

118TH CONGRESS
1ST SESSION

S. 2208

To require the Secretary of Agriculture to provide support for domestically harvested seafood, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 22, 2023

Mr. SULLIVAN introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To require the Secretary of Agriculture to provide support for domestically harvested seafood, 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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “National Seafood Supply Act of 2023”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Purposes.

Sec. 3. Definition of Secretary.

Sec. 4. Sense of Congress.

Sec. 5. Office of Seafood Policy and Program Integration in the Office of the
Chief Economist.

Sec. 6. Wild USA seafood label.

Sec. 7. Eligibility for commercial fishing.

Sec. 8. Waiver to purchase foreign seafood commodities or products.

Sec. 9. Business development for food security and local community resilience study and report.

Sec. 10. Country of origin labeling for cooked king crab and tanner crab.

Sec. 11. Country of origin labeling for cooked and canned salmon.

1 **SEC. 2. PURPOSES.**

2 The purposes of this Act are—

3 (1) to support sustainable, domestically har-
4 vested United States seafood;

5 (2) to support the consumption of domestically
6 produced fish, including fish produced through wild
7 capture, through the enhancement of seafood poli-
8 cies, such as marketing, promotion, rural business
9 development, and commodity support;

10 (3) to educate and inform consumers and the
11 public about seafood and the nutritional value of fish
12 in the diet;

13 (4) to develop coordinated domestic fisheries
14 and seafood marketing and promotion activities with
15 research and development programs; and

16 (5) to establish an Office of Seafood Policy and
17 Program Integration in the Department of Agri-
18 culture to carry out an effective and coordinated
19 program of seafood promotion, research, and con-
20 sumer information designed—

21 (A) to strengthen the position of the do-
22 mestic seafood industry in the marketplace;

1 (B) to maintain, develop, and expand mar-
2 kets for seafood and seafood products;

3 (C) to enhance economic opportunities as-
4 sociated with domestic seafood harvest, proc-
5 essing, and production; and

6 (D) to ensure up-to-date access to and
7 public outreach on seafood nutritional informa-
8 tion.

9 **SEC. 3. DEFINITION OF SECRETARY.**

10 In this Act, the term “Secretary” means the Sec-
11 retary of Agriculture.

12 **SEC. 4. SENSE OF CONGRESS.**

13 It is the sense of Congress that—

14 (1) seafood produced in the United States, in-
15 cluding seafood produced through wild capture and
16 farmed—

17 (A) contributes substantially to the na-
18 tional economy; and

19 (B) could make a greater contribution to
20 the national economy if seafood sourced from
21 the United States exclusive economic zone were
22 more utilized, promoted, and widely available;

23 (2) seafood contributes an important nutritional
24 component to a healthy diet through the provision of
25 essential fatty acids, key nutrients, and lean protein,

1 yet per capita seafood consumption remains below
2 recommended levels;

3 (3) commercial fisheries and seafood production
4 in the United States provide significant employment
5 in—

6 (A) coastal areas, including remote regions
7 with limited economies; and

8 (B) processing and distribution centers;

9 (4) seafood and seafood products move in inter-
10 state and international commerce;

11 (5) the maintenance and expansion of existing
12 markets, and development of new markets, for sea-
13 food and seafood products are vital to—

14 (A) the welfare of seafood producers and
15 persons concerned with harvesting, processing,
16 and marketing seafood and seafood products;
17 and

18 (B) the general economy of the United
19 States; and

20 (6) local fish products are a key factor for de-
21 velopment strategies and diversification of many
22 rural economies.

1 **SEC. 5. OFFICE OF SEAFOOD POLICY AND PROGRAM INTE-**
2 **GRATION IN THE OFFICE OF THE CHIEF**
3 **ECONOMIST.**

4 Subtitle B of title VI of the Agricultural Research,
5 Extension, and Education Reform Act of 1998 (7 U.S.C.
6 7651 et seq.) is amended by adding at the end the fol-
7 lowing:

8 **“SEC. 621. OFFICE OF SEAFOOD POLICY AND PROGRAM IN-**
9 **TEGRATION.**

10 “(a) **PURPOSE.**—The purpose of this section is to es-
11 tablish an Office of Seafood Policy and Program Integra-
12 tion to provide for the effective coordination of seafood
13 policies and activities within the Department, and in co-
14 ordination with the Secretary of Commerce and the United
15 States Trade Representative, relating to the support of do-
16 mestically harvested and processed wild and farmed sea-
17 food.

18 “(b) **ESTABLISHMENT.**—The Secretary shall estab-
19 lish in the Office of the Chief Economist an Office of Sea-
20 food Policy and Program Integration (referred to in this
21 section as the ‘Office’).

22 “(c) **RESPONSIBILITIES.**—The Office shall be respon-
23 sible for—

24 “(1) the development and coordination of De-
25 partment and interagency policy on seafood, includ-

1 ing technological and policy input and advice on sea-
 2 food issues;

3 “(2) providing strategic oversight, planning, im-
 4 plementation, communication, and coordination of
 5 Department and interagency activities for wild and
 6 farmed seafood—

7 “(A) to strengthen United States seafood
 8 production and seafood supply chains;

9 “(B) to facilitate seafood research and nu-
 10 trition science;

11 “(C) to maintain, develop, and expand
 12 markets for seafood and seafood products;

13 “(D) to incorporate seafood into economic
 14 analyses, reviews, and forecasts; and

15 “(E) to integrate United States seafood
 16 production into Federal policy strategies to en-
 17 sure—

18 “(i) food system security and climate-
 19 resilient food production;

20 “(ii) rural business development to
 21 support food security and seafood produc-
 22 tion; and

23 “(iii) seafood nutrition and consump-
 24 tion education activities;

1 “(3) providing scientific and policy analysis to
2 advise the Secretary and the Chief Economist re-
3 garding the development, availability, promotion,
4 and use of seafood produced in the United States,
5 including seafood produced through wild capture and
6 aquaculture, in Department programs and policies;

7 “(4) identifying opportunities to provide inte-
8 grated access for United States wild and farmed sea-
9 food producers to Department programs to more ef-
10 ficiently and effectively—

11 “(A) support the modernization and devel-
12 opment of—

13 “(i) consumer education and outreach
14 on the health and nutrition benefits of sea-
15 food consumption;

16 “(ii) harvesting and production tech-
17 nologies and processes that minimize waste
18 and reduce environmental impacts;

19 “(iii) value-added seafood processing
20 and product development; and

21 “(iv) infrastructure capacity to sup-
22 port seafood harvesting and production in
23 rural communities;

24 “(B) strengthen capacity for local and re-
25 gional seafood system development through

1 community collaboration and expansion of local
2 and regional supply chains;

3 “(C) work to improve income and economic
4 opportunities for seafood producers and food
5 businesses through job creation and improved
6 regional food system infrastructure, especially
7 in rural communities;

8 “(D) serve as a conduit of information re-
9 garding Department application eligibility and
10 processes to support domestically harvested,
11 wild-sourced seafood in Department food com-
12 modity programs; and

13 “(E) increase access to, and use of, sea-
14 food in the school lunch program established
15 under the Richard B. Russell National School
16 Lunch Act (42 U.S.C. 1751 et seq.) to levels
17 commensurate with Food and Drug Administra-
18 tion dietary guidelines; and

19 “(5) performing such other functions as may be
20 required by law or prescribed by the Secretary.

21 “(d) INTERAGENCY AGREEMENT FOR COORDINA-
22 TION.—

23 “(1) IN GENERAL.—In support of the respon-
24 sibilities described in subsection (c), the Office shall
25 provide leadership to ensure coordination of inter-

1 agency activities with the National Oceanic and At-
2 mospheric Administration, the United States Trade
3 Representative, and other Federal and State agen-
4 cies.

5 “(2) INTERAGENCY AGREEMENT.—

6 “(A) IN GENERAL.—The Office shall de-
7 velop an agreement to be entered into between
8 the Department and the National Oceanic and
9 Atmospheric Administration to enhance seafood
10 purchases through the school lunch program es-
11 tablished under the Richard B. Russell National
12 School Lunch Act (42 U.S.C. 1751 et seq.).

13 “(B) REQUIREMENTS.—The agreement
14 under subparagraph (A) shall establish infor-
15 mation-sharing protocols, including sharing the
16 National Oceanic and Atmospheric Administra-
17 tion’s list of domestic seafood vendors with the
18 Department.

19 “(c) OUTREACH.—The Office shall consult with wild
20 and farmed seafood harvesters and producers that may
21 be affected by policies or actions of the Department, as
22 necessary, in carrying out the responsibilities of the Office
23 described in subsection (e).

7 “(1) \$5,000,000 for each of fiscal years 2023
8 through 2028; and

11 SEC. 6. WILD USA SEAFOOD LABEL.

15 **“Subtitle H—Wild USA Seafood**
16 **Label**

18 “In this subtitle:

23 “(2) SECRETARY.—The term ‘Secretary’ means
24 the Secretary of Agriculture.

1 **“SEC. 298B. WILD USA SEAFOOD LABEL.**

2 “(a) IN GENERAL.—A retailer of fish or person en-
3 gaged in the business of supplying fish to a retailer may
4 label the fish as ‘wild USA seafood’, ‘wild American sea-
5 food’, or any equivalent designation only if—

6 “(1) the fish is naturally born in the wild or
7 hatchery-originated fish released in the wild;

8 “(2) the fish is caught, taken, or harvested
9 from—

10 “(A) waters within the exclusive economic
11 zone (as defined in section 107 of title 46,
12 United States Code); or

13 “(B) navigable waters (as defined in sec-
14 tion 502 of the Federal Water Pollution Control
15 Act (33 U.S.C. 1362)); and

16 “(3) if the fish is caught, taken, or harvested
17 by a vessel, such vessel is a vessel of the United
18 States (as defined in section 3 of the Magnuson-Ste-
19 vens Fisheries Conservation and Management Act
20 (16 U.S.C. 1802)).

21 “(b) METHOD OF NOTIFICATION.—

22 “(1) IN GENERAL.—The information described
23 in subsection (a) may be provided to consumers by
24 means of a label, stamp, mark, placard, or other
25 clear and visible sign on the fish or on the package,

1 display, holding unit, or bin containing the fish at
 2 the final point of sale to consumers.

3 “(2) LABELED COMMODITIES.—If fish is al-
 4 ready individually labeled for retail sale with the
 5 label described in subsection (a), the retailer shall
 6 not be required to provide any additional informa-
 7 tion to comply with this section.

8 **“SEC. 298C. ENFORCEMENT.**

9 “(a) WARNINGS.—If the Secretary determines that a
 10 retailer of fish or person engaged in the business of sup-
 11 plying fish to a retailer is in violation of section 298B,
 12 the Secretary shall—

13 “(1) notify the retailer or person of the deter-
 14 mination of the Secretary; and

15 “(2) provide the retailer or person a 30-day pe-
 16 riod, beginning on the date on which the retailer or
 17 person receives the notice under paragraph (1) from
 18 the Secretary, during which the retailer or person
 19 may take necessary steps to comply with section
 20 298B.

21 “(b) FINES.—

22 “(1) IN GENERAL.—The Secretary may fine a
 23 retailer or person under paragraph (2) if, on comple-
 24 tion of the 30-day period described in subsection

1 (a)(2), the Secretary determines that the retailer or
 2 person—

3 “(A) has not made a good faith effort to
 4 comply with section 298B; and

5 “(B) continues to willfully violate section
 6 298B with respect to the violation about which
 7 the retailer or person received notification
 8 under subsection (a)(1).

9 “(2) NOTICE AND HEARING; AMOUNT.—After
 10 providing notice and an opportunity for a hearing
 11 before the Secretary with respect to the violation de-
 12 scribed in paragraph (1), the Secretary may fine the
 13 retailer or person in an amount of not more than
 14 \$10,000 for each violation.

15 **“SEC. 298D. REGULATIONS.**

16 “The Secretary may promulgate such regulations as
 17 are necessary to implement this subtitle.”.

18 **SEC. 7. ELIGIBILITY FOR COMMERCIAL FISHING.**

19 Section 343(a) of the Consolidated Farm and Rural
 20 Development Act (7 U.S.C. 1991(a)) is amended—

21 (1) in paragraph (1), by striking “in, fish farm-
 22 ing” and inserting the following: “in—

23 “(A) fish farming; and

24 “(B) in the case of assistance under sub-
 25 title B, commercial fishing”; and

1 (2) in paragraph (2), by striking “shall” and all
 2 that follows through the period at the end and in-
 3 serting the following: “includes—

4 “(A) fish farming; and

5 “(B) in the case of assistance under sub-
 6 title B, commercial fishing.”.

7 **SEC. 8. WAIVER TO PURCHASE FOREIGN SEAFOOD COM-**
 8 **MODITIES OR PRODUCTS.**

9 (a) DEFINITION OF FOREIGN SEAFOOD COMMODITY
 10 OR PRODUCT.—Section 12(n)(1) of the Richard B. Russell
 11 National School Lunch Act (42 U.S.C. 1760(n)(1)) is
 12 amended—

13 (1) by redesignating subparagraphs (A) and
 14 (B) as clauses (i) and (ii), respectively, and indent-
 15 ing appropriately;

16 (2) by striking the paragraph designation and
 17 heading and all that follows through “the term” in
 18 the matter preceding clause (i) (as so redesignated)
 19 and inserting the following:

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

21 “(A) DOMESTIC COMMODITY OR PROD-
 22 UCT.—The term”; and

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

24 “(B) FOREIGN SEAFOOD COMMODITY OR
 25 PRODUCT.—The term ‘foreign seafood com-

1 modity or product’ means a seafood commodity
2 or product other than—

3 “(i) a seafood commodity that is pro-
4 duced in the United States; or

5 “(ii) a seafood product that is proc-
6 essed in the United States substantially
7 using seafood commodities that are pro-
8 duced in the United States.”.

9 (b) WAIVER.—Section 12(n)(2) of the Richard B.
10 Russell National School Lunch Act (42 U.S.C.
11 1760(n)(2)) is amended—

12 (1) in subparagraph (A), by striking “subpara-
13 graph (B)” and inserting “subparagraphs (B) and
14 (C)”;

15 (2) in subparagraph (B)(ii), by striking “for the
16 school lunch” and all that follows through the period
17 at the end and inserting the following: “for—

18 “(I) the school lunch program
19 under this Act, including any snacks
20 served under that program; or

21 “(II) the school breakfast pro-
22 gram under section 4 of the Child Nu-
23 trition Act of 1966 (42 U.S.C.
24 1773).”; and

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

1 “(C) WAIVER.—

2 “(i) WAIVER REQUEST.—Except as
3 provided in clause (ii), a school food au-
4 thority shall request from the Secretary a
5 waiver of subparagraph (A) to purchase
6 foreign seafood commodities or products.

7 “(ii) EXCEPTION.—A school food au-
8 thority may purchase foreign seafood com-
9 modities or products without requesting a
10 waiver under clause (i) if those seafood
11 commodities or products are not—

12 “(I) produced domestically; or

13 “(II) available domestically.

14 “(iii) REQUIREMENTS.—The Sec-
15 retary may not provide a waiver under
16 clause (i) unless—

17 “(I) the seafood commodities or
18 products for which the waiver is re-
19 quested are not produced domestically
20 in sufficient quantities or of satisfac-
21 tory quality; and

22 “(II) the school food authority
23 enters into an agreement under clause
24 (iv).

1 “(iv) AGREEMENT.—The Secretary
 2 may not provide a waiver under clause (i)
 3 unless the school food authority requesting
 4 the waiver agrees to make a notification of
 5 the waiver publicly available on the website
 6 of the school food authority not later than
 7 30 days after receiving the waiver.”.

8 (c) CONFORMING AMENDMENTS.—Section 12(n) of
 9 the Richard B. Russell National School Lunch Act (42
 10 U.S.C. 1760(n)) is amended, in paragraphs (3) and (4),
 11 by striking “Paragraph (2)(A)” each place it appears and
 12 inserting “Subparagraphs (A) and (C) of paragraph (2)”.

13 (d) PLAN TO INCREASE SEAFOOD IN THE NATIONAL
 14 SCHOOL LUNCH PROGRAM.—

15 (1) IN GENERAL.—Not later than 180 days
 16 after the establishment of the Office of Seafood Pol-
 17 icy and Program Integration pursuant to section
 18 621 of the Agricultural Research, Extension, and
 19 Education Reform Act of 1998, that Office shall de-
 20 velop a plan to address factors affecting increased
 21 access to, and use of, seafood in the school lunch
 22 program established under the Richard B. Russell
 23 National School Lunch Act (42 U.S.C. 1751 et seq.)
 24 to levels commensurate with Food and Drug Admin-
 25 istration dietary guidelines.

1 (2) INCLUSIONS.—The plan developed under
2 paragraph (1) shall—

3 (A) specify how the Secretary will enhance
4 nutrition education, recipes, and training relat-
5 ing to seafood and seafood preparation;

6 (B) identify how the Secretary will work
7 with seafood vendors to allow for the purchase
8 of smaller quantities of seafood;

9 (C) establish additional flexibilities to allow
10 school food authorities and States to procure
11 items from local food vendors directly;

12 (D) describe how the Secretary will provide
13 enhanced technical assistance for school food
14 authorities and States to support seafood pur-
15 chases; and

16 (E) describe any other actions identified to
17 enhance the availability of seafood in the na-
18 tional school lunch program.

19 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
20 tion or the amendments made by this section affects the
21 requirements under section 4207 of the Agriculture Im-
22 provement Act of 2018 (42 U.S.C. 1760 note; Public Law
23 115–334).

1 **SEC. 9. BUSINESS DEVELOPMENT FOR FOOD SECURITY**
2 **AND LOCAL COMMUNITY RESILIENCE STUDY**
3 **AND REPORT.**

4 (a) IN GENERAL.—The Secretary shall conduct a
5 study identifying barriers to local and regional food pro-
6 duction, processing, and market delivery in locations fac-
7 ing food security challenges, including Alaska, Hawaii,
8 and insular areas.

9 (b) REPORT.—Not later than 2 years after the date
10 of enactment of this Act, the Secretary shall submit to
11 Congress a report describing the findings of the study con-
12 ducted under subsection (a) and recommended congres-
13 sional actions to reduce the barriers described in that sub-
14 section and foster relevant local community resilience and
15 business development.

16 (c) INCLUSIONS.—The study and report described in
17 subsections (a) and (b) shall identify—

18 (1) barriers specific to local and regional fishing
19 industries;

20 (2) infrastructure deficiencies in the fishing,
21 traditional commodity agriculture, livestock, and
22 specialty crops industries contributing to food inse-
23 curity; and

24 (3) logistical and transportation barriers to im-
25 proving food security through business development.

1 **SEC. 10. COUNTRY OF ORIGIN LABELING FOR COOKED**
 2 **KING CRAB AND TANNER CRAB.**

3 Section 281(7)(B) of the Agricultural Marketing Act
 4 of 1946 (7 U.S.C. 1638(7)(B)) is amended—

5 (1) by striking the period at the end and insert-
 6 ing “; and”;

7 (2) by striking “includes a fillet” and inserting
 8 the following: “includes—

9 “(i) a fillet”; and

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

11 “(ii) whole cooked king crab and tan-
 12 ner crab and cooked king crab and tanner
 13 crab sections.”.

14 **SEC. 11. COUNTRY OF ORIGIN LABELING FOR COOKED AND**
 15 **CANNED SALMON.**

16 Section 281(7)(B) of the Agricultural Marketing Act
 17 of 1946 (7 U.S.C. 1638(7)(B)) (as amended by section
 18 10) is amended—

19 (1) in clause (i), by striking “and” at the end;

20 (2) in clause (ii), by striking the period at the
 21 end and inserting “; and”; and

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

23 “(iii) cooked and canned salmon.”.

