7 veloping the assessment and monitoring plan under  
8 paragraph (3), the Secretary shall provide a detailed  
9 report on implementation to the Committee on Com-  
10 merce, Science, and Transportation of the Senate  
11 and the Committee on Natural Resources of the  
12 House of Representatives.

13 **SEC. 510. FUNDING FOR MONITORING IMPLEMENTATION**  
14 **OF NORTHEAST MULTISPECIES FISHERY**  
15 **MANAGEMENT PLAN.**

16 Section 311(f)(4) (16 U.S.C. 1861(f)(4)) is amended  
17 by striking “pursuant to this section” and all that follows  
18 through the end of the sentence and inserting “to enforce  
19 and monitor (including electronic monitoring) implementa-  
20 tion of that Plan.”

21 **SEC. 511. AUTHORIZATION OF APPROPRIATIONS.**

22 There is authorized to be appropriated to the Sec-  
23 retary to carry out the provisions of this Act—

24 (1) for fiscal year 2021, an amount equal to  
25 \$396,875,000 increased by the estimated percentage

1 change in the Consumer Price Index since fiscal year  
2 2013; and

3 (2) for each of fiscal years 2022 through 2026,  
4 an amount equal to the amount authorized by this  
5 section for the preceding fiscal year, increased by  
6 the estimated percentage change in the Consumer  
7 Price Index calculated with respect to such pre-  
8 ceding fiscal year.