

# Union Calendar No. 502

117<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4690

**[Report No. 117-685, Part I]**

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

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## IN THE HOUSE OF REPRESENTATIVES

JULY 26, 2021

Mr. HUFFMAN (for himself and Mr. CASE) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

DECEMBER 30, 2022

Additional sponsors: Mr. NEGUSE, Mr. SUOZZI, Mr. BLUMENAUER, Mr. COHEN, Mrs. NAPOLITANO, Mr. LOWENTHAL, Ms. NORTON, Ms. LOFGREN, Mr. LEVIN of Michigan, Mrs. PELTOLA, Mrs. DINGELL, Mr. RUPPERSBERGER, Ms. PORTER, Mr. LIEU, and Ms. CHU

DECEMBER 30, 2022

Reported from the Committee on Natural Resources with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

DECEMBER 30, 2022

Committee on Agriculture discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on July 26, 2021]

# **A BILL**

To reauthorize and amend the Magnuson-Stevens Fishery Conservation and Management Act, 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 “Sustaining America’s*  
 5 *Fisheries for the Future Act of 2022”.*

6 **SEC. 2. TABLE OF CONTENTS.**

7 *The table of contents for this Act is as follows:*

*Sec. 1. Short title.*

*Sec. 2. Table of contents.*

*Sec. 3. References.*

*Sec. 4. Definitions.*

*Sec. 5. Gender inclusive language.*

*Sec. 6. 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. Findings.*

*Sec. 207. Participation by fishery-dependent communities.*

**TITLE III—STRENGTHENING PUBLIC PROCESS AND TRANSPARENCY**

*Sec. 301. Tribal representation at the Pacific Fishery Management Council.*

*Sec. 302. Tribal representation at the North Pacific Fishery Management Council.*

*Sec. 303. Atlantic Councils.*

*Sec. 304. Council procedures and participation.*

*Sec. 305. Council accountability and membership.*

*Sec. 306. Western Pacific Sustainable Fishery Fund.*

*Sec. 307. National Oceanic and Atmospheric Administration sexual harassment  
 and assault prevention.*

**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.*  
 Sec. 410. *Shark populations analysis.*

*TITLE V—SUSTAINING FISHERIES THROUGH HEALTHY  
ECOSYSTEMS AND IMPROVED MANAGEMENT*

- Sec. 501. *Sense of Congress.*  
 Sec. 502. *Essential fish habitat consultation.*  
 Sec. 503. *Reducing bycatch.*  
 Sec. 504. *Improving rebuilding outcomes.*  
 Sec. 505. *Overfished fisheries and preventing overfishing.*  
 Sec. 506. *Preparation and review of secretarial plans.*  
 Sec. 507. *Councils.*  
 Sec. 508. *Forage fish conservation.*  
 Sec. 509. *Funding for monitoring implementation of Northeast Multispecies Fishery Management Plan.*  
 Sec. 510. *Highly migratory species.*

*TITLE VI—INTERNATIONAL FISHERIES MANAGEMENT*

- Sec. 601. *Conservation Commissioner of the Atlantic Tunas Convention Act.*  
 Sec. 602. *Conservation Commissioner to the Western and Central Pacific Fisheries Convention.*  
 Sec. 603. *Conservation Commissioner to the Inter-American Tropical Tuna Commission.*  
 Sec. 604. *Application of annual catch limit and accountability measures requirement.*  
 Sec. 605. *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 made*  
 6 *to that section or other provision of the Magnuson-Stevens*  
 7 *Fishery Conservation and Management Act (16 U.S.C.*  
 8 *1801 et seq.).*

1 **SEC. 4. DEFINITIONS.**

2 *In this Act:*

3 (1) *ADMINISTRATOR.*—*The term “Adminis-*  
4 *trator” means the Administrator of the National Oce-*  
5 *anic and Atmospheric Administration.*

6 (2) *SECRETARY.*—*The term “Secretary” means*  
7 *the Secretary of Commerce.*

8 **SEC. 5. GENDER INCLUSIVE LANGUAGE.**

9 (a) *The Magnuson-Stevens Fishery Conservation and*  
10 *Management Act (16 U.S.C. 1801 et seq.) is amended by*  
11 *striking “prepared by him” each place such term appears*  
12 *and inserting “prepared by the Secretary”.*

13 (b) *Each of the following provisions is amended by*  
14 *striking “he” each place such term appears and inserting*  
15 *“the Secretary”:*

16 (1) *Section 201(h)(2) (16 U.S.C. 1821(h)(2)).*

17 (2) *Section 204(b) (16 U.S.C. 1824(b)).*

18 (3) *Section 305(c)(1) (16 U.S.C. 1855(c)(1)).*

19 (4) *Section 306(b)(2) (16 U.S.C. 1856(b)(2)).*

20 (c) *Each of the following provisions is amended by*  
21 *striking “his” each place such term appears and inserting*  
22 *“the Secretary’s”:*

23 (1) *Section 3(39) (16 U.S.C. 1802(39)).*

24 (2) *Section 204(b)(9) (16 U.S.C. 1824(b)(9)).*

25 (3) *Section 306(b)(1) (16 U.S.C. 1856(b)(1)).*

26 (4) *Section 308(a) (16 U.S.C. 1858(a)).*

1           (d) Sections 204(b)(4)(A) and 302(c)(1)(D) (16 U.S.C.  
2 1824(b)(4)(A) and 1852(c)(1)(D)) are each amended by  
3 striking “his” and inserting “such Secretary’s”.

4           (e) Subsections (b)(1)(B) and (c)(1)(A) of section 302  
5 (16 U.S.C. 1852(b)(1)(B) and (c)(1)(A)) are each amended  
6 by striking “his” and inserting “such director’s”.

7           (f) Section 201(e)(1)(D) (16 U.S.C. 1821(e)(1)(D)) is  
8 amended by striking “he” and inserting “such Secretary”.

9           (g) Section 201(i) (16 U.S.C. 1821(i)) is amended by  
10 striking “his” and inserting “such Governor’s”.

11           (h) Section 203(c)(5)(C) (16 U.S.C. 1823(c)(5)(C)) is  
12 amended by striking “his” and inserting “the minority  
13 leader’s”.

14           (i) Section 302(c)(1)(B) (16 U.S.C. 1852(c)(1)(B)) is  
15 amended by striking “his” and inserting “such com-  
16 mander’s”.

17           (j) Section 302(c)(1)(C) (16 U.S.C. 1852(c)(1)(C)) is  
18 amended by striking “his” and inserting “such executive  
19 director’s”.

20           (k) Section 302(f)(4) (16 U.S.C. 1852(f)(4)) is amend-  
21 ed by striking “he” and inserting “the Administrator of  
22 General Services”.

23           (l) Section 302(j)(4) (16 U.S.C. 1852(j)(4)) is amended  
24 by striking “his or her” and inserting “such individual’s”.

1           (m) Section 302(j)(7)(D) (16 U.S.C. 1852(j)(7)(D)) is  
 2 amended by striking “he or she” each place such term ap-  
 3 pears and inserting “such individual”.

4           (n) Section 309(a) (16 U.S.C. 1859(a)) is amended by  
 5 striking “he” and inserting “such person”.

6           (o) Section 311(b)(1)(A)(i) (16 U.S.C.  
 7 1861(b)(1)(A)(i)) is amended by striking “he” and insert-  
 8 ing “such officer”.

9           (p) Section 311(b)(2) (16 U.S.C. 1861(b)(2)) is  
 10 amended—

11                 (1) by striking “he” and inserting “such per-  
 12 son”; and

13                 (2) by striking “his” and inserting “such per-  
 14 son’s”.

15 **SEC. 6. CONFORMING AMENDMENTS TO THE TABLE OF**  
 16 **CONTENTS OF THE MAGNUSON-STEVENSON**  
 17 **FISHERY CONSERVATION AND MANAGEMENT**  
 18 **ACT.**

19           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 author-  
 ity.

“Sec. 102. Highly migratory species.

*“TITLE II—FOREIGN FISHING AND INTERNATIONAL FISHERY AGREEMENTS*

- “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. Action 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. Regional Coastal Disaster Assistance, Transition, and Recovery Program.*
- “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.*
- “Sec. 322. Increasing resilience of fish stocks to climate change.*

*“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.*
- “Sec. 409. Recreational data improvement 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—*



1           (1) *in subsection (a)—*

2                   (A) *by amending paragraph (2) to read as*  
3           *follows:*

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

9                   “*(A) increased fishing pressure;*

10                   “*(B) the inadequacy of fishery resource con-*  
11           *servaion and management practices and con-*  
12           *trols;*

13                   “*(C) direct and indirect habitat losses*  
14           *which have resulted in a diminished capacity to*  
15           *support existing fishing levels; or*

16                   “*(D) changing environmental conditions,*  
17           *including those associated with climate change.”;*

18                   (B) *in paragraph (6), by inserting “to ac-*  
19           *count for the impacts of environmental changes*  
20           *on stocks of fish,” after “insure conservaion,”;*

21                   (C) *by amending paragraph (9) to read as*  
22           *follows:*

23           “*(9) One of the greatest long term threats to the*  
24           *viability of commercial and recreational fisheries is*  
25           *the continuing degradation of marine ecosystems, in-*

1 *cluding the loss of marine, estuarine, and other*  
2 *aquatic habitats, including as a result of changing*  
3 *environmental conditions associated with climate*  
4 *change. Habitat and ecosystem considerations should*  
5 *receive increased attention for the conservation and*  
6 *management of fishery resources of the United*  
7 *States.”;*

8 *(D) by adding at the end the following:*

9 *“(14) Environmental changes associated with*  
10 *climate change, including changes in water tempera-*  
11 *ture, ocean acidification, and deoxygenation, are rap-*  
12 *idly altering the abundance, productivity, and dis-*  
13 *tribution of fish and are affecting commercial, rec-*  
14 *reational, and subsistence fisheries.*

15 *“(15) The impacts of climate change on fish and*  
16 *their habitats are resulting in management and sus-*  
17 *tainability challenges that threaten to negatively im-*  
18 *pect marine ecosystems, fishery resources, and coastal*  
19 *communities.*

20 *“(16) Many factors beyond the direct impacts of*  
21 *fishing can contribute to a decline in abundance of a*  
22 *stock of fish, resulting in depleted fish stocks and*  
23 *threatening the stability of ecosystems and fishing*  
24 *communities, including climate change, pollution,*  
25 *habitat and watershed degradation, inadequate fresh-*

1 *water resources, and industrial uses of the ocean. The*  
2 *designation of a stock of fish as overfished indicates*  
3 *that it is depleted and management actions are nec-*  
4 *essary to allow the stock to rebuild, regardless of the*  
5 *cause of depletion.”;*

6 (2) *by amending subsection (b)(5) to read as fol-*  
7 *lows:*

8 “(5) *to establish Regional Fishery Management*  
9 *Councils to exercise sound judgement in the steward-*  
10 *ship of fishery resources through the preparation,*  
11 *monitoring, and revision of such plans under cir-*  
12 *cumstances—*

13 “(A) *which will enable the States, the fish-*  
14 *ing industry, consumer and environmental orga-*  
15 *nizations, and other interested persons to par-*  
16 *ticipate in, and advise on, the establishment and*  
17 *administration of such plans;*

18 “(B) *which take into account the social and*  
19 *economic needs of the States; and*

20 “(C) *which address the impacts of environ-*  
21 *mental conditions associated with climate change*  
22 *on stocks of fish, marine ecosystems, fisheries*  
23 *management, and coastal communities;”;* and

24 (3) *in subsection (c)—*

1           (A) in paragraph (6), by striking “and”  
2           after the semicolon at the end;

3           (B) in paragraph (7), by striking the period  
4           at the end and inserting a semicolon; and

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

6           “(8) to promote management that accounts for  
7           changes in stocks of fish and the marine environment  
8           that result from climate change; and

9           “(9) to ensure that the research, resource man-  
10          agement, and expenditures to prepare fisheries and  
11          fishing communities for climate change promote ra-  
12          cial and socioeconomic equity with respect to environ-  
13          mental, economic, and social outcomes across fisheries  
14          and regions.”.

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

16                                   **MANAGEMENT.**

17          (a) *IN GENERAL.*—Section 303(a) (16 U.S.C. 1853(a))  
18          is amended—

19               (1) in paragraph (1)(A), by inserting “and to  
20               promote the resilience of fish stocks to cumulative  
21               stressors, including cumulative stressors associated  
22               with climate change” before the semicolon at the end;

23               (2) in paragraph (3), by inserting “including  
24               considering the impacts of climate change,” after  
25               “fishery,”;

1           (3) in paragraph (8), by striking “1991” and in-  
2           serting “2022”, and by inserting “, including data  
3           needed to implement the plan effectively under pre-  
4           vailing and anticipated environmental or ecological  
5           conditions, including climate change” before the semi-  
6           colon at the end;

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

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

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

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

17                 “(16) assess and describe the anticipated impacts  
18                 of climate change and other environmental and eco-  
19                 logical changes on the fishery, including an assess-  
20                 ment of whether and how the management measures  
21                 contained in the plan or plan amendment have ac-  
22                 counted for these changes, and a summary of the in-  
23                 formation used in these assessments;

24                 “(17) describe and identify the current range  
25                 and distribution of, and fishing patterns on, fish

1 *stocks managed under the plan, including areas out-*  
2 *side the jurisdiction of the Council having authority*  
3 *to issue the plan, and for fish stocks whose distribu-*  
4 *tion crosses management boundaries, describe the*  
5 *measures used for coordination with other relevant*  
6 *management bodies for the conservation and manage-*  
7 *ment of the fish stock; and”.*

8 *(b) EFFECTIVE DATE.—The amendments made by sub-*  
9 *section (a) shall take effect on the date that is 4 years after*  
10 *the date of enactment of this section.*

11 *(c) INCREASING RESILIENCE OF FISH STOCKS TO CLI-*  
12 *MATE CHANGE.—Title III is amended by adding at the end*  
13 *the following:*

14 **“SEC. 322. INCREASING RESILIENCE OF FISH STOCKS TO**  
15 **CLIMATE CHANGE.**

16 *“(a) VULNERABILITY ASSESSMENT.—Not later than 3*  
17 *years after the date of enactment of the Sustaining Amer-*  
18 *ica’s Fisheries for the Future Act of 2022 and every 5 years*  
19 *thereafter, the Secretary shall—*

20 *“(1) assess the vulnerability of fish stocks within*  
21 *each Council’s geographical area of authority to cli-*  
22 *mate change;*

23 *“(2) notify each Council of the vulnerability of*  
24 *fish stocks within such geographical area; and*

1           “(3) *make recommendations to each Council for*  
2           *measures to increase the resilience of fish stocks with-*  
3           *in such geographical area identified as vulnerable to*  
4           *climate change.*

5           “(b) *COUNCIL PRIORITIZATION PLANS.—*

6           “(1) *IN GENERAL.—No later than one year after*  
7           *receiving a notification from the Secretary under sub-*  
8           *section (a), each Council shall publish a plan identi-*  
9           *fying management actions to increase resilience of the*  
10          *fish stocks identified as vulnerable to climate change*  
11          *and begin implementing such management actions.*

12          “(2) *HIGHLY MIGRATORY SPECIES.—With re-*  
13          *spect to stocks managed under section 302(a)(3), not*  
14          *later than one year after issuing a notification under*  
15          *subsection (a), the Secretary shall publish a plan*  
16          *identifying management actions to increase resilience*  
17          *of such fish stocks identified as vulnerable to climate*  
18          *change and begin implementing such management ac-*  
19          *tions.*

20          “(3) *REPORT.—Not later than 3 years after pub-*  
21          *lishing a plan under paragraph (1), each Council*  
22          *shall report to the Secretary on the actions the Coun-*  
23          *cil has taken to implement such plan or provide an*  
24          *explanation for not taking such action.*

1       “(c) *REPORT TO CONGRESS.*—Not later than 3 years  
2 after the date of enactment of the *Sustaining America’s*  
3 *Fisheries for the Future Act of 2022* and every 5 years  
4 thereafter, the Secretary shall submit a report to Congress—

5               “(1) *describing the vulnerability of fish stocks to*  
6 *climate change;*

7               “(2) *identifying the risks posed by climate*  
8 *change to the conservation and management of fish*  
9 *stocks; and*

10              “(3) *summarizing the steps taken by the Sec-*  
11 *retary and the Councils to mitigate and address the*  
12 *impacts on and risks of climate change to fish*  
13 *stocks.*”.

14       “(d) *GUIDANCE FOR COUNCILS.*—Section 305 is amend-  
15 ed by adding at the end the following:

16              “(n) *GUIDANCE.*—Not later than 2 years after the date  
17 of enactment of the *Sustaining America’s Fisheries for the*  
18 *Future Act of 2022*, the Secretary shall issue guidelines to  
19 assist the Councils in preparing and adapting fishery man-  
20 agement for the impacts of climate change, including for  
21 consideration of climate change in the conservation and  
22 management of fish stocks under each Council’s geo-  
23 graphical area of authority.”.



1 **SEC. 103. INCORPORATING CLIMATE SCIENCE.**

2 (a) *COUNCIL TRAINING PROGRAM.*—Section 302(k)(1)  
3 (16 U.S.C. 1852(k)(1)) is amended—

4 (1) by redesignating subparagraphs (C) through  
5 (H) as subparagraphs (D) through (I), respectively;

6 (2) by redesignating subparagraph (I) as sub-  
7 paragraph (K);

8 (3) by inserting after subparagraph (B) the fol-  
9 lowing:

10 “(C) climate change and its relevant im-  
11 pacts on fisheries health, range, and other factors  
12 that would affect the conservation and manage-  
13 ment of a stock;”;

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

16 (5) by inserting after subparagraph (I), as so re-  
17 designated, the following:

18 “(J) ecosystem-based fishery management;  
19 and”.

20 (b) *FISHERIES RESEARCH.*—Section 404 (16 U.S.C.  
21 1881c) is amended—

22 (1) in subsection (a), by inserting “; on changes  
23 in geographic range, spatial distribution, and produc-  
24 tivity of a fishery or interrelated fisheries;” after  
25 “management”; and



1           (4) *provide information and outreach to the pri-*  
2 *vate sector and academic sector to encourage develop-*  
3 *ment and operationalization of tools and approaches*  
4 *to manage the effects of climate change on fisheries;*  
5 *and*

6           (5) *provide information and outreach to fishery*  
7 *participants to increase understanding of and encour-*  
8 *age adoption and use of tools and approaches devel-*  
9 *oped under the program.*

10 *(b) COORDINATION OF THE PROGRAM.—*

11           (1) *The Administrator shall establish a process*  
12 *to ensure coordination with and outreach to—*

13               (A) *regional offices and science centers of*  
14 *the National Marine Fisheries Service;*

15               (B) *the Regional Fishery Management*  
16 *Councils;*

17               (C) *the scientific and statistical committees*  
18 *of such Fishery Management Councils; and*

19               (D) *other relevant programs, including the*  
20 *cooperative research and management program*  
21 *under section 318 of the Magnuson-Stevens Fish-*  
22 *ery Conservation and Management Act (16*  
23 *U.S.C. 1867), the Integrated Ocean Observing*  
24 *System, and programs within the National Oce-*

1            *anic and Atmospheric Administration designed*  
2            *to address ocean acidification.*

3            *(2) Such coordination should include identifica-*  
4            *tion of multiyear research priorities to study and un-*  
5            *derstand the current and anticipated impacts of cli-*  
6            *mate change on fisheries, fisheries interactions, habi-*  
7            *tats, fishery participants, fishing communities, sea-*  
8            *food markets, fisheries science and monitoring, or*  
9            *other relevant priority. Such priorities should be rou-*  
10           *tinely reviewed in a timeframe not to exceed 5 years*  
11           *and updated as necessary.*

12           *(c) AUTHORIZATION OF APPROPRIATIONS.—There is*  
13           *authorized to be appropriated to the Administrator to carry*  
14           *out this section \$5,000,000 for each of fiscal years 2023*  
15           *through 2027.*

16           **SEC. 105. MANAGING SHIFTING STOCKS.**

17           *(a) CROSS-JURISDICTIONAL MANAGEMENT.—Section*  
18           *304(f) (16 U.S.C. 1854(f)) is amended to read as follows:*

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

21           *“(1) SECRETARIAL REVIEW OF AREAS OF AU-*  
22           *THORITY.—The Secretary shall review the geo-*  
23           *graphical area of authority of each Council in order*  
24           *to determine if a substantial portion of any federally*

1 *managed fishery within such area is within the area*  
2 *of authority of another council—*

3 *“(A) upon request of such Council; or*

4 *“(B) not less frequently than every 5 years.*

5 *“(2) DESIGNATION OF COUNCIL TO PREPARE*  
6 *PLAN.—If the Secretary determines under paragraph*  
7 *(1) that a substantial portion of a fishery is located*  
8 *in the geographical area of authority of more than*  
9 *one Council, the Secretary shall, not later than 6*  
10 *months after making such determination—*

11 *“(A) designate one of the Councils concerned*  
12 *to prepare the fishery management plan for such*  
13 *fishery and any amendment to such plan, if re-*  
14 *quired under this Act; or*

15 *“(B) designate that such plan and any such*  
16 *amendment, if required under this Act, be pre-*  
17 *pared jointly by the Councils concerned.*

18 *“(3) DEADLINE FOR SUBMISSION OF PLAN.—Not*  
19 *later than 2 years after the Secretary makes a des-*  
20 *ignation under paragraph (2), the Council or Coun-*  
21 *cils concerned shall prepare and submit a fishery*  
22 *management plan or amendment in accordance with*  
23 *this Act.*

24 *“(4) TERMINATION OF CROSS-JURISDICTIONAL*  
25 *AUTHORITY.—*

1           “(A) *REQUEST OF COUNCIL.*—*At the request*  
2 *of a Council or as a result of the review pursu-*  
3 *ant to paragraph (1), the Secretary shall deter-*  
4 *mine whether a fishery described in paragraph*  
5 *(2) no longer has a substantial portion located*  
6 *in the geographical area of authority of more*  
7 *than one Council.*

8           “(B) *TERMINATION.*—

9           “(i) *IN GENERAL.*—*If the Secretary de-*  
10 *termines under subparagraph (A) that a*  
11 *fishery no longer has a substantial portion*  
12 *located in the geographical area of author-*  
13 *ity of more than one Council—*

14           “(I) *the Secretary shall determine*  
15 *which Council has predominant geo-*  
16 *graphic authority over the fishery; and*

17           “(II) *not later than 2 years after*  
18 *the date on which the determination*  
19 *under subclause (I) is made, and at*  
20 *such other times as required under this*  
21 *Act, the Council determined under such*  
22 *subclause shall adopt any existing fish-*  
23 *ery management plan for the fishery,*  
24 *and shall prepare and submit any*  
25 *plan amendments necessary for*

1                    *transitioning to single-Council man-*  
2                    *agement as well as for any other pur-*  
3                    *poses, in accordance with the provi-*  
4                    *sions of this Act.*

5                    “(ii) *REPEAL OF PRIOR PLAN.—Not-*  
6                    *withstanding subsection (h), upon the date*  
7                    *of adoption of a fishery management plan*  
8                    *under clause (i)(II), any preceding fishery*  
9                    *management plan with respect to such fish-*  
10                    *ery is repealed.*

11                    “(5) *ESTABLISHMENT OF CRITERIA.—The Sec-*  
12                    *retary shall, by regulation, identify criteria for deter-*  
13                    *mining under paragraphs (1) and (5) whether a sub-*  
14                    *stantial portion of a fishery is located in the geo-*  
15                    *graphical area of authority of more than one Council.*

16                    “(6) *ESTABLISHMENT OF BOUNDARIES.—The*  
17                    *Secretary shall establish the boundaries between the*  
18                    *geographic areas of authority of adjacent Councils.*

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

1           “(8) *HIGHLY MIGRATORY SPECIES IN CERTAIN*  
2           *FISHERIES.—This subsection shall not apply with re-*  
3           *spect to any fishery to which section 302(a)(3) ap-*  
4           *plies.*”.

5           **(b) *INTERNATIONAL COOPERATION IN THE RESEARCH***  
6           ***AND MANAGEMENT OF CROSS-JURISDICTIONAL FISH-***  
7           ***ERIES.—***

8           **(1) *IN GENERAL.—The Secretary, in coordina-***  
9           ***tion with the Secretary of State where necessary, shall***  
10           ***develop a strategy for coordinated research and man-***  
11           ***agement with other relevant nations with which the***  
12           ***United States shares stocks of fish that are currently***  
13           ***experiencing or are expected to experience shifts in ge-***  
14           ***ographic range or spatial distribution that spans or***  
15           ***will span international boundaries, including within***  
16           ***the same life stage or across life stages.***

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

20                   **(A) *a list of fisheries that are currently ex-***  
21                   ***periencing or are expected to experience shifts in***  
22                   ***geographic range or spatial distribution that***  
23                   ***spans or will span international boundaries and***  
24                   ***the relevant countries for each fishery or stock of***  
25                   ***a fishery’s current or expected range and the rel-***



1            *evant regional fisheries management organiza-*  
2            *tion or other international organizations or*  
3            *agreement with authority over the management*  
4            *of each fishery or fish stock;*

5            *(B) an analysis of priority research needs*  
6            *for each of these fisheries or stocks of fisheries*  
7            *that should be coordinated with other affected*  
8            *nations and relevant international management*  
9            *organizations; and*

10           *(C) a 5-year strategy to undertake and com-*  
11           *plete such research, including a proposed budget*  
12           *and timeline for that work.*

13 **SEC. 106. EMERGING FISHERIES.**

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

15           *(1) in the subsection heading, by striking “NOTI-*  
16           *FICATION OF ENTRY” and inserting “DEVELOPMENT*  
17           *OF NEW FISHERIES”;*

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

20           *“(1) The Secretary shall publish in the Federal*  
21           *Register, subject to paragraph (3), and after notice*  
22           *and an opportunity for public comment—*

23           *“(A) a list of all fisheries managed under*  
24           *this Act, organized by Federal region (or Secre-*

1           *tarial management under section 302(a)(3), as*  
2           *applicable); and*

3           “(B) *with respect to each such fishery—*

4                   “(i) *the types of fishing gear author-*  
5                   *ized for use in such fishery;*

6                   “(ii) *the jurisdiction (State, Federal,*  
7                   *interstate, or otherwise) exercising manage-*  
8                   *ment authority over such fishery;*

9                   “(iii) *whether a Fishery Management*  
10                   *Plan or analogous management structure*  
11                   *exists for the fishery; and*

12                   “(iv) *the species authorized to be*  
13                   *caught and retained in such fishery.”;*

14           (3) *in paragraph (2), by striking “determining”*  
15           *and all that follows through the end of the paragraph*  
16           *and inserting “determining—”*

17                   “(A) *when a fishery is sufficiently different*  
18                   *from those listed as to constitute a new fishery;*  
19                   *and*

20                   “(B) *minimum criteria for a fishery to be*  
21                   *considered managed under paragraph (1)(A),*  
22                   *which, for federally managed fisheries, must in-*  
23                   *clude having a fishery management plan and as-*  
24                   *sociated regulations under this Act.”.*

1           (4) by redesignating paragraph (6) as para-  
2 graph (7); and

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

5           “(3) Not later than 24 months after the date of  
6 enactment of the Sustaining America’s Fisheries for  
7 the Future Act of 2022, and at least once every 5  
8 years thereafter, each Council (or the Secretary for  
9 fisheries to which section 302(a)(3) applies) shall re-  
10 view the fisheries for which the Council is responsible  
11 on the list required under paragraph (1)(A) and sub-  
12 mit to the Secretary proposed changes to such list in  
13 specific and narrow terms, including geographic  
14 range, to ensure that only managed fisheries are in-  
15 cluded on the list.

16           “(4) The Secretary shall review proposed changes  
17 pursuant to the guidelines established under para-  
18 graph (2) and publish a revised list, after notice and  
19 an opportunity for public comment.

20           “(5) The Secretary may permit, pursuant to sec-  
21 tion 318(d), on a limited interim basis, fishing activ-  
22 ity that is not included on the list, if—

23           “(A) the experimental fishing permit is de-  
24 signed and implemented so as to yield informa-  
25 tion necessary and currently lacking for the de-

1           *velopment of a fishery management plan or*  
2           *amendment to such plan under section 302(h)(1)*  
3           *and section 303;*

4           *“(B) the Secretary collects, evaluates, and*  
5           *notwithstanding section 402(b), makes public the*  
6           *data generated by the experimental fishing activ-*  
7           *ity at the end of each permit year, and based on*  
8           *such evaluation, the Council renders a deter-*  
9           *mination of whether the fishing activity should*  
10          *be continued, either in the form of a subsequent*  
11          *year of experimental fishing under this para-*  
12          *graph, or in the form of a fishery managed*  
13          *under a fishery management plan pursuant to*  
14          *section 302(h)(1) and section 303; and*

15          *“(C) the data collected from, and the Sec-*  
16          *retary’s evaluation of, the fishing activity are in-*  
17          *cluded in any fishery management plan or*  
18          *amendment that is prepared for management of*  
19          *the fishing activity.*

20          *“(6) No person or vessel may employ fishing*  
21          *gear or engage in a fishery not included on the list,*  
22          *except as provided in paragraph (4). A Council may*  
23          *request the Secretary to promulgate emergency regula-*  
24          *tions under subsection (c) to prohibit any persons or*

1       vessels from using an unlisted fishing gear or engag-  
2       ing in an unlisted fishery.”

3       **TITLE II—SUPPORTING FISHING**  
4       **COMMUNITIES**

5       **SEC. 201. FISHERY RESOURCE DISASTER RELIEF.**

6       Section 312(a) of the Magnuson-Stevens Fishery Con-  
7       servation and Management Act (16 U.S.C. 1861a(a)) is  
8       amended to read as follows:

9       “(a) *FISHERY RESOURCE DISASTER RELIEF.*—

10       “(1) *DEFINITIONS.*—In this subsection:

11       “(A) *ALLOWABLE CAUSE.*—The term ‘allow-  
12       able cause’ means a natural cause, discrete an-  
13       thropogenic cause, or undetermined cause.

14       “(B) *ANTHROPOGENIC CAUSE.*—The term  
15       ‘anthropogenic cause’ means an anthropogenic  
16       event, such as an oil spill or spillway opening—

17       “(i) that could not have been addressed  
18       or prevented by fishery management meas-  
19       ures; and

20       “(ii) that is otherwise beyond the con-  
21       trol of fishery managers to mitigate through  
22       conservation and management measures, in-  
23       cluding regulatory restrictions imposed as a  
24       result of judicial action or to protect human

1           *health or marine animals, plants, or habi-*  
2           *tats.*

3           “(C) *FISHERY RESOURCE DISASTER.*—*The*  
4           *term ‘fishery resource disaster’ means a disaster*  
5           *that is determined by the Secretary in accord-*  
6           *ance with this subsection and—*

7                   “(i) *is an unexpected large decrease in*  
8                   *fish stock biomass or other change that re-*  
9                   *sults in significant loss of access to the fish-*  
10                   *ery resource, which may include loss of fish-*  
11                   *ing vessels and gear for a substantial period*  
12                   *of time and results in significant revenue*  
13                   *loss or negative subsistence impacts due to*  
14                   *an allowable cause; and*

15                   “(ii) *does not include—*

16                           “(I) *reasonably predictable, fore-*  
17                           *seeable, and recurrent fishery cyclical*  
18                           *variations in species distribution or*  
19                           *stock abundance; or*

20                           “(II) *reductions in fishing oppor-*  
21                           *tunities resulting from conservation*  
22                           *and management measures taken pur-*  
23                           *suant to this Act.*

24           “(D) *INDIAN TRIBE.*—*The term ‘Indian*  
25           *Tribe’ has the meaning given such term in sec-*

1            *tion 102 of the Federally Recognized Indian*  
2            *Tribe List Act of 1994, and the term ‘Tribal’*  
3            *means of or pertaining to such an Indian tribe.*

4            *“(E) NATURAL CAUSE.—The term ‘natural*  
5            *cause’—*

6            *“(i) means a weather, climatic, hazard,*  
7            *or biology-related event, such as—*

8            *“(I) a hurricane;*

9            *“(II) a flood;*

10           *“(III) a harmful algal bloom;*

11           *“(IV) a tsunami;*

12           *“(V) a hypoxic zone;*

13           *“(VI) a drought;*

14           *“(VII) El Niño effects on water*  
15           *temperature;*

16           *“(VIII) a marine heat wave; or*

17           *“(IX) disease; and*

18           *“(ii) does not mean a normal or cycli-*  
19           *cal variation in a species distribution or*  
20           *stock abundance.*

21           *“(F) 12-MONTH REVENUE LOSS.—The term*  
22           *‘12-month revenue loss’—*

23           *“(i) means the percentage reduction, as*  
24           *applicable, in commercial, charter,*  
25           *headboat, or processor revenue for the af-*

1            *fected fishery for the 12 months during*  
2            *which the fishery resource disaster occurred,*  
3            *when compared to average annual revenue*  
4            *in the most recent 5 years when no fishery*  
5            *resource disaster occurred or equivalent for*  
6            *stocks with cyclical life histories; and*

7            *“(i) shall not include any revenue loss*  
8            *resulting from the same distinct cause as a*  
9            *previously determined fishery resource dis-*  
10           *aster.*

11           *“(G) UNDETERMINED CAUSE.—The term*  
12           *‘undetermined cause’ means a cause in which the*  
13           *current state of knowledge does not allow the Sec-*  
14           *retary to identify the exact cause, and there is no*  
15           *current conclusive evidence supporting a possible*  
16           *cause of the fishery resource disaster.*

17           *“(2) GENERAL AUTHORITY.—*

18           *“(A) IN GENERAL.—The Secretary shall*  
19           *have the authority to determine the existence, ex-*  
20           *tent, and beginning and end dates of a fishery*  
21           *resource disaster under this subsection in accord-*  
22           *ance with this subsection.*

23           *“(B) AVAILABILITY OF FUNDS.—After the*  
24           *Secretary determines that a fishery resource dis-*  
25           *aster has occurred, the Secretary is authorized to*



1           *make sums available, from funds appropriated*  
2           *for such purposes, to be used by the affected*  
3           *State, Tribal government, or interstate marine*  
4           *fisheries commission, or by the Secretary in co-*  
5           *operation with the affected State, Tribal govern-*  
6           *ment, or interstate marine fisheries commission.*

7           “(C) *SAVINGS CLAUSE.—The requirements*  
8           *under this subsection shall take effect only with*  
9           *respect to requests for a fishery resource disaster*  
10           *determination submitted after the date of enact-*  
11           *ment of the Fishery Resource Disasters Improve-*  
12           *ment Act.*

13           “(3) *INITIATION OF A FISHERY RESOURCE DIS-*  
14           *ASTER REVIEW.—*

15           “(A) *ELIGIBLE REQUESTERS.—Not later*  
16           *than 1 year after the date of the conclusion of the*  
17           *fishing season, a request for a fishery resource*  
18           *disaster determination may be submitted to the*  
19           *Secretary, if the Secretary has not independently*  
20           *determined that a fishery resource disaster has*  
21           *occurred, by—*

22                   “(i) *the Governor of an affected State;*

23                   “(ii) *an official Tribal representative*  
24                   *or Tribal resolution; or*

1           “(iii) any other comparable elected or  
2           politically appointed representative as de-  
3           termined by the Secretary.

4           “(B) REQUIRED INFORMATION.—A complete  
5           request for a fishery resource disaster determina-  
6           tion under subparagraph (A) shall include—

7                   “(i) identification of all presumed af-  
8                   fected fish stocks;

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

11                  “(iii) the geographical boundaries of  
12                  the fishery, as determined by the eligible re-  
13                  quester, including geographic boundaries  
14                  that are smaller than the area represented  
15                  by the eligible requester;

16                  “(iv) preliminary information on  
17                  causes of the fishery resource disaster, if  
18                  known; and

19                  “(v) information needed to support a  
20                  finding of a fishery resource disaster, in-  
21                  cluding—

22                          “(I) information demonstrating  
23                          the occurrence of an unexpected large  
24                          decrease in fish stock biomass or other  
25                          change that results in significant loss

1           of access to the fishery resource, which  
2           could include the loss of fishing vessels  
3           and gear, for a substantial period of  
4           time;

5           “(II) significant—

6                   “(aa) 12-month revenue loss  
7                   for the affected fishery; or

8                   “(bb) negative subsistence  
9                   impact for the affected fishery, or  
10                  if a fishery resource disaster has  
11                  occurred at any time in the pre-  
12                  vious 5-year period, the most re-  
13                  cent 5 years when no fishery re-  
14                  source disaster occurred, but shall  
15                  not include any impacts resulting  
16                  from the same distinct cause as a  
17                  previously determined fishery re-  
18                  source disaster;

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

24           “(IV) if applicable and available,  
25           information on affected fishery 12-

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

5                    *“(C) ASSISTANCE.—The Secretary may pro-*  
6                    *vide data and analysis assistance to an eligible*  
7                    *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 fish-*  
17                    *ery resource disaster review without a request.*

18                    *“(4) REVIEW PROCESS.—*

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

23                    *“(i) acknowledges receipt of the request;*

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.—The Secretary shall  
12           complete a review, within the time frame  
13           described in clause (ii), using the best sci-  
14           entific information available, in consulta-  
15           tion with the affected fishing communities,  
16           States, or Tribes, of—

17           “(I) the information provided by  
18           the requester and any additional infor-  
19           mation relevant to the fishery, which  
20           may include—

21                   “(aa) fishery characteristics;

22                   “(bb) stock assessments;

23                   “(cc) the most recent fishery  
24           independent surveys and other  
25           fishery resource assessments and

1 surveys conducted by Federal,  
2 State, or Tribal officials;  
3 “(dd) estimates of mortality;  
4 and  
5 “(ee) overall effects; and  
6 “(II) the available economic infor-  
7 mation, which may include an anal-  
8 ysis of—  
9 “(aa) landings data;  
10 “(bb) revenue;  
11 “(cc) the number of partici-  
12 pants involved;  
13 “(dd) the number and type of  
14 jobs and persons impacted, which  
15 may include—  
16 “(AA) fishers;  
17 “(BB) charter fishing  
18 operators;  
19 “(CC) subsistence users;  
20 “(DD) United States  
21 fish processors; and  
22 “(EE) an owner of a re-  
23 lated fishery infrastructure  
24 or business affected by the  
25 disaster, such as a marina

1 operator, recreational fishing  
2 equipment retailer, or char-  
3 ter, headboat, or tender vessel  
4 owner, operator, or crew;

5 “(ee) an impacted Indian  
6 Tribe;

7 “(ff) other forms of disaster  
8 assistance made available to the  
9 fishery, including prior awards of  
10 disaster assistance for the same  
11 event;

12 “(gg) the length of time the  
13 resource, or access to the resource,  
14 has been restricted;

15 “(hh) status of recovery from  
16 previous fishery resource disasters;

17 “(ii) lost resource tax reve-  
18 nues assessed by local commu-  
19 nities, such as a raw fish tax; and

20 “(jj) other appropriate indi-  
21 cators to an affected fishery, as  
22 determined by the National Ma-  
23 rine Fisheries Service.

24 “(ii) *TIME FRAME.*—The Secretary  
25 shall complete the review described in clause

1           *(i), if the fishing season, applicable to the*  
2           *fishery—*

3                   *“(I) has concluded or there is no*  
4                   *defined fishing season applicable to the*  
5                   *fishery, not later than 120 days after*  
6                   *the Secretary receives a complete re-*  
7                   *quest for a fishery resource disaster de-*  
8                   *termination;*

9                   *“(II) has not concluded, not later*  
10                  *than 120 days after the conclusion of*  
11                  *the fishing season; or*

12                  *“(III) is expected to be closed for*  
13                  *the entire fishing season, not later than*  
14                  *120 days after the Secretary receives a*  
15                  *complete request for a fishery resource*  
16                  *disaster determination.*

17                  *“(C) FISHERY RESOURCE DISASTER DETER-*  
18                  *MINATION.—The Secretary shall make the deter-*  
19                  *mination of a fishery resource disaster based on*  
20                  *the criteria for determinations listed in para-*  
21                  *graph (5).*

22                  *“(D) NOTIFICATION.—Not later than 14*  
23                  *days after the conclusion of the review under this*  
24                  *paragraph, the Secretary shall notify the re-*  
25                  *quester and the Governor of the affected State or*



1           *Tribal representative of the determination of the*  
2           *Secretary.*

3           “(5) *CRITERIA FOR DETERMINATIONS.—*

4                   “(A) *IN GENERAL.—The Secretary shall*  
5                   *make a determination about whether a fishery*  
6                   *resource disaster has occurred, based on the rev-*  
7                   *enue loss thresholds under subparagraph (B),*  
8                   *and, if a fishery resource disaster has occurred,*  
9                   *whether the fishery resource disaster was due*  
10                  *to—*

11                           “(i) *a natural cause;*

12                           “(ii) *an anthropogenic cause;*

13                           “(iii) *a combination of a natural cause*  
14                   *and an anthropogenic cause; or*

15                           “(iv) *an undetermined cause.*

16                  “(B) *REVENUE LOSS THRESHOLDS.—*

17                           “(i) *IN GENERAL.—Based on the infor-*  
18                   *mation provided or analyzed under para-*  
19                   *graph (4)(B), the Secretary shall apply the*  
20                   *following 12-month revenue loss thresholds*  
21                   *in determining whether a fishery resource*  
22                   *disaster has occurred:*

23                                   “(I) *Losses greater than 80 per-*  
24                   *cent may result in a positive deter-*  
25                   *mination that a fishery resource dis-*

1            *aster has occurred, based on the infor-*  
2            *mation provided or analyzed under*  
3            *paragraph (4)(B).*

4            *“(II) Losses between 35 percent*  
5            *and 80 percent shall be evaluated to*  
6            *determine whether economic impacts*  
7            *are severe enough to determine that a*  
8            *fishery resource disaster has occurred.*

9            *“(III) Losses less than 35 percent*  
10           *shall not be eligible for a determina-*  
11           *tion that a fishery resource disaster*  
12           *has occurred.*

13           *“(ii) CHARTER FISHING.—In making*  
14           *a determination of whether a fishery re-*  
15           *source disaster has occurred, the Secretary*  
16           *shall consider the economic impacts to the*  
17           *charter fishing industry to ensure financial*  
18           *coverage for charter fishing businesses.*

19           *“(iii) NEGATIVE SUBSISTENCE IM-*  
20           *PACTS.—In considering negative subsistence*  
21           *impacts, the Secretary shall evaluate the se-*  
22           *verity of negative impacts to the fishing*  
23           *community instead of applying the revenue*  
24           *loss thresholds described in clause (i).*

1           “(C) *INELIGIBLE FISHERIES.*—A fishery  
2           subject to overfishing in any of the 3 years pre-  
3           ceding the date of a determination under this  
4           subsection is not eligible for a determination of  
5           whether a fishery resource disaster has occurred  
6           unless the Secretary determines that overfishing  
7           was not a contributing factor to the fishery re-  
8           source disaster.

9           “(D) *EXCEPTIONAL CIRCUMSTANCES.*—In  
10          an exceptional circumstance where substantial  
11          economic impacts to the affected fishery and fish-  
12          ing community have been subject to a disaster  
13          declaration under another statutory authority,  
14          such as in the case of a natural disaster or from  
15          the direct consequences of a Federal action taken  
16          to prevent, or in response to, a natural disaster  
17          for purposes of protecting life and safety, the  
18          Secretary may determine a fishery resource dis-  
19          aster has occurred notwithstanding the require-  
20          ments under paragraph (3) and subparagraph  
21          (B).

22          “(6) *DISBURSAL OF APPROPRIATED FUNDS.*—

23                 “(A) *AUTHORIZATION.*—The Secretary shall  
24                 allocate funds available under paragraph (9) for  
25                 fishery resource disasters.

1                   “(B) *ALLOCATION OF APPROPRIATED FISH-*  
2                   *ERY RESOURCE DISASTER ASSISTANCE.—*

3                   “(i) *NOTIFICATION OF FUNDING AVAIL-*  
4                   *ABILITY.—When there are appropriated*  
5                   *funds for 1 or more fishery resource disas-*  
6                   *ters, the Secretary shall notify—*

7                   “(I) *the public; and*

8                   “(II) *representatives of affected*  
9                   *fishing communities with a positive*  
10                  *disaster determination that is un-*  
11                  *funded; of the availability of funds, not*  
12                  *more than 14 days after the date of the*  
13                  *appropriation or the determination of*  
14                  *a fishery resource disaster, whichever*  
15                  *occurs later.*

16                  “(ii) *EXTENSION OF DEADLINE.—The*  
17                  *Secretary may extend the deadline under*  
18                  *clause (i) by 90 days to evaluate and make*  
19                  *determinations on eligible requests.*

20                  “(C) *CONSIDERATIONS.—In determining the*  
21                  *allocation of appropriations for a fishery re-*  
22                  *source disaster, the Secretary shall consider com-*  
23                  *mercial, charter, headboat, or seafood processing*  
24                  *revenue losses and negative impacts to subsist-*  
25                  *ence and Tribal ceremonial fishing opportunity,*

1           *for the affected fishery and may consider the fol-*  
2           *lowing factors:*

3                     “(i) *Direct economic impacts.*

4                     “(ii) *Uninsured losses.*

5                     “(iii) *Losses of recreational fishing op-*  
6                     *portunity.*

7                     “(iv) *Aquaculture operations revenue*  
8                     *loss.*

9                     “(v) *Direct revenue losses to a fishing*  
10                    *community.*

11                    “(vi) *Treaty obligations.*

12                    “(vii) *Other economic impacts.*

13                    “(D) *SPEND PLANS.—To receive an alloca-*  
14                    *tion from funds available under paragraph (9),*  
15                    *a requester with an affirmative fishery resource*  
16                    *disaster determination shall submit a spend plan*  
17                    *to the Secretary, not more than 120 days after*  
18                    *receiving notification that funds are available,*  
19                    *that shall include the following information, if*  
20                    *applicable:*

21                             “(i) *Objectives and outcomes, with an*  
22                             *emphasis on addressing the factors contrib-*  
23                             *uting to the fishery resource disaster and*  
24                             *minimizing future uninsured losses, if ap-*  
25                             *plicable.*

1                   “(ii) *Statement of work.*

2                   “(iii) *Budget details.*

3                   “(E) *REGIONAL CONTACT.—If so requested,*  
4                   *the Secretary shall provide a regional contact*  
5                   *within the National Oceanic and Atmospheric*  
6                   *Administration to facilitate review of spend*  
7                   *plans and disbursement of funds.*

8                   “(F) *DISBURSAL OF FUNDS.—*

9                   “(i) *AVAILABILITY.—Funds shall be*  
10                   *made available to grantees not later than 90*  
11                   *days after the date the Secretary receives a*  
12                   *complete spend plan.*

13                   “(ii) *METHOD.—The Secretary may*  
14                   *provide an allocation of funds under this*  
15                   *subsection in the form of a grant, direct*  
16                   *payment, cooperative agreement, loan, or*  
17                   *contract.*

18                   “(iii) *ELIGIBLE USES.—*

19                   “(I) *IN GENERAL.—Funds allo-*  
20                   *cated for fishery resources disasters*  
21                   *under this subsection shall restore the*  
22                   *fishery affected by such a disaster, pre-*  
23                   *vent a similar disaster in the future, or*  
24                   *assist the affected fishing community,*

1                   *and shall prioritize the following uses,*  
2                   *which are not in order of priority:*

3                   “(aa) *Habitat conservation*  
4                   *and restoration and other activi-*  
5                   *ties, including scientific research,*  
6                   *that reduce adverse impacts to the*  
7                   *fishery or improve understanding*  
8                   *of the affected species or its eco-*  
9                   *system.*

10                  “(bb) *The collection of fishery*  
11                  *information and other activities*  
12                  *that improve management of the*  
13                  *affected fishery.*

14                  “(cc) *In a commercial fish-*  
15                  *ery, capacity reduction and other*  
16                  *activities that improve manage-*  
17                  *ment of fishing effort, including*  
18                  *funds to offset budgetary costs to*  
19                  *refinance a Federal fishing capac-*  
20                  *ity reduction loan or to repay the*  
21                  *principal of a Federal fishing ca-*  
22                  *capacity reduction loan.*

23                  “(dd) *Developing, repairing,*  
24                  *or improving fishery-related pub-*  
25                  *lic infrastructure.*

1           “(ee) *Direct assistance to a*  
2           *person, fishing community (in-*  
3           *cluding assistance for lost fisheries*  
4           *resource levies), or a business to*  
5           *alleviate economic loss incurred as*  
6           *a direct result of a fishery re-*  
7           *source disaster, particularly when*  
8           *affected by a circumstance de-*  
9           *scribed in paragraph (5)(D) or by*  
10           *negative impacts to subsistence*  
11           *and Tribal ceremonial fishing op-*  
12           *portunity.*

13           “(ff) *Hatcheries and stock en-*  
14           *hancement to help rebuild the af-*  
15           *ected stock or offset fishing pres-*  
16           *sure on the affected stock.*

17           “(II) *DISPLACED FISHERY EM-*  
18           *PLOYEES.—Where appropriate, indi-*  
19           *viduals carrying out the activities de-*  
20           *scribed in items (aa) through (dd) of*  
21           *subclause (I) shall be individuals who*  
22           *are, or were, employed in a commer-*  
23           *cial, charter, or Tribal fishery for*  
24           *which the Secretary has determined*



1                   that a fishery resource disaster has oc-  
2                   curred.

3                   “(7) *LIMITATIONS.*—

4                   “(A) *FEDERAL SHARE.*—

5                   “(i) *IN GENERAL.*—*Except as provided*  
6                   *in clauses (ii) and (iii), the Federal share*  
7                   *of the cost of any activity carried out under*  
8                   *the authority of this subsection shall not ex-*  
9                   *ceed 75 percent of the cost of that activity.*

10                  “(ii) *WAIVER.*—*The Secretary may*  
11                  *waive the non-Federal share requirements of*  
12                  *this subsection, if the Secretary determines*  
13                  *that—*

14                         “(I) *no reasonable means are*  
15                         *available through which the recipient*  
16                         *of the Federal share can meet the non-*  
17                         *Federal share requirement; and*

18                         “(II) *the probable benefit of 100*  
19                         *percent Federal financing outweighs*  
20                         *the public interest in imposition of the*  
21                         *non-Federal share requirement.*

22                         “(iii) *EXCEPTION.*—*The Federal share*  
23                         *shall be equal to 100 percent in the case*  
24                         *of—*

1                   “(I) direct assistance as described  
2                   in paragraph (6)(F)(iii)(I)(ee); or

3                   “(II) assistance to subsistence or  
4                   Tribal fisheries.

5                   “(B) LIMITATIONS ON ADMINISTRATIVE EX-  
6                   PENSES.—

7                   “(i) FEDERAL.—Not more than 3 per-  
8                   cent of the funds available under this sub-  
9                   section may be used for administrative ex-  
10                  penses by the National Oceanographic and  
11                  Atmospheric Administration.

12                  “(ii) STATE OR TRIBAL GOVERN-  
13                  MENTS.—Of the funds remaining after the  
14                  use described in clause (i), not more than 5  
15                  percent may be used by States, Tribal gov-  
16                  ernments, or interstate marine fisheries  
17                  commissions for administrative expenses.

18                  “(C) FISHING CAPACITY REDUCTION PRO-  
19                  GRAM.—

20                  “(i) IN GENERAL.—No funds available  
21                  under this subsection may be used as part  
22                  of a fishing capacity reduction program in  
23                  a fishery unless the Secretary determines  
24                  that adequate conservation and manage-  
25                  ment measures are in place in such fishery.

1           “(i) *ASSISTANCE CONDITIONS.*—As a  
2           *condition of providing assistance under this*  
3           *subsection with respect to a vessel under a*  
4           *fishing capacity reduction program, the*  
5           *Secretary shall—*

6                     “(I) *prohibit the vessel from being*  
7                     *used for fishing in Federal, State, or*  
8                     *international waters; and*

9                     “(II) *require that the vessel be—*

10                             “(aa) *scrapped or otherwise*  
11                             *disposed of in a manner approved*  
12                             *by the Secretary;*

13                             “(bb) *donated to a nonprofit*  
14                             *organization and thereafter used*  
15                             *only for purposes of research, edu-*  
16                             *cation, or training; or*

17                             “(cc) *used for another non-*  
18                             *fishing purpose provided the Sec-*  
19                             *retary determines that adequate*  
20                             *measures are in place to ensure*  
21                             *that the vessel cannot reenter any*  
22                             *fishery anywhere in the world.*

23           “(D) *NO FISHERY ENDORSEMENT.*—

24                     “(i) *IN GENERAL.*—A vessel that is  
25           *prohibited from fishing under subparagraph*

1           (C)(ii)(I) shall not be eligible for a fishery  
2           endorsement under section 12113(a) of title  
3           46, United States Code.

4           “(ii) NONEFFECTIVE.—A fishery en-  
5           dorsement for a vessel described in clause (i)  
6           shall not be effective.

7           “(iii) NO SALE.—A vessel described in  
8           clause (i) may not be sold to a foreign  
9           owner or reflagged.

10           “(8) PUBLIC INFORMATION ON DATA COLLEC-  
11           TION.—The Secretary shall make available and up-  
12           date as appropriate, information on data collection  
13           and submittal best practices for the information de-  
14           scribed in paragraph (4)(B).

15           “(9) AUTHORIZATION OF APPROPRIATIONS.—  
16           There are authorized to be appropriated to carry out  
17           this subsection \$377,000,000 for the period of fiscal  
18           years 2023 through 2028.”.

19 **SEC. 202. SUBSISTENCE FISHING.**

20           (a) PURPOSES.—Section 2(b)(3) (16 U.S.C.  
21           1801(b)(3)) is amended by inserting “, subsistence,” after  
22           “commercial”.

23           (b) DEFINITION OF SUBSISTENCE FISHING.—Section  
24           3 (16 U.S.C. 1802) is amended—

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

4           (2) *by inserting after paragraph (42) the fol-*  
5           *lowing:*

6           “(42A)(A) *SUBSISTENCE FISHING.—The term*  
7           *‘subsistence fishing’ means fishing in which the fish*  
8           *harvested are intended for customary and traditional*  
9           *uses, including—*

10            “(i) *for direct or sharing personal, family,*  
11            *or community consumption, including as food,*  
12            *shelter, clothing, or tools;*

13            “(ii) *for the making or selling of handicraft*  
14            *articles out of nonedible byproducts of subsistence*  
15            *fishing;*

16            “(iii) *for barter; and*

17            “(iv) *for customary trade.*

18           “(B) *In this paragraph—*

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

23            “(ii) *the term ‘barter’ means the exchange of*  
24            *a fish or fish part harvested through subsistence*  
25            *fishing—*

1                   “(I) for another fish or fish part; or  
2                   “(II) for other food or for nonedible  
3                   items other than money if the exchange is of  
4                   a limited and noncommercial nature.”.

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

6           *The Coastal Zone Management Act of 1972 (16 U.S.C.*  
7 *1451 et seq.) is amended by adding at the end the following:*

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

9           “(a) *WORKING WATERFRONTS TASK FORCE.*—

10                   “(1) *ESTABLISHMENT AND FUNCTIONS.*—*The*  
11 *Secretary shall establish a task force to work directly*  
12 *with coastal States, user groups, and coastal stake-*  
13 *holders to identify and address critical needs with re-*  
14 *spect to working waterfronts.*

15                   “(2) *MEMBERSHIP.*—*The members of the task*  
16 *force shall be appointed by the Secretary, and shall*  
17 *include—*

18                           “(A) *experts in the unique economic, social,*  
19 *cultural, ecological, geographic, and resource*  
20 *concerns of working waterfronts; and*

21                           “(B) *representatives from the National Oce-*  
22 *anic and Atmospheric Administration’s Office of*  
23 *Coastal Management, the United States Fish and*  
24 *Wildlife Service, the Department of Agriculture,*  
25 *the Environmental Protection Agency, the*

1           *United States Geological Survey, the Navy, the*  
2           *National Marine Fisheries Service, the Economic*  
3           *Development Administration, and such other*  
4           *Federal agencies as the Secretary considers ap-*  
5           *propriate.*

6           “(3) *FUNCTIONS.—The task force shall—*

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

12                           “(i) *economic and cultural importance*  
13                           *of working waterfronts to communities;*

14                           “(ii) *changing environments and*  
15                           *threats working waterfronts face from envi-*  
16                           *ronmental changes, trade barriers, sea level*  
17                           *rise, extreme weather events, ocean acidifi-*  
18                           *cation, and harmful algal blooms; and*

19                           “(iii) *identifying working waterfronts*  
20                           *and highlighting them within communities;*

21                   “(B) *outline options, in coordination with*  
22                   *coastal States and local stakeholders, to address*  
23                   *such critical needs, including adaptation and*  
24                   *mitigation where applicable;*

1           “(C) identify Federal agencies that are re-  
2           sponsible for addressing such critical needs; and

3           “(D) recommend Federal agencies best suit-  
4           ed to address any critical needs for which no  
5           agency is responsible under existing law.

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

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

15          “(6) IMPLEMENTATION.—The head of each Fed-  
16          eral agency identified in the report pursuant to para-  
17          graph (3)(C) shall take such action as is necessary to  
18          implement the recommendations contained in the re-  
19          port by not later than one year after the date of  
20          issuance of the report.

21          “(b) WORKING WATERFRONTS GRANT PROGRAM.—

22                 “(1) ESTABLISHMENT.—The Secretary shall es-  
23                 tablish a Working Waterfront Grant Program, in co-  
24                 operation with appropriate State, regional, and other  
25                 units of government, under which the Secretary may



1       *make a grant to any coastal State for the purpose of*  
2       *implementing a working waterfronts plan approved*  
3       *by the Secretary under subsection (c).*

4               “(2) GRANTS.—*The Secretary shall award*  
5       *matching grants under the Working Waterfronts*  
6       *Grant Program to coastal States with approved work-*  
7       *ing waterfronts plans through a regionally equitable,*  
8       *competitive funding process in accordance with the*  
9       *following:*

10               “(A) *The Governor, or an agency designated*  
11       *by the Governor for coordinating the implemen-*  
12       *tation of this section, in consultation with any*  
13       *appropriate local government, shall determine*  
14       *that the application is consistent with the State’s*  
15       *or territory’s approved coastal zone plan, pro-*  
16       *gram, and policies prior to submission to the*  
17       *Secretary.*

18               “(B) *In developing guidelines under this*  
19       *section, the Secretary shall consult with coastal*  
20       *States, other Federal agencies, and other inter-*  
21       *ested stakeholders with expertise in working wa-*  
22       *terfronts planning.*

23               “(C) *Coastal States may allocate grants to*  
24       *local governments, agencies, or nongovernmental*

1           *organizations eligible for assistance under this*  
2           *section.*

3           “(3) *CONSIDERATIONS.—In awarding a grant to*  
4           *a coastal State, the Secretary shall consider—*

5                   “(A) *the economic, cultural, and historical*  
6                   *significance of working waterfronts to the coastal*  
7                   *State;*

8                   “(B) *the demonstrated working waterfronts*  
9                   *needs of the coastal State as outlined by a work-*  
10                   *ing waterfronts plan approved for the coastal*  
11                   *State under subsection (c), and the value of the*  
12                   *proposed project for the implementation of such*  
13                   *plan;*

14                   “(C) *the ability to leverage funds among*  
15                   *participating entities, including Federal agen-*  
16                   *cies, regional organizations, State and other gov-*  
17                   *ernment units, landowners, corporations, or pri-*  
18                   *vate organizations;*

19                   “(D) *the potential for rapid turnover in the*  
20                   *ownership of working waterfronts in the coastal*  
21                   *State, and where applicable the need for coastal*  
22                   *States to respond quickly when properties in ex-*  
23                   *isting or potential working waterfronts areas or*  
24                   *public access areas as identified in the working*

1           *waterfronts plan submitted by the coastal State*  
2           *come under threat or become available; and*

3           “(E) *the impact of the working waterfronts*  
4           *plan approved for the coastal State under sub-*  
5           *section (c) on the coastal ecosystem and the users*  
6           *of the coastal ecosystem.*

7           “(4) *TIMELINE FOR APPROVAL.—The Secretary*  
8           *shall approve or reject an application for such a*  
9           *grant not later than 60 days after receiving an appli-*  
10           *cation for the grant.*

11           “(c) *WORKING WATERFRONTS PLANS.—*

12           “(1) *DEVELOPMENT AND SUBMISSION OF*  
13           *PLAN.—To be eligible for a grant under subsection*  
14           *(b), a coastal State shall submit to the Secretary a*  
15           *comprehensive working waterfronts plan in accord-*  
16           *ance with this subsection, or be in the process of de-*  
17           *veloping such a plan and have an established working*  
18           *waterfronts program at the State or local level.*

19           “(2) *PLAN REQUIREMENTS.—Such plan—*

20           “(A) *shall provide for preservation and ex-*  
21           *pansion of access to coastal waters to persons en-*  
22           *gaged in commercial fishing, marine recreational*  
23           *and tourism businesses, aquaculture,*  
24           *boatbuilding, or other water-dependent, coastal-*  
25           *related business;*

1           “(B) shall include—

2                   “(i) an assessment of the economic, so-  
3                   cial, cultural, and historic value of working  
4                   waterfronts to the coastal State;

5                   “(ii) a description of relevant State  
6                   and local laws and regulations affecting  
7                   working waterfronts in the geographic areas  
8                   identified in the working waterfronts plan;

9                   “(iii) identification of geographic areas  
10                  where working waterfronts are currently  
11                  under threat of conversion to uses incompat-  
12                  ible with commercial and recreational fish-  
13                  ing, recreational fishing and boating busi-  
14                  nesses, other marine recreational and tour-  
15                  ism businesses, aquaculture, boatbuilding,  
16                  or other water-dependent, coastal-related  
17                  business, and the level of that threat;

18                  “(iv) identification of geographic areas  
19                  with a historic connection to working wa-  
20                  terfronts where working waterfronts are not  
21                  currently available, and, where appropriate,  
22                  an assessment of the environmental impacts  
23                  of any expansion or new development of  
24                  working waterfronts on the coastal eco-  
25                  system;

1           “(v) *identification of other working*  
2           *waterfronts needs including improvements*  
3           *to existing working waterfronts and work-*  
4           *ing waterfronts areas;*

5           “(vi) *a strategic and prioritized plan*  
6           *for the preservation, expansion, and im-*  
7           *provement of working waterfronts in the*  
8           *coastal State;*

9           “(vii) *for areas identified under*  
10           *clauses (iii), (iv), (v), and (vi), identifica-*  
11           *tion of current availability and potential*  
12           *for expansion of public access to coastal*  
13           *waters;*

14           “(viii) *a description of the degree of*  
15           *community support for such strategic plan;*  
16           *and*

17           “(ix) *a contingency plan for properties*  
18           *that revert to the coastal State pursuant to*  
19           *determinations made by the coastal State*  
20           *under subsection (g)(4)(C);*

21           “(C) *may include detailed descriptions of*  
22           *environmental impacts on working waterfronts,*  
23           *including hazards, sea level rise, inundation ex-*  
24           *posure, and other resiliency issues;*

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

3           “(E) shall utilize to the maximum extent  
4           practicable existing information contained in  
5           relevant surveys, plans, or other strategies to ful-  
6           fill the information requirements under this  
7           paragraph; and

8           “(F) shall incorporate the policies and regu-  
9           lations adopted by communities under local  
10          working waterfronts plans or strategies in exist-  
11          ence before the date of the enactment of this sec-  
12          tion.

13          “(3) A working waterfront plan—

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

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

19               “(C) shall be complimentary to and incor-  
20               porate the policies and objectives of regional or  
21               local working waterfronts plan as in effect before  
22               the date of the enactment of this section or as  
23               subsequently revised.

24          “(4) The Secretary may—

1           “(A) award planning grants to coastal  
2 States for the purpose of developing or revising  
3 comprehensive working waterfronts plan;

4           “(B) award grants consistent with the pur-  
5 poses of this section to States undertaking the  
6 working waterfronts planning process under this  
7 section, for the purpose of preserving and pro-  
8 tecting working waterfronts during such process;  
9 and

10           “(C) determine that a preexisting coastal  
11 land use plan for that State is in accordance  
12 with the requirements of this subsection.

13           “(5) Any coastal State applying for a working  
14 waterfronts grant under this title shall—

15           “(A) develop a working waterfronts plan,  
16 using a process that involves the public and those  
17 with an interest in the coastal zone;

18           “(B) coordinate development and implemen-  
19 tation of such a plan with other coastal manage-  
20 ment programs, regulations, and activities of the  
21 coastal State; and

22           “(C) if the coastal State allows qualified  
23 holders (other than the coastal State) to enter  
24 into working waterfronts covenants, provide as  
25 part of the working waterfronts plan under this

1            *subsection a procedure to ensure that the quali-*  
2            *fied holders are fulfilling such qualified holder's*  
3            *obligations under the working waterfronts cov-*  
4            *enant.*

5            *“(d) USES, TERMS, AND CONDITIONS.—A grant under*  
6            *this section may be used—*

7            *“(1) to acquire a working waterfronts, or an in-*  
8            *terest in a working waterfront;*

9            *“(2) to make improvements to a working water-*  
10           *fronts, including the construction or repair of wharfs,*  
11           *boat ramps, or related facilities; or*

12           *“(3) for necessary climate change adaptation or*  
13           *mitigation.*

14           *“(e) PUBLIC ACCESS REQUIREMENT.—A working wa-*  
15           *terfronts project funded by grants made under this section*  
16           *must provide for expansion, improvement, or preservation*  
17           *of reasonable and appropriate public access to coastal*  
18           *waters at or in the vicinity of a working waterfront, except*  
19           *for commercial fishing or other industrial access points*  
20           *where the coastal State determines that public access would*  
21           *be unsafe.*

22           *“(f) LIMITATIONS.—*

23           *“(1) Except as provided in paragraph (2), a*  
24           *grant awarded under this section may be used to pur-*  
25           *chase working waterfronts or an interest in working*



1        *waterfronts, including an easement, only from a will-*  
2        *ing seller and at fair market value.*

3            *“(2) A grant awarded under this section may be*  
4        *used to acquire working waterfronts or an interest in*  
5        *working waterfronts at less than fair market value*  
6        *only if the owner certifies to the Secretary that the*  
7        *sale is being entered into willingly and without coer-*  
8        *cion.*

9            *“(3) No Federal, State, or local entity may exer-*  
10       *cise the power of eminent domain to secure title to*  
11       *any property or facilities in connection with a project*  
12       *carried out under this section.*

13        *“(g) ALLOCATION OF GRANTS TO LOCAL GOVERN-*  
14       *MENTS AND OTHER ENTITIES.—*

15            *“(1) DESIGNATION OF QUALIFIED HOLDER.—*  
16        *Subject to the approval of the Secretary, a coastal*  
17        *State may, as part of an approved working water-*  
18        *front plan, designate as a qualified holder any unit*  
19        *of State or local government or nongovernmental or-*  
20        *ganization, if the coastal State is ultimately respon-*  
21        *sible for ensuring that the property will be managed*  
22        *in a manner that is consistent with the purposes for*  
23        *which the land entered into the program.*

24            *“(2) ALLOCATION.—A coastal State or a quali-*  
25        *fied holder designated by a coastal State may allocate*

1       to a unit of local government, nongovernmental orga-  
2       nization, fishing cooperative, or other entity, a por-  
3       tion of any grant made under this section for the pur-  
4       pose of carrying out this section, except that such an  
5       allocation shall not relieve the coastal State of the re-  
6       sponsibility for ensuring that any funds so allocated  
7       are applied in furtherance of the coastal State's ap-  
8       proved working waterfronts plan.

9               “(3) *EXCEPTIONS.*—A qualified holder may hold  
10       title to or interest in property acquired under this  
11       section, except that—

12               “(A) all persons holding title to or interest  
13       in working waterfronts affected by a grant under  
14       this section shall enter into a working water-  
15       fronts covenant;

16               “(B) such covenant shall be held by the  
17       coastal State or a qualified holder designated  
18       under paragraph (1);

19               “(C) if the coastal State determines, on the  
20       record after an opportunity for a hearing, that  
21       the working waterfronts covenant has been vio-  
22       lated—

23               “(i) all right, title, and interest in and  
24       to the working waterfronts covered by such  
25       covenant shall, except as provided in sub-

1 paragraph (D), revert to the coastal State;

2 and

3 “(ii) the coastal State shall have the  
4 right of immediate entry onto the working  
5 waterfronts; and

6 “(D) if a coastal State makes a determina-  
7 tion under subparagraph (C), the coastal State  
8 may convey or authorize the qualified holder to  
9 convey the working waterfront or interest in  
10 working waterfronts to another qualified holder.

11 “(h) MATCHING CONTRIBUTIONS.—

12 “(1) IN GENERAL.—Except as provided in para-  
13 graph (2), the Secretary shall require that each coast-  
14 al State that receives a grant under this section, or  
15 a qualified holder designated by that coastal State  
16 under subsection (g), shall provide matching funds in  
17 an amount equal to at least 25 percent of the total  
18 cost of the project carried out with the grant. As a  
19 condition of receipt of a grant under this section, the  
20 Secretary shall require that a coastal State provide to  
21 the Secretary such assurances as the Secretary deter-  
22 mines are sufficient to demonstrate that the share of  
23 the cost of each eligible project that is not funded by  
24 the grant awarded under this section has been se-  
25 cured.

1           “(2) *WAIVER.*—*The Secretary may waive the ap-*  
2           *plication of paragraph (1) for any qualified holder*  
3           *that is an underserved community, a community that*  
4           *has an inability to draw on other sources of funding*  
5           *because of the small population or low income of the*  
6           *community, or for other reasons the Secretary con-*  
7           *siders appropriate.*

8           “(3) *IN-KIND CONTRIBUTIONS.*—*A local commu-*  
9           *nity designated as a qualified holder under subsection*  
10          *(g) may use funds or other in-kind contributions do-*  
11          *nated by a nongovernmental partner to satisfy the*  
12          *matching funds requirement under this subsection.*

13          “(4) *FUNDING FROM OTHER FEDERAL*  
14          *SOURCE.*—*If financial assistance under this section*  
15          *represents only a portion of the total cost of a project,*  
16          *funding from other Federal sources may be applied to*  
17          *the cost of the project.*

18          “(5) *VALUE OF A WORKING WATERFRONT.*—*The*  
19          *Secretary shall treat as non-Federal match the value*  
20          *of a working waterfront or interest in a working wa-*  
21          *terfront, including conservation and other easements,*  
22          *that is held in perpetuity by a qualified holder, if the*  
23          *working waterfront or interest is identified in the ap-*  
24          *plication for the grant and acquired by the qualified*  
25          *holder not later than three years of the grant award*

1        *date, or not later than three years after the submis-*  
2        *sion of the application and before the end of the grant*  
3        *award period. Such value shall be determined by an*  
4        *appraisal performed at such time before the award of*  
5        *the grant as the Secretary considers appropriate.*

6            *“(6) OTHER CONSIDERATIONS.—The Secretary*  
7        *shall treat as non-Federal match the costs associated*  
8        *with acquisition of a working waterfront or an inter-*  
9        *est in a working waterfront, and the costs of restora-*  
10       *tion, enhancement, or other improvement to a work-*  
11       *ing waterfront, if the activities are identified in the*  
12       *project application and the costs are incurred within*  
13       *the period of the grant award, or, for working water-*  
14       *front described in paragraph (6), within the same*  
15       *time limits described in that paragraph. Such costs*  
16       *may include either cash or in-kind contributions.*

17           *“(i) LIMIT ON ADMINISTRATIVE COSTS.—The Sec-*  
18       *retary may not use more than 5 percent of the funds made*  
19       *available under this section may for planning or adminis-*  
20       *tration of the program under this section.*

21           *“(j) OTHER TECHNICAL AND FINANCIAL ASSIST-*  
22       *ANCE.—*

23           *“(1) The Secretary may use up to 5 percent of*  
24       *the funds appropriated under this section to provide*  
25       *technical assistance as described in this subsection.*

1           “(2) *The Secretary shall—*

2                   “(A) *provide technical assistance to coastal*  
3 *States and local governments in identifying and*  
4 *obtaining other sources of available Federal tech-*  
5 *nical and financial assistance for the develop-*  
6 *ment and revision of a working waterfronts plan*  
7 *and the implementation of an approved working*  
8 *waterfronts plan;*

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

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

19                   “(D) *collect and disseminate to States guid-*  
20 *ance for best stormwater management practices*  
21 *in regards to working waterfronts;*

22                   “(E) *provide technical assistance to States*  
23 *and local governments on integrating resilience*  
24 *planning into working waterfronts 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 car-  
12          ried out using grants awarded under this sec-  
13          tion.

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, the following defi-  
18          nitions apply:

19          “(1) QUALIFIED HOLDER.—The term ‘qualified  
20          holder’ means a coastal State or a unit of local or  
21          coastal State government or a non-State organization  
22          designated by a coastal State under subsection (g).

23          “(2) WORKING WATERFRONT.—The term ‘work-  
24          ing waterfront’ means real property (including sup-  
25          port structures over water and other facilities) that

1        *provides access to coastal waters to persons engaged*  
2        *in commercial and recreational fishing, recreational*  
3        *fishing and boating businesses, other marine rec-*  
4        *reational and tourism businesses, boatbuilding, aqua-*  
5        *culture, or other water-dependent, coastal-related*  
6        *business and is used for, or that supports, commercial*  
7        *and recreational fishing, recreational fishing and*  
8        *boating businesses, boatbuilding, other marine rec-*  
9        *reational and tourism businesses, aquaculture, or*  
10       *other water-dependent, coastal-related business.*

11            *“(3) WORKING WATERFRONT COVENANT.—The*  
12        *term ‘working waterfront covenant’ means an agree-*  
13        *ment in recordable form between the owner of working*  
14        *waterfront and one or more qualified holders, that*  
15        *provides such assurances as the Secretary may re-*  
16        *quire 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 provided*  
20        *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 pur-*  
24        *suant to this section, and the property will not*



1           *be converted to any use that is inconsistent with*  
2           *the purpose of this section;*

3           “(C) *if the title to or interest in the working*  
4           *waterfront is sold or otherwise exchanged—*

5                     “(i) *all working waterfront owners and*  
6                     *qualified holders involved in such sale or ex-*  
7                     *change shall accede to such agreement; and*

8                     “(ii) *funds equal to the fair market*  
9                     *value of the working waterfront or interest*  
10                    *in working waterfront shall be paid to the*  
11                    *Secretary by parties to the sale or exchange,*  
12                    *and such funds shall, at the discretion of the*  
13                    *Secretary, be paid to the coastal State in*  
14                    *which the working waterfront is located for*  
15                    *use in the implementation of the working*  
16                    *waterfront plan of the State approved by*  
17                    *the Secretary under this section; and*

18                    “(D) *such covenant is subject to enforcement*  
19                    *and oversight by the coastal State or by another*  
20                    *person as determined appropriate by the Sec-*  
21                    *retary.*

22           “(m) *AUTHORIZATION OF APPROPRIATIONS.—There is*  
23           *authorized to be appropriated to the Secretary \$12,000,000*  
24           *for each of fiscal years 2023 through 2027 to carry out this*  
25           *section.”.*

1 **SEC. 204. SEAFOOD MARKETING.**

2 (a) *OUTREACH PLAN.*—*The Secretary of Agriculture,*  
3 *in conjunction with the Administrator, shall develop an*  
4 *outreach plan to expand Department of Agriculture out-*  
5 *reach to fishing industry stakeholders to increase awareness*  
6 *of and assist with the use of programs in the Agricultural*  
7 *Marketing Service.*

8 (b) *STUDY.*—*The Administrator shall, in consultation*  
9 *with the Secretary of Agriculture and members of the sea-*  
10 *food industry, study the possibility of establishing education*  
11 *and marketing programs within the National Oceanic and*  
12 *Atmospheric Administration.*

13 (c) *REPORTS.*—*Not later than 2 years after the date*  
14 *of enactment of this Act—*

15 (1) *the Secretary of Agriculture, in conjunction*  
16 *with the Administrator, shall submit a report to Con-*  
17 *gress on the outreach plan developed under subsection*  
18 *(a); and*

19 (2) *the Administrator shall submit a report to*  
20 *Congress on the findings of the study conducted under*  
21 *subsection (b).*

22 **SEC. 205. COMMUNITY PARTICIPATION IN LIMITED ACCESS**  
23 **PRIVILEGE PROGRAMS.**

24 (a) *IN GENERAL.*—*Section 303A(c) (16 U.S.C.*  
25 *1853a(c)) is amended—*

26 (1) *in paragraph (1)—*

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

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

5           “(L) consider the needs of fishing commu-  
6           nities and provide a process for fishing commu-  
7           nities to participate in the limited access privi-  
8           lege program in accordance with subsection  
9           (c)(3).”; and

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

12          “(3) *FISHING COMMUNITIES.*—

13                 “(A) *ELIGIBILITY.*—To be eligible to par-  
14                 ticipate in a limited access privilege program to  
15                 harvest fish, a fishing community shall—

16                         “(i) be located within the management  
17                         area of the relevant Council;

18                         “(ii) consist of residents who conduct  
19                         commercial or recreational fishing, proc-  
20                         essing, or fishery-dependent support busi-  
21                         nesses within the Council’s management  
22                         area;

23                         “(iii) seek to participate in such pro-  
24                         gram for a purpose other than perfecting or

1           *realizing a security interest in such access;*  
2           *and*

3           “(iv) *develop and submit a community*  
4           *sustainability plan to the Council and the*  
5           *Secretary that demonstrates how the plan*  
6           *will address the social and economic devel-*  
7           *opment needs of coastal communities, in-*  
8           *cluding those that have not historically had*  
9           *the resources to participate in the fishery,*  
10          *for approval.*

11          “(B) *COMMUNITY SUSTAINABILITY PLAN AP-*  
12          *PROVAL.—*

13           “(i) *IN GENERAL.—A community sus-*  
14           *tainability plan submitted by a fishing*  
15           *community to a Council and the Secretary*  
16           *for approval shall include the following*  
17           *components:*

18                   “(I) *A description of the entity*  
19                   *and the Board and governance for the*  
20                   *entity that will receive the allocation.*

21                   “(II) *A description of the quota*  
22                   *allocation process that will be used by*  
23                   *the fishing community entity, includ-*  
24                   *ing an appeals process within the enti-*  
25                   *ty.*

1                   “(III) Provisions for monitoring  
2                   and enforcement of the community sus-  
3                   tainability plan.

4                   “(IV) Goals and objectives for the  
5                   fishing community and how the entity  
6                   will use the allocation to meet those  
7                   goals and objectives.

8                   “(V) A description of how the en-  
9                   tity will sustain the participation of  
10                  the fishing community in the fisheries,  
11                  including providing for new entry and  
12                  intergenerational transfer, encouraging  
13                  active participation and addressing  
14                  economic barriers to access to the fish-  
15                  eries.

16                  “(VI) A description of how the  
17                  community sustainability plan will  
18                  address the projected economic and so-  
19                  cial impacts associated with the imple-  
20                  mentation of the limited access privi-  
21                  lege program, including the potential  
22                  for strengthening economic conditions  
23                  in remote fishing communities lacking  
24                  the resources to participate in har-  
25                  vesting activities in the fishery.

1                   “(VII) *A description of how the*  
2                   *community sustainability plan will*  
3                   *ensure the benefits of participating in*  
4                   *the limited access privilege program*  
5                   *accrue to the fishing community and*  
6                   *participants, including limitations or*  
7                   *measures necessary to prevent an in-*  
8                   *equitable concentration of limited ac-*  
9                   *cess privileges within the fishing com-*  
10                  *munity.*

11                  “(ii) *PREVIOUSLY ADOPTED PLAN.—A*  
12                  *community sustainability plan submitted*  
13                  *before the date of enactment of the Sus-*  
14                  *taining America’s Fisheries for the Future*  
15                  *Act of 2022 shall not be invalidated by fail-*  
16                  *ure to comply with clause (i) unless such*  
17                  *plan is amended after such date.*”.

18                  **(b) *AUDIT.—***

19                         **(1) *IN GENERAL.—****The Inspector General of the*  
20                         *Department of Commerce shall conduct an audit re-*  
21                         *garding limited access privilege programs for feder-*  
22                         *ally managed fisheries in the United States.*

23                         **(2) *DETERMINATIONS AND DISCLOSURES.—****The*  
24                         *audit required under paragraph (1) shall determine*  
25                         *and disclose the following:*

1           (A) *The amount of harvest privileges or*  
2 *transferable quota that were actively harvested*  
3 *each year from 2017 through 2022.*

4           (B) *The amount of harvest privileges or*  
5 *transferable quota that were leased to other par-*  
6 *ties or entities each year from 2017 through*  
7 *2022.*

8           (C) *The names of corporations, partner-*  
9 *ships, or other authorized entities that currently*  
10 *hold harvesting privileges or transferable quota*  
11 *in Federal fisheries.*

12           (D) *The proportion of transferable quota*  
13 *holders (both individuals and authorized enti-*  
14 *ties) who are actively fishing their harvesting*  
15 *privileges.*

16           (E) *The average cost of a transferable har-*  
17 *vest share in each federally managed limited ac-*  
18 *cess privilege program.*

19           (F) *The average leasing cost of a transfer-*  
20 *able harvest share in each federally managed*  
21 *limited access privilege program where leasing is*  
22 *occurring.*

23           (3) *ADDITIONAL REQUIREMENTS.—In addition*  
24 *to the requirements under paragraph (2), the audit*  
25 *required under this subsection shall—*

1           (A) evaluate the Secretary of Commerce's  
2           performance overseeing limited access privilege  
3           programs in accordance with section  
4           303A(c)(1)(J) of the Magnuson-Stevens Fishery  
5           Conservation and Management Act (16 U.S.C.  
6           1853a(c)(1)(J)); and

7           (B) recommend policies to strengthen trans-  
8           parency and achieve full disclosure of ownership  
9           of harvest privileges in limited access privilege  
10          programs.

11          (4) *CONGRESSIONAL BRIEFING.*—Not later than  
12          one year after the date of enactment of this Act, the  
13          Inspector General shall brief the appropriate commit-  
14          tees of Congress on the preliminary findings of the  
15          audit conducted under paragraph (1).

16          (5) *FINAL REPORT.*—Not later than 30 days  
17          after the date on which a briefing occurs under para-  
18          graph (4), the Inspector General shall submit to Con-  
19          gress a final report setting forth the results of the  
20          audit conducted under paragraph (1).

21 **SEC. 206. FINDINGS.**

22          Section 2(a)(3) (16 U.S.C. 1801(a)(3)) is amended to  
23          read as follows:

24                 “(3) Commercial, recreational, and charter fish-  
25          ing constitute major sources of employment and con-



1 *tribute significantly to the economy of the nation.*  
2 *Many coastal areas are dependent upon fishing and*  
3 *related activities, and their economies have been badly*  
4 *damaged by the overfishing of fishery resources; en-*  
5 *sureing sustainable use of fishery resources is essential*  
6 *to the economic well-being of these areas.”.*

7 **SEC. 207. PARTICIPATION BY FISHERY-DEPENDENT COMMU-**  
8 **NITIES.**

9 *(a) IN GENERAL.—Section 301(a)(8) (16 U.S.C.*  
10 *1851(a)(8)) is amended to read as follows:*

11 *“(8) Conservation and management measures*  
12 *shall, consistent with the conservation requirements of*  
13 *this Act (including the prevention of overfishing and*  
14 *rebuilding of overfished stocks), provide for the sus-*  
15 *tained participation by fishery-dependent commu-*  
16 *nities, to the extent practicable, by using economic*  
17 *and social data that meets the requirements of para-*  
18 *graph (2) to—*

19 *“(A) minimize adverse economic impacts on*  
20 *such communities; and*

21 *“(B) include measurable objectives and tan-*  
22 *gible strategies that provide residents of local*  
23 *fishing communities with sustained access to ad-*  
24 *jacent fisheries.”.*

1       (b) *UPDATE OF ADVISORY GUIDELINES.*—Not later  
2 than 60 days after the date of enactment of this section,  
3 the Secretary shall update the advisory guidelines required  
4 under section 301(b) of the Magnuson-Stevens Fishery Con-  
5 servation and Management Act (16 U.S.C. 1851(b)) to be  
6 consistent with the amendment made by this section.

7       **TITLE III—STRENGTHENING**  
8       **PUBLIC PROCESS AND TRANS-**  
9       **PARENCY**

10       **SEC. 301. TRIBAL REPRESENTATION AT THE PACIFIC FISH-**  
11       **ERY MANAGEMENT COUNCIL.**

12       (a) *IN GENERAL.*—Section 302(b)(5) (16 U.S.C.  
13 1852(b)(5)) is amended—

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

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

17                       “(E) *TERM OF TRIBAL REPRESENTATIVE.*—  
18                       An individual appointed under subparagraph  
19                       (A) shall serve on the Pacific Council until such  
20                       time as a new appointment to the tribal seat is  
21                       made under subparagraph (A).”.

22       (b) *CONFORMING AMENDMENT.*—Section 302(b)(3) is  
23 amended by striking “paragraphs (2) and (5)” and insert-  
24 ing “paragraph (2)”.

1 **SEC. 302. TRIBAL REPRESENTATION AT THE NORTH PA-**  
2 **CIFIC FISHERY MANAGEMENT COUNCIL.**

3 (a) *IN GENERAL.*—Section 302(a)(1)(G) (16 U.S.C.  
4 1852(a)(1)(G)) is amended—

5 (1) by striking “11” and inserting “13”; and

6 (2) by inserting “and including 2 appointed  
7 from Indian Tribes in Alaska that are identified (in-  
8 cluding parenthetically) on the most current list (as  
9 of the date of the enactment of this paragraph) pub-  
10 lished by the Secretary under section 104 of the Fed-  
11 erally Recognized Indian Tribe List Act of 1994 (25  
12 U.S.C. 5131)” before the period at the end.

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

15 “(7) *TRIBAL REPRESENTATIVE ON NORTH PA-*  
16 *CIFIC COUNCIL.*—

17 “(A) *APPOINTMENT.*—The Secretary shall  
18 appoint to the North Pacific Council 2 individ-  
19 uals described in subparagraph (B) to serve as  
20 representatives of Indian Tribes in Alaska that  
21 are identified (including parenthetically) on the  
22 most current list (as of the date of the enactment  
23 of this paragraph) published by the Secretary  
24 under section 104 of the Federally Recognized  
25 Indian Tribe List Act of 1994 (25 U.S.C. 5131)  
26 from a list submitted by the Tribal governments

1           *of those Tribes. The Secretary, in consultation*  
2           *with the Secretary of the Interior, Tribal Gov-*  
3           *ernments, and the Alaska Federation of Natives,*  
4           *shall establish by regulation the procedure for*  
5           *submitting a list under this subparagraph.*

6           “(B) *REQUIRED QUALIFICATIONS.*—*An in-*  
7           *dividual is described in this subparagraph if*  
8           *such individual possesses knowledge of the re-*  
9           *gion’s anadromous fish, of the marine resources*  
10          *managed by the Council, of the effects of the*  
11          *Council’s actions on such resources ,and of the*  
12          *region’s subsistence uses, customs, and traditions*  
13          *relating to such resources and—*

14                “(i) *possesses knowledge of commercial*  
15                *and sport uses of anadromous fish and ma-*  
16                *rine resources in the region; or*

17                “(ii) *demonstrates leadership through*  
18                *involvement in local or regional fish and*  
19                *wildlife management organizations.*

20          “(C) *REPRESENTATION.*—*Representation*  
21          *shall be rotated among affected tribal regions,*  
22          *taking into consideration—*

23                “(i) *the qualifications of the individ-*  
24                *uals on the list described in subparagraph*  
25                *(A);*

1           “(ii) the degree to which the Indian  
2           tribes in the region are dependent on anad-  
3           romous fish and marine resources in the  
4           area managed by the Council and the im-  
5           pact of Council actions on such resources;  
6           and

7           “(iii) the geographic area in which the  
8           tribe of the representative is located.

9           “(D) *FILLING OF VACANCY.*—A vacancy oc-  
10          curring prior to the expiration of any term shall  
11          be filled in the same manner as set out in sub-  
12          paragraphs (A) and (C), except that the Sec-  
13          retary may use the list from which the vacating  
14          representative was chosen.

15          “(E) *DESIGNATION OF ALTERNATE.*—The  
16          tribal representative appointed under subpara-  
17          graph (A) may designate as an alternate an in-  
18          dividual knowledgeable concerning tribal rights  
19          and fishing practices, Indigenous traditional  
20          knowledge, tribal law, and other marine re-  
21          sources of the geographical area concerned.

22          “(F) *TERM OF APPOINTMENT.*—An indi-  
23          vidual appointed under subparagraph (A) shall  
24          serve on the North Pacific Council until such

1           *time as a new appointment to the tribal seat is*  
2           *made under subparagraph (A).”.*

3 **SEC. 303. ATLANTIC COUNCILS.**

4           *Section 302(a) (16 U.S.C. 1852(a)) is amended—*

5           *(1) in paragraph (1)—*

6           *(A) in subparagraph (A)—*

7           *(i) by striking “18” and inserting*  
8           *“19”; and*

9           *(ii) by inserting before the period at*  
10          *the end the following: “and a liaison who is*  
11          *a member of the Mid-Atlantic Fishery Man-*  
12          *agement Council to represent the interests of*  
13          *fisheries under the jurisdiction of such*  
14          *Council”; and*

15          *(B) in subparagraph (B)—*

16          *(i) by striking “21” and inserting*  
17          *“22”; and*

18          *(ii) by inserting before the period at*  
19          *the end the following: “and a liaison who is*  
20          *a member of the New England Fishery*  
21          *Management Council to represent the inter-*  
22          *ests of fisheries under the jurisdiction of*  
23          *such Council”; and*

24          *(2) by adding at the end the following:*

1           “(4) *REQUIREMENTS FOR LIAISON.*—The Sec-  
2           retary shall appoint an individual to be a liaison be-  
3           tween the Councils described in subparagraphs (A)  
4           and (B) of paragraph (1) who has expertise in a fish-  
5           ery that spans the geographical areas of both such  
6           Councils.”.

7   **SEC. 304. COUNCIL PROCEDURES AND PARTICIPATION.**

8           (a) *IN GENERAL.*—Section 302(e) (16 U.S.C. 1852(e))  
9           is amended—

10           (1) in paragraph (5), by striking “At the request  
11           of any voting member of a Council, the Council shall  
12           hold a roll call vote on any matter before the Coun-  
13           cil.” and inserting “Each Council shall hold a roll  
14           call vote on all nonprocedural matters before the  
15           Council. At the request of any voting member of a  
16           Council, the Council shall hold a roll call vote on any  
17           procedural matter before the Council.”; and

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

19           “(6) To the extent possible, each Council shall—

20                   “(A) seek to hold meetings in person; and

21                   “(B) ensure the availability of remote meet-  
22                   ing participation and voting.”.

23           (b) *COUNCIL MEETINGS.*—Section 302(i)(2) is amend-  
24           ed by adding at the end the following:

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

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

9           “(ii) an audio or video recording (if the  
10 meeting was in person or by video conference), or  
11 a searchable audio recording or written tran-  
12 script, of each meeting of the Council and of the  
13 meetings of committees referred to in section  
14 302(g)(1)(B) of the Council, by not later than 30  
15 days after the conclusion of the meeting.

16           “(H) The Secretary shall maintain and make  
17 available to the public, for a period of not less than  
18 5 years beginning on the date of a meeting, an ar-  
19 chive of Council and scientific and statistical com-  
20 mittee meeting audio and video recordings and tran-  
21 scripts made available under clauses (i) and (ii) of  
22 subparagraph (G).”.

23 **SEC. 305. COUNCIL ACCOUNTABILITY AND MEMBERSHIP.**

24           (a) **VOTING MEMBERS.**—Section 302(b)(2) (16 U.S.C.  
25 1852(b)(2)) is amended—



1           (1) *by amending subparagraph (A) to read as*  
2 *follows:*

3           “(A) *REQUIRED EXPERTISE.*—*In making*  
4 *appointments to the Council under this section,*  
5 *the Secretary shall appoint an individual who,*  
6 *by reason of occupational or other experience,*  
7 *scientific expertise, or training, is knowledgeable*  
8 *regarding—*

9                     “(i) *the conservation and management,*  
10                    *or the commercial, recreational, or subsist-*  
11                    *ence harvest, of the fishery resources of the*  
12                    *geographic area concerned; or*

13                    “(ii) *ecosystem-based fishery manage-*  
14                    *ment or climate science.*”;

15           (2) *by amending subparagraph (B) to read as*  
16 *follows:*

17           “(B) *APPORTIONMENT.*—*The Secretary, in*  
18 *making appointments under this section, shall,*  
19 *to the extent practicable, ensure a fair and bal-*  
20 *anced apportionment, on a rotating or other*  
21 *basis, of active participants (or their representa-*  
22 *tives) in the commercial, recreational, and sub-*  
23 *sistence fisheries under the jurisdiction of the*  
24 *Council and of members of the conservation com-*  
25 *munity, scientists, non-consumptive users, and*

1           *indigenous and tribal communities as applica-*  
2           *ble, and of the active participants (or their rep-*  
3           *resentatives) in the commercial, recreational,*  
4           *and subsistence fisheries under the jurisdiction of*  
5           *the Council. The Secretary shall, on an annual*  
6           *basis, submit to the Committee on Commerce,*  
7           *Science, and Transportation of the Senate and*  
8           *the Committee on Natural Resources of the*  
9           *House of Representatives a report on the actions*  
10          *taken by the Secretary to ensure that such fair*  
11          *and balanced apportionment is achieved. The re-*  
12          *port shall—*

13                   *“(i) list the fisheries under the juris-*  
14                   *isdiction of each Council, outlining for each*  
15                   *fishery the type and quantity of fish har-*  
16                   *vested, fishing and processing methods em-*  
17                   *ployed, the number of participants, the du-*  
18                   *ration and range of the fishery, and other*  
19                   *distinguishing characteristics;*

20                   *“(ii) assess the membership of each*  
21                   *Council in terms of the apportionment of*  
22                   *the active participants in each such fishery*  
23                   *and of members of the conservation commu-*  
24                   *nity, scientists, non-consumptive users, in-*  
25                   *digenuous and tribal communities; and*

1           “(iii) state the Secretary’s plans and  
2           schedule for actions to achieve a fair and  
3           balanced apportionment on the Council for  
4           the active participants in any such fishery  
5           and for the categories of members listed in  
6           clause (ii).”; and

7           (3) by amending subparagraph (C) to read as  
8           follows:

9           “(C) APPOINTMENTS.—

10           “(i) LIST FROM GOVERNOR.—

11           “(I) APPOINTMENT FROM LIST.—

12           The Secretary shall appoint the mem-  
13           bers of each Council from a list of in-  
14           dividuals submitted by the Governor of  
15           each applicable constituent State.

16           “(II) REQUIREMENTS FOR LIST.—

17           in submitting a list for the purposes of  
18           subclause (I), a Governor—

19           “(aa) may only submit the  
20           name of an individual if such  
21           Governor has determined such in-  
22           dividual is qualified under the re-  
23           quirements of subparagraph (A);  
24           and

1           “(bb) shall include the names  
2           and pertinent biographical data  
3           of not less than 3 individuals for  
4           each applicable vacancy and shall  
5           be accompanied by a statement by  
6           the Governor explaining how each  
7           such individual meets the require-  
8           ments of subparagraph (A).

9           “(III) REVIEW.—The Secretary  
10          shall review each list submitted under  
11          this subparagraph. If the Secretary de-  
12          termines that any individual does not  
13          meet the requirements of this para-  
14          graph, the Secretary shall notify the  
15          appropriate Governor.

16          “(IV) RESPONSE TO REVIEW.—If  
17          a Governor receives notice under sub-  
18          clause (III), the Governor may submit  
19          a revised list or resubmit the original  
20          list with an additional explanation of  
21          the qualifications of the individual in  
22          question.

23          “(ii) INDIVIDUALS WHO DO NOT HAVE  
24          A FINANCIAL INTEREST.—The Secretary  
25          shall appoint to each Council at least one

1           *individual who does not have a financial*  
2           *interest in matters before the Council.*

3                   “(iii) *FINANCIAL DISCLOSURE RE-*  
4                   *QUIREMENTS.— An individual is not eligi-*  
5                   *ble for appointment by the Secretary until*  
6                   *that individual complies with the applicable*  
7                   *financial disclosure requirements under sub-*  
8                   *section (j).”.*

9           *(b) Section 302(b)(2) (16 U.S.C. 1852(b)(2)) is amend-*  
10 *ed by adding at the end the following:*

11                   “(F) *GEOGRAPHIC REPRESENTATION.—In ap-*  
12                   *pointing at-large members to the Western Pacific*  
13                   *Fishery Management Council, the Secretary shall en-*  
14                   *sure geographic representation across all constituent*  
15                   *states of the Council.”.*

16           *(c) DISCLOSURE OF FINANCIAL INTEREST AND*  
17 *RECUSAL.—Section 302(j) (16 U.S.C. 1852(j)) is amend-*  
18 *ed—*

19                   *(1) by amending paragraph (1)(B) to read as*  
20 *follows:*

21                   “(B) *the term ‘designated official’ means an at-*  
22                   *torney employed in the Office of the General Counsel*  
23                   *of the National Oceanic and Atmospheric Administra-*  
24                   *tion with an expertise in Federal conflict-of-interest*  
25                   *requirements who is designated by the Secretary, in*

1       *consultation with the Council, to attend Council meet-*  
2       *ings and make determinations under paragraph*  
3       *(7)(B).”;*

4             (2) *in paragraph (2)(C), by inserting “con-*  
5       *tractor,” after “partner,”; and*

6             (3) *in paragraph (5)(B), by striking “on the*  
7       *Internet” and inserting “on the website of the agency,*  
8       *on the website of the applicable Council,”.*

9       (d) *LOBBYING.—Section 302 (16 U.S.C. 1852) is*  
10       *amended by adding at the end the following:*

11       “(m) *LOBBYING.—*

12             “(1) *PROHIBITION ON COUNCIL LOBBYING.—*

13               “(A) *IN GENERAL.—Except as provided in*  
14       *subparagraph (B), Regional Fishery Manage-*  
15       *ment Council members, members of Council ad-*  
16       *visory bodies, and Council employees and con-*  
17       *tractors, are prohibited from using Federal funds*  
18       *to attempt to influence the—*

19                     “(i) *introduction, advancement, enact-*  
20       *ment, amendment, or repeal of Federal or*  
21       *State legislation; or*

22                     “(ii) *issuance, modification, or over-*  
23       *turning of an executive order, Presidential*  
24       *proclamation, or similar Presidential direc-*  
25       *tive or decree.*

1           “(B) *TECHNICAL AND FACTUAL PRESEN-*  
2           *TATIONS.—Notwithstanding subparagraph (A),*  
3           *such individuals may provide a technical and*  
4           *factual presentation directly related to the per-*  
5           *formance of a Council’s duties, through hearing*  
6           *testimony or written statements, if such presen-*  
7           *tation is in response to a documented request*  
8           *and is made available under paragraph (4).*

9           “(2) *ADJUDICATING VIOLATIONS.—*

10           “(A) *INITIATION BY SECRETARY.—The Sec-*  
11           *retary may initiate an investigation of a poten-*  
12           *tial violation of this subsection.*

13           “(B) *COMPLAINT.—The Secretary shall in-*  
14           *vestigate a complaint submitted by any person*  
15           *or government entity regarding a potential vio-*  
16           *lation of this subsection.*

17           “(3) *PENALTIES.—If the Secretary determines*  
18           *that an individual violated paragraph (1), such indi-*  
19           *vidual shall be subject to disciplinary action includ-*  
20           *ing suspension or expulsion from participation in,*  
21           *membership of, or employment by a council, advisory*  
22           *body, or related entity or activity.*

23           “(4) *TRAINING.—The Secretary shall provide*  
24           *training to individuals described in paragraph (1) on*  
25           *compliance with rules issued under this subsection*

1 *and general limits of Federal grant recipients on con-*  
2 *tacts with members and staff of the Executive and*  
3 *Legislative branches.*

4 “(5) *REPORT.—The Secretary shall submit an*  
5 *annual report to the Committee on Natural Resources*  
6 *of the House of Representatives and the Committee on*  
7 *Commerce, Science, and Transportation of the Senate*  
8 *that describes—*

9 “(A) *the funding provided to implement*  
10 *this subsection;*

11 “(B) *complaints received of and investiga-*  
12 *tions into potential violations of this subsection;*  
13 *and*

14 “(C) *barriers associated with and proposals*  
15 *to improve implementation of this subsection.*

16 “(6) *REGULATIONS.—Not later than 12 months*  
17 *after the date of enactment of the Sustaining Amer-*  
18 *ica’s Fisheries for the Future Act of 2022, the Sec-*  
19 *retary shall issue implementing regulations for this*  
20 *subsection.”.*

21 *(e) WORKPLACE HARASSMENT PREVENTION.—Section*  
22 *302 (16 U.S.C. 1852) is further amended by adding at the*  
23 *end the following:*

24 “(n) *WORKPLACE HARASSMENT PREVENTION.—*



1           “(1) *PROHIBITION.*—*The Secretary shall prohibit*  
2 *any person from harassing a covered individual dur-*  
3 *ing the conduct of duties under this Act.*

4           “(2) *HARASSMENT PREVENT TRAINING.*—*Council*  
5 *members and staff shall, as a condition of employ-*  
6 *ment, not later than 1 year after the date of enact-*  
7 *ment of the Sustaining America’s Fisheries for the*  
8 *Future Act of 2022 or such individual’s first day of*  
9 *employment by a Council and not less often than*  
10 *every 2 years thereafter, complete 2 hours of work-*  
11 *place harassment prevention training approved by the*  
12 *office authorized by section 3541 of the National De-*  
13 *fense Authorization Act for Fiscal Year 2017.*

14           “(3) *DEFINITIONS.*—*In this subsection:*

15           “(A) *COVERED INDIVIDUAL.*—*The term ‘cov-*  
16 *ered individuals’ means—*

17                   “(i) *council members;*

18                   “(ii) *council staff;*

19                   “(iii) *advisory panel members;*

20                   “(iv) *committee members;*

21                   “(v) *Federal fishery permit holders; or*

22                   “(vi) *staff, crew, employees, or contrac-*  
23 *tors associated with a federally permitted*  
24 *vessel or a facility providing services to*  
25 *such vessels.*

1                   “(B) *HARASSMENT*.—The term ‘harassment’  
2                   means unwelcome verbal, visual, or physical con-  
3                   duct based on race, color, national origin, reli-  
4                   gion, age (40 and above), sex (including gender  
5                   identity, sexual orientation, and pregnancy),  
6                   disability, genetic information, or prior Equal  
7                   Employment Opportunity activity.”.

8                   (f) *JUDICIAL REVIEW*.—Section 305(f)(1) (16 U.S.C.  
9                   1855(f)(1) is amended by striking “30” and inserting “60”.

10 **SEC. 306. WESTERN PACIFIC SUSTAINABLE FISHERY FUND.**

11                   Section 204(e) of the Magnuson-Stevens Fishery Con-  
12                   servation and Management Act (16 U.S.C. 1824(e)) is  
13                   amended—

14                   (1) in paragraph (1)—

15                   (A) by striking “in consultation with any  
16                   appropriate Council,” and inserting “at the re-  
17                   quest and with the concurrence of the Governor  
18                   of the applicable Pacific Insular Area,”;

19                   (B) by striking “a Pacific Insular Area—  
20                   ” and inserting “that Pacific Insular Area.”;  
21                   and

22                   (C) by striking subparagraphs (A) and (B);

23                   (2) in paragraph (3)(A)—

24                   (A) by inserting “and” before “the Gov-  
25                   ernor”;

1           (B) by striking “, and the appropriate  
2 Council”; and

3           (C) by adding at the end the following:  
4 “Such permits shall also be consistent with any  
5 applicable fishery management plan.”;

6           (3) in paragraph (4)—

7           (A) in subparagraph (A)—

8           (i) by striking “the Western Pacific  
9 Council and”;

10           (ii) by inserting “of the applicable Pa-  
11 cific Insular Area” after “Governor”; and

12           (iii) by amending (v) to read as fol-  
13 lows—

14           “(v) western Pacific community based  
15 demonstration projects under section 112(b)  
16 of the Sustainable Fisheries Act and other  
17 coastal improvement projects in waters be-  
18 yond the seaward boundary (as such term is  
19 defined in section 4 of the Submerged Lands  
20 Act) of any state to foster and promote the  
21 management, conservation, and economic  
22 enhancement of the Pacific Insular Areas.”;  
23 and

24           (B) by amending subparagraph (B) to read  
25 as follows:

1           “(B) *In the case of American Samoa,*  
2           *Guam, and the Northern Mariana Islands, the*  
3           *appropriate Governor of the applicable Pacific*  
4           *Insular Area shall develop the marine conserva-*  
5           *tion plan described in subparagraph (A) and*  
6           *submit such plan to the Secretary for approval.*  
7           *In the case of other Pacific Insular Areas, the*  
8           *Secretary and the appropriate Governor of the*  
9           *applicable Pacific Insular Area shall jointly de-*  
10           *velop the marine conservation plan described in*  
11           *subparagraph (A).”;*

12           (4) *in paragraph (6)—*

13                 (A) *in subparagraph (A), by inserting*  
14                 “and” *at the end;*

15                 (B) *by striking subparagraph (B); and*

16                 (C) *by redesignating subparagraph (C) as*  
17                 *subparagraph (B);*

18           (5) *in paragraph (7)—*

19                 (A) *by striking “, who shall provide such*  
20                 *funds only to” and inserting “for the purposes*  
21                 *of”;*

22                 (B) *in subparagraph (A)—*

23                         (i) *by striking “the Western Pacific*  
24                         *Council for the purpose of”;* and

1                   (ii) by inserting “as determined by the  
2                   Secretary, in consultation with the Western  
3                   Pacific Sustainable Fishery Fund Advisory  
4                   Panel established under section 204(e)(9),”  
5                   after “subsection,”;

6                   (C) in subparagraph (B), by inserting “pro-  
7                   viding such funds as are necessary to” before  
8                   “the Secretary”;

9                   (D) by amending subparagraph (C) to read  
10                  as follows:

11                  “(C) providing such funds as remain in the  
12                  Western Pacific Sustainable Fisheries Fund after  
13                  the funding requirements of subparagraphs (A)  
14                  and (B) have been satisfied to the Governor of  
15                  Hawaii to meet conservation and management  
16                  objectives in the State of Hawaii.”; and

17                  (E) by striking “Amounts deposited in such  
18                  fund shall not diminish funding received by the  
19                  Western Pacific Council for the purpose of car-  
20                  rying out other responsibilities under this Act.”;  
21                  and

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

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

1           “(A) *IN GENERAL.*—*To assist in carrying*  
2 *out this paragraph, the Secretary shall establish*  
3 *and convene an advisory panel under section*  
4 *302(g) to evaluate, determine the relative merits*  
5 *of, and annually rank applications for grants for*  
6 *implementation of approved marine conservation*  
7 *plans approved under paragraph (4). The panel*  
8 *shall consist of members such that—*

9                   “(i) *the Governor of each applicable*  
10 *Pacific Insular Area selects one member;*  
11 *and*

12                   “(ii) *no member shall be a member or*  
13 *employee of the Western Pacific Fishery*  
14 *Management Council.*

15           “(B) *AWARD NOT IN ACCORDANCE WITH*  
16 *RANK.*—*If the Secretary awards a grant for a*  
17 *project not in accordance with the rank given to*  
18 *such project by the advisory panel, the Secretary*  
19 *shall provide a detailed written explanation of*  
20 *the reasons for such award.*

21           “(C) *NOTICE.*—*The Secretary shall provide*  
22 *to the public timely notice of each meeting of the*  
23 *advisory panel.*

1           “(D) *MINUTES.*—*Minutes of each meeting of*  
2           *the advisory panel shall be kept by the Secretary*  
3           *and shall be made available to the public.*

4           “(E) *REPORTS.*—*The Secretary shall, with*  
5           *the assistance of the Western Pacific Sustainable*  
6           *Fishery Fund Advisory Panel, submit an annual*  
7           *report to Congress identifying any projects that*  
8           *were funded in the previous year and the status*  
9           *and progress of projects carried out under this*  
10          *subsection.*

11          “(F) *EXEMPTION FROM FEDERAL ADVISORY*  
12          *COMMITTEE ACT.*—*The Federal Advisory Com-*  
13          *mittee Act (5 U.S.C. App) shall not apply to the*  
14          *advisory panel.”.*

15 **SEC. 307. NATIONAL OCEANIC AND ATMOSPHERIC ADMINIS-**  
16                   **TRATION SEXUAL HARASSMENT AND AS-**  
17                   **SAULT PREVENTION.**

18          (a) *POLICY ON THE PREVENTION OF AND RESPONSE*  
19          *TO SEXUAL HARASSMENT INVOLVING NATIONAL OCEANIC*  
20          *AND ATMOSPHERIC ADMINISTRATION PERSONNEL.—*

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

24                   (A) *by striking “Not later” and inserting*  
25               *the following:*

1           “(1) *IN GENERAL.—Not later*”; and

2                       *(B) by adding at the end the following:*

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

7                       “(A) *Observers and at-sea monitors required*  
8           *by the National Marine Fisheries Service to be*  
9           *aboard commercial fishing vessels and other pri-*  
10          *vately owned vessels, barges, or platforms for—*

11                      “(i) *commercial fisheries observation*  
12           *required by the Magnuson-Stevens Fishery*  
13           *Conservation and Management Act;*

14                      “(ii) *protected species or endangered*  
15           *species observation required by the Marine*  
16           *Mammal Protection Act of 1972 or the En-*  
17           *dangered Species Act of 1973; or*

18                      “(iii) *platform removal observation.*

19                      “(B) *Council members, executive and ad-*  
20           *ministrative staff, and advisory panel and com-*  
21           *mittee members of regional fishery management*  
22           *councils established under section 302 of the*  
23           *Magnuson-Stevens Fishery Conservation and*  
24           *Management Act.*



1           “(C) *Federal fishery permit holders and*  
2           *staff, crew, employees, and contractors associated*  
3           *with federally permitted vessels under the Mag-*  
4           *nuson-Stevens Fishery Conservation and Man-*  
5           *agement Act.*”.

6           (2) *INCLUSION OF EQUAL EMPLOYMENT IN QUAR-*  
7           *TERLY REPORTS.*—*Section 3541(f) of such Act (33*  
8           *U.S.C. 894(f)) is amended—*

9                   (A) *by inserting “and equal employment”*  
10                  *after “sexual harassment” each place it appears;*  
11                  *and*

12                  (B) *in paragraph (2)—*

13                          (i) *by redesignating subparagraphs (C)*  
14                          *and (D) as subparagraphs (D) and (E), re-*  
15                          *spectively; and*

16                          (ii) *by inserting after subparagraph*  
17                          (B) *the following:*

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

20           (b) *COMPREHENSIVE POLICY ON PREVENTION OF AND*  
21           *RESPONSE TO SEXUAL ASSAULTS.*—

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

24                                  (A) *by striking “Not later” and inserting*  
25                                  *the following:*

1           “(1) *IN GENERAL.*—Not later”; and

2                       *(B)* by adding at the end the following:

3           “(2) *INCLUDED PERSONNEL.*—The individuals  
4           *who work with or conduct business on behalf of the*  
5           *Administration referred to in paragraph (1) include*  
6           *the individuals described in section 3541(a)(2).”.*

7           (2) *VICTIM ADVOCATES.*—

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

11           “(2) *VICTIM ADVOCATES.*—For purposes of this  
12           *subsection, a victim advocate is a full-time permanent*  
13           *employee of the Administration trained in and re-*  
14           *sponsible solely for matters relating to sexual assault*  
15           *and the comprehensive policy developed under sub-*  
16           *section (a).”.*

17                       *(B) LOCATION.*—Section 3542(c)(4) (33  
18           *U.S.C. 894a(c)(4)) of such Act is amended by in-*  
19           *serting “full time” after “stationed”.*

20           *(c) ANNUAL REPORT ON SEXUAL ASSAULTS, SEXUAL*  
21           *HARASSMENT, AND EQUAL EMPLOYMENT.*—Section 3548 of  
22           *such Act (33 U.S.C. 894e) is amended—*

23                       *(1) by striking the section heading and inserting*  
24           *the following: “**ANNUAL REPORT ON SEXUAL AS-***  
25           ***SAULTS, SEXUAL HARASSMENT, AND EQUAL***

1       **EMPLOYMENT IN THE NATIONAL OCEANIC AND**  
2       **ATMOSPHERIC ADMINISTRATION.”;**

3           (2) *in subsection (a), by inserting “, sexual har-*  
4       *assment, and equal employment” after “sexual as-*  
5       *saults”;* and

6           (3) *in subsection (b)—*

7               (A) *in paragraph (4), by inserting “, in-*  
8       *cluding a synopsis of each case and the discipli-*  
9       *nary action taken, if any, in each case” before*  
10       *the period at the end; and*

11               (B) *by adding at the end the following:*

12               “(5) *A summary of the number of change of sta-*  
13       *tion, unit transfer, and change of work location re-*  
14       *quests submitted to the Under Secretary under section*  
15       *3544(a), including the number of such requests that*  
16       *were denied.*

17               “(6) *A summary of the number of cases referred*  
18       *to the Coast Guard under section 3550.*

19               “(7) *The number of alleged sexual assaults and*  
20       *sexual harassment cases involving fisheries, protected*  
21       *species, and endangered species observers, including—*

22                       (A) *a synopsis of each case and the status;*

23                       (B) *the disposition of any investigation;*

24           and

1           “(C) a description of the fishery manage-  
2           ment region and fishery or the geographic region  
3           and type of permitted operation in which the as-  
4           sault or harassment is alleged to have occurred,  
5           as appropriate.”.

6           (d) INVESTIGATION AND CRIMINAL REFERRAL RE-  
7           QUIREMENTS.—

8           (1) TECHNICAL AMENDMENT.—Sections 3548 (as  
9           amended) and 3549 of such Act (33 U.S.C. 894e and  
10           894f) are redesignated as sections 3551 and 3552, re-  
11           spectively.

12           (2) IN GENERAL.—Subtitle C of title XXXV of  
13           such Act (33 U.S.C. 894 et seq.) is amended by insert-  
14           ing after section 3547 the following:

15           **“SEC. 3548. EXCEPTIONS REGARDING ANONYMITY OF SUR-  
16           VIVORS IN CERTAIN CASES.**

17           “(a) IN GENERAL.—In any case in which an employee,  
18           member of the commissioned officer corps, or individual  
19           conducting business on behalf of the administration elects  
20           anonymous reporting under section 3541(b)(3)(B) or  
21           3542(b)(5)(B), disclosure of such person’s personally identi-  
22           fying information is authorized to the following persons or  
23           organizations when disclosure would be for the following  
24           reasons:

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

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

8           “(3) To a victim advocate or healthcare provider,  
9           when required for the provision of victim services.

10           “(4) To a State or Federal court, when ordered  
11           by such court or if disclosure is required by Federal  
12           or State statute.

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

16           “(1) make reasonable attempts to provide notice  
17           to the employee, member, or individual whose person-  
18           ally identifying information is disclosed; and

19           “(2) take such action as is necessary to protect  
20           the privacy and safety of the employee, member, or  
21           individual.

22           **“SEC. 3549. RESTRICTED REPORTING.**

23           “(a) IN GENERAL.—Not later than 3 years after the  
24           date of enactment of this section, the Secretary of Com-  
25           merce, acting through the Under Secretary for Oceans and

1 *Atmosphere, shall develop a mechanism to provide a system*  
2 *of restricted reporting.*

3       “(b) *RESTRICTED REPORTING DEFINED.*—*In this sec-*  
4 *tion the term ‘restricted reporting’ means a system of re-*  
5 *porting that allows employees of the National Oceanic and*  
6 *Atmospheric Administration, members of the Commissioned*  
7 *Officer Corps of the Administration, and individuals who*  
8 *work with or conduct business on behalf of the Administra-*  
9 *tion who are sexually assaulted to confidentially disclose*  
10 *the details of such person’s assault to specified individuals*  
11 *and receive the services outlined in this subtitle title—*

12               “(1) *without the dissemination of such persons’s*  
13 *personally identifying information except as nec-*  
14 *essary for the provision of such services; and*

15               “(2) *without automatically triggering an inves-*  
16 *tigative process.*

17 **“SEC. 3550. MARINER REFERRAL.**

18       “*The Under Secretary of Commerce for Oceans and At-*  
19 *mosphere, acting through the Director of the Office of Ma-*  
20 *rine and Aviation Operations and in consultation with the*  
21 *Commandant of the Coast Guard, shall, not later than 180*  
22 *days after the date of the enactment of this section, develop*  
23 *and implement a policy to report to the Coast Guard Sus-*  
24 *pension and Revocation National Center of Expertise, the*

1 *names of personnel of the National Oceanic and Atmos-*  
2 *pheric Administration who—*

3           “(1) *are the subject of a claim of an act or of-*  
4 *fense detrimental to good discipline and safety at sea,*  
5 *such as sexual harassment or sexual assault that is*  
6 *substantiated by an investigation under section 3546,*  
7 *or any other substantiated claim of an act or offense*  
8 *for which suspension or revocation of a credential is*  
9 *either mandatory or sought pursuant to part 5 of title*  
10 *46 of the Code of Federal Regulations; and*

11           “(2) *are—*

12                   “(A) *employees or contractors of the Admin-*  
13 *istration required to hold a valid merchant mar-*  
14 *iner credential as a condition of employment; or*

15                   “(B) *crew of a vessel that, at the time of*  
16 *such act or offence, was operating under a con-*  
17 *tract with the Administration.”.*

18 *(e) CONFORMING AND CLERICAL AMENDMENTS.—*

19           (1) *CONFORMING AMENDMENTS.—Subtitle C of*  
20 *title XXXV of such Act (33 U.S.C. 894 et seq.) is*  
21 *amended—*

22                   (A) *by striking the term “victims” each*  
23 *place it appears and inserting “survivors”;*

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

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

6           (D) in section 3543—

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

9                 (ii) by striking “victim” and inserting  
10                “survivor”; and

11           (E) in section 3544—

12                 (i) in subsection (a)—

13                         (I) by striking “VICTIMS” and in-  
14                         serting “SURVIVORS”; and

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

18                         (ii) by striking “victim” each place  
19                         such term appears and inserting “sur-  
20                         vivor”.

21           (2) *CLERICAL AMENDMENT.*—Each of the tables  
22           of contents in section 2(b) and at the beginning of  
23           title XXXV of such Act is amended—

24                         (A) by striking the item relating to section  
25                         3543 and inserting the following:

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



1           *and*

2                           *(B) by striking the items relating to sections*

3           *3548 and 3549 and inserting the following:*

“*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 Administration.*”

“*Sec. 3552. Sexual assault defined.*”

4           *(f) PROHIBITED ACTS.—Section 307(1)(L) (16 U.S.C.*

5 *1857(1)(L)) is amended—*

6                           *(1) by striking “forcibly”; and*

7                           *(2) by striking “on a vessel”.*

8           *(g) PROHIBITION ON SERVICE IN THE NATIONAL OCE-*

9 *ANIC AND ATMOSPHERIC ADMINISTRATION COMMISSIONED*

10 *OFFICER CORPS BY INDIVIDUALS CONVICTED OF CERTAIN*

11 *SEXUAL OFFENSES.—Section 261(a) of the National Oce-*

12 *anic and Atmospheric Administration Commissioned Offi-*

13 *cer Corps Act of 2002 (33 U.S.C. 3071(a)) is amended—*

14                           *(1) by redesignating paragraphs (4) through (26)*

15 *as paragraphs (5) through (27), respectively;*

16                           *(2) by inserting after paragraph (3) the fol-*

17 *lowing:*

18                           “*(4) Section 657, relating to prohibition on serv-*

19 *ice by individuals convicted of certain sexual of-*

20 *fenses.*”

1           **TITLE IV—MODERNIZING**  
2           **FISHERIES SCIENCE AND DATA**

3           **SEC. 401. DATA MODERNIZATION.**

4           (a) *IN GENERAL.*—Not later than 180 days after the  
5 date of enactment of this Act, the Secretary, acting through  
6 the Assistant Administrator for Fisheries, shall provide to  
7 Congress an implementation plan for the Fisheries Infor-  
8 mation Management Modernization initiative. Such plan  
9 shall include a description of—

10                   (1) activities for the goals and objectives of the  
11 initiative;

12                   (2) a schedule for implementation;

13                   (3) an estimated budget;

14                   (4) a plan for stakeholder engagement for devel-  
15 opment of user-centric systems, processes, and poli-  
16 cies; and

17                   (5) how the initiative will align with other Na-  
18 tional Oceanic and Atmospheric Administration data  
19 management efforts to provide for efficiency and  
20 interoperability including such Administration’s  
21 Data Strategy, Cloud Strategy, and Artificial Intel-  
22 ligence strategy.

23           (b) *INFORMATION FROM EXPERTS.*—In carrying out  
24 this section, the Secretary shall solicit information, as need-

1 *ed, from data management and technology experts inside*  
2 *and outside the government.*

3 (c) *REPORT.—The Secretary shall annually report to*  
4 *Congress on progress in carrying out this section.*

5 **SEC. 402. EXPANDING AND IMPROVING ELECTRONIC TECH-**  
6 **NOLOGIES.**

7 (a) *SENSE OF CONGRESS.— It is the sense of Congress*  
8 *that the use of electronic technologies such as digital video*  
9 *cameras and monitors, digital recording systems, and other*  
10 *forms of electronic technology as a complement to, and in*  
11 *some cases a replacement for, observers may maintain, in-*  
12 *crease, or improve the amount and accuracy of observer and*  
13 *fishery dependent information collected from fisheries while*  
14 *reducing costs and logistical difficulties. To achieve opti-*  
15 *mum yields on a continuing basis while conserving and*  
16 *maintaining fisheries and integrating healthy ecosystem*  
17 *considerations, managers require reliable, timely data*  
18 *across all regions and fishing sectors for conservation, man-*  
19 *agement, and scientific purposes. To achieve management*  
20 *goals especially in the context of climate change, the Na-*  
21 *tional Oceanic and Atmospheric Administration should*  
22 *work to meet evolving management needs and, in collabora-*  
23 *tion with industry stakeholders, identify appropriate data*  
24 *collection technologies and strategies. The National Oceanic*  
25 *and Atmospheric Administration should also consider the*

1 *use of innovative technology in fishery independent data*  
2 *collection including stock and habitat assessments and envi-*  
3 *ronmental conditions.*

4 (b) *FISHERY MANAGEMENT COUNCILS.—Section*  
5 *303(b)(8) (16 U.S.C. 1853(b)(8)) is amended to read as fol-*  
6 *lows:*

7 “(8) *require the collection of data necessary for*  
8 *the conservation and management of the fishery to be*  
9 *collected from a vessel of the United States engaged in*  
10 *fishing for species that are subject to the plan*  
11 *through—*

12 “(A) *electronic monitoring or other elec-*  
13 *tronic technology; or*

14 “(B) *observers carried onboard such vessel,*  
15 *except that such a vessel shall not be required to*  
16 *carry an observer on board if the facilities of the*  
17 *vessel for the quartering of an observer, or for*  
18 *carrying out observer functions, are so inad-*  
19 *equately or unsafe that the health or safety of the*  
20 *observer 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 re-*

1 *porting 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 than*  
11 *once every 5 years, the Secretary shall review the pro-*  
12 *cedures and policies by which information is collected,*  
13 *managed, and used to manage fisheries and revise in-*  
14 *formation collection programs and policies needed to*  
15 *integrate data collection and management, improve*  
16 *the timeliness, quality, usability, cost-effectiveness,*  
17 *and to reduce unnecessary duplication within and*  
18 *across fishery management plans and regions. Upon*  
19 *the completion of each such review, the Secretary shall*  
20 *publish a report for the public describing the findings*  
21 *of such review and planned revisions to information*  
22 *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 the*  
4           *capabilities of the National Marine Fisheries Service*  
5           *with respect to developing, deploying, and using elec-*  
6           *tronic monitoring and data collection tools to monitor*  
7           *fisheries and shall make recommendations to improve*  
8           *such capabilities, taking into consideration cost, effi-*  
9           *ciency, and collaboration with private entities.*

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 one electronic technologies innovation*  
22 *prize to catalyze the rapid development and deployment of*  
23 *electronic technology-based data collection to be used in fish-*  
24 *eries management. Such prize shall focus on one or more*  
25 *of the following:*

- 1           (1) *Improved fish species recognition software.*
- 2           (2) *Confidential data management.*
- 3           (3) *Cost-effective storage of electronic reports, im-*  
4 *agery, 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 at*  
9 *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 estab-*  
19 *lish an advisory panel (referred to in this subsection*  
20 *as the “Advisory Panel”) to inform the Adminis-*  
21 *trator, the Assistant Administrator for Fisheries, and*  
22 *the Regional Fishery Management Councils on devel-*  
23 *opments in the advancement of electronic technologies*  
24 *that can be used in fisheries monitoring, data collec-*  
25 *tion, and management.*

1           (2) *APPOINTMENTS.*—*In appointing individuals*  
2 *to the Advisory Panel, the Secretary shall appoint at*  
3 *least 2 members who are electronic technology devel-*  
4 *opers, operators, or providers.*

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 2 years*  
11 *after the date of enactment of this Act, the Advisory*  
12 *Panel shall make a recommendation to the Secretary*  
13 *regarding the potential value of national performance*  
14 *standards for electronic technologies used in fisheries*  
15 *data collection and management. Such recommenda-*  
16 *tion shall include—*

17                 (A) *an assessment of how the National Ma-*  
18 *rine Fisheries Service and electronic technology*  
19 *developers, operators, and providers could benefit*  
20 *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 perform-*  
4           *ance standards are likely to spur increased use*  
5           *of electronic technologies by the Regional Fishery*  
6           *Management Councils;*

7           *(D) an assessment of how such performance*  
8           *standards would impact existing regional or*  
9           *fishery-specific technologies currently in use and*  
10          *recommendations on ensuring continued use or*  
11          *improvement of these technologies if such per-*  
12          *formance standards are established;*

13          *(E) a list of knowledge gaps or additional*  
14          *questions the Secretary should consider before*  
15          *publishing such performance standards;*

16          *(F) recommendations on ensuring cost effec-*  
17          *tiveness of electronic technologies for fisheries*  
18          *data collection and management;*

19          *(G) recommendations to address data stor-*  
20          *age problems of electronic technologies;*

21          *(H) recommendations on ownership of data*  
22          *collected using electronic technology; and*

23          *(I) recommendations on policies and proce-*  
24          *dures to develop and implement electronic tech-*

1            *nologies for fisheries data collection and manage-*  
2            *ment.*

3            (5) *EXEMPTION FROM THE FEDERAL ADVISORY*  
4            *COMMITTEES ACT.—The Federal Advisory Committee*  
5            *Act (5 U.S.C. App.) shall not apply to the Advisory*  
6            *Panel.*

7            (6) *SAVINGS CLAUSE.—Nothing in this sub-*  
8            *section shall preclude any regional council from inde-*  
9            *pendently developing electronic technologies to be used*  
10           *in fisheries data collection and management.*

11 **SEC. 403. STOCK ASSESSMENTS.**

12           *Not later than one year after the date of enactment*  
13           *of this Act, and annually thereafter, the Secretary shall re-*  
14           *port to the Committee on Natural Resources of the House*  
15           *of Representatives and the Committee on Commerce,*  
16           *Science, and Transportation of the Senate, on the National*  
17           *Marine Fisheries Service’s progress on prioritizing and im-*  
18           *proving stock assessments. Such report shall—*

19           (1) *summarize the methods used for assessments*  
20           *for all stocks of fish for which a fishery management*  
21           *plan is in effect under the Magnuson-Stevens Fishery*  
22           *Conservation and Management Act (16 U.S.C. 1801*  
23           *et seq.), and explain which stocks have not been as-*  
24           *essed, and why;*

1           (2) *summarize each stock assessment and stock*  
2 *assessment update completed during the preceding*  
3 *year;*

4           (3) *identify each stock assessment that was*  
5 *planned but not completed and explain why such*  
6 *stock assessment was not completed;*

7           (4) *include the schedule for all upcoming stock*  
8 *assessments and stock assessment updates;*

9           (5) *summarize data and analysis, that, if avail-*  
10 *able, would reduce uncertainty in and improve the*  
11 *accuracy of future stock assessments, including wheth-*  
12 *er such data and analysis could be provided by fisher-*  
13 *men, fishing communities, universities, and research*  
14 *institutions;*

15           (6) *summarize progress on autonomous surveys*  
16 *and identify opportunities to expand new technologies*  
17 *for stock assessments data collection; and*

18           (7) *summarize data gaps that may be a result*  
19 *of changing ocean and climate conditions, and ac-*  
20 *tions taken to address changing assessment needs.*

21 **SEC. 404. COOPERATIVE RESEARCH AND MANAGEMENT.**

22           (a) *IN GENERAL.*—Section 318 (16 U.S.C. 1867) is  
23 *amended—*

24           (1) *in subsection (a), by inserting “fishing com-*  
25 *munities,” after “data),”;*

1           (2) *by amending subsection (b) to read as fol-*  
2       *lows:*

3           “(b) *ELIGIBLE PROJECTS.*—*The Secretary shall make*  
4 *funds available under the program for the support of coop-*  
5 *erative research and management projects to address crit-*  
6 *ical needs identified by the Councils. Each Council shall*  
7 *provide a list of such needs to the Secretary on an annual*  
8 *basis, identifying and prioritizing such needs. The program*  
9 *shall promote and encourage efforts to use sources of data*  
10 *maintained by other Federal agencies, State agencies, local*  
11 *and traditional knowledge, or academia for use in such*  
12 *projects.”;*

13           (3) *by amending subsection (c) to read as fol-*  
14       *lows:—*

15           “(c) *PRIORITIES.*—*In making funds available the Sec-*  
16 *retary shall award funding on a competitive basis and*  
17 *based on regional fishery management needs, select pro-*  
18 *grams that form part of a coherent program of cooperative*  
19 *research or management projects focused on addressing pri-*  
20 *ority issues identified by the Councils, and shall give pri-*  
21 *ority to the following projects:*

22           “(1) *Projects to collect data to improve, supple-*  
23       *ment, or enhance stock assessments, including the use*  
24       *of fishing vessels or acoustic or other marine tech-*  
25       *nology.*

1           “(2) *Projects to improve fishery dependent data*  
2 *collection, intake, use, and access including—*

3                   “(A) *to assess the amount and type of by-*  
4 *catch or post-release mortality occurring in a*  
5 *fishery;*

6                   “(B) *expanding the use of electronic tech-*  
7 *nology and modernizing data management sys-*  
8 *tems; and*

9                   “(C) *improving monitoring coverage*  
10 *through the expanded use of electronic tech-*  
11 *nology.*

12           “(3) *Conservation engineering or management*  
13 *projects designed to reduce bycatch, including avoid-*  
14 *ance of post-release mortality, reduction of bycatch in*  
15 *high seas fisheries, and transfer of such fishing tech-*  
16 *nologies and methods to other nations, or other re-*  
17 *gional entities, including fishing communities, re-*  
18 *gional fishery associations, and fishing sectors.*

19           “(4) *Projects for the identification of habitat*  
20 *areas of particular concern and for habitat conserva-*  
21 *tion.*

22           “(5) *Projects designed to collect and compile eco-*  
23 *nomic and social data for which electronic tech-*  
24 *nologies can be added.*

1           “(6) *Projects to test and expand electronic tech-*  
2           *nologies for monitoring, reporting, observer coverage,*  
3           *and other functions.*

4           “(7) *Projects that use electronic technologies to*  
5           *monitor changing ocean conditions, improve methods,*  
6           *support adaptive management, and enhance climate*  
7           *resilience in fisheries.*

8           “(8) *Projects designed to identify the impacts of*  
9           *anticipated changing ocean conditions, including cli-*  
10           *mate change, on fish stocks, fisheries, and fishing*  
11           *communities or designed to develop conservation and*  
12           *management strategies to adapt to those impacts.*

13           “(9) *Cooperative management projects that make*  
14           *use of data collected under this section.*

15           “(10) *Projects to better understand shark depre-*  
16           *dation, what causes increases in the behavior, and*  
17           *how to best address the behavior.”;*

18           (4) *by redesignating subsections (e) and (f) as*  
19           *subsections (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 one 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 co-*  
4       *operative management agreements.*

5               “(2) *PROCESS FOR APPROVAL.—The Secretary*  
6       *may use the process developed pursuant to (d) to ap-*  
7       *prove cooperative management agreements as if such*  
8       *agreements are cooperative fishing agreements.*

9               “(3) *PERFORMANCE STANDARDS.—An agreement*  
10       *authorized by this subsection shall be subject to per-*  
11       *formance standards and accountability measures*  
12       *specified in a fishery management plan or otherwise*  
13       *established by the Secretary, in consultation with the*  
14       *Councils, and shall not allow catch in excess of an-*  
15       *annual catch limits or bycatch in excess of bycatch caps*  
16       *or limits.*

17               “(4) *PRE-EXISTING AGREEMENTS.—This sub-*  
18       *section shall not apply to a cooperative management*  
19       *agreement submitted to, proposed by or approved by*  
20       *the Secretary before the date of enactment of this*  
21       *Act.”; and*

22               (6) *by adding at the end the following:*

23               “(h) *PUBLIC REPORT OF DATA.—With respect to any*  
24       *cooperative research project funded or experimental fishing*  
25       *permit issued under this section, the appropriate Council*

1 *shall publish a report of results and data generated by such*  
2 *project or under such permit.*

3       “(i) *PROGRESS REPORT.*—*Not later than 180 days*  
4 *after the date of enactment of this Act, the Assistant Admin-*  
5 *istrator for Fisheries shall provide a report to Congress on*  
6 *progress in implementing the recommendations of the Coop-*  
7 *erative Research and Cooperative Management Working*  
8 *Group report entitled ‘NOAA Technical Memorandum*  
9 *NMFS–F/SPO–156’ and published in August 2015 and on*  
10 *the development and implementation of any subsequent rec-*  
11 *ommendations by such Working Group.’”.*

12       (b) *Section 2(a)(8) is amended by inserting “Fisheries*  
13 *management is most effective when it uses the best scientific*  
14 *information available, and incorporates such information*  
15 *from governmental and nongovernmental sources, including*  
16 *State and Federal agency staff, fishermen, fishing commu-*  
17 *nities, universities, nonprofit organizations, local and tra-*  
18 *ditional knowledge from Tribes, Indigenous communities,*  
19 *and subsistence fishermen, and research institutions. Sci-*  
20 *entific and statistical committees should consider such in-*  
21 *formation when seeking the best scientific information*  
22 *available to form the basis of conservation and manage-*  
23 *ment.” after “States.”.*



1 **SEC. 405. NORTHEAST REGIONAL PILOT RESEARCH TRAWL**  
2 **SURVEY AND STUDY.**

3 (a) *INDUSTRY-BASED PILOT STUDY.*—Not later than  
4 one year after the date of enactment of this Act, the Sec-  
5 retary shall, in coordination with the relevant Councils se-  
6 lected by the Secretary and the Northeast Area Monitoring  
7 and Assessment Program, develop a fishing industry-based  
8 Northeast regional pilot research trawl survey and study  
9 to enhance and provide improvement to current National  
10 Oceanic and Atmospheric Administration vessel trawl sur-  
11 veys.

12 (b) *COMPONENTS.*—Under the pilot survey and  
13 study—

14 (1) *the Secretary—*

15 (A) *may select fishing industry vessels to*  
16 *participate in the study by issuing a request for*  
17 *procurement;*

18 (B) *may use the Northeast Area Monitoring*  
19 *and Assessment Program Southern New Eng-*  
20 *land/Mid-Atlantic Nearshore Trawl Survey or*  
21 *another methodology selected in partnership with*  
22 *the National Marine Fisheries Service Northeast*  
23 *Fisheries Science Center and the Virginia Insti-*  
24 *tute of Marine Science as a model for the pilot*  
25 *survey;*

1           (C) shall outfit participating vessels with a  
2           peer-reviewed net configuration; and

3           (D) shall ensure the pilot study uses a sta-  
4           tistically valid sampling method and spatial cov-  
5           erage that allows for comparison with results  
6           from the National Oceanic and Atmospheric Ad-  
7           ministration trawl surveys; and

8           (2) the National Marine Fisheries Service North-  
9           east Fisheries Science Center shall, in partnership  
10          with the selected Councils and the Virginia Institute  
11          of Marine Science, collect data for 5 years.

12          (c) *REPORT.*—Upon completion of the pilot survey and  
13          study, the Secretary and the selected Councils shall submit  
14          a detailed report on the results of the pilot survey and study  
15          to the Committee on Natural Resources of the House of Rep-  
16          resentatives and the Committee on Commerce, Science, and  
17          Transportation of the Senate.

18          **SEC. 406. RECREATIONAL DATA CONSISTENCY.**

19          (a) *IN GENERAL.*—Section 305 (16 U.S.C. 1855) is  
20          amended by adding at the end the following:

21                 “(l) *RECREATIONAL DATA IMPROVEMENT.*—Not later  
22          than 2 years after the date of enactment of the Sustaining  
23          America’s Fisheries for the Future Act of 2022, the Sec-  
24          retary shall establish guidelines for recreational catch data,  
25          which shall include the development of data standards to

1 *improve timeliness, accuracy, precision and validation of*  
2 *data produced by recreational surveys in order to facilitate*  
3 *the use of such data in assessments, for use in management*  
4 *actions, and for other uses as applicable. The Secretary’s*  
5 *guidelines shall consider the relevant recommendations de-*  
6 *veloped under section 404(e), subsections (g)(4)(C) and (h)*  
7 *of section 401, and section 201(b) of the Modernizing Rec-*  
8 *reational Fisheries Management Act of 2018 (16 U.S.C.*  
9 *1881 note). If recreational catch data for a stock of fish*  
10 *come from more than one survey program, such as Federal*  
11 *and non-Federal sources, including from States or Marine*  
12 *Fisheries Commissions, the Secretary shall implement*  
13 *measures, which may include the use of calibration meth-*  
14 *ods, as needed for the timely integration of such data to*  
15 *ensure consistent methods and approaches are used for mon-*  
16 *itoring of catch against the relevant annual catch limits*  
17 *and for other fishery science and management purposes.”.*

18       **(b) RECREATIONAL DATA IMPROVEMENT PROGRAM.—**  
19 *Title IV is amended by adding at the end the following:*

20 **“SEC. 409. RECREATIONAL DATA IMPROVEMENT PROGRAM.**

21       **“(a) IN GENERAL.—***The Secretary shall initiate and*  
22 *maintain a comprehensive program to implement the re-*  
23 *quirements and associated guidelines in section 305(l). In*  
24 *executing the program, the Secretary shall coordinate with*

1 *programs established in subsection 401(g) and promote col-*  
2 *laboration with State and Federal partners.*

3       “(b) *STRATEGIC PLAN.*—*Not later than one year after*  
4 *the date of enactment of the Sustaining America’s Fisheries*  
5 *for the Future Act of 2022, and not less frequently than*  
6 *once every 5 years thereafter, the Secretary shall develop*  
7 *and publish in the Federal Register a strategic plan for rec-*  
8 *reational data improvements for the 5 years immediately*  
9 *following such publication. The plan shall—*

10               “(1) *improve coordination between Federal pro-*  
11 *grams that implement recreational fishing surveys*  
12 *and other data from non-Federal sources, including*  
13 *data from States or Marine Fisheries Commissions;*

14               “(2) *improve the timeliness, accuracy, precision,*  
15 *and validation of data produced by surveys;*

16               “(3) *describe processes to calibrate data sources*  
17 *with historical time series data prior to being used*  
18 *for management;*

19               “(4) *develop methods to integrate recreational*  
20 *data collected from more than one source for use in*  
21 *assessments;*

22               “(5) *create goals, objectives, and timeframes for*  
23 *achievement of paragraphs (1) through (4);*

1           “(6) consider the use and effectiveness of experi-  
2           mental fishing permits to carry out such research;  
3           and

4           “(7) describe the role of fishery participants in  
5           the program. In developing the strategic plan and  
6           subsequent plans, the Secretary shall cooperate with  
7           the Councils and affected States, provide for coordina-  
8           tion with the Councils, affected States, and other re-  
9           search and data collection entities, and allow for pub-  
10          lic input.

11          “(c) *AREAS OF RESEARCH.*—In initiating and main-  
12          taining the program, the Secretary shall prioritize research  
13          and improvement in the following areas:

14                 “(1) Development of data standards and valida-  
15                 tion processes for survey programs collecting data on  
16                 recreational fishing catch and effort, including those  
17                 produced by State agencies and considered integral or  
18                 supplemental to Federal surveys.

19                 “(2) Research to understand how surveys of rec-  
20                 reational fishing can more effectively account for dif-  
21                 ferences in fishing rate and effort, including among  
22                 fishermen who use private or public access points,  
23                 and fishermen who are State residents or non-resi-  
24                 dents.

1           “(3) *Methods and policies to improve the esti-*  
2           *mation of discards in recreational fisheries, including*  
3           *estimation of discarded fish both during and outside*  
4           *of fishing seasons.*

5           “(4) *To improve understanding of best practices*  
6           *for minimizing discard mortality as well as esti-*  
7           *mation of adoption rates of such practices by fisher-*  
8           *men.*

9           “(5) *To assess changes in discard mortality esti-*  
10          *mates when best fishing practices are adequately and*  
11          *verifiably applied.*

12          “(6) *Research on how the use of electronic appli-*  
13          *cations can be used to collect data in recreational*  
14          *fisheries, including spatial information, depth, dis-*  
15          *card rate and disposition, release method, and socio-*  
16          *economic information, while meeting data and vali-*  
17          *dation standards.*

18          “(7) *Research on how electronic technologies can*  
19          *most effectively be incorporated into survey designs.*

20          “(8) *Research of methods to integrate rec-*  
21          *reational catch data from more than one survey*  
22          *source for use in assessments.*

23          “(9) *The use of approaches to improve rec-*  
24          *reational data, including the use of tag and endorse-*  
25          *ment measures to fund such data improvement, stock-*

1        *wide regional effort surveys, and species-specific over-*  
2        *sampling.*

3        “(d) *PUBLIC NOTICE.*—*In developing the plan re-*  
4        *quired under subsection (b), the Secretary shall publish a*  
5        *proposed plan in the Federal Register for the purpose of*  
6        *receiving public comment on the plan. Upon final publica-*  
7        *tion in the Federal Register, the plan shall be submitted*  
8        *by the Secretary to the Committee on Commerce, Science,*  
9        *and Transportation of the Senate and the Committee on*  
10       *Natural Resources of the House of Representatives.”.*

11       **SEC. 407. EMERGENCY OPERATING PLANS.**

12       (a) *IN GENERAL.*—*The Administrator, not later than*  
13       *one year after the date of enactment of this Act and in con-*  
14       *sultation with the Fishery Management Councils, relevant*  
15       *Federal, State, and international agencies, scientific and*  
16       *technical experts, and interested stakeholders, shall develop*  
17       *a contingency plan for circumstances that would make fish-*  
18       *eries monitoring, including human observation, surveys,*  
19       *and other data collection to support stock assessments im-*  
20       *practical.*

21       (b) *REPORT.*—*Not later than one year after the date*  
22       *of enactment of this Act, the Administrator shall submit*  
23       *a report to Congress on the contingency plan developed*  
24       *under subsection (a).*

1 **SEC. 408. ZEKE GRADER FISHERIES CONSERVATION AND**  
2 **MANAGEMENT FUND.**

3 (a) *IN GENERAL.*—Section 208 of the Magnuson-Ste-  
4 vens Fishery Conservation and Management Reauthoriza-  
5 tion Act of 2006 (16 U.S.C. 1891b) is amended—

6 (1) in the section heading, by inserting “**ZEKE**  
7 **GRADER**” before “**FISHERIES CONSERVATION**  
8 **AND MANAGEMENT FUND**”;

9 (2) in subsection (a), by inserting “Zeke Grader”  
10 before “Fisheries Conservation and Management  
11 Fund”; and

12 (3) in subsection (c), by striking “Fishery Con-  
13 servation and Management Fund” each place such  
14 term appears and inserting “Zeke Grader Fisheries  
15 Conservation and Management Fund”.

16 (b) *ADAPTATION FOR CLIMATE CHANGE.*—Section  
17 208(b) of such Act (16 U.S.C. 1891b(b)) is amended—

18 (1) in paragraph (6), by striking “and”;

19 (2) in paragraph (7), by striking the period at  
20 the end and inserting “; and”; and

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

22 “(8) conducting research and analysis to prepare  
23 and adapt fisheries and fishing communities to the ef-  
24 fects of climate change.”.

25 (c) *ALLOCATION.*—Section 208(d) of such Act (16  
26 U.S.C. 1891b(d)) is amended to read as follows:



1       “(d) *ALLOCATION.*—

2               “(1) *IN GENERAL.*—*Except as provided in para-*  
3 *graphs (2) and (3), the Secretary shall, every 2 years,*  
4 *apportion amounts from the Fund among the 8 Coun-*  
5 *cil regions according to recommendations of the Coun-*  
6 *cils, based on regional priorities identified through*  
7 *the Council process.*

8               “(2) *MINIMUM ALLOCATION.*—*In the case of*  
9 *amounts deposited in the Fund pursuant to sub-*  
10 *section (c)(2), unless specified otherwise, the Secretary*  
11 *shall allocate not less than 5 percent of the Fund in*  
12 *each allocation period to each region.*

13               “(3) *SPECIFICALLY APPORTIONED FUNDS.*—*The*  
14 *Secretary may apportion amounts from the Fund to*  
15 *a specific project or region if such amounts were iden-*  
16 *tified by the Council that designated such amounts for*  
17 *inclusion in the Fund under subsection (c)(1), or by*  
18 *the appropriation Act, State, public source, or non-*  
19 *profit or organization from which they were received*  
20 *under subsection (c)(2), as being deposited for that*  
21 *specific project or region.”.*

22               “(d) *REFERENCES.*—*Any reference in a law, map, regu-*  
23 *lation, document, paper, or other record of the United*  
24 *States to the “Fisheries Conservation and Management*

1 *Fund*” is deemed to be a reference to the “Zeke Grader Fish-  
2 *eries Conservation and Management Fund*”.

3 (e) *CLERICAL AMENDMENT.*—*The table of contents for*  
4 *the Magnuson-Stevens Fishery Conservation and Manage-*  
5 *ment Reauthorization Act of 2006 (Public Law 109–479)*  
6 *is amended by striking the item relating to section 208 and*  
7 *inserting the following:*

“*Sec. 208. Zeke Grader Fisheries Conservation and Management Fund.*”.

8 **SEC. 409. OFFSHORE WIND COLLABORATION.**

9 *The Secretary and the Secretary of the Interior, acting*  
10 *through the Bureau of Ocean Energy Management, shall*  
11 *enter into a cooperative agreement to fund such survey*  
12 *mitigation programs, additional stock assessments, and*  
13 *fisheries and marine wildlife research as may be necessary*  
14 *as a result of actions by such Bureau related to the develop-*  
15 *ment of offshore wind energy.*

16 **SEC. 410. SHARK POPULATIONS ANALYSIS.**

17 *Not later than one year after the date of enactment*  
18 *of this Act, the Secretary shall enter into an agreement for*  
19 *an independent analysis to be done on shark populations*  
20 *in the Gulf of Mexico and Atlantic coasts and, before start-*  
21 *ing the survey, develop a plan to integrate the results of*  
22 *this study into the Secretary’s own data sets and fishery*  
23 *management measures.*

1 **TITLE V—SUSTAINING FISH-**  
2 **ERIES THROUGH HEALTHY**  
3 **ECOSYSTEMS AND IMPROVED**  
4 **MANAGEMENT**

5 **SEC. 501. SENSE OF CONGRESS.**

6 *It is the sense of Congress that protection of essential*  
7 *fish habitat ensures healthy and resilient fisheries and ma-*  
8 *rine ecosystems, particularly as oceans conditions shift due*  
9 *to climate change, and that impacts from both fishing gear*  
10 *and non-fishing activities should be considered through con-*  
11 *sistent application of essential fish habitat provisions under*  
12 *the Magnuson-Stevens Fishery Conservation and Manage-*  
13 *ment Act.*

14 **SEC. 502. ESSENTIAL FISH HABITAT CONSULTATION.**

15 *(a) IN GENERAL.—Section 305(b) of the Magnuson-*  
16 *Stevens Fishery Conservation and Management Act (16*  
17 *U.S.C. 1855(b)) is amended—*

18 *(1) in paragraph (1)(D), by inserting “and such*  
19 *agencies shall take action” after “agencies”;*

20 *(2) by striking paragraphs (2), (3), and (4); and*

21 *(3) by adding at the end the following:*

22 *“(2) CONSULTATIONS REGARDING FEDERAL*  
23 *AGENCY ACTION WITH ADVERSE EFFECTS ON ESSEN-*  
24 *TIAL FISH HABITAT.—*

1           “(A) *REQUIREMENT TO AVOID OR MITIGATE*  
2           *ADVERSE EFFECTS.*—*With respect to any Fed-*  
3           *eral agency action that may have an adverse ef-*  
4           *fect on—*

5                     “(i) *essential fish habitat, each Federal*  
6                     *agency shall, in consultation with the Sec-*  
7                     *retary, ensure that any action authorized,*  
8                     *funded, or undertaken by such agency*  
9                     *avoids the adverse effect of such action on*  
10                    *essential fish habitat or, to the extent that*  
11                    *the adverse effect cannot be avoided, the*  
12                    *agency shall minimize and mitigate the ad-*  
13                    *verse effect; and*

14                    “(ii) *a habitat area of particular con-*  
15                    *cern, each Federal agency shall, in consulta-*  
16                    *tion with the Secretary—*

17                             “(I) *for the entire period during*  
18                             *which such adverse effect is likely to*  
19                             *occur, monitor or require monitoring*  
20                             *for such adverse effect;*

21                             “(II) *for the entire period during*  
22                             *which such adverse effect is likely to*  
23                             *occur, take action to minimize and*  
24                             *mitigate such adverse effect of the ac-*  
25                             *tion on—*

1                   “(aa) the habitat area of  
2                   particular concern; and

3                   “(bb) the species for with re-  
4                   spect to which the habitat area of  
5                   particular concern is designated;

6                   “(III) evaluate the effectiveness of  
7                   measures described in subclause (II)  
8                   and report the results of such evalua-  
9                   tion to the Secretary annually.

10                   “(B) CONSIDERATIONS.—In consulting with  
11                   a Federal agency under subparagraph (A) for  
12                   projects seeking to restore and improve the long-  
13                   term resilience of habitat, particularly in estua-  
14                   rine environments heavily impacted by sea level  
15                   rise and other climate change factors, the Sec-  
16                   retary shall account for the consequences of not  
17                   pursuing such restoration and habitat resilience  
18                   projects and the long-term positive impacts on  
19                   fish populations of such activities.

20                   “(C) REGULATIONS.—The Secretary shall  
21                   establish regulations for the consultation process  
22                   required by subparagraph (A), including to en-  
23                   sure that recommendations made by the Sec-  
24                   retary pursuant to such subparagraph would re-  
25                   sult in the avoidance, of adverse effects on essen-

1            *tial fish habitat and, to the extent adverse effects*  
2            *cannot be avoided, the minimization and mitiga-*  
3            *tion of any such adverse effects.*

4            “(3) *INFORMATION TO COUNCIL.*—*The Secretary*  
5            *shall inform each Council that has authority over an*  
6            *affected fishery of any consultation carried out under*  
7            *paragraph (2), including information on the proposed*  
8            *action and any potential adverse effects, and each*  
9            *such Council—*

10            “(A) *may comment on and make rec-*  
11            *ommendations to the Secretary and any Federal*  
12            *or State agency concerning the underlying action*  
13            *if, in the view of the Council, such action may*  
14            *affect the habitat of a fishery resource under the*  
15            *authority of such Council; and*

16            “(B) *shall comment on and make rec-*  
17            *ommendations to the Secretary and any Federal*  
18            *or State agency concerning the underlying action*  
19            *if, in the view of the Council, such action is like-*  
20            *ly to adversely affect the habitat of an anad-*  
21            *romous fishery resource under the authority of*  
22            *such Council.*

23            “(4) *INFORMATION FROM OTHER SOURCES.*—

24            “(A) *RECEIPT OF INFORMATION.*—*If the*  
25            *Secretary receives information from any source*

1           *and determines that an action taken, funded, or*  
2           *authorized or proposed to be taken, funded, or*  
3           *authorized by a State or Federal agency may*  
4           *have an adverse effect on an essential fish habi-*  
5           *tat identified under this Act, the Secretary shall*  
6           *recommend to such agency measures that avoid*  
7           *such adverse effects and to the extent the adverse*  
8           *effects cannot be avoided, minimize and mitigate*  
9           *such adverse effects.*

10           “(B) *REQUIRED RESPONSE.*—*Not later than*  
11           *30 days after receiving a recommendation under*  
12           *subparagraph (A), a Federal, State, or local*  
13           *agency shall provide a detailed response in writ-*  
14           *ing to any Council comment under paragraph*  
15           *(3) and the Secretary regarding the matter. The*  
16           *response shall include a description of measures*  
17           *proposed by the agency for avoiding the adverse*  
18           *effects, or to the extent the adverse effects cannot*  
19           *be avoided, mitigating the adverse effects of the*  
20           *action on such essential fish habitat. In the case*  
21           *of a response that is inconsistent with the rec-*  
22           *ommendations of the Secretary, the Federal,*  
23           *State, or local agency shall explain how the al-*  
24           *ternative measures proposed will avoid the ad-*  
25           *verse effects of such action on essential fish habi-*

1           *tat or, to the extent that adverse effects cannot be*  
2           *avoided, minimize and mitigate the adverse ef-*  
3           *fects.*

4           “(C) *PUBLICATION.*—*The Secretary shall*  
5           *make available to the public—*

6                     “(i) *any recommendation made under*  
7                     *subparagraph (A) on the date on which*  
8                     *such recommendation is made; and*

9                     “(ii) *any response made by an agency*  
10                    *under subparagraph (B) on the date on*  
11                    *which such response is received.*

12           “(D) *MONITORING.*—*The Secretary shall*  
13           *monitor measures taken by each Federal agency*  
14           *to meet the requirements of this subsection.*

15           “(E) *REPORT TO CONGRESS.*—*Not later*  
16           *than 5 years after the date of the enactment of*  
17           *the Sustaining America’s Fisheries for the Fu-*  
18           *ture Act of 2022 and not less frequently than*  
19           *every 5 years thereafter, the Secretary shall sub-*  
20           *mit a report—*

21                     “(i) *describing the effectiveness of*  
22                     *measures taken by the Secretary to ensure*  
23                     *the conservation and enhancement of essen-*  
24                     *tial fish habitat; and*



1           “(ii) identifying opportunities for  
2           partnerships between the National Oceanic  
3           and Atmospheric Administration, in con-  
4           sultation with other Federal agencies, State  
5           agencies, and non-Federal partners to en-  
6           hance data collection, research, and moni-  
7           toring of essential fish habitat.”.

8           (b) CONTENTS OF FISHERY MANAGEMENT PLANS.—  
9           Section 303(a)(7) (16 U.S.C. 1853(a)(7)) is amended to  
10          read as follows:

11           “(7) describe and identify—

12           “(A) essential fish habitat for the fishery  
13           based on the guidelines established by the Sec-  
14           retary under section 305(b)(1)(A), minimize ad-  
15           verse effects on essential fish habitat caused by  
16           fishing, and identify other actions to encourage  
17           the conservation and enhancement of essential  
18           fish habitat; and

19           “(B) habitat areas of particular concern  
20           based on the guidelines established by the Sec-  
21           retary under section 305(b)(1)(A), avoid adverse  
22           effects on such habitat caused by fishing, monitor  
23           efficacy of actions to avoid adverse effects, and  
24           identify other actions to encourage the conserva-  
25           tion and enhancement of such habitat;”.

1           (c) *PURPOSE.*—Section 2(b)(7) (16 U.S.C. 1801(b)(7))  
2 *is amended by striking “in the review of projects” and in-*  
3 *serting “from adverse effects caused by fishing and from*  
4 *projects”.*

5           (d) *HABITAT AREAS OF PARTICULAR CONCERN.*—Sec-  
6 *tion 3 (16 U.S.C. 1802) is amended—*

7                 (1) *by redesignating paragraph (1) as para-*  
8 *graph (1A);*

9                 (2) *by inserting before paragraph (1A), as red-*  
10 *esignated, the following:*

11                     “(1) *ADVERSE EFFECT.*—The term ‘adverse ef-  
12 *fect’ means, with respect to essential fish habitat, any*  
13 *impact that reduces the quality or quantity of essen-*  
14 *tial fish habitat.”; and*

15                 (3) *by inserting after paragraph (19) the fol-*  
16 *lowing:*

17                     “(19A) *HABITAT AREAS OF PARTICULAR CON-*  
18 *CERN.*—The term ‘habitat areas of particular concern’  
19 *means specific types or areas of habitat that are part*  
20 *of or within essential fish habitat that—*

21                             “(A) *provide important ecological function,*  
22 *including for maintaining and restoring the bio-*  
23 *mass, demographic, spatial and genetic charac-*  
24 *teristics of fish populations;*

1           “(B) are sensitive to human-induced envi-  
2           ronmental degradation;

3           “(C) are or will be significantly stressed by  
4           human activities;

5           “(D) due to prevailing or anticipated future  
6           environmental conditions, are or may become  
7           important to the health of managed species; or

8           “(E) are rare.”.

9   **SEC. 503. REDUCING BYCATCH.**

10   (a) *MINIMIZING BYCATCH.*—

11           (1) *NATIONAL STANDARDS FOR FISHERY CON-*  
12           *SERVATION AND MANAGEMENT.*—Section 301(a)(9)  
13           (16 U.S.C. 1851(a)(9)) is amended to read as follows:

14           “(9) Conservation and management measures  
15           shall—

16                   “(A) minimize bycatch; and

17                   “(B) to the extent bycatch cannot be avoid-  
18                   ed, minimize the mortality of such bycatch.”.

19           (2) *CONTENTS OF FISHERY MANAGEMENT*  
20           *PLANS.*—Section 303 (16 U.S.C. 1853) is amended—

21                   (A) in subsection (a)—

22                           (i) in paragraph (5), by inserting  
23                           “quantification of bycatch,” after “hauls,”;  
24                           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 3 years  
18                  after the date of enactment of the Sustaining Amer-  
19                  ica’s Fisheries for the Future Act of 2022, the Sec-  
20                  retary shall establish a national standardized report-  
21                  ing program (referred to in this subsection as ‘the  
22                  program’) to assess the amount and type of bycatch  
23                  occurring in each fishery and across fisheries, deter-  
24                  mine the contribution of bycatch to the total fishing-  
25                  related mortality of each fishery, and evaluate the ef-

1 *fects of bycatch on relevant fisheries and the eco-*  
2 *system.*

3 “(2) *METHODOLOGY AND STANDARDS.*—*The Sec-*  
4 *retary 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 managed*  
11 *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 management*  
15 *plan, the Secretary shall require consistent reporting*  
16 *mechanisms across jurisdictions to ensure that data*  
17 *can be aggregated and compared.*

18 “(4) *COORDINATION WITH STATES.*—*The Sec-*  
19 *retary shall coordinate with State fishery managers to*  
20 *carry out paragraph (3).”.*

21 (b) *BYCATCH REDUCTION ENGINEERING PROGRAM.*—

22 (1) *IN GENERAL.*—*Section 316(a) (16 U.S.C.*  
23 *1865(a)) is amended by striking paragraphs (3) and*  
24 *(4) and inserting the following:*

1           “(3) provide information, outreach, technical as-  
2           sistance, and training to Councils, Tribes, and fishery  
3           participants that will encourage adoption and use of  
4           technologies and methods developed under the pro-  
5           gram; and

6           “(4) provide for routine consultation with the  
7           Councils in order to maximize opportunities to incor-  
8           porate results of the program in Council actions and  
9           provide incentives for adoption of technologies and  
10          methods developed under the program in fishery man-  
11          agement plans, actions, and other measures developed  
12          by the Councils or the Secretary.”.

13           (2) *FREQUENCY OF REPORT*.—Section 316(d)  
14          (16 U.S.C. 1865(d)) is amended—

15           (A) by striking “transmit an annual re-  
16           port” and inserting “, not less frequently than  
17           once every 3 years, transmit a report”;

18           (B) in paragraph (2), by striking “and” at  
19           the end;

20           (C) in paragraph (3), by striking the period  
21           at the end and inserting “; and”; and

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

23           “(4) includes a description of all bycatch reduc-  
24           tion technologies and methods developed, tested, or  
25           supported by the Bycatch Reduction Engineering

1        *Program, and a summary of how such technologies*  
 2        *and methods have been implemented into fishery*  
 3        *management, or an explanation for why such tech-*  
 4        *nologies and methods have not been implemented.”.*

5        **SEC. 504. IMPROVING REBUILDING OUTCOMES.**

6        *Section 304(e) (16 U.S.C. 1854(e)) is amended to read*  
 7        *as follows:—*

8        *“(e) REBUILDING OVERFISHED FISHERIES AND END-*  
 9        *ING OVERFISHING.—*

10        *“(1) DETERMINATION OF STATUS.—*

11                *“(A) IN GENERAL.—The Secretary shall, de-*  
 12                *termine, based on the best scientific information*  
 13                *available and at any time, for stocks within each*  
 14                *Council’s geographic area of authority, (or the*  
 15                *Secretary, for stocks managed under section*  
 16                *302(a)(3)), whether such stock of fish is each of*  
 17                *the following:*

18                        *“(i) Subject to overfishing.*

19                        *“(ii) Overfished.*

20                        *“(iii) Approaching a condition of*  
 21                        *being overfished.*

22                *“(B) CRITERIA FOR DETERMINATION.—*

23                        *“(i) CRITERIA PROVIDED BY MANAGING*  
 24                        *DOCUMENT.—In making a determination*  
 25                        *under subparagraph (A), the Secretary*

1           *shall, with respect to a stock of fish man-*  
2           *aged under a stock of fish management plan*  
3           *or international agreement, use the criteria*  
4           *specified in such plan or agreement.*

5           “(ii) *APPROACHING A CONDITION OF*  
6           *BEING OVERFISHED.—In making a deter-*  
7           *mination under subparagraph (A), the Sec-*  
8           *retary shall classify a stock of fish as ap-*  
9           *proaching a condition of being overfished if,*  
10          *based on trends in fishing effort, fishery re-*  
11          *source size, and other appropriate factors,*  
12          *the Secretary estimates that the stock of fish*  
13          *will become overfished within 2 years.*

14          “(iii) *STOCKS LACKING CRITERIA.—*  
15          *For stocks that lack criteria as required*  
16          *under section 303(a)(10), the Secretary*  
17          *shall determine whether the stock is over-*  
18          *fished or subject to overfishing using the best*  
19          *available scientific information.*

20          “(2) *PUBLICATION.—*

21                 “(A) *IN GENERAL.—The Secretary shall*  
22                 *publish each determination made under para-*  
23                 *graph (1) in the Federal Register.*

24                 “(B) *NOTIFICATION OF COUNCIL.—If the*  
25                 *Secretary determines that a stock of fish is sub-*



1        *ject to overfishing, overfished, or approaching a*  
2        *condition of being overfished under paragraph*  
3        *(1), the Secretary shall immediately notify the*  
4        *appropriate Council and request that action be*  
5        *taken—*

6                *“(i) to end overfishing with respect to*  
7                *the stock of fish immediately;*

8                *“(ii) for a stock of fish that is over-*  
9                *fished, to end overfishing immediately and*  
10               *to implement conservation and management*  
11               *measures to rebuild affected the stock of fish;*  
12               *or*

13               *“(iii) for a stock of fish that is ap-*  
14               *proaching an overfished condition, to end*  
15               *overfishing immediately and prevent the*  
16               *stock of fish from reaching a overfished con-*  
17               *dition.*

18               *“(C) ANNUAL REPORT.—The Secretary shall*  
19               *submit an annual report to Congress and the*  
20               *Councils. Such report—*

21               *“(i) shall list each determination made*  
22               *with respect to a stock of fish under para-*  
23               *graph (1) during the preceding year;*

24               *“(ii) shall identify each stock of fish*  
25               *managed under this Act that is under a re-*

1           *building plan or in need of a rebuilding*  
2           *plan (as specified by this section), includ-*  
3           *ing—*

4                   “(I) *specifying the number of*  
5                   *years the stock of fish has been in a re-*  
6                   *building plan;*

7                   “(II) *the anticipated length in*  
8                   *years of the stock of fish’s current re-*  
9                   *building plan;*

10                   “(III) *the number of rebuilding*  
11                   *plans that have been implemented for*  
12                   *the stock of fish; and*

13                   “(IV) *whether a lack of adequate*  
14                   *progress toward ending overfishing and*  
15                   *rebuilding has been found for the stock*  
16                   *of fish; and*

17                   “(iii) *may use, as appropriate, the*  
18                   *term ‘depleted’ to further describe an over-*  
19                   *fished stock of fish that has been signifi-*  
20                   *cantly impacted by environmental factors*  
21                   *in addition to (or in absence of) fishing*  
22                   *pressure.*

23           “(3) *REQUIRED ACTION BY COUNCIL.—*

24                   “(A) *DETERMINATION THAT REQUIRES AC-*  
25                   *TION.—Not later than 2 years after date on*

1           *which the Secretary makes any of the following*  
2           *determinations, the appropriate Council (or the*  
3           *Secretary, for fisheries managed under section*  
4           *302(a)(3)) shall take an action described in sub-*  
5           *paragraph (B):*

6                     “(i) *A determination that a stock of*  
7                     *fish is subject to overfishing, overfished, or*  
8                     *approaching a condition of being overfished.*

9                     “(ii) *A determination that a rebuild-*  
10                    *ing plan has failed under paragraph (7)(C).*

11                    “(iii) *A determination that a stock of*  
12                    *fish has reached the end of the time period*  
13                    *for a rebuilding plan under paragraph (8).*

14                    “(B) *ACTIONS.—The actions described in*  
15                    *this subparagraph are—*

16                    “(i) *with respect to a stock of fish that*  
17                    *is subject to overfishing, to end overfishing*  
18                    *immediately and prevent overfishing of the*  
19                    *stock;*

20                    “(ii) *with respect to a stock of fish that*  
21                    *is overfished, to end overfishing immediately*  
22                    *and to rebuild the stock of fish; or*

23                    “(iii) *with respect to a stock of fish*  
24                    *that is approaching an overfished condition,*  
25                    *to end overfishing immediately and prevent*

1           *the stock of fish from reaching an overfished*  
2           *condition.*

3           “(4) *REBUILDING PLAN REQUIRED.*—*For a stock*  
4           *of fish that is overfished, any management document*  
5           *prepared pursuant to paragraph (3) or paragraph (5)*  
6           *for such fishery shall—*

7           “(A) *specify a time period for rebuilding*  
8           *the stock of fish that shall—*

9           “(i) *be as short as possible, taking into*  
10           *account the status and biology of overfished*  
11           *stocks of fish, the needs of fishing commu-*  
12           *nities, recommendations by international*  
13           *organizations in which the United States*  
14           *participates, and the interaction of the over-*  
15           *fished stock of fish within the marine eco-*  
16           *system; and*

17           “(ii) *not exceed the time the stock of*  
18           *fish would be rebuilt in the absence of any*  
19           *fishing mortality plus one mean generation;*

20           “(B) *allocate both overfishing restrictions*  
21           *and recovery benefits fairly and equitably among*  
22           *sectors of the fishery;*

23           “(C) *for a stock of fish managed under an*  
24           *international agreement, reflect traditional par-*

1            *icipation in the stock of fish, relative to other*  
2            *nations, by fishermen of the United States; and*

3            *“(D) contain objective and measurable cri-*  
4            *teria for evaluating rebuilding progress.*

5            *“(5) SECRETARIAL PLAN.—If a Council does not*  
6            *meet the deadline described in paragraph (3)(A) to*  
7            *submit a management document the Secretary shall,*  
8            *not later than 9 months after the expiration of such*  
9            *deadline, prepare such management document for the*  
10           *affected fish stock under subsection (c).*

11           *“(6) INTERIM MEASURES.—During the develop-*  
12           *ment of a management document for a stock of fish*  
13           *required by this subsection, a Council may request*  
14           *that the Secretary implement interim measures to re-*  
15           *duce overfishing under section 305(c) until such meas-*  
16           *ures can be replaced by such management document.*  
17           *Such measures, if otherwise in compliance with the*  
18           *provisions of this Act, may be implemented even*  
19           *though they are not sufficient to stop overfishing of a*  
20           *fishery.*

21           *“(7) ASSESSMENT OF REBUILDING PLAN.—*

22           *“(A) SECRETARIAL REVIEW.—The Secretary*  
23           *shall review each management document relating*  
24           *to a stock of fish required by this subsection not*  
25           *less often than once every 2 years to determine*

1           *whether such management document has resulted*  
2           *in adequate progress toward rebuilding affected*  
3           *stocks of fish. The Secretary shall find a lack of*  
4           *adequate progress toward rebuilding an affected*  
5           *stock of fish if—*

6                     *“(i) the status of the stock is not im-*  
7                     *proving sufficiently such that it becomes un-*  
8                     *likely that the stock will be rebuilt within*  
9                     *the rebuilding time period;*

10                    *“(ii) the applicable fishing mortality*  
11                    *rate or annual catch limits are exceeded,*  
12                    *and the causes and rebuilding consequences*  
13                    *of such exceedances have not been corrected;*

14                    *“(iii) new scientific information dem-*  
15                    *onstrates that assumptions regarding the*  
16                    *stock’s biology that formed the basis for the*  
17                    *rebuilding plan, such as stock productivity,*  
18                    *were fundamentally inaccurate, and such*  
19                    *inaccuracies render the current rebuilding*  
20                    *plan unable to address the stock’s rebuilding*  
21                    *needs; or*

22                    *“(iv) for such other reasons as the Sec-*  
23                    *retary determines appropriate.*

24                    *“(B) FINDING OF INADEQUATE*  
25                    *PROGRESS.—Except as provided in subpara-*

1           *graph (C), if the Secretary finds after a review*  
2           *under subparagraph (A) that a management*  
3           *document has not resulted in adequate progress*  
4           *toward rebuilding affected fish stocks, the Sec-*  
5           *retary shall—*

6                     *“(i) in the case of a stock of fish to*  
7                     *which section 302(a)(3) applies, imme-*  
8                     *diately make revisions necessary to achieve*  
9                     *adequate progress toward rebuilding by the*  
10                    *deadline established under paragraph (4);*  
11                    *or*

12                    *“(ii) for all other stocks of fish, imme-*  
13                    *diately notify the appropriate Council,*  
14                    *which must make revisions necessary to*  
15                    *achieve adequate progress toward rebuilding*  
16                    *by not later than the deadline established*  
17                    *under paragraph (4). If the Council fails to*  
18                    *complete such action by the date that is 9*  
19                    *months after the date of such notification,*  
20                    *the Secretary shall, not later than 18*  
21                    *months after the date of such notification,*  
22                    *make such revisions as are needed to ensure*  
23                    *adequate progress toward rebuilding by not*  
24                    *later than the rebuilding deadline estab-*  
25                    *lished under paragraph (4).*

1           “(C) *FAILED REBUILDING PLAN.*—If the  
2           Secretary finds that revisions pursuant to sub-  
3           paragraph (B) cannot achieve adequate progress  
4           within the time period set under paragraph (4),  
5           the Secretary may find that the rebuilding plan  
6           has failed.

7           “(D) *PUBLICATION.*—The Secretary shall  
8           publish the results of a review performed under  
9           this paragraph in the *Federal Register*, includ-  
10          ing a determination of adequate progress or in-  
11          adequate progress, and the basis for such deter-  
12          mination.

13          “(8) *SUBSEQUENT REBUILDING PLAN.*—If a re-  
14          building time period established under paragraph (4)  
15          expires and the relevant fish stock has not been re-  
16          built, or the Secretary determines that an existing re-  
17          building plan has failed under paragraph (7)(C), the  
18          Council (or Secretary in the case of a stock to which  
19          section 302(a)(3) applies) shall prepare a new re-  
20          building plan pursuant to paragraphs (3) through  
21          (6), except that such plan shall have not less than a  
22          75 percent chance of rebuilding the stock of fish by the  
23          end of the new rebuilding time period set under para-  
24          graph (4). Management measures intended to rebuild



1 *the stock shall remain in effect during such prepara-*  
2 *tion of a rebuilding plan.*

3 “(9) *MANAGEMENT DOCUMENT.*—*In this sub-*  
4 *section, the term ‘management document’ means a*  
5 *management plan, management plan amendment, or*  
6 *proposed regulations for a stock of fish.”*

7 **SEC. 505. OVERFISHED FISHERIES AND PREVENTING OVER-**  
8 **FISHING.**

9 (a) *INFORMATION PROVIDED BY SCIENTIFIC AND STA-*  
10 *TISTICAL COMMITTEES.*—*Section 302(g)(1) (16 U.S.C.*  
11 *1852(g)(1)) is amended—*

12 (1) *in subparagraph (A), by inserting “ecologi-*  
13 *cal,” after “social,”; and*

14 (2) *by amending subparagraph (B) to read as*  
15 *follows:*

16 “(B) *Each scientific and statistical committee*  
17 *shall provide its Council with ongoing scientific ad-*  
18 *vice for fishery management decisions, including—*

19 “(i) *recommendations for accounting for all*  
20 *sources of mortality in establishing management*  
21 *measures, for the acceptable biological catch lev-*  
22 *els, for preventing overfishing, for maximum sus-*  
23 *tainable yield, and for achieving rebuilding tar-*  
24 *gets and promoting resilience of fish stocks to cli-*  
25 *mate change;*

1           “(ii) objective and measurable criteria for  
2           determining whether a stock is overfished or ex-  
3           periencing overfishing; and

4           “(iii) reports on stock status and health,  
5           sources of mortality, bycatch, habitat status, so-  
6           cial, ecological, and economic impacts of man-  
7           agement measures, and sustainability of fishing  
8           practices, and prevailing and anticipated future  
9           impacts of climate change on fish stocks, fishing  
10          communities, and fishery sectors.”.

11          (b) *MINIMUM REQUIRED PRECAUTIONARY STAND-*  
12 *ARD.—Section 303(a)(10) (16 U.S.C. 1853(a)(10)) is*  
13 *amended to read as follows:*

14           “(10) specify objective and measurable criteria  
15           for identifying when the fish stock to which the plan  
16           applies is overfished or subject to overfishing (with an  
17           analysis of how the criteria were determined and the  
18           relationship of the criteria to the reproductive poten-  
19           tial of stocks of fish in that fishery), which may not  
20           be less precautionary than the recommendation of the  
21           scientific and statistical committees for such fishery,  
22           and, in the case of a fishery which the Council or the  
23           Secretary has determined is approaching an over-  
24           fished condition or is overfished, contain conservation



1           (3) in subparagraph (B), by inserting “not later  
2           than 180 days after the disapproval” before the semi-  
3           colon; and

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

5           “Not later than 30 days before the date on which a time  
6           period established in subparagraph (B) or (C) ends, the Sec-  
7           retary shall provide written notification to the affected  
8           Council that if such Council does not fulfill the require-  
9           ments described in such subparagraph, the Secretary shall  
10          issue a Secretarial plan.”.

11       **SEC. 507. COUNCILS.**

12          Section 302(h) (16 U.S.C. 1852(h)) is amended—

13           (1) in paragraph (5), by striking “and” at the  
14          end;

15           (2) in paragraph (7)—

16                (A) by redesignating subparagraphs (B)  
17                and (C) as subparagraphs (C) and (D), respec-  
18                tively; and

19                (B) by inserting after subparagraph (A) the  
20                following:

21                   “(B) prioritize fisheries and habitats expe-  
22                   riencing or expected to experience shifts in geo-  
23                   graphic range, spatial distribution, or produc-  
24                   tivity;”;

1           (3) by redesignating paragraphs (8) and (9) as  
2 paragraphs (11) and (13), respectively; and

3           (4) by inserting after paragraph (7) the fol-  
4 lowing:

5           “(8) approve, for each of its managed stocks, ob-  
6 jective and measurable criteria for identifying wheth-  
7 er the stock is overfished or experiencing overfishing,  
8 which may not be less precautionary than the rec-  
9 ommendation of its scientific and statistical com-  
10 mittee;

11           “(9) develop and implement a habitat protection  
12 plan to protect essential fish habitat in the region of  
13 the Council from adverse effects caused by fishing that  
14 shall include—

15           “(A) quantitative and measurable targets  
16 and goals for increasing quality, quantity, and  
17 representativeness of essential fish habitat; and

18           “(B) conservation and management meas-  
19 ures in a fishery management plan to implement  
20 the habitat protection plan;

21           “(10) at routine intervals not less frequently  
22 than every 7 years and based on scientific evidence or  
23 other relevant information, review habitat protection  
24 plans developed under paragraph (9) by such Council  
25 and each designation of essential fish habitat and

1       *habitat areas of particular concern under section*  
2       *303(a)(7) by such Council, and amend such Council’s*  
3       *fishery management plans as necessary and appro-*  
4       *priate;”.*

5       **SEC. 508. FORAGE FISH CONSERVATION.**

6       (a) *SECRETARY TO DEFINE FORAGE FISH.*—Section  
7       *305 (16 U.S.C. 1855) is further amended by adding after*  
8       *subsection (l), as added by this Act, the following:*

9       “(m) *FORAGE FISH.*—Not later than 12 months after  
10       *the date of enactment of the Sustaining America’s Fisheries*  
11       *for the Future Act of 2022, the Secretary shall establish by*  
12       *regulation, in consultation with the Regional Fishery Man-*  
13       *agement Councils, a definition of the term ‘forage fish’ for*  
14       *the purposes of this Act. In defining such term, the Sec-*  
15       *retary shall consider factors including whether a species*  
16       *covered by such definition, throughout such species’*  
17       *lifecycle—*

18               “(1) *is at a low trophic level;*

19               “(2) *is generally small- to intermediate-sized;*

20               “(3) *occurs in schools or other dense aggrega-*  
21       *tions;*

22               “(4) *contributes significantly to the diets of other*  
23       *fish, marine mammals, or birds; and*

24               “(5) *serves as a conduit for energy transfer to*  
25       *species at a higher trophic level.”.*

1           (b) *DEFINITIONS.*—Section 3 (16 U.S.C. 1802) is fur-  
2 *ther amended—*

3           (1) *by inserting after paragraph (18) the fol-*  
4 *lowing:*

5           “(18A) *FORAGE FISH.*—The term ‘forage fish’—

6           “(A) *has the meaning given the term by the*  
7 *Secretary under section 305(m); and*

8           “(B) *with respect to a species in a fishery*  
9 *managed pursuant to a fishery management*  
10 *plan or plan amendment that is approved by the*  
11 *Secretary under section 304(a), means any spe-*  
12 *cies identified in such plan as a forage fish.”;*  
13 *and*

14           (2) *in paragraph (33)—*

15           (A) *in subparagraph (B), by striking*  
16 *“and”;*

17           (B) *in subparagraph (C), by striking the*  
18 *period and inserting “; and”;* and

19           (C) *by adding at the end the following:*

20           “(D) *in the case of a forage fish, is reduced,*  
21 *pursuant to subparagraph (B), to provide for the*  
22 *diet needs of fish species and other marine wild-*  
23 *life, including marine mammals and birds, for*  
24 *which forage fish is a significant dietary compo-*  
25 *nent.”.*

1       (c) *SCIENTIFIC ADVICE.*—Section 302(g)(1)(B) (16  
2 *U.S.C. 1852(g)(1)(B)*) is further amended—

3           (1) in clause (ii), as added by this Act, by strik-  
4 ing “and”;

5           (2) in clause (iii), as added by this Act, by strik-  
6 ing the period at the end and inserting “; and”; and

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

8                   “(iv) maintaining a sufficient abundance,  
9 diversity, and localized distribution of forage fish  
10 populations to support the role of such popu-  
11 lations in marine ecosystems.”.

12       (d) *COUNCIL FUNCTIONS.*—

13           (1) *RESEARCH PRIORITIES.*—Section 302(h)(7)  
14 (16 *U.S.C. 1852(h)(7)*) is further amended by insert-  
15 ing “forage fish populations and distribution,” after  
16 “habitats,”.

17           (2) *UNMANAGED FORAGE FISH.*—Section 302(h)  
18 (16 *U.S.C. 1852(h)*) is further amended by inserting  
19 after paragraph (11), as redesignated, the following:

20                   “(12) develop and submit to the Secretary for  
21 approval a list of unmanaged forage fish occurring in  
22 the area under its authority for which the develop-  
23 ment of any new directed forage fish fishery is pro-  
24 hibited until the Council has—



1           “(A) considered the best scientific informa-  
2           tion available and evaluated the potential im-  
3           pacts of forage fish harvest on existing fisheries,  
4           fishing communities, and the marine ecosystem;

5           “(B) determined whether conservation and  
6           management of the forage fish fishery is needed;

7           “(C) if a determination is made that con-  
8           servation and management is needed, prepared  
9           and submitted to the Secretary a fishery man-  
10          agement plan or amendment consistent with sec-  
11          tion 303; and

12          “(D) received final, approved regulations  
13          from the Secretary pursuant to section 304(b)(3);  
14          and”.

15          (3) *EFFECTIVE DATE.*—*The amendments made*  
16          *by this subsection shall take effect 2 years after the*  
17          *date of enactment of this Act.*

18          (e) *CONTENTS OF FISHERY MANAGEMENT PLANS.*—

19                 (1) *FORAGE FISH MANAGEMENT.*—*Section 303(a)*  
20                 *(16 U.S.C. 1853(a)) is further amended by adding at*  
21                 *the end the following:*

22                         “(18) when setting annual catch limits for forage  
23                         fish fisheries, assess, specify, and reduce such limits  
24                         by the diet needs of fish species and other marine

1 *wildlife, such as marine mammals and birds, for*  
2 *which forage fish is a significant part of their diet.”.*

3 (2) *EFFECTIVE DATE.*—*The amendment made by*  
4 *subsection (a) shall take effect 5 years after the date*  
5 *of enactment of this Act.*

6 (f) *ACTION BY THE SECRETARY.*—*Section 304 (16*  
7 *U.S.C. 1854) is further amended by adding at the end the*  
8 *following:*

9 “(l) *FORAGE FISH MANAGEMENT GUIDELINES.*—

10 “(1) *IN GENERAL.*—*Not later than 18 months*  
11 *after the date of enactment of the Sustaining Amer-*  
12 *ica’s Fisheries for the Future Act of 2022, the Sec-*  
13 *retary shall establish by regulation guidelines to as-*  
14 *assist the Councils in implementing sections 302(h)(12)*  
15 *and 303(a)(18).*

16 “(2) *WORKSHOPS.*—*In developing the guidelines*  
17 *under paragraph (1), the Secretary shall conduct*  
18 *workshops with Councils and other scientific, fish-*  
19 *eries, and conservation interests.*

20 “(m) *FORAGE FISH PROHIBITION.*—*In accordance*  
21 *with section 302(h)(12), the Secretary shall prohibit the de-*  
22 *velopment of any new directed forage fish fishery.”.*

23 (g) *RIVER HERRING AND SHAD.*—

24 (1) *DEFINITIONS.*—*In this section—*

1           (A) *RIVER HERRING*.—The term “river her-  
2           ring” means blueback herring (*Alosa aestivalis*)  
3           and alewife (*Alosa pseudoharengus*).

4           (B) *SHAD*.—The term “shad” means Amer-  
5           ican shad (*Alosa sapidissima*) and hickory shad  
6           (*Alosa mediocris*).

7           (2) *AMENDMENTS OF PLANS*.—Not later than  
8           180 days after the date of enactment of this Act, the  
9           Secretary of Commerce shall—

10           (A) amend the fishery management plans  
11           for the Atlantic Herring and Atlantic Mackerel,  
12           Squid, and Butterfish fisheries for the New Eng-  
13           land and Mid-Atlantic Regions to add shad and  
14           river herring as managed stocks in such plans  
15           consistent with section 302(h)(1) of the Magnu-  
16           son-Stevens Fishery Conservation and Manage-  
17           ment Act (16 U.S.C. 1852(h)(1));

18           (B) initiate additional fishery management  
19           plan amendments to be completed in not more  
20           than one year from the date of the addition of  
21           the species identified in paragraph (1) in order  
22           to develop and implement all required conserva-  
23           tion and management measures for such stocks  
24           consistent 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 Fish-*  
7           *ery Conservation and Management Act (16*  
8           *U.S.C. 1853(a)(11)), reallocate existing resources*  
9           *to ensure accurate and precise catch accounting*  
10           *on an ongoing basis within any fishery using*  
11           *mid-water trawl or paired mid-water trawl fish-*  
12           *ing gear in the Atlantic herring and Atlantic*  
13           *mackerel fisheries through the use of human or*  
14           *electronic on-board observation.*

15           (h) *RULE OF CONSTRUCTION.—Nothing in this section*  
16           *shall be construed as—*

17                   (1) *extending or diminishing the jurisdiction or*  
18                   *authority of any State within its boundaries; or*

19                   (2) *affecting—*

20                           (A) *section 306 of the Magnuson-Stevens*  
21                           *Fishery Conservation and Management Act (16*  
22                           *U.S.C. 1856); or*

23                           (B) *the Atlantic Coastal Fisheries Coopera-*  
24                           *tive Management Act (16 U.S.C. 5107 et seq.).*

1 **SEC. 509. FUNDING FOR MONITORING IMPLEMENTATION**  
2 **OF NORTHEAST MULTISPECIES FISHERY**  
3 **MANAGEMENT PLAN.**

4 *Section 311(f)(4) (16 U.S.C. 1861(f)(4)) is amended*  
5 *by striking “pursuant to this section” and all that follows*  
6 *through the end of the sentence and inserting “to enforce*  
7 *and monitor (including electronic monitoring) implementa-*  
8 *tion of that plan.”.*

9 **SEC. 510. HIGHLY MIGRATORY SPECIES.**

10 *Section 304(g)(1) (16 U.S.C. 1854(g)(1)) is amend-*  
11 *ed—*

12 *(1) in subparagraph (B), by inserting “a sci-*  
13 *entific and statistical committee and” after “estab-*  
14 *lish”; and*

15 *(2) by amending subparagraph (C) to read as*  
16 *follows:*

17 *“(C) for stocks not managed pursuant to the At-*  
18 *lantic Tunas Convention Act of 1975, develop annual*  
19 *catch limits that may not exceed the fishing level rec-*  
20 *ommendations of the scientific and statistical com-*  
21 *mittee;”.*

1           **TITLE VI—INTERNATIONAL**  
2           **FISHERIES MANAGEMENT**

3   **SEC. 601. CONSERVATION COMMISSIONER OF THE ATLAN-**  
4                           **TIC TUNAS CONVENTION ACT.**

5           (a) *APPOINTMENT AND PROCEDURE OF COMMIS-*  
6   *SIONERS.*—Section 3(a) of the Atlantic Tunas Convention  
7   Act of 1975 (16 U.S.C. 971a(a)) is amended to read as fol-  
8   lows:

9           “(a) *APPOINTMENT AND NUMBER; RULES OF PROCE-*  
10   *DURE; TERM.*—

11                   “(1) *APPOINTMENT.*—The President shall ap-  
12   point four Commissioners to serve as delegates of the  
13   United States to the Commission as follows:

14                           “(A) One Commissioner shall be a Federal  
15   employee who shall serve as Chair.

16                           “(B) Three Commissioners shall not be Fed-  
17   eral employees, of whom—

18                                   “(i) one shall have knowledge and ex-  
19   perience regarding commercial fishing in  
20   the Atlantic Ocean, Gulf of Mexico, or Car-  
21   ibbean Sea;

22                                   “(ii) one shall have knowledge and ex-  
23   perience regarding recreational fishing in  
24   the Atlantic Ocean, Gulf of Mexico, or Car-  
25   ibbean Sea; and

1           “(iii) one shall have knowledge and ex-  
2           perience in marine conservation, shall rep-  
3           resent the public interest in marine con-  
4           servation and non-consumptive uses of the  
5           Atlantic Ocean, Gulf of Mexico, and  
6           Carribean Sea.

7           “(2) *TERM OF APPOINTMENT.*—

8           “(A) *LENGTH OF TERM.*—The term of a  
9           Commissioner appointed under paragraph (1)  
10          shall be three years.

11          “(B) *CONSECUTIVE TERMS.*—No individual  
12          appointed under paragraph (1) shall serve more  
13          than two consecutive terms as Commissioner.

14          “(C) *PLEASURE OF THE PRESIDENT.*—Each  
15          Commissioner appointed under paragraph (1)  
16          shall serve at the pleasure of the President.

17          “(3) *REPRESENTATION OF THE UNITED*  
18          *STATES.*—

19          “(A) *IN GENERAL.*—At meetings of the  
20          Commission, Council, any Panel, or any other  
21          function as provided for in the Convention, the  
22          United States shall be represented by the Com-  
23          missioner described in paragraph (1)(A) and two  
24          Commissioners described in paragraph (1)(B).

1           “(B) *PROCEDURES FOR ROTATION.*— *The*  
2           *Secretary of State, in consultation with the Sec-*  
3           *retary, shall establish procedures under which*  
4           *the Commissioners appointed described in para-*  
5           *graph (1)(B) rotate in representing the United*  
6           *States to the Commission.*

7           “(C) *RIGHT TO PARTICIPATION.*—*Each*  
8           *Commissioner appointed under paragraph (1)*  
9           *may—*

10                   “(i) *attend all meetings of the Commis-*  
11                   *sion, Council, any Panel, or any other func-*  
12                   *tion as provided for in the Convention; and*

13                   “(ii) *participate fully in all United*  
14                   *States preparatory activity for any activity*  
15                   *relating to the Convention.”.*

16           (b) *REGULATION MAY NOT DECREASE ALLOCATION OR*  
17           *QUOTA.*—*Section 6(c)(3) of such Act (16 U.S.C. 971d(c)(3))*  
18           *is amended by striking “or decreasing”.*

19           **SEC. 602. CONSERVATION COMMISSIONER TO THE WEST-**  
20                   **ERN AND CENTRAL PACIFIC FISHERIES CON-**  
21                   **VENTION.**

22           *Section 503(a) of the Western and Central Pacific*  
23           *Fisheries Convention Implementation Act (16 U.S.C.*  
24           *6902(a)) is amended to read as follows:*

25           “(a) *IN GENERAL.*—



1           “(1) *APPOINTMENT.*—*The United States shall be*  
2           *represented on the Commission by 5 United States*  
3           *Commissioners. The President shall appoint individ-*  
4           *uals to serve on the Commission at the pleasure of the*  
5           *President. In making the appointments, the President*  
6           *shall select Commissioners from among individuals*  
7           *who are knowledgeable or experienced concerning*  
8           *highly migratory fish stocks and commercial fishing*  
9           *in the Western and Central Pacific Ocean—*

10                   “(A) *one of whom shall be an officer or em-*  
11                   *ployee of the Department of Commerce;*

12                   “(B) *one of whom shall be the chairman or*  
13                   *a member of the Western Pacific Fishery Man-*  
14                   *agement Council;*

15                   “(C) *one of whom shall be the chairman or*  
16                   *a member of the Pacific Fishery Management*  
17                   *Council; and*

18                   “(D) *one of whom shall be an individual*  
19                   *with knowledge and experience in marine con-*  
20                   *servation who shall represent the public interest*  
21                   *in marine conservation and non-consumptive*  
22                   *uses of the Western and Central Pacific Ocean.*

23           “(2) *RULES OF PROCEDURE.*—*The Commis-*  
24           *sioners shall be entitled to adopt such rules of proce-*  
25           *dures as they find necessary and to select a chairman*

1       *from among members who are officers or employees of*  
2       *the United States Government.”.*

3   **SEC. 603. CONSERVATION COMMISSIONER TO THE INTER-**  
4                   **AMERICAN TROPICAL TUNA COMMISSION.**

5       *Section 3(a) of the Tuna Conventions Act of 1950 (16*  
6   *U.S.C. 952) is amended to read as follows:*

7       “(a) COMMISSIONERS.—

8               “(1) APPOINTMENT.—*The President shall ap-*  
9       *point four individuals to represent the United States*  
10      *on the Commission.*

11              “(2) REMOVAL.—*The Commissioners appointed*  
12      *under paragraph (1) shall be subject to supervision*  
13      *and removal by the Secretary of State, in consulta-*  
14      *tion with the Secretary.*

15              “(3) QUALIFICATIONS.—*In making an appoint-*  
16      *ment under paragraph (1), the President shall select*  
17      *Commissioners from among individuals who are*  
18      *knowledgeable or experienced concerning highly mi-*  
19      *gratory fish stocks in the eastern tropical Pacific*  
20      *Ocean—*

21                   “(A) *one of whom shall be an officer or em-*  
22                   *ployee of the Department of Commerce; and*

23                   “(B) *one of whom shall be a an individual*  
24                   *with knowledge and experience in marine con-*  
25                   *servation, and who shall represent the public in-*

1           *terest in marine conservation and non-consump-*  
2           *tive uses of the eastern tropical Pacific Ocean.*

3           “(4) *LIMITATION ON APPOINTMENTS.—The Presi-*  
4           *dent may not appoint more than two Commissioners*  
5           *under paragraph (1) who reside in a State other than*  
6           *a State whose vessels maintain a substantial fishery*  
7           *in the area of the Convention.”.*

8   **SEC. 604. APPLICATION OF ANNUAL CATCH LIMIT AND AC-**  
9           **COUNTABILITY MEASURES REQUIREMENT.**

10          *Section 104(b) of the Magnuson-Stevens Fishery Con-*  
11          *servation and Management Reauthorization Act of 2006 (16*  
12          *U.S.C. 1853 note) is amended to read as follows:*

13          “(b) *EFFECTIVE DATES; APPLICATION TO CERTAIN*  
14          *SPECIES.—The amendment made by subsection (a)(10)—*

15                 *“(1) except as provided in paragraph (2), shall*  
16                 *apply to any management plan for a stock of fish*  
17                 *prepared by any Council or the Secretary, including*  
18                 *a management plan governing a stock of fish man-*  
19                 *aged under an international agreement in which the*  
20                 *United States participates; and*

21                 *“(2) shall not apply to a management plan for*  
22                 *a stock of fish for a species that has a life cycle of*  
23                 *approximately 1 year unless the Secretary has deter-*  
24                 *mined such stock of fish is subject to overfishing with*  
25                 *respect to such species; and*

1           “(3) shall not limit or otherwise affect the re-  
2           quirements of section 301(a)(1) or 304(e) of the Mag-  
3           nuson Stevens Fishery Conservation and Management  
4           Act.”.

5   **SEC. 605. AUTHORIZATION OF APPROPRIATIONS.**

6           *There is authorized to be appropriated to the Secretary*  
7           *the following amounts to carry out the provisions of this*  
8           *Act:*

9                   (1) *For fiscal year 2023, \$698,142,000.*

10                   (2) *For fiscal year 2024, \$714,200,000.*

11                   (3) *For fiscal year 2025, \$730,626,000.*

12                   (4) *For fiscal year 2026, \$747,431,000.*

13                   (5) *For fiscal year 2027, \$764,621,000.*

14                   (6) *For fiscal year 2028, \$782,207,000.*



Union Calendar No. 502

117<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 4690**

[Report No. 117-685, Part I]

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## **A BILL**

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

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DECEMBER 30, 2022

Reported from the Committee on Natural Resources with  
an amendment

DECEMBER 30, 2022

Committee on Agriculture discharged; committed to the  
Committee of the Whole House on the State of the  
Union and ordered to be printed