

Union Calendar No. 421

117TH CONGRESS
2^D SESSION

S. 2923

[Report No. 117-580]

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 16, 2021

Referred to the Committee on Natural Resources

NOVEMBER 16, 2022

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

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

[For text of Senate passed bill, see copy of bill as printed in the House of Representatives on
on November 16, 2021]

AN ACT

To improve the Fishery Resource Disaster Relief program of the National Marine Fisheries Service, 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 “Fishery Resource Disas-*
 5 *ters Improvement Act”.*

6 **SEC. 2. FISHERY RESOURCE DISASTER RELIEF.**

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

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

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

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

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

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

21 “(ii) *that is otherwise beyond the con-*
 22 *trol of fishery managers to mitigate through*
 23 *conservation and management measures, in-*
 24 *cluding regulatory restrictions imposed as a*
 25 *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 or*
 13 *subsistence loss due to an allowable cause;*
 14 *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-*

tion 102 of the Federally Recognized Indian
Tribe List Act of 1994 (25 U.S.C. 5130), and the
term ‘Tribal’ means of or pertaining to such an
Indian tribe.

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

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

“(I) a hurricane;

“(II) a flood;

“(III) a harmful algal bloom;

“(IV) a tsunami;

“(V) a hypoxic zone;

“(VI) a drought;

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

“(VIII) a marine heat wave; or

“(IX) disease; and

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

“(F) *12-MONTH REVENUE LOSS*.—The term
‘12-month revenue loss’ means the percentage re-
duction, as applicable, in commercial, charter,
headboat, or processor revenue for the 12 months

during which the fishery resource disaster occurred, when compared to average annual revenue in the most recent 5 years when no fishery resource disaster occurred or equivalent for stocks with cyclical life histories.

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

“(2) *GENERAL AUTHORITY.*—

“(A) *IN GENERAL.*—The Secretary shall have the authority to determine the existence, extent, and beginning and end dates of a fishery resource disaster under this subsection in accordance with this subsection.

“(B) *AVAILABILITY OF FUNDS.*—After the Secretary determines that a fishery resource disaster has occurred, the Secretary is authorized to make sums available, from funds appropriated for such purposes, to be used by the affected State, Tribal government, or interstate marine fisheries commission, or by the Secretary in co-

1 *operation with the affected State, Tribal govern-*
 2 *ment, or interstate marine fisheries commission.*

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

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

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

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

19 “(ii) *an official Tribal resolution; or*

20 “(iii) *any other comparable elected or*
 21 *politically appointed representative as de-*
 22 *termined by the Secretary.*

23 “(B) *REQUIRED INFORMATION.*—*A complete*
 24 *request for a fishery resource disaster determina-*
 25 *tion under subparagraph (A) shall include—*

1 “(i) identification of all presumed af-
2 fected fish stocks;

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

5 “(iii) the geographical boundaries of
6 the fishery;

7 “(iv) preliminary information on
8 causes of the fishery resource disaster, if
9 known; and

10 “(v) information needed to support a
11 finding of a fishery resource disaster, in-
12 cluding—

13 “(I) information demonstrating
14 the occurrence of an unexpected large
15 decrease in fish stock biomass or other
16 change that results in significant loss
17 of access to the fishery resource, which
18 could include the loss of fishing vessels
19 and gear, for a substantial period of
20 time;

21 “(II) 12-month revenue loss or
22 subsistence loss for the affected fishery,
23 or if a fishery resource disaster has oc-
24 curred at any time in the previous 5-
25 year period, the most recent 5 years

1 *when no fishery resource disaster oc-*
2 *curred;*

3 “(III) *if applicable, information*
4 *on lost resource tax revenues assessed*
5 *by local communities, such as a raw*
6 *fish tax and local sourcing require-*
7 *ments; and*

8 “(IV) *if applicable and available,*
9 *information on 12-month revenue loss*
10 *for charter, headboat, or processors re-*
11 *lated to the information provided*
12 *under subclause (I), subject to section*
13 *402(b).*

14 “(C) *ASSISTANCE.—The Secretary may pro-*
15 *vide data and analysis assistance to an eligible*
16 *requester described in paragraph (1), if—*

17 “(i) *the assistance is so requested;*

18 “(ii) *the Secretary is in possession of*
19 *the required information described in sub-*
20 *paragraph (B); and*

21 “(iii) *the data is not available to the*
22 *requester, in carrying out the complete re-*
23 *quest under subparagraph (B).*

1 “(D) *INITIATION OF REVIEW.*—*The Sec-*
 2 *retary shall have the discretion to initiate a fish-*
 3 *ery resource disaster review without a request.*

4 “(4) *REVIEW PROCESS.*—

5 “(A) *INTERIM RESPONSE.*—*Not later than*
 6 *20 days after receipt of a request under para-*
 7 *graph (3), the Secretary shall provide an interim*
 8 *response to the individual that—*

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

10 “(ii) *provides a regional contact with-*
 11 *in the National Oceanographic and Atmos-*
 12 *pheric Administration;*

13 “(iii) *outlines the process and timeline*
 14 *by which a request shall be considered; and*

15 “(iv) *requests additional information*
 16 *concerning the fishery resource disaster, if*
 17 *the original request is considered incom-*
 18 *plete.*

19 “(B) *EVALUATION OF REQUESTS.*—

20 “(i) *IN GENERAL.*—*The Secretary shall*
 21 *complete a review, within the time frame*
 22 *described in clause (ii), using the best sci-*
 23 *entific information available, in consulta-*
 24 *tion with the affected fishing communities,*
 25 *States, or Tribes, of—*

1 “(I) the information provided by
2 the requester and any additional infor-
3 mation relevant to the fishery, which
4 may include—

5 “(aa) fishery characteristics;

6 “(bb) stock assessments;

7 “(cc) the most recent fishery
8 independent surveys and other
9 fishery resource assessments and
10 surveys conducted by Federal,
11 State, or Tribal officials;

12 “(dd) estimates of mortality;

13 and

14 “(ee) overall effects; and

15 “(II) the available economic infor-
16 mation, which may include an anal-
17 ysis of—

18 “(aa) landings data;

19 “(bb) revenue;

20 “(cc) the number of partici-
21 pants involved;

22 “(dd) the number and type of
23 jobs and persons impacted, which
24 may include—

25 “(AA) fishers;

1 “(BB) charter fishing
2 operators;

3 “(CC) subsistence users;

4 “(DD) United States
5 fish processors; and

6 “(EE) an owner of a re-
7 lated fishery infrastructure
8 or business affected by the
9 disaster, such as a marina
10 operator, recreational fishing
11 equipment retailer, or char-
12 ter, headboat, or tender vessel
13 owner, operator, or crew;

14 “(ee) an impacted Indian
15 Tribe;

16 “(ff) other forms of disaster
17 assistance made available to the
18 fishery, including prior awards of
19 disaster assistance for the same
20 event;

21 “(gg) the length of time the
22 resource, or access to the resource,
23 has been restricted;

24 “(hh) status of recovery from
25 previous fishery resource disasters;

1 “(ii) *lost resource tax reve-*
 2 *nues assessed by local commu-*
 3 *nities, such as a raw fish tax; and*

4 “(jj) *other appropriate indi-*
 5 *cators to an affected fishery, as*
 6 *determined by the National Ma-*
 7 *rine Fisheries Service.*

8 “(ii) *TIME FRAME.—The Secretary*
 9 *shall complete the review described in clause*
 10 *(i), if the fishing season, applicable to the*
 11 *fishery—*

12 “(I) *has concluded or there is no*
 13 *defined fishing season applicable to the*
 14 *fishery, not later than 120 days after*
 15 *the Secretary receives a complete re-*
 16 *quest for a fishery resource disaster de-*
 17 *termination;*

18 “(II) *has not concluded, not later*
 19 *than 120 days after the conclusion of*
 20 *the fishing season; or*

21 “(III) *is expected to be closed for*
 22 *the entire fishing season, not later than*
 23 *120 days after the Secretary receives a*
 24 *complete request for a fishery resource*
 25 *disaster determination.*

1 “(C) *FISHERY RESOURCE DISASTER DETER-*
 2 *MINATION.*—*The Secretary shall make the deter-*
 3 *mination of a fishery resource disaster based on*
 4 *the criteria for determinations listed in para-*
 5 *graph (5).*

6 “(D) *NOTIFICATION.*—*Not later than 14*
 7 *days after the conclusion of the review under this*
 8 *paragraph, the Secretary shall notify the re-*
 9 *quester and the Governor of the affected State or*
 10 *Tribal representative of the determination of the*
 11 *Secretary.*

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

13 “(A) *IN GENERAL.*—*The Secretary shall*
 14 *make a determination about whether a fishery*
 15 *resource disaster has occurred, and, if a fishery*
 16 *resource disaster has occurred, whether the fish-*
 17 *ery resource disaster was due to—*

18 “(i) *a natural cause;*

19 “(ii) *an anthropogenic cause;*

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

22 “(iv) *an undetermined cause.*

23 “(B) *CHARTER FISHING.*—*In making a de-*
 24 *termination of whether a fishery resource dis-*
 25 *aster has occurred, the Secretary shall consider*

1 *the economic impacts to the charter fishing in-*
2 *dustry to ensure financial coverage for charter*
3 *fishing businesses.*

4 “(C) *SUBSISTENCE LOSS.*—*In considering*
5 *subsistence loss, the Secretary shall evaluate the*
6 *severity of loss to the fishing community.*

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

15 “(E) *EXCEPTIONAL CIRCUMSTANCES.*—*In*
16 *an exceptional circumstance where substantial*
17 *economic impacts to the affected fishery and fish-*
18 *ing community have been subject to a disaster*
19 *declaration under another statutory authority,*
20 *such as in the case of a natural disaster or from*
21 *the direct consequences of a Federal action taken*
22 *to prevent, or in response to, a natural disaster*
23 *for purposes of protecting life and safety, the*
24 *Secretary may determine a fishery resource dis-*
25 *aster has occurred without a request.*

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

2 “(A) *AUTHORIZATION.*—*The Secretary shall*
 3 *allocate funds available under paragraph (9) for*
 4 *fishery resource disasters.*

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

7 “(i) *NOTIFICATION OF FUNDING AVAIL-*
 8 *ABILITY.*—*When there are appropriated*
 9 *funds for 1 or more fishery resource disas-*
 10 *ters, the Secretary shall notify—*

11 “(I) *the public; and*

12 “(II) *representatives of affected*
 13 *fishing communities with a positive*
 14 *disaster determination that is un-*
 15 *funded;*

16 *of the availability of funds, not more than*
 17 *14 days after the date of the appropriation*
 18 *or the determination of a fishery resource*
 19 *disaster, whichever occurs later.*

20 “(ii) *EXTENSION OF DEADLINE.*—*The*
 21 *Secretary may extend the deadline under*
 22 *clause (i) by 90 days to evaluate and make*
 23 *determinations on eligible requests.*

24 “(C) *CONSIDERATIONS.*—*In determining the*
 25 *allocation of appropriations for a fishery re-*

1 *source disaster, the Secretary shall consider com-*
2 *mercial, charter, headboat, or seafood processing*
3 *revenue losses and may consider the following*
4 *factors:*

5 *“(i) Direct economic impacts.*

6 *“(ii) Uninsured losses.*

7 *“(iii) Losses of subsistence and Tribal*
8 *ceremonial fishing opportunity.*

9 *“(iv) Losses of recreational fishing op-*
10 *portunity.*

11 *“(v) Aquaculture operations revenue*
12 *loss.*

13 *“(vi) Direct revenue losses to a fishing*
14 *community.*

15 *“(vii) Treaty obligations.*

16 *“(viii) Other economic impacts.*

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

1 “(i) *Objectives and outcomes, with an*
 2 *emphasis on addressing the factors contrib-*
 3 *uting to the fishery resource disaster and*
 4 *minimizing future uninsured losses, if ap-*
 5 *plicable.*

6 “(ii) *Statement of work.*

7 “(iii) *Budget details.*

8 “(E) *REGIONAL CONTACT.*—*If so requested,*
 9 *the Secretary shall provide a regional contact*
 10 *within the National Oceanic and Atmospheric*
 11 *Administration to facilitate review of spend*
 12 *plans and disbursal of funds.*

13 “(F) *DISBURSAL OF FUNDS.*—

14 “(i) *AVAILABILITY.*—*Funds shall be*
 15 *made available to grantees not later than 90*
 16 *days after the date the Secretary receives a*
 17 *complete spend plan.*

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

23 “(iii) *ELIGIBLE USES.*—

24 “(I) *IN GENERAL.*—*Funds allo-*
 25 *cated for fishery resources disasters*

1 *under this subsection shall restore the*
2 *fishery affected by such a disaster, pre-*
3 *vent a similar disaster in the future, or*
4 *assist the affected fishing community,*
5 *and shall prioritize the following uses,*
6 *which are not in order of priority:*

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

14 “(bb) *The collection of fishery*
15 *information and other activities*
16 *that improve management of the*
17 *affected fishery.*

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

1 *principal of a Federal fishing ca-*
 2 *capacity reduction loan.*

3 “(dd) *Developing, repairing,*
 4 *or improving fishery-related pub-*
 5 *lic infrastructure.*

6 “(ee) *Direct assistance to a*
 7 *person, fishing community (in-*
 8 *cluding assistance for lost fisheries*
 9 *resource levies), or a business to*
 10 *alleviate economic loss incurred as*
 11 *a direct result of a fishery re-*
 12 *source disaster, particularly when*
 13 *affected by a circumstance de-*
 14 *scribed in paragraph (5)(D).*

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

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

1 *which the Secretary has determined*
 2 *that a fishery resource disaster has oc-*
 3 *curred.*

4 “(7) *LIMITATIONS.—*

5 “(A) *FEDERAL SHARE.—*

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

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

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

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

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

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

“(ii) NONEFFECTIVE.—A fishery endorsement for a vessel described in clause (i) shall not be effective.

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

“(8) PUBLIC INFORMATION ON DATA COLLECTION.—The Secretary shall make available and update as appropriate, information on data collection and submittal best practices for the information described in paragraph (4)(B).

“(9) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection \$377,000,000 for the period of fiscal years 2021 through 2026.”.

SEC. 3. MAGNUSON-STEVENSON FISHERY CONSERVATION AND MANAGEMENT ACT.

(a) REPEAL.—The Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) is amended—

(1) by striking section 315 (16 U.S.C. 1864);
and

1 (2) *by striking the item relating to section 315*
 2 *in the table of contents.*

3 (b) *REPORT.*—Section 113(b)(2) of the Magnuson-Ste-
 4 *vens Fishery Conservation and Management Reauthoriza-*
 5 *tion Act of 2006 (16 U.S.C. 460ss note) is amended—*

6 (1) *in the paragraph heading, by striking “AN-*
 7 *NUAL REPORT” and inserting “REPORT”;*

8 (2) *in the matter preceding subparagraph (A),*
 9 *by striking “Not later than 2 years after the date of*
 10 *enactment of this Act, and annually thereafter” and*
 11 *inserting “Not later than 2 years after the date of en-*
 12 *actment of the Fishery Resource Disasters Improve-*
 13 *ment Act, and biennially thereafter”;* and

14 (3) *in subparagraph (D), by striking “the cal-*
 15 *endar” and all that follows through “recommenda-*
 16 *tions” and inserting “the National Research Council’s*
 17 *most recent recommendations”.*

18 **SEC. 4. INTERJURISDICTIONAL FISHERIES ACT OF 1986.**

19 (a) *REPEAL.*—Section 308 of the Interjurisdictional
 20 *Fisheries Act of 1986 (16. U.S.C. 4107) is repealed.*

21 (b) *TECHNICAL EDIT.*—Section 3(k)(1) of the Small
 22 *Business Act (15 U.S.C. 632(k)(1)) is amended by striking*
 23 *“(as determined by the Secretary of Commerce under sec-*
 24 *tion 308(b) of the Interjurisdictional Fisheries Act of*
 25 *1986)” and inserting “(as determined by the Secretary of*

1 *Commerce under the Fishery Resource Disasters Improve-*
 2 *ment Act)''.*

3 **SEC. 5. BUDGET REQUESTS; REPORTS.**

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

12 (b) *DRIFTNET ACT AMENDMENTS OF 1990 REPORT*
 13 *AND BYCATCH REDUCTION AGREEMENTS.*—

14 (1) *IN GENERAL.*—*The Magnuson-Stevens Fish-*
 15 *ery Conservation and Management Act (16 U.S.C.*
 16 *1801 et seq.) is amended—*

17 (A) *in section 202(h), by striking para-*
 18 *graph (3); and*

19 (B) *in section 206—*

20 (i) *by striking subsections (e) and (f);*

21 *and*

22 (ii) *by redesignating subsections (g)*
 23 *and (h) as subsections (e) and (f), respec-*
 24 *tively.*

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

5 *(A) by inserting “(a) IN GENERAL.—” be-*
 6 *fore “The Secretary” and indenting appro-*
 7 *priately; and*

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

9 *“(b) ADDITIONAL INFORMATION.—In addition to the*
 10 *information described in paragraphs (1) through (5) of sub-*
 11 *section (a), the report shall include—*

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

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

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

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

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

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

Union Calendar No. 421

117TH CONGRESS
2D Session

S. 2923

[Report No. 117-580]

AN ACT

To improve the Fishery Resource Disaster Relief program of the National Marine Fisheries Service, and for other purposes.

NOVEMBER 16, 2022

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed