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(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R.

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

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To 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 2021”.

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

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

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.
- Sec. 4. Definitions.

- Sec. 5. Conforming amendments to the table of contents of the Magnuson-Stevens Fishery Conservation and Management Act.

TITLE I—CLIMATE-READY FISHERIES

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

TITLE II—SUPPORTING FISHING COMMUNITIES

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

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. Amendments to Western Pacific Sustainable Fisheries Fund.
Sec. 307. National Oceanic and Atmospheric Administration sexual harassment and assault prevention.
Sec. 308. Saltonstall-Kennedy Act reform.

TITLE IV—MODERNIZING FISHERIES SCIENCE AND DATA

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

TITLE V—SUSTAINING FISHERIES THROUGH HEALTHY
ECOSYSTEMS AND IMPROVED MANAGEMENT

- Sec. 501. Sense of Congress.
Sec. 502. Essential fish habitat consultation.
Sec. 503. Reducing bycatch.
Sec. 504. Improving rebuilding outcomes.
Sec. 505. Depleted fisheries and preventing overfishing.
Sec. 506. Preparation and review of secretarial plans.
Sec. 507. Councils.

Sec. 508. Forage fish conservation.

Sec. 509. Funding for monitoring implementation of Northeast Multispecies Fishery Management Plan.

Sec. 510. Authorization of appropriations.

1 **SEC. 3. REFERENCES.**

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

9 **SEC. 4. DEFINITIONS.**

10 In this Act:

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

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

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

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

“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

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

“See. 102. Highly migratory species.

“TITLE II—FOREIGN FISHING AND INTERNATIONAL FISHERY AGREEMENTS

“See. 201. Foreign fishing.

“See. 202. International fishery agreements.

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

“See. 204. Permits for foreign fishing.

“See. 205. Import prohibitions.

“See. 206. Large-scale driftnet fishing.

“See. 207. International monitoring and compliance.

“TITLE III—NATIONAL FISHERY MANAGEMENT PROGRAM

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

“See. 302. Regional fishery management councils.

“See. 303. Contents of fishery management plans.

“See. 304. Action by the Secretary.

“See. 305. Other requirements and authority.

“See. 306. State jurisdiction.

“See. 307. Prohibited Acts.

“See. 308. Civil penalties and permit sanctions.

“See. 309. Criminal offenses.

“See. 310. Civil forfeitures.

“See. 311. Enforcement.

“See. 312. Transition to sustainable fisheries.

“See. 313. North Pacific fisheries conservation.

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

“See. 315. Regional Coastal Disaster Assistance, Transition, and Recovery Program.

“See. 316. Bycatch Reduction Engineering Program.

“See. 317. Shark Feeding.

“See. 318. Cooperative Research and Management Program.

“See. 319. Herring Study.

“See. 320. Restoration Study.

“See. 321. Required possession of descending devices.

“See. 322. Increasing resilience of fish stocks to climate change.

“TITLE IV—FISHERY MONITORING AND RESEARCH

“See. 401. Registration and information management.

“See. 402. Information collection.

“See. 403. Observers.

“See. 404. Fisheries research.

“See. 405. Incidental harvest research.

“See. 406. Fisheries systems research.

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

“See. 408. Deep sea coral research and technology program.

“See. 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—

5 (1) in subsection (a)—

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

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

13 “(A) increased fishing pressure;

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

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

20 “(D) changing environmental conditions,
21 including those associated with climate
22 change.”.

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

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

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

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

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

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

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

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

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

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

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

20 (3) in subsection (c)—

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

23 (B) in paragraph (7), by striking the pe-
24 riod at the end and inserting a semicolon; and

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

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

4 “(9) to ensure that the research, resource man-
5 agement, and expenditures to prepare fisheries and
6 fishing communities for climate change promote ra-
7 cial and socioeconomic equity with respect to envi-
8 ronmental, economic, and social outcomes across
9 fisheries and regions.”.

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

11 **MANAGEMENT.**

12 (a) IN GENERAL.—Section 303(a) (16 U.S.C.
13 1853(a)) is amended—

14 (1) in paragraph (1)(A), by inserting “and to
15 promote the resilience of fish stocks to cumulative
16 stressors, including cumulative stressors associated
17 with climate change” before the semicolon at the
18 end;

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

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

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

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

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

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

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

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

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

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

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

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

15 (c) INCREASING RESILIENCE OF FISH STOCKS TO
16 CLIMATE CHANGE.—Title III is amended by adding at the
17 end the following:

18 **“SEC. 322. INCREASING RESILIENCE OF FISH STOCKS TO**
19 **CLIMATE CHANGE.**

20 “(a) VULNERABILITY ASSESSMENT.—Not later than
21 3 years after the date of enactment of the Sustaining
22 America’s Fisheries for the Future Act of 2021 and every
23 5 years thereafter, the Secretary shall—

1 “(1) assess the vulnerability of fish stocks with-
2 in each Council’s geographical area of authority to
3 climate change;

4 “(2) notify each Council of the vulnerability of
5 fish stocks within such Council’s geographical area
6 of authority; and

7 “(3) make recommendations to each Council for
8 measures to conserve and protect such fish stocks.

9 “(b) COUNCIL PRIORITIZATION PLANS.—

10 “(1) IN GENERAL.—No later than 1 year after
11 receiving a notification from the Secretary under
12 subsection (a), a Councils shall publish a plan to
13 prioritize management actions to increase resilience
14 of the fish stocks identified as vulnerable to climate
15 change and begin implementing such plan.

16 “(2) HIGHLY MIGRATORY SPECIES.—With re-
17 spect to stocks managed under section 302(a)(3),
18 not later than 1 year after issuing a notification
19 under subsection (a), the Secretary shall publish a
20 plan to prioritize management actions to increase re-
21 silience of such fish stocks.

22 “(3) REPORT.—Not later than 3 years after
23 publishing the a plan under paragraph (1), each
24 Council shall report to the Secretary on the actions

1 the Council has taken to implement such plan or
2 provide an explanation for not taking such action.

3 “(c) REPORT TO CONGRESS.—Not later than 3 years
4 after the date of enactment of the Sustaining America’s
5 Fisheries for the Future Act of 2021 and every 5 years
6 thereafter, the Secretary shall submit a report to Con-
7 gress—

8 “(1) describing the vulnerability of fish stocks
9 to climate change;

10 “(2) identifying the risks posed by climate
11 change to the conservation and management of fish
12 stocks; and

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

17 (d) GUIDANCE FOR COUNCILS.—Section 305 is
18 amended by adding at the end the following:

19 “(n) GUIDANCE.—Not later than 1 year after the
20 date of enactment of the Sustaining America’s Fisheries
21 for the Future Act of 2021, the Secretary shall issue regu-
22 lations guidelines to assist the Councils in preparing and
23 adapting fishery management for the impacts of climate
24 change, including for consideration of climate change in

1 the conservation and management of fish stocks under
2 each Council’s geographical area of authority.”.

3 **SEC. 103. INCORPORATING CLIMATE SCIENCE.**

4 (a) COUNCIL TRAINING PROGRAM.—Section
5 302(k)(1) (16 U.S.C. 1852(k)(1)) is amended—

6 (1) by redesignating subparagraphs (C) through
7 (H) as subparagraphs (D) through (I), respectively;

8 (2) by redesignating subparagraph (I) as sub-
9 paragraph (K);

10 (3) by inserting after subparagraph (B) the fol-
11 lowing:

12 “(C) climate change and its relevant im-
13 pacts on fisheries health, range, and other fac-
14 tors that would affect the conservation and
15 management of a stock;”;

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

18 (5) by inserting after subparagraph (I), as so
19 redesignated, the following:

20 “(J) ecosystem-based fishery management;
21 and”.

22 (b) FISHERIES RESEARCH.—Section 404 (16 U.S.C.
23 1881c) is amended—

24 (1) in subsection (a), by inserting “; on changes
25 in geographic range, spatial distribution, and pro-

1 ductivity of a fishery or interrelated fisheries;” after
2 “management”; and

3 (2) in subsection (c)(1), by inserting “changes
4 in geographic range, spatial distribution, and pro-
5 ductivity of a fishery or interrelated fisheries,” after
6 “degradation,”.

7 **SEC. 104. CLIMATE-READY FISHERIES INNOVATION PRO-**
8 **GRAM.**

9 (a) CLIMATE-READY FISHERIES INNOVATION PRO-
10 GRAM.—Not later than 1 year after the date of enactment
11 of this Act, the Administrator shall establish a program,
12 including grants, to develop innovative tools and ap-
13 proaches and improve existing tools designed to increase
14 the adaptive capacity of fishery management to the im-
15 pacts of climate change. In administering such program,
16 the Administrator shall—

17 (1) develop science and management ap-
18 proaches that address regional and national prior-
19 ities to improve the conservation and management of
20 fishery resources under current and anticipated cli-
21 mate impacts;

22 (2) provide for routine input from fishery man-
23 agers, scientists, fishery participants, Tribes, and
24 stakeholders in order to maximize opportunities to

1 incorporate results of the program in fishery man-
2 agement actions;

3 (3) promote adoption of methods developed
4 under the program in fishery management plans de-
5 veloped by the Regional Fishery Management Coun-
6 cils;

7 (4) provide information and outreach to the pri-
8 vate sector and academic sector to encourage devel-
9 opment of tools and approaches to manage the ef-
10 fects of climate change on fisheries; and

11 (5) provide information and outreach to fishery
12 participants to increase understanding of and en-
13 courage adoption and use of tools and approaches
14 developed under the program.

15 (b) COORDINATION OF THE PROGRAM.—

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

18 (A) regional offices and science centers of
19 the National Marine Fisheries Service.

20 (B) the Regional Fishery Management
21 Councils;

22 (C) the scientific and statistical committees
23 of such Fishery Management Councils; and

24 (D) other relevant programs, including the
25 cooperative research and management program

1 under Section 318 of the Magnuson-Stevens
2 Fishery Conservation and Management Act (16
3 U.S.C. 1867), the Integrated Ocean Observing
4 System, and programs within the National Oce-
5 anic and Atmospheric Administration designed
6 to address ocean acidification.

7 (2) Such coordination should include identifica-
8 tion of multi-year research priorities to study and
9 understand the current and anticipated impacts of
10 climate change on fisheries, fishing communities,
11 fisheries interactions, habitats, fishery participants,
12 fisheries science and monitoring, management and
13 the impacts of changing management due to climate
14 change, or other relevant priorities. Such priorities
15 should be routinely reviewed in a timeframe not to
16 exceed 5 years and updated as necessary.

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

22 (1) describes funding provided to implement
23 this section;

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

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

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

6 **SEC. 105. MANAGING SHIFTING STOCKS.**

7 (a) **CROSS-JURISDICTIONAL MANAGEMENT.**—Section
8 304(f) (16 U.S.C. 1855(f)) is amended to read as follows:

9 “(f) **FISHERIES UNDER AUTHORITY OF MORE THAN**
10 **ONE COUNCIL.**—

11 “(1) **SECRETARIAL REVIEW OF AREAS OF AU-**
12 **THORITY.**—The Secretary shall review the geo-
13 graphical area of authority of each Council in order
14 to determine if a substantial portion of any fishery
15 within such area is within the area of authority of
16 another council—

17 “(A) upon request of such Council; or

18 “(B) not less frequently than every 5
19 years.

20 “(2) **DESIGNATION OF COUNCIL TO PREPARE**
21 **PLAN.**—If the Secretary determines under para-
22 graph (1) that a substantial portion of a fishery is
23 located in the geographical area of authority of more
24 than one Council, the Secretary shall—

1 “(A) not later than 6 months after the
2 date of the determination under paragraph (1),
3 notify the Councils concerned; and

4 “(B) require, not later than 1 year after
5 the date on which the notification is made
6 under subparagraph (A), that each of the Coun-
7 cils concerned, by a majority of the voting
8 members present and voting—

9 “(i) designate one of the Councils con-
10 cerned to prepare the fishery management
11 plan for such fishery and any amendment
12 to such plan, if required under this Act; or

13 “(ii) agree to jointly prepare the fish-
14 ery management plan for such fishery and
15 any amendment to such plan, if required
16 under this Act.

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

21 “(A) designate one of the Councils con-
22 cerned to prepare the fishery management plan
23 and any amendment to such plan, if required
24 under this Act; or

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

4 “(4) DEADLINE FOR SUBMISSION OF PLAN.—
5 Not later than 2 years after the date on which the
6 Councils concerned make a decision pursuant to
7 paragraph (2)(B)(ii), or the date on which the Sec-
8 retary makes a decision pursuant to paragraph (3),
9 and at such other times as required under this Act,
10 the Council required under paragraph (2)(B) or (3)
11 (as applicable) to prepare the fishery management
12 plan or any such plan amendment, if required under
13 this Act, shall prepare and submit such plan or
14 amendment (with implementing regulations as need-
15 ed) in accordance with this Act.

16 “(5) TERMINATION OF CROSS-JURISDICTIONAL
17 AUTHORITY.—

18 “(A) REQUEST OF COUNCIL.—At the re-
19 quest of a Council or as a result of the review
20 pursuant to paragraph (1), the Secretary shall
21 determine whether a fishery described in para-
22 graph (2) no longer has a substantial portion
23 located in the geographical area of authority of
24 more than one Council.

1 “(B) TERMINATION.—If the Secretary de-
2 termines under subparagraph (A) that a fishery
3 no longer has a substantial portion located in
4 the geographical area of authority of more than
5 one Council—

6 “(i) the Secretary shall determine
7 which Council has predominant geographic
8 authority over the fishery; and

9 “(ii) not later than 2 years after the
10 date on which the determination under
11 clause (i) is made, and at such other times
12 as required under this Act, the Council de-
13 termined under such clause shall directly
14 and individually adopt any previously exist-
15 ing joint fishery management plan for the
16 fishery, and shall prepare and submit any
17 plan amendments necessary for
18 transitioning to single-Council manage-
19 ment as well as for any other purposes, in
20 accordance with the provisions of this Act.

21 “(6) ESTABLISHMENT OF CRITERIA.—The Sec-
22 retary shall, by regulation, identify criteria for deter-
23 mining under paragraphs (1) and (5) whether a sub-
24 stantial portion of a fishery is located in the geo-

1 graphical area of authority of more than one Coun-
2 cil.

3 “(7) ESTABLISHMENT OF BOUNDARIES.—The
4 Secretary shall establish the boundaries between the
5 geographic areas of authority of adjacent Councils.

6 “(8) REQUIREMENT FOR MAJORITY OF VOTING
7 MEMBERS.—No jointly prepared plan or amendment
8 required to be prepared under this subsection may
9 be submitted to the Secretary unless such plan or
10 amendment is approved by a majority of the voting
11 members, present and voting, of each Council con-
12 cerned.

13 “(9) HIGHLY MIGRATORY SPECIES IN CERTAIN
14 FISHERIES.—This subsection shall not apply with
15 respect to any fishery to which section 302(a)(3) ap-
16 plies.”.

17 (b) INTERNATIONAL COOPERATION IN THE RE-
18 SEARCH AND MANAGEMENT OF CROSS-JURISDICTIONAL
19 FISHERIES.—

20 (1) IN GENERAL.—The Secretary of Commerce,
21 in coordination with the Secretary of State and Ad-
22 ministrator of the Agency for International Develop-
23 ment where necessary, shall develop a strategy for
24 coordinated research and management with other
25 relevant nations with which the United States shares

1 a fishery or stock of a fishery that currently or is
2 expected to see shifts in geographic range or spatial
3 distribution that does or will span international
4 boundaries, including within the same life stage or
5 across life stages.

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

9 (A) a list of fisheries that are currently or
10 expected to see shifts in geographic range or
11 spatial distribution that spans or will span
12 international boundaries and the relevant coun-
13 tries for each fishery or stock of a fishery's cur-
14 rent or expected range;

15 (B) an analysis of priority research needs
16 for each of these fisheries or stocks of fisheries
17 that should be coordinated with other affected
18 nations;

19 (C) a 5-year strategy to undertake and
20 complete such research, including a proposed
21 budget and timeline for that work; and

22 (D) a 10-year strategy to implement co-
23 ordinated management measures that reflect
24 the needs for each fishery or stock of a fishery

1 as determined by the research conducted under
2 subparagraph (C).

3 **SEC. 106. EMERGING FISHERIES.**

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

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

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

10 “(1) The Secretary shall publish in the Federal
11 Register, subject to paragraph (3), and after notice
12 and an opportunity for public comment—

13 “(A) a list of all fisheries, identified by
14 corresponding Council or Secretarial manage-
15 ment under section 302(a)(3)—

16 “(i) located entirely or in part in the
17 exclusive economic zone; or

18 “(ii) located outside of the exclusive
19 economic zone but managed by the United
20 States;

21 “(B) with respect to each such fishery—

22 “(i) the types of fishing gear author-
23 ized for use in such fishery;

24 “(ii) the jurisdiction (whether State,
25 Federal, interstate, or otherwise) exer-

1 cising management authority over such
2 fishery;

3 “(iii) whether a Fishery Management
4 Plan or analogous management structure
5 exists for the fishery; and

6 “(iv) the species authorized to be
7 caught and retained in such fishery.”.

8 (3) in paragraph (2), by striking “those” and
9 all that follows through the end of the paragraph
10 and inserting “those already listed as to constitute
11 a new fishery or gear type”;

12 (4) by redesignating paragraph (6) as para-
13 graph (9); and

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

16 “(3) Not later than 18 months after the date
17 of enactment of the _____ Act, and at least once
18 every 5 years thereafter, each Council (or the Sec-
19 retary for fisheries to which section 302(a)(3) ap-
20 plies) shall review the fisheries and gear on the list
21 that are under its authority and submit to the Sec-
22 retary proposed changes to such list in specific and
23 narrow terms, including geographic range, to ensure
24 that only active fisheries and gear are included on
25 the list. The Secretary shall review proposed changes

1 pursuant to the guidelines established under para-
2 graph (2) and publish a revised list, after notice and
3 an opportunity for public comment, upon receiving
4 proposed changes from a Council (or from the Sec-
5 retary for fisheries to which section 302(a)(3) ap-
6 plies).

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

10 “(A) the experimental fishing permit is de-
11 signed and implemented so as to yield informa-
12 tion necessary and currently lacking for the
13 analysis required under paragraph (6);

14 “(B) the Council collects, evaluates, and
15 makes public the data generated by the experi-
16 mental fishing activity at the end of each per-
17 mit year, and based on such evaluation, renders
18 a determination of whether the fishery or fish-
19 ing gear should be continued, either in the form
20 of a subsequent year of experimental fishing
21 under this paragraph, or in the form of a pro-
22 posal under paragraph (5) for a new fishery or
23 fishing gear to be added to the list; and

24 “(C) the data collected from, and the
25 Council’s evaluation of, the experimental fishing

1 activity are included in any proposal under
2 paragraph (5) for a new fishery or fishing gear
3 that may result from the experimental fishing
4 permit.

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

9 “(A) the Secretary determines that a suffi-
10 cient analysis supporting the proposal, as speci-
11 fied in paragraph (7), has been conducted by
12 the Council;

13 “(B) the Secretary determines that the
14 new fishery or fishing gear, as specified in the
15 proposal and the accompanying fishery manage-
16 ment plan or amendment and regulations under
17 subparagraph (C), is consistent with conserva-
18 tion and management requirements in this Act
19 and other applicable laws; and

20 “(C) the Council has prepared and sub-
21 mitted for Secretarial approval pursuant to sec-
22 tion 304, concurrently with the proposal for a
23 new fishery or fishing gear, a fishery manage-
24 ment plan for the new fishery or fishing gear or
25 an amendment to an existing fishery manage-

1 ment plan, including proposed regulations to
2 implement the plan or amendment, in accord-
3 ance with section 303. If the new fishery or
4 fishing gear will include one or more stocks of
5 fish that also substantially exist in the geo-
6 graphical area of authority of another Council,
7 the fishery management plan or amendment,
8 and implementing regulations, shall be prepared
9 pursuant to section 304(f).

10 “(6) The Secretary shall publish in the Federal
11 Register, after notice and an opportunity for public
12 comment, all authorizations for new fisheries or fish-
13 ing gear, including revisions to the list of fisheries
14 and gear as appropriate, and shall make public all
15 supporting documentation and analysis. The Sec-
16 retary also shall publish in the Federal Register,
17 after notice and an opportunity for public comment,
18 all decisions to not authorize the development of a
19 new fishery or fishing gear under this paragraph, in-
20 cluding the reasons for the decision.

21 “(7)(A) A Council shall analyze, for purposes of
22 paragraph (4)(A)—

23 “(i) the potential impacts of a new fishery
24 or fishing gear on the proposed target stock,
25 stocks of fish, or stock complexes as well as on

1 other stocks of fish and species, and the marine
2 ecosystem;

3 “(ii) the potential impacts of a new fishery
4 or fishing gear on existing fisheries and fishing
5 communities, both within the Council’s jurisdic-
6 tion and, if relevant, in neighboring jurisdic-
7 tions;

8 “(iii) different potential management strat-
9 egies for the new fishery or fishing gear, includ-
10 ing identifying any significant differences across
11 management strategies with respect to the po-
12 tential impacts described in clauses (i) and (ii);

13 “(iv) whether the proposed target stock,
14 stocks of fish, or stock complexes occur in any
15 neighboring jurisdictions, and if so, whether it
16 or they are managed by those jurisdictions; and

17 “(v) whether the proposed fishing activity
18 should be managed under an existing fishery
19 management plan, or a new plan.

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

23 “(8) No person or vessel may employ fishing
24 gear or engage in a fishery not included on the list,
25 except as provided in paragraph (4). A Council may

1 request the Secretary to promulgate emergency reg-
2 ulations under subsection (c) to prohibit any persons
3 or vessels from using an unlisted fishing gear or en-
4 gaging in an unlisted fishery.”.

5 **TITLE II—SUPPORTING FISHING** 6 **COMMUNITIES**

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

8 (a) IN GENERAL.—Section 312(a) (16 U.S.C.
9 1861a(a)) is amended to read as follows:

10 “(a) FISHERY RESOURCE DISASTER RELIEF.—

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

12 “(A) ALLOWABLE CAUSE.—The term ‘al-
13 lowable cause’ means a natural cause, discrete
14 anthropogenic 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 ad-
19 dressed or prevented by fishery manage-
20 ment measures; and

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

1 protect human health or marine animals,
2 plants, or habitats.

3 “(C) FISHERY RESOURCE DISASTER.—The
4 term ‘fishery resource disaster’ means a dis-
5 aster that is determined by the Secretary in ac-
6 cordance 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
10 fishery resource, which may include loss of
11 fishing vessels and gear for a substantial
12 period of time and results in significant
13 revenue or subsistence loss due to an al-
14 lowable 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 (25 U.S.C. 5130), and
3 the term ‘Tribal’ means of or pertaining to such
4 an Indian Tribe.

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

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

9 “(I) a hurricane;

10 “(II) a flood;

11 “(III) a harmful algal bloom;

12 “(IV) a tsunami;

13 “(V) a hypoxic zone;

14 “(VI) ocean acidification;

15 “(VII) a drought;

16 “(VIII) El Niño effects on water
17 temperature;

18 “(IX) a marine heat wave; or

19 “(X) disease; and

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

23 “(F) 12-MONTH REVENUE LOSS.—The
24 term ‘12-month revenue loss’ means the per-
25 centage reduction, as applicable, in commercial,

1 charter, headboat, or processor revenue for the
2 12 months during which the fishery resource
3 disaster occurred, if compared to average an-
4 nual revenue in the most recent 5-years during
5 which no fishery resource disaster occurred or
6 equivalent for stocks with cyclical life histories.

7 “(G) UNDETERMINED CAUSE.—The term
8 ‘undetermined cause’ means a cause in which
9 the current state of knowledge does not allow
10 the Secretary to identify the exact cause, and
11 there is no current conclusive evidence sup-
12 porting a possible cause of the fishery resource
13 disaster.

14 “(2) GENERAL AUTHORITY.—

15 “(A) IN GENERAL.—The Secretary shall
16 have the authority to determine the existence,
17 extent, and beginning and end dates of a fish-
18 ery resource disaster under this subsection in
19 accordance with this subsection.

20 “(B) AVAILABILITY OF FUNDS.—After the
21 Secretary determines that a fishery resource
22 disaster has occurred, the Secretary is author-
23 ized to make sums available, from funds appro-
24 priated for such purposes, to be used by the af-
25 fected State, Tribal government, or interstate

1 marine fisheries commission, or by the Sec-
2 retary in cooperation with the affected State,
3 Tribal government, or interstate marine fish-
4 eries commission.

5 “(C) SAVINGS CLAUSE.—The requirements
6 under this subsection shall take effect only with
7 respect to requests for a fishery resource dis-
8 aster determination submitted after the date of
9 enactment of the Sustaining America’s Fish-
10 eries for the Future Act of 2021.

11 “(3) INITIATION OF A FISHERY RESOURCE DIS-
12 ASTER REVIEW.—

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

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

21 “(ii) an official Tribal resolution; or

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

1 “(B) REQUIRED INFORMATION.—A com-
2 plete request for a fishery resource disaster de-
3 termination under subparagraph (A) shall in-
4 clude—

5 “(i) identification of all presumed af-
6 fected fish stocks;

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

9 “(iii) the geographic boundaries of the
10 fishery;

11 “(iv) preliminary information on
12 causes of the fishery resource disaster, if
13 known; and

14 “(v) information needed to support a
15 finding of a fishery resource disaster, in-
16 cluding—

17 “(I) information demonstrating
18 the occurrence of an unexpected large
19 decrease in fish stock biomass or
20 other change that results in signifi-
21 cant loss of access to the fishery re-
22 source, which could include the loss of
23 fishing vessels and gear, for a sub-
24 stantial period of time;

1 “(II) 12-month revenue loss or
2 subsistence loss for the affected fish-
3 ery, or if a fishery resource disaster
4 has occurred at any time in the pre-
5 vious 5-year period, the most recent
6 5-year period during which no fishery
7 resource disaster occurred;

8 “(III) if applicable, information
9 on lost resource tax revenues assessed
10 by local communities, such as a raw
11 fish tax or a local sourcing require-
12 ment; and

13 “(IV) if applicable and available,
14 information on 12-month revenue loss
15 for charter, headboat, or processors
16 related to the information provided
17 under subclause (I), subject to section
18 402(b).

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

22 “(i) the assistance is so requested;

23 “(ii) the Secretary is in possession of
24 the required information described in sub-
25 paragraph (B); and

1 “(iii) the data is not available to the
2 requester, in carrying out the complete re-
3 quest under subparagraph (B).

4 “(D) INITIATION OF REVIEW.—The Sec-
5 retary shall have the discretion to initiate a
6 fishery resource disaster review without a re-
7 quest.

8 “(4) REVIEW PROCESS.—

9 “(A) INTERIM RESPONSE.—Not later than
10 20 days after receipt of a request under para-
11 graph (3), the Secretary shall provide an in-
12 terim response to the individual that—

13 “(i) acknowledges receipt of the re-
14 quest;

15 “(ii) provides a regional contact with-
16 in the National Oceanographic and Atmos-
17 pheric Administration;

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

20 “(iv) requests additional information
21 concerning the fishery resource disaster, if
22 the original request is considered incom-
23 plete.

24 “(B) EVALUATION OF REQUESTS.—

1 “(i) IN GENERAL.—Based on the in-
2 formation provided or analyzed under
3 paragraph (4), the Secretary shall com-
4 plete a review, within the time frame de-
5 scribed in clause (ii), using the best sci-
6 entific information available, in consulta-
7 tion with the affected fishing communities,
8 States, or Tribes, of—

9 “(I) the information provided by
10 the requester and any additional in-
11 formation relevant to the fishery,
12 which may include—

13 “(aa) fishery characteristics;

14 “(bb) stock assessments;

15 “(cc) the most recent fishery
16 independent surveys and other
17 fishery resource assessments and
18 surveys conducted by Federal,
19 State, or Tribal officials;

20 “(dd) estimates of mortality;

21 and

22 “(ee) overall effects; and

23 “(II) the available economic in-
24 formation, which may include an anal-
25 ysis of—

1 “(aa) landings data;
2 “(bb) revenue;
3 “(cc) the number of partici-
4 pants involved;
5 “(dd) the number and type
6 of jobs and persons impacted,
7 which may include—
8 “(AA) fishers;
9 “(BB) charter fishing
10 operators;
11 “(CC) subsistence
12 users;
13 “(DD) United States
14 fish processors; and
15 “(EE) an owner of a
16 related fishery infrastructure
17 or business affected by the
18 disaster, such as a marina
19 operator, recreational fishing
20 equipment retailer, or char-
21 ter, headboat, or tender ves-
22 sel owner, operator, or crew;
23 “(ee) an impacted Indian
24 Tribe;

1 “(ff) other forms of disaster
2 assistance made available to the
3 fishery, including prior awards of
4 disaster assistance for the same
5 event;

6 “(gg) the length of time the
7 resource, or access to the re-
8 source, has been restricted;

9 “(hh) status of recovery
10 from previous fishery resource
11 disasters;

12 “(ii) lost resource tax reve-
13 nues assessed by local commu-
14 nities, such as a raw fish tax;
15 and

16 “(jj) other appropriate indi-
17 cators to an affected fishery, as
18 determined by the National Ma-
19 rine Fisheries Service.

20 “(ii) TIME FRAME.—The Secretary
21 shall complete the review described in
22 clause (i), if the fishing season, applicable
23 to the fishery—

24 “(I) has concluded or there is no
25 defined fishing season applicable to

1 the fishery, not later than 120 days
2 after the Secretary receives a com-
3 plete request for a fishery resource
4 disaster determination;

5 “(II) has not concluded, not later
6 than 120 days after the conclusion of
7 the fishing season; or

8 “(III) is expected to be closed for
9 the entire fishing season, not later
10 than 120 days after the Secretary re-
11 ceives a complete request for a fishery
12 resource disaster determination.

13 “(C) FISHERY RESOURCE DISASTER DE-
14 TERMINATION.—The Secretary shall make the
15 determination of a fishery resource disaster
16 based on the criteria for determinations listed
17 in paragraph (5).

18 “(D) NOTIFICATION.—Not later than 14
19 days after the conclusion of the review under
20 this paragraph, the Secretary shall notify the
21 requester and the Governor of the affected
22 State or Tribal representative of the determina-
23 tion of the Secretary.

24 “(5) CRITERIA FOR DETERMINATIONS.—

1 “(A) IN GENERAL.—The Secretary shall
2 make a determination about whether a fishery
3 resource disaster has occurred, based on the
4 revenue loss thresholds under subparagraph
5 (B), and, if a fishery resource disaster has oc-
6 curred, whether the fishery resource disaster
7 was due to—

8 “(i) a natural cause;

9 “(ii) an anthropogenic cause;

10 “(iii) a combination of a natural cause
11 and an anthropogenic cause; or

12 “(iv) an undetermined cause.

13 “(B) REVENUE LOSS THRESHOLDS.—

14 “(i) IN GENERAL.—Based on the in-
15 formation provided or analyzed under
16 paragraph (4)(B), the Secretary shall
17 apply the following 12-month revenue loss
18 thresholds in determining whether a fish-
19 ery resource disaster has occurred:

20 “(I) Losses greater than 80 per-
21 cent shall result in a positive deter-
22 mination that a fishery resource dis-
23 aster has occurred.

24 “(II) Losses between 35 percent
25 and 80 percent shall be evaluated to

1 determine whether economic impacts
2 are severe enough to declare that a
3 fishery resource disaster has occurred,
4 based on the information provided or
5 analyzed under paragraph (4)(B).

6 “(III) Losses less than 35 per-
7 cent shall not be eligible for a deter-
8 mination that a fishery resource dis-
9 aster has occurred, except in a case in
10 which the Secretary determines there
11 are extenuating circumstances that
12 justify using a lower threshold in
13 making the determination.

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

20 “(iii) SUBSISTENCE LOSS.—In consid-
21 ering subsistence loss, the Secretary shall
22 evaluate the severity of loss 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 in which substan-
11 tial economic impacts to the affected fishery
12 and fishing community have been subject to a
13 disaster declaration under another statutory au-
14 thority, such as in the case of a natural disaster
15 or from the direct consequences of a Federal
16 action taken to prevent, or in response to, a
17 natural disaster for purposes of protecting life
18 and safety, the Secretary may determine a fish-
19 ery resource disaster has occurred without a re-
20 quest.

21 “(6) DISBURSAL OF APPROPRIATED FUNDS.—

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

1 “(B) ALLOCATION OF APPROPRIATED
2 FISHERY RESOURCE DISASTER ASSISTANCE.—

3 “(i) NOTIFICATION OF FUNDING
4 AVAILABILITY.—If 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;

12 of the availability of funds, not more than
13 14 days after the date of the appropriation
14 or the determination of a fishery resource
15 disaster, whichever 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
21 the allocation of appropriations for a fishery re-
22 source disaster, the Secretary shall consider
23 commercial, charter, headboat, or seafood proc-
24 essing revenue losses and may consider the fol-
25 lowing factors:

1 “(i) Direct economic impacts.

2 “(ii) Uninsured losses.

3 “(iii) Losses of subsistence and Tribal
4 ceremonial fishing opportunity.

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

7 “(v) Aquaculture operations revenue
8 loss.

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

11 “(vii) Treaty obligations.

12 “(viii) 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
17 plan to the Secretary, not more than 120 days
18 after receiving notification that funds are avail-
19 able, that shall include the following informa-
20 tion, if applicable:

21 “(i) Objectives and outcomes, with an
22 emphasis on addressing the factors con-
23 tributing to the fishery resource disaster
24 and minimizing future uninsured losses, if
25 applicable.

1 “(ii) Statement of work.

2 “(iii) Budget details.

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

8 “(F) DISBURSAL OF FUNDS.—

9 “(i) AVAILABILITY.—Funds shall be
10 made available to grantees not later than
11 90 days after the date the Secretary re-
12 ceives a 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,
23 prevent a similar disaster in the fu-
24 ture, or assist the affected fishing
25 community, and shall prioritize the

1 following uses, which are not in order
2 of priority:

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

10 “(bb) The collection of fish-
11 ery information and other activi-
12 ties that improve management of
13 the 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 ca-
20 pacity reduction loan or to repay
21 the principal of a Federal fishing
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 fish-
4 eries resource levies), or a busi-
5 ness to alleviate economic loss in-
6 curred as a direct result of a
7 fishery resource disaster, particu-
8 larly if affected by a cir-
9 cumstance described in para-
10 graph (5)(D).

11 “(ff) Hatcheries and stock
12 enhancement to help rebuild the
13 affected stock or offset fishing
14 pressure on the affected stock.

15 “(II) DISPLACED FISHERY EM-
16 PLOYEES.—If appropriate, individuals
17 carrying out the activities described in
18 items (aa) through (ff) of subclause
19 (I) shall be individuals who are, or
20 were, employed in a commercial, char-
21 ter, or Tribal fishery for which the
22 Secretary has determined that a fish-
23 ery resource disaster has occurred.

24 “(7) LIMITATIONS.—

25 “(A) FEDERAL SHARE.—

1 “(i) IN GENERAL.—Except as pro-
2 vided in clauses (ii) and (iii), the Federal
3 share of the cost of any activity carried out
4 under the authority of this subsection shall
5 not exceed 75 percent of the cost of that
6 activity.

7 “(ii) WAIVER.—The Secretary may
8 waive the non-Federal share requirements
9 of this subsection, if the Secretary deter-
10 mines that—

11 “(I) no reasonable means are
12 available through which the recipient
13 of the Federal share can meet the
14 non-Federal share requirement; and

15 “(II) the probable benefit of 100
16 percent Federal financing outweighs
17 the public interest in imposition of the
18 non-Federal share requirement.

19 “(iii) EXCEPTION.—The Federal
20 share shall be equal to 100 percent in the
21 case of—

22 “(I) direct assistance as de-
23 scribed in paragraph
24 (6)(F)(iii)(I)(hh); or

1 “(II) assistance to subsistence or
2 Tribal fisheries.

3 “(B) LIMITATIONS ON ADMINISTRATIVE
4 EXPENSES.—

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

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

16 “(C) FISHING CAPACITY REDUCTION PRO-
17 GRAM.—

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

24 “(ii) ASSISTANCE CONDITIONS.—As a
25 condition of providing assistance under

1 this subsection with respect to a vessel
2 under a fishing capacity reduction pro-
3 gram, the Secretary shall—

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

7 “(II) require that the vessel be—

8 “(aa) scrapped or otherwise
9 disposed of in a manner approved
10 by the Secretary;

11 “(bb) donated to a nonprofit
12 organization and thereafter used
13 only for purposes of research,
14 education, or training; or

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

22 “(D) NO FISHERY ENDORSEMENT.—

23 “(i) IN GENERAL.—A vessel that is
24 prohibited from fishing under subpara-
25 graph (C)(ii)(I) shall not be eligible for a

1 fishery endorsement under section
2 12113(a) of title 46, United States Code.

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

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

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

14 (b) MAGNUSON-STEVENSON FISHERY CONSERVATION
15 AND MANAGEMENT ACT.—

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

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

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

24 (B) in the matter preceding subparagraph
25 (A), by striking “Not later than 2 years after

1 the date of enactment of this Act, and annually
2 thereafter” and inserting “Not later than 2
3 years after the date of enactment of the Sus-
4 taining America’s Fisheries for the Future Act
5 of 2021, and biennially thereafter”; and

6 (C) in subparagraph (D), by striking “the
7 calendar year 2003” and inserting “the most
8 recent”.

9 (c) INTERJURISDICTIONAL FISHERIES ACT OF
10 1986.—

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

14 (2) TECHNICAL EDIT.—Section 3(k)(1) of the
15 Small Business Act (15 U.S.C. 632(k)(1)) is amend-
16 ed by striking “(as determined by the Secretary of
17 Commerce under section 308(b) of the Interjurisdic-
18 tional Fisheries Act of 1986)” and inserting “(as de-
19 termined by the Secretary of Commerce under the
20 Sustaining America’s Fisheries for the Future Act
21 of 2021)”.

22 (d) BUDGET REQUESTS; REPORTS.—

23 (1) BUDGET REQUEST.—In the budget jus-
24 tification materials submitted to Congress in support
25 of the budget of the Department of Commerce for

1 each fiscal year (as submitted with the budget of the
2 President under section 1105(a) of title 31, United
3 States Code), the Secretary of Commerce shall in-
4 clude a separate statement of the amount requested
5 to be appropriated for that fiscal year for out-
6 standing unfunded fishery resource disasters.

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

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

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

14 (ii) in section 206—

15 (I) by striking subsections (e)
16 and (f); and

17 (II) by redesignating subsections
18 (g) and (h) as subsections (e) and (f),
19 respectively.

20 (B) BIENNIAL REPORT ON INTERNATIONAL
21 COMPLIANCE.—Section 607 of the High Seas
22 Driftnet Fishing Moratorium Protection Act
23 (16 U.S.C. 1826h) is amended—

1 (i) by inserting “(a) IN GENERAL.—”
2 before “The Secretary” and indenting ap-
3 propriately; and

4 (ii) by adding at the end the fol-
5 lowing:

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

9 “(1) a description of the actions taken to carry
10 out the provisions of section 206 of the Magnuson-
11 Stevens Fishery Conservation and Management Act
12 (16 U.S.C. 1826), including—

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

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

22 “(C) a list of the nations that conduct, or
23 authorize their nationals to conduct, large-scale
24 driftnet fishing beyond the exclusive economic
25 zone of any nation in a manner that diminishes

1 the effectiveness of or is inconsistent with any
2 international agreement governing large-scale
3 driftnet fishing to which the United States is a
4 party or otherwise subscribes; and

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

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

18 **SEC. 202. SUBSISTENCE FISHING.**

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

22 (b) DEFINITION OF SUBSISTENCE FISHING.—Section
23 3 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 personal or family con-
11 sumption as food or clothing;

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

17 “(iii) 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
24 of a fish or fish part—

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

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

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

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

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

9 “(a) WORKING WATERFRONT TASK FORCE.—

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

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

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

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

1 Agency, the United States Geological Survey,
2 the Navy, the National Marine Fisheries Serv-
3 ice, the Economic Development Agency, and
4 such other Federal agencies as the Secretary
5 considers appropriate.

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 of Commerce pursuant to section
11 306, in the 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 en-
16 vironment 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 under existing law for addressing such
3 critical needs; and

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

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

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

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

23 “(b) WORKING WATERFRONT GRANT PROGRAM.—

24 “(1) The Secretary shall establish a Working
25 Waterfront Grant Program, in cooperation with ap-

1 appropriate State, regional, and other units of govern-
2 ment, under which the Secretary may make a grant
3 to any coastal State for the purpose of implementing
4 a working waterfront plan approved by the Secretary
5 under subsection (c).

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

12 “(A) The Governor, or the lead agency
13 designated by the Governor for coordinating the
14 implementation of this section, where appro-
15 priate in consultation with the appropriate local
16 government, shall determine that the applica-
17 tion is consistent with the State’s or territory’s
18 approved coastal zone plan, program, and poli-
19 cies prior to submission to the Secretary.

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

1 “(C) Coastal States may allocate grants to
2 local governments, Indian Tribes, agencies, or
3 nongovernmental organizations eligible for as-
4 sistance under this section.

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

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

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

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

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

1 front areas or public access areas as identified
2 in the working waterfront plan submitted by
3 the coastal State come under threat or become
4 available; and

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

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

12 “(c) WORKING WATERFRONT PLANS.—

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

22 “(2) Such plan—

23 “(A) must provide for preservation and ex-
24 pansion of access to coastal waters to persons
25 engaged in commercial fishing, recreational

1 fishing and boating businesses, aquaculture,
2 boatbuilding, or other water-dependent, coastal-
3 related business;

4 “(B) shall include one or more of—

5 “(i) an assessment of the economic,
6 social, cultural, and historic value of work-
7 ing waterfront to the coastal State;

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

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

21 “(iv) identification of geographic areas
22 with a historic connection to working wa-
23 terfronts where working waterfronts are
24 not currently available, and, where appro-
25 priate, an assessment of the environmental

1 impacts of any expansion or new develop-
2 ment of working waterfronts on the coastal
3 ecosystem;

4 “(v) identification of other working
5 waterfront needs including improvements
6 to existing working waterfronts and work-
7 ing waterfront areas;

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

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

17 “(viii) a description of the degree of
18 community support for such strategic plan;
19 and

20 “(ix) a contingency plan for properties
21 that revert to the coastal State pursuant to
22 determinations made by the coastal State
23 under subsection (g)(4)(C);

24 “(C) may include detailed environmental
25 impacts on working waterfronts, including haz-

1 ards, sea level rise, inundation exposure, and
2 other resiliency issues;

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

5 “(E) shall utilize to the maximum extent
6 practicable existing information contained in
7 relevant surveys, plans, or other strategies to
8 fulfill the information requirements under this
9 paragraph; and

10 “(F) shall incorporate the policies and reg-
11 ulations adopted by communities under local
12 working waterfront plans or strategies in exist-
13 ence before the date of the enactment of this
14 section.

15 “(3) A working waterfront plan—

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

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

21 “(C) shall be complimentary to and incor-
22 porate the policies and objectives of regional or
23 local working waterfront plans as in effect be-
24 fore the date of enactment of this section or as
25 subsequently revised.

1 “(4) The Secretary may—

2 “(A) award planning grants to coastal
3 States for the purpose of developing or revising
4 comprehensive working waterfront plans; and

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

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

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

16 “(B) coordinate development and imple-
17 mentation of such a plan with other coastal
18 management programs, regulations, and activi-
19 ties of the coastal State; and

20 “(C) if the coastal State allows qualified
21 holders (other than the coastal State) to enter
22 into working waterfront covenants, provide as
23 part of the working waterfront plan under this
24 subsection a mechanism or procedure to ensure
25 that the qualified holders are complying their

1 duties to enforce the working waterfront cov-
2 enant.

3 “(d) USES, TERMS, AND CONDITIONS.—

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

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

9 “(A) to acquire a working waterfront, or
10 an interest in a working waterfront;

11 “(B) to make improvements to a working
12 waterfront, including the construction or repair
13 of wharfs, boat ramps, or related facilities; or

14 “(C) for necessary climate adaptation miti-
15 gation.

16 “(e) PUBLIC ACCESS REQUIREMENT.—A working
17 waterfront project funded by grants made under this sec-
18 tion must provide for expansion, improvement, or preser-
19 vation of reasonable and appropriate public access to
20 coastal waters at or in the vicinity of a working water-
21 front, except for commercial fishing or other industrial ac-
22 cess points where the coastal State determines that public
23 access would be unsafe.

24 “(f) LIMITATIONS.—

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

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

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

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

18 “(1) The Secretary shall encourage coastal
19 States to broadly allocate amounts received as
20 grants under this section among working water-
21 fronts identified in working waterfront plans ap-
22 proved under subsection (c).

23 “(2) Subject to the approval of the Secretary,
24 a coastal State may, as part of an approved working
25 waterfront plan, designate as a qualified holder any

1 unit of State or local government or nongovern-
2 mental organization, if the coastal State is ulti-
3 mately responsible for ensuring that the property
4 will be managed in a manner that is consistent with
5 the purposes for which the land entered into the pro-
6 gram.

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

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

20 “(A) all persons holding title to or interest
21 in working waterfront affected by a grant under
22 this section, including a qualified holder, private
23 citizen, private business, nonprofit organization,
24 fishing cooperative, or other entity, shall enter
25 into a working waterfront covenant;

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

4 “(C) if the coastal State determines, on
5 the record after an opportunity for a hearing,
6 that the working waterfront covenant has been
7 violated—

8 “(i) all right, title, and interest in and
9 to the working waterfront covered by such
10 covenant shall, except as provided in sub-
11 paragraph (D), revert to the coastal State;
12 and

13 “(ii) the coastal State shall have the
14 right of immediate entry onto the working
15 waterfront;

16 “(D) if a coastal State makes a determina-
17 tion under subparagraph (C), the coastal State
18 may convey or authorize the qualified holder to
19 convey the working waterfront or interest in
20 working waterfront to another qualified holder;
21 and

22 “(E) nothing in this subsection waives any
23 legal requirement under any Federal or State
24 law.

25 “(h) MATCHING CONTRIBUTIONS.—

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

8 “(2) The Secretary may waive the application
9 of paragraph (1) for any qualified holder that is an
10 underserved community, a community that has an
11 inability to draw on other sources of funding because
12 of the small population or low income of the commu-
13 nity, or for other reasons the Secretary considers ap-
14 propriate.

15 “(3) A local community designated as a quali-
16 fied holder under subsection (g) may utilize funds or
17 other in-kind contributions donated by a nongovern-
18 mental partner to satisfy the matching funds re-
19 quirement under this subsection.

20 “(4) As a condition of receipt of a grant under
21 this section, the Secretary shall require that a coast-
22 al State provide to the Secretary such assurances as
23 the Secretary determines are sufficient to dem-
24 onstrate that the share of the cost of each eligible

1 project that is not funded by the grant awarded
2 under this section has been secured.

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

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

22 “(7) The Secretary shall treat as non-Federal
23 match the costs associated with acquisition of a
24 working waterfront or an interest in a working wa-
25 terfront, and the costs of restoration, enhancement,

1 or other improvement to a working waterfront, if the
2 activities are identified in the project application and
3 the costs are incurred within the period of the grant
4 award, or, for working waterfront described in para-
5 graph (6), within the same time limits described in
6 that paragraph. These costs may include either cash
7 or in-kind contributions.

8 “(i) LIMIT ON ADMINISTRATIVE COSTS.—No more
9 than 5 percent of the funds made available to the Sec-
10 retary under this section may be used by the Secretary
11 for planning or administration of the program under this
12 section.

13 “(j) OTHER TECHNICAL AND FINANCIAL ASSIST-
14 ANCE.—

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

19 “(2) The Secretary shall—

20 “(A) provide technical assistance to coastal
21 States and local governments in identifying and
22 obtaining other sources of available Federal
23 technical and financial assistance for the devel-
24 opment and revision of a working waterfront

1 plan and the implementation of an approved
2 working waterfront plan;

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

12 “(C) assist States in developing other tools
13 to protect working waterfronts;

14 “(D) collect and disseminate to States
15 guidance for best storm water management
16 practices in regards to working waterfronts;

17 “(E) provide technical assistance to States
18 and local governments on integrating resilience
19 planning into working waterfront preservation
20 efforts; and

21 “(F) collect and disseminate best practices
22 on working waterfronts and resilience planning.

23 “(k) REPORTS.—

24 “(1) The Secretary shall—

1 “(A) develop performance measures to
2 evaluate and report on the effectiveness of the
3 program under this section in accomplishing the
4 purpose of this section; and

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

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

13 “(1) DEFINITIONS.—In this section:

14 “(1) The term ‘qualified holder’ means a coast-
15 al State or a unit of local or coastal State govern-
16 ment or a non-State organization designated by a
17 coastal State under subsection (g).

18 “(2) The term ‘Secretary’ means the Secretary,
19 acting through the National Oceanic and Atmos-
20 pheric Administration.

21 “(3) The term ‘working waterfront’ means real
22 property (including support structures over water
23 and other facilities) that provides access to coastal
24 waters to persons engaged in commercial and rec-
25 reational fishing, recreational fishing and boating

1 businesses, boatbuilding, aquaculture, or other
2 water-dependent, coastal-related business and is
3 used for, or that supports, commercial and rec-
4 reational fishing, recreational fishing and boating
5 businesses, boatbuilding, aquaculture, or other
6 water-dependent, coastal-related business.

7 “(4) The term ‘working waterfront covenant’
8 means an agreement in recordable form between the
9 owner of working waterfront and one or more quali-
10 fied holders, that provides such assurances as the
11 Secretary may require that—

12 “(A) the title to or interest in the working
13 waterfront will be held by a grant recipient or
14 qualified holder in perpetuity, except as pro-
15 vided in subparagraph (C);

16 “(B) the working waterfront will be man-
17 aged in a manner that is consistent with the
18 purposes for which the property is acquired
19 pursuant to this section, and the property will
20 not be converted to any use that is inconsistent
21 with the purpose of this section;

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

24 “(i) all working waterfront owners
25 and qualified holders involved in such sale

1 or exchange shall accede to such agree-
2 ment; and

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

14 “(D) such covenant is subject to enforce-
15 ment and oversight by the coastal State or by
16 another person as determined appropriate by
17 the Secretary.

18 “(m) AUTHORIZATION OF APPROPRIATIONS.—There
19 is authorized to be appropriated to the Grant Program
20 \$15,000,000.”.

21 (b) WORKING WATERFRONTS PRESERVATION LOAN
22 FUND.—The Coastal Zone Management Act of 1972 (16
23 U.S.C. 1451 et seq.) is further amended by adding at the
24 end the following:

1 **“SEC. 321. WORKING WATERFRONTS PRESERVATION LOAN**
2 **FUND.**

3 “(a) FUND.—There is established in the Treasury a
4 separate account that shall be known as the ‘Working Wa-
5 terfronts Preservation Loan Fund’ (in this section re-
6 ferred to as the ‘Fund’).

7 “(b) USE.—

8 “(1) Subject to the availability of appropria-
9 tions, amounts in the Fund may be used by the Sec-
10 retary to make loans to coastal States for the pur-
11 pose of implementing a working waterfront plan ap-
12 proved by the Secretary under section 320(c)
13 through preservation, improvement, restoration, re-
14 habilitation, acquisition of working waterfront prop-
15 erties under criteria established by the Secretary.

16 “(2) Upon enactment of this section, the Sec-
17 retary of Commerce shall conduct a feasibility study
18 on the administration of the development and man-
19 agement of a Working Waterfronts Preservation
20 Loan Fund.

21 “(3) Upon the completion of the study under
22 paragraph (2), the Secretary shall establish a fund
23 in accordance with the results of that study, and es-
24 tablish such criteria as referenced in subsection (c)
25 in consultation with States that have a management
26 program approved by the Secretary of Commerce

1 pursuant to section 306 and local government coast-
2 al management programs.

3 “(c) AWARD CRITERIA.—The Secretary shall award
4 loans under this section through a regionally equitable,
5 competitive funding process, and in accordance with the
6 following:

7 “(1) The Governor, or the lead agency des-
8 ignated by the Governor for coordinating the imple-
9 mentation of this section, where appropriate in con-
10 sultation with the appropriate local government,
11 shall determine that an application for a loan is con-
12 sistent with the State’s approved coastal zone plan,
13 program, and policies prior to submission to the Sec-
14 retary.

15 “(2) In developing guidelines under this section,
16 the Secretary shall consult with coastal States, other
17 Federal agencies, and other interested stakeholders
18 with expertise in working waterfront planning.

19 “(3) Coastal States may allocate amounts
20 loaned under this section to local governments, In-
21 dian Tribes, agencies, or nongovernmental organiza-
22 tions eligible for loans under this section.

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

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

3 “(B) the demonstrated working waterfront
4 needs of the coastal State as outlined by a
5 working waterfront plan approved for the coast-
6 al State under section 320(c), and the value of
7 the proposed loan for the implementation of
8 such plan;

9 “(C) the ability to successfully leverage
10 loan funds among participating entities, includ-
11 ing Federal programs, regional organizations,
12 State and other government units, landowners,
13 corporations, or private organizations;

14 “(D) the potential for rapid turnover in
15 the ownership of working waterfront in the
16 coastal State, and where applicable the need for
17 coastal States to respond quickly when prop-
18 erties in existing or potential working water-
19 front areas or public access areas as identified
20 in the working waterfront plan submitted by
21 the coastal State come under threat or become
22 available;

23 “(E) the impact of the loan on the coastal
24 ecosystem and the users of the coastal eco-
25 system; and

1 “(F) the extent of the historic connection
2 between working waterfronts for which the loan
3 will be used and the local communities within
4 the coastal State.

5 “(d) LOAN AMOUNT AND TERMS.—

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

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

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

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

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

15 “(e) DEADLINE FOR APPROVAL.—The Secretary
16 shall approve or reject an application for a loan under this
17 section within 60 days after receiving an application for
18 the loan.

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

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

1 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
2 is authorized to be appropriated to the Fund
3 \$15,000,000.”.

4 **SEC. 204. SEAFOOD MARKETING.**

5 (a) OUTREACH PLAN.—The Secretary of Agriculture,
6 in conjunction with the Administrator, shall develop an
7 outreach plan to expand Department of Agriculture out-
8 reach to fishing industry stakeholders to increase aware-
9 ness of and assist with the use of programs in the Agricul-
10 tural Marketing Service.

11 (b) STUDY.—The Administrator shall, in consultation
12 with the Secretary of Agriculture and members of the sea-
13 food industry, study the possibility of establishing edu-
14 cation and marketing programs within the National Oce-
15 anic and Atmospheric Administration.

16 (c) REPORTS.—Not later than 2 years after the date
17 of enactment of this Act—

18 (1) the Secretary of Agriculture, in conjunction
19 with the Administrator, shall submit a report to
20 Congress on the outreach plan developed under sub-
21 section (a); and

22 (2) the Administrator shall submit a report to
23 Congress on the findings of the study conducted
24 under subsection (b).

1 **SEC. 205. COMMUNITY PARTICIPATION IN LIMITED ACCESS**
2 **PRIVILEGE PROGRAMS.**

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

4 (1) in paragraph (1)—

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

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

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

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

16 “(3) FISHING COMMUNITIES.—

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

20 “(i) be located within the management
21 area of the relevant Council;

22 “(ii) consist of residents who conduct
23 commercial or recreational fishing, proc-
24 essing, or fishery-dependent support busi-
25 nesses within the Council’s management
26 area; and

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

9 “(B) COMMUNITY SUSTAINABILITY PLAN
10 APPROVAL.—

11 “(i) IN GENERAL.—A community sus-
12 tainability plan submitted by a fishing
13 community to a Council for approval shall
14 include the following components:

15 “(I) A description of the Board
16 and governance for the entity that will
17 receive the allocation.

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

23 “(III) Provisions for monitoring
24 and enforcement of the community
25 sustainability plan.

1 “(IV) Goals and objectives for
2 the fishing community and how the
3 entity will use the allocation to meet
4 those goals and objectives.

5 “(V) A description of how the en-
6 tity will sustain the participation of
7 the fishing community in the fisheries,
8 including providing for new entry and
9 intergenerational transfer, encour-
10 aging active participation and ad-
11 dressing economic barriers to access
12 to the fisheries.

13 “(VI) A description of how the
14 community sustainability plan will ad-
15 dress the projected economic and so-
16 cial impacts associated with the imple-
17 mentation of the limited access pro-
18 gram, including the potential for
19 strengthening economic conditions in
20 remote fishing communities lacking
21 the resources to participate in har-
22 vesting activities in the fishery.

23 “(VII) A description of how the
24 community sustainability plan will en-
25 sure the benefits of participating in

1 the limited access privilege program
2 accrue to the fishing community and
3 participants.

4 “(ii) PREVIOUSLY ADOPTED PLAN.—A
5 community sustainability plan submitted
6 before the date of enactment of the Sus-
7 taining America’s Fisheries for the Future
8 Act of 2021 shall not be invalidated by
9 failure to comply with clause (i) unless
10 such plan is amended after such date.”.

11 **SEC. 206. FINDINGS.**

12 Section 2(a)(3) (16 U.S.C. 1802(a)(3)) is amended
13 to read as follows:

14 “(3) Commercial and recreational fishing (in-
15 cluding charter fishing) constitutes a major source
16 of employment and contributes significantly to the
17 economy of the Nation. Many coastal areas are de-
18 pendent upon fishing and related activities, and their
19 economies have been badly damaged by the over-
20 fishing of fishery resources; ensuring sustainable use
21 of fishery resources is essential to the economic well-
22 being of these areas.”.

1 **TITLE III—STRENGTHENING**
2 **PUBLIC PROCESS AND**
3 **TRANSPARENCY**

4 **SEC. 301. TRIBAL REPRESENTATION AT THE PACIFIC FISH-**
5 **ERY MANAGEMENT COUNCIL.**

6 (a) IN GENERAL.—Section 302(b)(5) (16 U.S.C.
7 1852(b)(5)) is amended—

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

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

11 “(E) TERM OF TRIBAL REPRESENTA-
12 TIVE.—An individual appointed under subpara-
13 graph (A) shall serve on the Pacific Council
14 until such time as a new appointment to the
15 tribal seat is made under subparagraph (A).”.

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

19 **SEC. 302. TRIBAL REPRESENTATION AT THE NORTH PA-**
20 **CIFIC FISHERY MANAGEMENT COUNCIL.**

21 (a) IN GENERAL.—Section 302(a)(1)(G) (16 U.S.C.
22 1852(a)(1)(G)) is amended—

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

1 (2) by inserting “and including 2 appointed
2 from Indian tribes in Alaska selected in accordance
3 with subsection (b)(7)” before the period at the end.

4 (b) APPOINTMENT.—Section 302(b) (16 U.S.C.
5 1852(b)) is amended by adding at the end the following:

6 “(7) TRIBAL REPRESENTATIVE ON NORTH PA-
7 CIFIC COUNCIL.—

8 “(A) APPOINTMENT.—The Secretary shall
9 appoint to the North Pacific Council 2 rep-
10 resentatives of Indian tribes in Alaska from a
11 list submitted by Tribal governments. The Sec-
12 retary, in consultation with the Secretary of In-
13 terior and Tribal governments shall determine
14 the procedure for submitting a list under this
15 subparagraph.

16 “(B) REPRESENTATION.—Representation
17 shall be rotated among affected tribal regions,
18 taking into consideration—

19 “(i) the qualifications of the individ-
20 uals on the list described in subparagraph
21 (A).

22 “(ii) the degree to which the Indian
23 tribes in the region are dependent on anad-
24 romous fish and marine resources in the
25 area managed by the Council and the im-

1 pact of Council actions on such resources;
2 and

3 “(iii) the geographic area in which the
4 tribe of the representative is located.

5 “(C) FILLING OF VACANCY.—A vacancy
6 occurring prior to the expiration of any term
7 shall be filled in the same manner as set out in
8 subparagraphs (A) and (B), except that the
9 Secretary may use the list from which the
10 vacating representative was chosen.

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

18 “(E) TERM OF APPOINTMENT.—An indi-
19 vidual appointed under subparagraph (A) shall
20 serve on the North Pacific Council until such
21 time as new appointment to the tribal seat is
22 made under subparagraph (A).”.

23 **SEC. 303. ATLANTIC COUNCILS.**

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

25 (1) in paragraph (1)—

1 (A) in subparagraph (A)—

2 (i) by striking “18” and inserting
3 “19”; and

4 (ii) by inserting before the period at
5 the end “and a liaison who is a member of
6 the Mid-Atlantic Fishery Management
7 Council to represent the interests of fish-
8 eries under the jurisdiction of such Coun-
9 cil”; and

10 (B) in subparagraph (B)—

11 (i) by striking “21” and inserting
12 “22”; and

13 (ii) by inserting before the period at
14 the end “and a liaison who is a member of
15 the New England Fishery Management
16 Council to represent the interests of fish-
17 eries under the jurisdiction of such Coun-
18 cil”; and

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

20 “(4) REQUIREMENTS FOR LIAISON.—The Sec-
21 retary may only appoint an individual to be a liaison
22 between 2 Councils under this subsection if such in-
23 dividual has expertise in a fishery that spans the
24 geographical areas of both such Councils.”.

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

2 (a) IN GENERAL.—Section 302(e) (16 U.S.C.
3 1852(e)) is amended—

4 (1) in paragraph (5), by striking “At the re-
5 quest of any voting member of a Council, the Coun-
6 cil shall hold a roll call vote on any matter before
7 the Council.” and inserting “Each Council shall hold
8 a roll call vote on all nonprocedural matters before
9 the Council. At the request of any voting member of
10 a Council, the Council shall hold a roll call vote on
11 any procedural matter before the Council.”; and

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

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

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

16 “(B) ensure the availability of remote
17 meeting participation and voting.”.

18 (b) COUNCIL MEETINGS.—Section 302(i)(2) is
19 amended by adding at the end the following:

20 “(G) Each Council shall make available on
21 the website of the Council—

22 “(i) to the extent practicable, a
23 webcast or a live audio or video broadcast
24 of each meeting of the Council, and of the
25 Council Coordination Committee estab-
26 lished under subsection (l), that is not

1 closed in accordance with paragraph (3);
2 and

3 “(ii) an audio or video recording (if
4 the meeting was in person or by video con-
5 ference), or a searchable audio recording
6 or written transcript, of each meeting of
7 the Council and of the meetings of commit-
8 tees referred to in section 302(g)(1)(B) of
9 the Council, by not later than 30 days
10 after the conclusion of the meeting.

11 “(H) The Secretary shall maintain and
12 make available to the public an archive of
13 Council and scientific and statistical committee
14 meeting audio and video recordings and tran-
15 scriptions made available under clauses (i) and (ii)
16 of subparagraph (G).”.

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

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

20 (1) in paragraph (1), by inserting “Such em-
21 ployees, including executive directors, shall be
22 deemed Federal employees with respect to any re-
23 quirement that applies to Federal employees.” after
24 “functions.”; and

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

1 “(8) Council, committee, and advisory panel
2 members shall be subject to all law, rules, and poli-
3 cies regarding ethics and sexual harassment and as-
4 sult that apply to Federal employees. Council, com-
5 mittee, and advisory panel members found to have
6 violated such laws, rules, or policies shall be held in-
7 dividually liable for their actions. The Secretary may
8 impose civil penalties for violations including suspen-
9 sion or expulsion from participation or membership
10 in a council, advisory body, or related entity or activ-
11 ity.”.

12 (b) DISCLOSURE OF FINANCIAL INTEREST AND
13 RECUSAL.—Section 302(j) (16 U.S.C. 1852(j)) is amend-
14 ed—

15 (1) by amending paragraph (1)(B) to read as
16 follows:

17 “(B) the term ‘designated official’ means an at-
18 torney employed in the Office of the General Counsel
19 of the National Oceanic and Atmospheric Adminis-
20 tration with an expertise in Federal conflict-of-inter-
21 est requirements who is designated by the Secretary,
22 in consultation with the Council, to attend Council
23 meetings and make determinations under paragraph
24 (7)(B).”;

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

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

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

8 “(m) LOBBYING.—

9 “(1) PROHIBITION ON COUNCIL LOBBYING.—
10 Regional Fishery Management Council members,
11 members of Council advisory bodies, and Council
12 employees and contractors, are prohibited from
13 using Federal funds to attempt to influence the in-
14 troduction, advancement, enactment, amendment, or
15 repeal of Federal or State legislation, as well as the
16 issuance, advancement, modification, or overturning
17 of an executive order, Presidential proclamation, or
18 similar Presidential directive or decree. Notwith-
19 standing the foregoing, such individuals may provide
20 a technical and factual presentation directly related
21 to the performance of a Council’s duties, through
22 hearing testimony or written statements, if such
23 presentation is in response to a documented request
24 and is made available under paragraph (4).

25 “(2) ADJUDICATING VIOLATIONS.—

1 “(A) INITIATION BY SECRETARY.—The
2 Secretary may initiate an investigation of a po-
3 tential violation of this subsection.

4 “(B) COMPLAINT.—The Secretary shall in-
5 vestigate a complaint submitted by any person
6 or government entity regarding a potential vio-
7 lation of this subsection.

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

14 “(4) CONTENT OF COMMUNICATIONS.—Councils
15 shall maintain and make publicly available Council
16 websites—

17 “(A) copies of all documents and commu-
18 nication relevant to paragraph (1), including
19 any relevant Council meeting minutes, briefing
20 book materials, and correspondence, including
21 with a office of general counsel of a regional of-
22 fice of the National Oceanic and Atmospheric
23 Administration;

24 “(B) copies of all communication with
25 Federal or State legislators, or any communica-

1 tion with executive branch officials on subjects
2 other than routine fishery management in the
3 region; and

4 “(C) documentation of verbal communica-
5 tion with Federal or State legislators or with
6 Federal executive branch officials on subjects
7 other than routine fishery management in the
8 region.

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

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

20 “(A) the funding provided to implement
21 this subsection;

22 “(B) complaints received of and investiga-
23 tions into potential violations of this subsection;
24 and

1 “(C) barriers associated with and pro-
2 posals to improve implementation of this sub-
3 section.

4 “(7) REGULATIONS.—Not later than 12 months
5 after the date of enactment of the Sustaining Amer-
6 ica’s Fisheries for the Future Act of 2021, the Sec-
7 retary shall issue implementing regulations for this
8 subsection.”.

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

11 (1) by amending subparagraph (A) to read as
12 follows:

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

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

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

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

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

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

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

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

20 (3) by amending subparagraph (C) to read as
21 follows:

22 “(C) APPOINTMENTS.—

23 “(i) LIST FROM GOVERNOR.—

24 “(I) APPOINTMENT FROM
25 LIST.—The Secretary shall appoint

1 the members of each Council from a
2 list of individuals submitted by the
3 Governor of each applicable con-
4 stituent State.

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

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

15 “(bb) shall include the
16 names and pertinent biographical
17 data of not less than 3 individ-
18 uals for each applicable vacancy
19 and shall be accompanied by a
20 statement by the Governor ex-
21 plaining how each such individual
22 meets the requirements of sub-
23 paragraph (A).

24 “(III) REVIEW.—The Secretary
25 shall review each list submitted under

1 this subparagraph. If the Secretary
2 determines that any individual does
3 not meet the requirements of this
4 paragraph, the Secretary shall notify
5 the appropriate Governor.

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

13 “(ii) INDIVIDUALS WHO DO NOT HAVE
14 A FINANCIAL INTEREST.—The Secretary
15 shall appoint to each Council at least 1 in-
16 dividual who does not have a financial in-
17 terest in matters before the Council.

18 “(iii) FINANCIAL DISCLOSURE RE-
19 QUIREMENTS.— An individual is not eligi-
20 ble for appointment by the Secretary until
21 that individual complies with the applicable
22 financial disclosure requirements under
23 subsection (j).”.

24 (e) Section 302(b)(2) (16 U.S.C. 1852(b)(2)) is
25 amended by adding at the end the following:

1 Western Pacific Council shall issue a pub-
2 lie notice of intent to submit such plan to
3 the Secretary, including publishing such
4 plan.

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

15 “(I) Pacific Insular Area ob-
16 server programs, or other monitoring
17 programs, that the Secretary deter-
18 mines are adequate to monitor the
19 harvest, bycatch, and compliance with
20 the laws of the United States by for-
21 eign fishing vessels that fish under
22 Pacific Insular Area fishing agree-
23 ments;

24 “(II) conduct of marine and fish-
25 eries research, including development

1 of systems for information collection,
2 analysis, evaluation, and reporting;

3 “(III) conservation, education,
4 and enforcement activities related to
5 marine and coastal management, such
6 as living marine resource assessments,
7 habitat monitoring and coastal stud-
8 ies;

9 “(IV) grants to the University of
10 Hawaii for technical assistance
11 projects by the Pacific Island Net-
12 work, such as education and training
13 in the development and implementa-
14 tion of sustainable marine resources
15 development projects, scientific re-
16 search, and conservation strategies;
17 and

18 “(V) western Pacific community-
19 based demonstration projects under
20 section 112(b) of the Sustainable
21 Fisheries Act and other coastal im-
22 provement projects in waters beyond
23 the seaward boundary (as such term
24 is defined in section 4 of the Sub-
25 merged Lands Act) of any State to

1 foster and promote the management,
2 conservation, and economic enhance-
3 ment of the Pacific Insular Areas.

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

9 (B) in subparagraph (B), by inserting
10 “Hawaii,” before “American Samoa,”;

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

13 “(7) WESTERN PACIFIC SUSTAINABLE FISH-
14 ERIES FUND.—There is established in the United
15 States Treasury a Western Pacific Sustainable Fish-
16 eries Fund into which any payments received by the
17 Secretary under a Pacific Insular Area fishery
18 agreement and any funds or contributions received
19 in support of conservation and management objec-
20 tives under a marine conservation plan for any Pa-
21 cific Insular Area other than American Samoa,
22 Guam, or the Northern Mariana Islands shall be de-
23 posited. The Western Pacific Sustainable Fisheries
24 Fund shall be made available, without appropriation

1 or fiscal year limitation, to the Secretary, who shall
2 provide such funds only—

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

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

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

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

21 “(9) WESTERN PACIFIC SUSTAINABLE FISHERY
22 FUND ADVISORY PANEL.—

23 “(A) ESTABLISHMENT.—The Secretary
24 shall establish an advisory panel under section

1 302(g) to evaluate and annually rank applica-
2 tions for grants under paragraph (7).

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

8 “(i) One individual selected by the
9 Governor of Hawaii.

10 “(ii) One individual selected by the
11 Governor of the Northern Mariana Islands.

12 “(iii) One individual selected by the
13 Governor of Guam.

14 “(iv) One individual selected by the by
15 the Governor of American Samoa.

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

22 “(11) NOTICE.—The Secretary shall provide
23 timely notice to the public of each meeting of such
24 advisory panel.

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

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

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

13 **SEC. 307. NATIONAL OCEANIC AND ATMOSPHERIC ADMIN-**
14 **ISTRATION SEXUAL HARASSMENT AND AS-**
15 **SAULT PREVENTION.**

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

20 (1) COVERED PERSONNEL.—Section 3541(a) of
21 Public Law 114–328 (33 U.S.C. 894(a)) is amend-
22 ed—

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

25 “(1) IN GENERAL.—Not later”; and

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

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

6 “(A) Observers and at-sea monitors re-
7 quired by the National Marine Fisheries Service
8 to be aboard commercial fishing vessels and
9 other privately owned vessels, barges, or plat-
10 forms 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
17 Endangered Species Act of 1973; or

18 “(iii) platform removal observation.

19 “(B) Voting members and executive and
20 administrative staff of regional fishery manage-
21 ment councils established by section 302 of the
22 Magnuson-Stevens Fishery Conservation and
23 Management Act.”.

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

4 (A) by inserting “and equal employment”
5 after “sexual harassment” each place it ap-
6 pears; and

7 (B) in paragraph (2)—

8 (i) by redesignating subparagraphs
9 (C) and (D) as subparagraphs (D) and
10 (E), respectively; and

11 (ii) by inserting after subparagraph
12 (B) the following:

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

15 (b) COMPREHENSIVE POLICY ON PREVENTION OF
16 AND RESPONSE TO SEXUAL ASSAULTS.—

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

19 (A) by striking “Not later” and inserting
20 the following:

21 “(1) IN GENERAL.—Not later”; and

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

23 “(2) INCLUDED PERSONNEL.—The individuals
24 who work with or conduct business on behalf of the

1 Administration referred to in paragraph (1) include
2 the individuals described in section 3541(a)(2).”.

3 (2) VICTIM ADVOCATES.—

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

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

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

16 (c) ANNUAL REPORT ON SEXUAL ASSAULTS, SEX-
17 UAL HARASSMENT, AND EQUAL EMPLOYMENT.—Section
18 3548 of such Act (33 U.S.C. 894e) is amended—

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

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

4 (3) in subsection (b)—

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

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

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

15 “(6) A summary of the number of cases re-
16 ferred to the Coast Guard under section 3550.

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

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

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

1 “(1) To National Oceanic and Atmospheric Ad-
2 ministration staff or law enforcement personnel,
3 when 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 pro-
9 vider, when required for the provision of victim serv-
10 ices.

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

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

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

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

23 **“SEC. 3549. RESTRICTED REPORTING.**

24 “(a) IN GENERAL.—Not later than 3 years after the
25 date of enactment of this section, the Secretary of Com-

1 merce, acting through the Under Secretary for Oceans and
2 Atmosphere, shall develop a mechanism to provide a sys-
3 tem of restricted reporting.

4 “(b) RESTRICTED REPORTING DEFINED.—In this
5 section the term ‘restricted reporting’ means a system of
6 reporting that allows employees of the National Oceanic
7 and Atmospheric Administration, members of the Com-
8 missioned Officer Corps of the Administration, and indi-
9 viduals who work with or conduct business on behalf of
10 the Administration who are sexually assaulted to confiden-
11 tially disclose the details of such person’s assault to speci-
12 fied individuals and receive the services outlined in this
13 subtitle title—

14 “(1) without the dissemination of such
15 persons’s personally identifying information except
16 as necessary for the provision of such services; and

17 “(2) without automatically triggering an inves-
18 tigative process.

19 **“SEC. 3550. MARINER REFERRAL.**

20 “The Under Secretary of Commerce for Oceans and
21 Atmosphere, acting through the Director of the Office of
22 Marine and Aviation Operations and in consultation with
23 the Commandant of the Coast Guard, shall, not later than
24 180 days after the date of the enactment of this section,
25 develop and implement a policy to report to the Coast

1 Guard Suspension and Revocation National Center of Ex-
2 pertise, the names of personnel of the National Oceanic
3 and Atmospheric Administration who—

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

13 “(2) are—

14 “(A) employees or contractors of the Ad-
15 ministration required to hold a valid merchant
16 mariner credential as a condition of employ-
17 ment; or

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

21 (e) CONFORMING AND CLERICAL AMENDMENTS.—

22 (1) CONFORMING AMENDMENTS.—Subtitle C of
23 title XXXV of such Act (33 U.S.C. 894 et seq.) is
24 amended—

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

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

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

8 (D) in section 3543—

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

11 (ii) by striking “victim” and inserting
12 “survivor”;

13 (E) in section 3544—

14 (i) in subsection (a)—

15 (I) by striking “VICTIMS” and in-
16 serting “SURVIVORS”; and

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

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

23 (2) CLERICAL AMENDMENT.—Each of the ta-
24 bles of contents in section 2(b) and at the beginning
25 of title XXXV of such Act is amended—

1 (A) by striking the item relating to section
2 3543 and inserting the following:

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

3 (B) by striking the items relating to sec-
4 tions 3548 and 3549 and inserting the fol-
5 lowing:

“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 Adminis-
tration.

“Sec. 3552. Sexual assault defined.”.

6 (f) PROHIBITED ACTS.—Section 307(1)(L) of the
7 Magnuson-Stevens Fishery Conservation and Manage-
8 ment Act (16 U.S.C. 1857(1)(L)) is amended—

9 (1) by striking “forcibly”; and

10 (2) by striking “on a vessel”.

11 (g) PROHIBITION ON SERVICE IN THE NATIONAL
12 OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMIS-
13 SIONED OFFICER CORPS BY INDIVIDUALS CONVICTED OF
14 CERTAIN SEXUAL OFFENSES.—Section 261(a) of the Na-
15 tional Oceanic and Atmospheric Administration Commis-
16 sioned Officer Corps Act of 2002 (33 U.S.C. 3071(a)) is
17 amended—

18 (1) by redesignating paragraphs (4) through

19 (16) as paragraphs (5) through (17), respectively;

20 and

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

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

6 **SEC. 308. SALTONSTALL-KENNEDY ACT REFORM.**

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

9 (1) by redesignating subsection (e) as sub-
10 subsection (f); and

11 (2) by inserting after subsection (d) the fol-
12 lowing:

13 “(e) AMERICAN FISHERIES ADVISORY COM-
14 MITTEE.—

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

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

19 “(B) FISHING COMMUNITY.—The term
20 ‘fishing community’ means harvesters, market-
21 ers, growers, processors, recreational fishermen,
22 charter fishermen, and persons providing goods
23 and services to such persons.

24 “(C) MARKETING AND PROMOTION.—The
25 term ‘marketing and promotion’ means an ac-

1 tivity aimed at encouraging the consumption of
2 seafood or expanding or maintaining commer-
3 cial markets for seafood.

4 “(D) PROCESSOR.—The term ‘processor’
5 means any person in the business of preparing
6 or packaging seafood (including seafood of the
7 processor’s own harvesting) for sale.

8 “(E) SEAFOOD.—The term ‘seafood’
9 means farm-raised and wild-caught fish, shell-
10 fish, or marine algae harvested in the United
11 States or by a United States flagged vessel for
12 human consumption.

13 “(2) ESTABLISHMENT.—Not later than 90 days
14 after the date of enactment of the Sustaining Amer-
15 ica’s Fisheries for the Future Act of 2021, the Sec-
16 retary shall establish the American Fisheries Advi-
17 sory Committee. Such Committee shall use the fol-
18 lowing division of regions for organizational pur-
19 poses:

20 “(A) Region 1 shall consist of Alaska, Ha-
21 waii, the Commonwealth of the Northern Mar-
22 iana Islands, and the Territories of Guam and
23 American Samoa.

1 “(B) Region 2 shall consist of Maine, New
2 Hampshire, Massachusetts, Rhode Island, and
3 Connecticut.

4 “(C) Region 3 shall consist of Texas, Ala-
5 bama, Louisiana, Mississippi, Florida, Arkan-
6 sas, Puerto Rico, and the Territory of the Vir-
7 gin Islands of the United States.

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

10 “(E) Region 5 shall consist of New Jersey,
11 New York, Delaware, Maryland, Virginia,
12 North Carolina, South Carolina, and Georgia.

13 “(F) Region 6 shall consist of Michigan,
14 Minnesota, Wisconsin, Illinois, Indiana, Ohio,
15 and Pennsylvania.

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

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

22 “(i) who reside in a State or territory
23 in the region that the member will rep-
24 resent;

25 “(ii) of which—

1 “(I) one shall have experience as
2 a seafood harvester or processor;

3 “(II) one shall have experience as
4 recreational or commercial fisher or
5 have experience growing seafood; and

6 “(III) one shall be an individual
7 who represents the fisheries science
8 community or the relevant Regional
9 Fishery Management Council; and

10 “(iii) that are selected so that the
11 members of the Committee have experience
12 or expertise with as many seafood species
13 as practicable.

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

17 “(i) One individual with experience in
18 food distribution, marketing, retail, or food
19 service.

20 “(ii) One individual with experience in
21 the recreational fishing industry supply
22 chain, such as fishermen, manufacturers,
23 retailers, and distributors.

24 “(iii) One individual with experience
25 in the commercial fishing industry supply

1 chain, such as fishermen, manufacturers,
2 retailers, and distributors.

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

6 “(C) BALANCED REPRESENTATION.—In
7 selecting the members described in subpara-
8 graphs (A) and (B), the Secretary shall seek to
9 maximize on the Committee, to the extent prac-
10 ticable, a balanced representation of expertise
11 in United States fisheries, seafood production,
12 and science.

13 “(4) MEMBER TERMS.—The term for a member
14 of the Committee shall be 3 years, except that the
15 Secretary shall designate staggered terms for the
16 members initially appointed to the Committee.

17 “(5) RESPONSIBILITIES.—The Committee shall
18 be responsible for—

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

22 “(B) developing the request for proposals
23 for such grants;

24 “(C) reviewing applications for such
25 grants; and

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

3 “(6) CHAIR.—The Committee shall elect a chair
4 by a majority of those voting, if a quorum is
5 present.

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

9 “(8) MEETINGS.—

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

12 “(B) LOCATION.—The meetings of the
13 Committee shall rotate between the geographic
14 regions described under paragraph (2).

15 “(C) MINIMIZING COSTS.—The Committee
16 shall seek to minimize the operational costs as-
17 sociated with meetings, hearings, or other busi-
18 ness of the Committee, including through the
19 use of video or teleconference.

20 “(9) DESIGNATION OF STAFF MEMBER.—The
21 Secretary shall designate a staff member to coordi-
22 nate the activities of the Committee and to assist
23 with administrative and other functions as requested
24 by the Committee.

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

3 “(A) IN GENERAL.—A member of the
4 Committee shall serve without compensation,
5 but shall be reimbursed in accordance with sec-
6 tion 5703 of title 5, United States Code, for
7 reasonable travel costs and expenses incurred in
8 performing duties as a member of the Com-
9 mittee.

10 “(B) FUNDING.—The costs of reimburse-
11 ments under subparagraph (A) and the other
12 costs associated with the Committee shall be
13 paid from funds made available to carry out
14 this section (which may include funds described
15 in subsection (f)(1)(B)), except that no funds
16 allocated for grants under subsection (f)(1)(A)
17 shall be expended for any purpose under this
18 subsection.

19 “(11) CONFLICT OF INTEREST.—The conflict of
20 interest and recusal provisions set out in section
21 302(j) of the Magnuson-Stevens Fishery Conserva-
22 tion and Management Act shall apply to any deci-
23 sion by the Committee and to all members of the
24 Committee as if each member of the Committee is
25 an affected individual within the meaning of such

1 section 302(j), except that in addition to the disclo-
2 sure requirements of section 302(j)(2)(C) of such
3 Act, each member of the Committee shall disclose
4 any financial interest or relationship in an organiza-
5 tion or with an individual that is applying for a
6 grant under subsection (c) held by the member of
7 the Committee, including an interest as an officer,
8 director, trustee, partner, employee, contractor,
9 agent, or other representative.

10 “(12) TECHNICAL REVIEW OF APPLICATIONS.—

11 “(A) IN GENERAL.—Prior to review of an
12 application for a grant under subsection (c) by
13 the Committee, the Secretary shall obtain an
14 independent written technical evaluation from 3
15 or more appropriate Federal, private, or public
16 sector experts (such as industry, academia, or
17 governmental experts) who—

18 “(i) have subject matter expertise to
19 determine the technical merit of the pro-
20 posal in the application;

21 “(ii) shall independently evaluate each
22 such proposal; and

23 “(iii) shall certify that the expert does
24 not have a conflict of interest concerning

1 the application that the expert is review-
2 ing.

3 “(B) GUIDANCE.—Not later than 180 days
4 after the date of enactment of the Sustaining
5 America’s Fisheries for the Future Act of 2021,
6 the Secretary shall issue guidance related to
7 carrying out the technical evaluations under
8 subparagraph (A). Such guidance shall include
9 criteria for the elimination by the National Oce-
10 anic and Atmospheric Administration of appli-
11 cations that fail to meet a minimum level of
12 technical merit as determined by the review de-
13 scribed in subparagraph (A).”.

14 (b) ROLE IN APPROVAL OF GRANTS.—Section
15 2(c)(3) of the Act of August 11, 1939 (15 U.S.C. 713c–
16 3(c)(3)), is amended to read as follows:

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

19 “(i) is satisfied that the applicant has the req-
20 uisite technical and financial capability to carry out
21 the project; and

22 “(ii) based on the recommendations of the
23 American Fisheries Advisory Committee established
24 in subsection (e), evaluates the proposed project as
25 to—

1 “(I) soundness of design;

2 “(II) the possibilities of securing produc-
3 tive results;

4 “(III) minimization of duplication with
5 other fisheries research and development
6 projects;

7 “(IV) the organization and management of
8 the project;

9 “(V) methods proposed for monitoring and
10 evaluating the success or failure of the project;
11 and

12 “(VI) such other criteria as the Secretary
13 may require.

14 “(B) If the Secretary fails to provide funds to a grant
15 selected by the American Fisheries Advisory Committee,
16 the Secretary shall provide a written document to the
17 Committee justifying the decision.”

18 (c) PUBLIC AVAILABILITY OF GRANTS PROPOSALS.—
19 Section 2(c) of the Act of August 11, 1939 (15 U.S.C.
20 713c–3(c)), is amended by adding at the end the following:

21 “(6) Any person awarded a grant under this
22 subsection shall make publicly available a title and
23 abstract of the project to be carried out by the grant
24 funds that serves as the public justification for fund-
25 ing the project that includes a statement describing

1 how the project serves to enhance United States
2 fisheries, including harvesting, processing, mar-
3 keting, and associated infrastructures, if applica-
4 ble.”.

5 (d) FUNDING FROM CUSTOMS RECEIPTS ON FISH-
6 ERY PRODUCTS.—Section 2 of the Act of August 11, 1939
7 (15 U.S.C. 713c-3(b)), is amended—

8 (1) by amending subsection (b) to read as fol-
9 lows:

10 “(b) TRANSFER OF FUNDS.—The Secretary of Agri-
11 culture shall transfer to the Secretary each fiscal year,
12 from funds made available to carry out section 32 of the
13 Act of August 24, 1935, an amount equal to 30 percent
14 of the gross receipts from duties collected under the cus-
15 toms laws on fishery products (including fish, shellfish,
16 mollusks, crustaceans, aquatic plants and animals, and
17 any products thereof, including processed and manufac-
18 tured products), which shall be used only for the purposes
19 described in subsection (c).”; and

20 (2) by amending subsection (c)(1) to read as
21 follows:

22 “(1) The Secretary shall make grants from the
23 fund made available under subsection (b) to—

24 “(A) assist persons in carrying out re-
25 search and development projects addressed to

1 any aspect of United States fisheries, including
2 fisheries science, recreational fishing, har-
3 vesting, processing, marketing, and associated
4 infrastructures; or

5 “(B) assist persons to market and promote
6 the consumption of—

7 “(i) local or domestic fishery products;

8 “(ii) environmentally- and climate
9 friendly fishery products; or

10 “(iii) well-managed but less known
11 species.”.

12 **TITLE IV—MODERNIZING** 13 **FISHERIES SCIENCE AND DATA**

14 **SEC. 401. DATA MODERNIZATION.**

15 (a) IN GENERAL.—Not later than 180 days after the
16 date of enactment of this Act, the Secretary, acting
17 through the Assistant Administrator for Fisheries, shall
18 provide to Congress an implementation plan for the Fish-
19 eries Information Management Modernization initiative.
20 Such plan shall include a description of—

- 21 (1) activities for the goals and objectives of the
22 initiative;
- 23 (2) a schedule for implementation;
- 24 (3) an estimated budget;

1 ties. To achieve optimum yields while maintaining sustain-
2 able fisheries and healthy ecosystems, managers require
3 timely, accurate, and comprehensive stock assessment and
4 catch accounting across all regions and fishing sectors. To
5 achieve management goals especially in the context of cli-
6 mate change, the National Oceanic and Atmospheric Ad-
7 ministration should work to meet evolving management
8 needs and, in collaboration with industry stakeholders,
9 identify appropriate data collection technologies and strat-
10 egies. The National Oceanic and Atmospheric Administra-
11 tion should also consider the use of innovative technology
12 in fishery independent data collection including stock and
13 habitat assessments and environmental conditions.

14 (b) FISHERY MANAGEMENT COUNCILS.—Section
15 303(b)(8) is amended to read as follows:

16 “(8) require the collection of data necessary for
17 the conservation and management of the fishery to
18 be collected from a vessel of the United States en-
19 gaged in fishing for species that are subject to the
20 plan while that vessel is at-sea through—

21 “(A) electronic monitoring or other elec-
22 tronic technology; or

23 “(B) on-board observation, except that
24 such a vessel shall not be required to carry an
25 observer on board if the facilities of the vessel

1 for the quartering of an observer, or for car-
2 rying out observer functions, are so inadequate
3 or unsafe that the health or safety of the ob-
4 server or the safe operation of the vessel would
5 be jeopardized;”.

6 (c) INFORMATION SYSTEMS.—Section 402(a) (16
7 U.S.C. 1881a(a)) is amended—

8 (1) in paragraph (1), by inserting “The Council
9 shall consider the use of electronic monitoring and
10 reporting or other electronic technology as part of an
11 information collection program under this sub-
12 section.” after “request.”;

13 (2) in paragraph (2), by inserting “The Sec-
14 retary shall consider the use of electronic monitoring
15 and reporting or other electronic technology as part
16 of an information collection program.” after “fish-
17 ery.”; and

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

19 “(3) SECRETARIAL REVIEW.—Not less often
20 than once every 5 years, the Secretary shall review
21 the procedures and policies by which information is
22 collected, managed, and used to manage fisheries
23 and revise information collection programs and poli-
24 cies needed to integrate data collection and manage-
25 ment, improve the timeliness, quality, usability, cost-

1 effectiveness, and to reduce unnecessary duplication
2 within and across fishery management plans and re-
3 gions. Upon the completion of each such review, the
4 Secretary shall publish a report for the public de-
5 scribing the findings of such review and planned re-
6 visions to information collection programs.”.

7 (d) ASSESSMENT OF ELECTRONIC TECHNOLOGIES IN
8 FISHERIES MANAGEMENT.—

9 (1) IN GENERAL.—The Comptroller General of
10 the United States shall, in consultation with the rel-
11 evant committees of Congress, conduct a review of
12 the capabilities of the National Marine Fisheries
13 Service with respect to developing, deploying, and
14 using electronic monitoring and data collection tools
15 to monitor fisheries and shall make recommenda-
16 tions to improve such capabilities, taking into con-
17 sideration cost and efficiency.

18 (2) REPORT.—The Comptroller General shall
19 submit to Congress a report describing the results of
20 the review required by paragraph (1) and the rec-
21 ommendations made pursuant to such review not
22 later than 18 months after the date of enactment of
23 this Act.

24 (e) ELECTRONIC TECHNOLOGIES INNOVATION
25 PRIZE.—The Administrator, in consultation with the Sec-

1 retary of Defense and the heads of other relevant Federal
2 agencies, and in conjunction with such nongovernmental
3 partners as the Administrator determines appropriate,
4 shall establish at least 1 electronic technologies innovation
5 prize to catalyze the rapid development and deployment
6 of electronic technology-based data collection to be used
7 in fisheries management. Such prize shall focus on one
8 or more of the following:

9 (1) Improved fish species recognition software.

10 (2) Confidential data management.

11 (3) Cost-effective storage of electronic reports,
12 imagery, location information, and other data.

13 (4) Data analysis and visualization.

14 (5) Artificial intelligence and machine learning
15 applications for data collection and monitoring.

16 (6) Battery storage and energy supply storage
17 at sea.

18 (7) Improved internet connectivity onshore and
19 at sea in support of data uploads.

20 (8) Bycatch hotspot mapping and adaptive use
21 of protected areas.

22 (9) Such other area as the Administrator deter-
23 mines appropriate.

24 (f) ADVISORY PANEL FOR ELECTRONIC TECH-
25 NOLOGIES DEVELOPMENT AND DEPLOYMENT.—

1 (1) ESTABLISHMENT.—The Secretary shall es-
2 tablish an advisory panel (referred to in this sub-
3 section as the “Advisory Panel”) to inform the Ad-
4 ministrator, the Assistant Administrator for Fish-
5 eries, and the Regional Fishery Management Coun-
6 cils on developments in the advancement of elec-
7 tronic technologies that can be used in fisheries
8 monitoring, data collection, and management.

9 (2) APPOINTMENTS.—In appointing individuals
10 to the Advisory Panel, the Secretary shall appoint at
11 least 2 members who are electronic technology devel-
12 opers, operators, or providers.

13 (3) SUMMARIES.—The Secretary shall publish,
14 on an annual basis, summaries of Advisory Panel
15 discussions, including a summary of best practices
16 and technical guidance to support Regional Fishery
17 Management Councils.

18 (4) RECOMMENDATIONS.—Not later than 1
19 year after the date of enactment of this Act, the Ad-
20 visory Panel shall make a recommendation to the
21 Secretary regarding the potential value of national
22 performance standards for electronic technologies
23 used in fisheries data collection and management.
24 Such recommendation shall include—

1 (A) an assessment of how the National
2 Marine Fisheries Service and electronic tech-
3 nology developers, operators, and providers
4 could benefit from such performance standards;

5 (B) if the Advisory Panel recommends es-
6 tablishing such performance standards, a rec-
7 ommendation for which factors should be in-
8 cluded in such performance standards and how
9 the Secretary should determine the appropriate
10 standards;

11 (C) an assessment of whether such per-
12 formance standards are likely to spur increased
13 use of electronic technologies by the Regional
14 Fishery Management Councils;

15 (D) an assessment of how such perform-
16 ance standards would impact existing regional
17 or fishery-specific technologies currently in use
18 and recommendations on ensuring continued
19 use or improvement of these technologies if
20 such performance standards are established;

21 (E) a list of knowledge gaps or additional
22 questions the Secretary should consider before
23 publishing such performance standards;

1 (F) recommendations on ensuring cost ef-
2 fectiveness of electronic technologies for fish-
3 eries data collection and management;

4 (G) recommendations to address data stor-
5 age problems of electronic technologies;

6 (H) recommendations on ownership of data
7 collected using electronic technology; and

8 (I) recommendations on policies and proce-
9 dures to develop and implement electronic tech-
10 nologies for fisheries data collection and man-
11 agement.

12 (5) SAVINGS CLAUSE.—Nothing in this sub-
13 section shall preclude any regional council from inde-
14 pendently developing electronic technologies to be
15 used in fisheries data collection and management.

16 **SEC. 403. STOCK ASSESSMENTS.**

17 Not later than 1 year after the date of enactment
18 of this Act, and annually thereafter, the Secretary shall
19 report to the Committee on Natural Resources of the
20 House of Representatives and the Committee on Com-
21 merce, Science, and Transportation of the Senate, on the
22 National Marine Fisheries Service's progress on
23 prioritizing and improving stock assessments. Such report
24 shall—

1 (1) summarize the methods used for assess-
2 ments for all stocks of fish for which a fishery man-
3 agement plan is in effect under the Magnuson-Ste-
4 vens Fishery Conservation and Management Act (16
5 U.S.C. 1801 et seq.), and explain which stocks have
6 not been assessed, and why;

7 (2) summarize each stock assessment and stock
8 assessment update completed during the preceding
9 year;

10 (3) identify each stock assessment that was not
11 completed and explain why such stock assessment
12 was not completed;

13 (4) include the schedule for all upcoming stock
14 assessments and stock assessment updates;

15 (5) identify data and analysis, that, if available,
16 would reduce uncertainty in and improve the accu-
17 racy of future stock assessments, including whether
18 such data and analysis could be provided by fisher-
19 men, fishing communities, universities, and research
20 institutions;

21 (6) summarize progress on autonomous surveys
22 and identify opportunities to expand new tech-
23 nologies for stock assessments; and

1 (7) summarize data gaps that may be a result
2 of changing ocean and climate conditions, and ac-
3 tions taken to address changing assessment needs.

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

5 (a) IN GENERAL.—Section 318 (16 U.S.C. 1867) is
6 amended—

7 (1) in subsection (a), by inserting “fishing com-
8 munities,” after “data,”;

9 (2) by amending subsection (b) to read as fol-
10 lows:

11 “(b) ELIGIBLE PROJECTS.—The Secretary shall
12 make funds available under the program for the support
13 of cooperative research and management projects to ad-
14 dress critical needs identified by the Councils. Each Coun-
15 cil shall provide a list of such needs to the Secretary on
16 an annual basis, identifying and prioritizing such needs.
17 The program shall promote and encourage efforts to use
18 sources of data maintained by other Federal agencies,
19 State agencies, local and traditional knowledge, or aca-
20 demia for use in such projects.”;

21 (3) by amending subsection (c) to read as fol-
22 lows:—

23 “(c) PRIORITIES.—In making funds available the
24 Secretary shall award funding on a competitive basis and
25 based on regional fishery management needs, select pro-

1 grams that form part of a coherent program of cooperative
2 research or management projects focused on addressing
3 priority issues identified by the Councils, and shall give
4 priority to the following projects:

5 “(1) Projects to collect data to improve, supple-
6 ment, or enhance stock assessments, including the
7 use of fishing vessels or acoustic or other marine
8 technology.

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

11 “(A) to assess the amount and type of by-
12 catch or post-release mortality occurring in a
13 fishery;

14 “(B) expanding the use of electronic tech-
15 nology and modernizing data management sys-
16 tems; and

17 “(C) improving monitoring coverage
18 through the expanded use of electronic tech-
19 nology.

20 “(3) Conservation engineering or management
21 projects designed to reduce bycatch, including avoid-
22 ance of post-release mortality, reduction of bycatch
23 in high seas fisheries, and transfer of such fishing
24 technologies and methods to other nations, or other

1 regional entities, including fishing communities, re-
2 gional fishery associations, and fishing sectors.

3 “(4) Projects for the identification of habitat
4 areas of particular concern and for habitat conserva-
5 tion.

6 “(5) Projects designed to collect and compile
7 economic and social data for which electronic tech-
8 nologies can be added.

9 “(6) Projects to test and expand electronic
10 technologies for monitoring, reporting, observer cov-
11 erage, and other functions.

12 “(7) Projects that use electronic technologies to
13 monitor changing ocean conditions, improve meth-
14 ods, support adaptive management, and ensure cli-
15 mate resilient fisheries.

16 “(8) Projects designed to identify the impacts
17 of anticipated changing ocean conditions, including
18 climate change, on fish stocks, fisheries, and fishing
19 communities or designed to develop conservation and
20 management strategies to adapt to those impacts.

21 “(9) Cooperative management projects that
22 make use of data collected under this section.”;

23 (4) by redesignating subsections (e) and (f) as
24 subsections (f) and (g), respectively;

1 (5) by inserting after subsection (d) the fol-
2 lowing:

3 “(e) COOPERATIVE MANAGEMENT AGREEMENTS.—

4 “(1) IN GENERAL.—Not later than 1 year after
5 the date of enactment of this Act, the Secretary, in
6 consultation with the Councils and with input from
7 the public, shall issue guidance to facilitate a trans-
8 parent, timely, uniform, and regionally-based process
9 for the development, oversight, and management of
10 cooperative management agreements.

11 “(2) PROCESS FOR APPROVAL.—The Secretary
12 may use the process developed pursuant to (d) to
13 approve cooperative management agreements as if
14 such agreements are cooperative fishing agreements.

15 “(3) PERFORMANCE STANDARDS.—An agree-
16 ment authorized by this subsection shall be subject
17 to performance standards and accountability meas-
18 ures specified in a fishery management plan or oth-
19 erwise established by the Secretary, in consultation
20 with the Councils, and shall not allow catch in excess
21 of annual catch limits or bycatch in excess of by-
22 catch caps or limits.

23 “(4) PRE-EXISTING AGREEMENTS.—This sub-
24 section shall not apply to a cooperative management
25 agreement submitted to, proposed by or approved by

1 the Secretary before the date of enactment of this
2 Act.”; and

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

4 “(g) PUBLIC REPORT OF DATA.—With respect to
5 any cooperative research project funded or experimental
6 fishing permit issued under this section, the appropriate
7 Council shall publish a report of results and data gen-
8 erated by such project or under such permit.

9 “(h) PROGRESS REPORT.—Not later than 180 days
10 after the date of enactment of this Act, the Assistant Ad-
11 ministrator for Fisheries shall provide a report to Con-
12 gress on progress in implementing the recommendations
13 of the Cooperative Research and Cooperative Management
14 Working Group report entitled ‘NOAA Technical Memo-
15 randum NMFS-F/SPO-156’ and published in August
16 2015 and on the development and implementation of any
17 subsequent recommendations by such Working Group.”.

18 (b) Section 2(a)(8) is amended by inserting “Fish-
19 eries management is most effective when it uses the best
20 scientific information available, and incorporates such in-
21 formation from governmental and nongovernmental
22 sources, including State and Federal agency staff, fisher-
23 men, fishing communities, universities, nonprofit organi-
24 zations, local and traditional knowledge from Tribes, In-
25 digenous communities, and subsistence fishermen, and re-

1 search institutions. Scientific and statistical committees
2 should consider such information when seeking the best
3 scientific information available to form the basis of con-
4 servation and management.” after “States”.

5 **SEC. 405. NORTHEAST REGIONAL PILOT RESEARCH TRAWL**
6 **SURVEY AND STUDY.**

7 (a) INDUSTRY-BASED PILOT STUDY.—Not later than
8 1 year after the date of enactment of this Act, the Sec-
9 retary shall, in coordination with the relevant Councils se-
10 lected by the Secretary and the Northeast Area Moni-
11 toring and Assessment Program, develop a fishing indus-
12 try-based Northeast regional pilot research trawl survey
13 and study to enhance and provide improvement to current
14 National Oceanic and Atmospheric Administration vessel
15 trawl surveys.

16 (b) COMPONENTS.—Under the pilot survey and
17 study—

18 (1) the Secretary—

19 (A) may select fishing industry vessels to
20 participate in the study by issuing a request for
21 procurement;

22 (B) may use the Northeast Area Moni-
23 toring and Assessment Program Southern New
24 England/Mid-Atlantic Nearshore Trawl Survey
25 or another methodology selected in partnership

1 with the National Marine Fisheries Service
2 Northeast Fisheries Science Center and the Vir-
3 ginia Institute of Marine Science as a model for
4 the pilot survey;

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

7 (D) shall ensure the pilot study uses a sta-
8 tistically valid sampling method and spatial cov-
9 erage that allows for comparison with results
10 from the National Oceanic and Atmospheric
11 Administration trawl surveys; and

12 (2) the National Marine Fisheries Service
13 Northeast Fisheries Science Center shall, in partner-
14 ship with the selected Councils and the Virginia In-
15 stitute of Marine Science, collect data for 5 years.

16 (c) REPORT.—Upon completion of the pilot survey
17 and study, the Secretary and the selected Councils shall
18 submit a detailed report on the results of the pilot survey
19 and study to the Committee on Natural Resources of the
20 House of Representatives and the Committee on Com-
21 merce, Science, and Transportation of the Senate.

22 **SEC. 406. RECREATIONAL DATA CONSISTENCY.**

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

1 “(1) RECREATIONAL DATA IMPROVEMENT.—Not
2 later than 2 years after the date of enactment of the Sus-
3 taining America’s Fisheries for the Future Act of 2021,
4 the Secretary shall establish guidelines for recreational
5 catch data, which shall include the development of data
6 standards to improve timeliness, accuracy, precision and
7 validation of data produced by recreational surveys in
8 order to facilitate the use of such data in assessments,
9 for use in management actions, and for other uses as ap-
10 plicable. The Secretary’s guidelines shall consider the rel-
11 evant recommendations developed under section 404(e),
12 subsections (g)(4)(C) and (h) of section 401, and section
13 201(b) of the Modernizing Recreational Fisheries Manage-
14 ment Act of 2018 (16 U.S.C. 1881 note). If recreational
15 catch data for a stock of fish come from more than one
16 survey program, such as Federal and non-Federal sources,
17 including from States or Marine Fisheries Commissions,
18 the Secretary shall implement measures, which may in-
19 clude the use of calibration methods, as needed for the
20 timely integration of such data to ensure consistent meth-
21 ods and approaches are used for monitoring of catch
22 against the relevant annual catch limits and for other fish-
23 ery science and management purposes.”.

1 (b) RECREATIONAL DATA IMPROVEMENT PRO-
2 GRAM.—Title IV is amended by adding at the end the fol-
3 lowing:

4 **“SEC. 409. RECREATIONAL DATA IMPROVEMENT PROGRAM.**

5 “(a) IN GENERAL.—The Secretary shall initiate and
6 maintain a comprehensive program to implement the re-
7 quirements and associated guidelines in section 305(l). In
8 executing the program, the Secretary shall coordinate with
9 programs established in subsection 401(g) and promote
10 collaboration with State and Federal partners.

11 “(b) STRATEGIC PLAN.—Not later than one year
12 after the date of enactment of the Sustaining America’s
13 Fisheries for the Future Act of 2021, and not less fre-
14 quently than once every 5 years thereafter, the Secretary
15 shall develop and publish in the Federal Register a stra-
16 tegic plan for recreational data improvements for the 5
17 years immediately following such publication. The plan
18 shall—

19 “(1) improve coordination between Federal pro-
20 grams that implement recreational fishing surveys
21 and other data from non-Federal sources, including
22 data from States or Marine Fisheries Commissions;

23 “(2) improve the timeliness, accuracy, precision,
24 and validation of data produced by surveys;

1 “(3) describe processes to calibrate data sources
2 with historical time series data prior to being used
3 for management;

4 “(4) develop methods to integrate recreational
5 data collected from more than one source for use in
6 assessments;

7 “(5) create goals, objectives, and timeframes for
8 achievement of paragraphs (1) through (4);

9 “(6) consider the use and effectiveness of exper-
10 imental fishing permits to carry out such research;
11 and

12 “(7) describe the role of fishery participants in
13 the program. In developing the strategic plan and
14 subsequent plans, the Secretary shall cooperate with
15 the Councils and affected States, provide for coordi-
16 nation with the Councils, affected States, and other
17 research and data collection entities, and allow for
18 public input.

19 “(c) AREAS OF RESEARCH.—In initiating and main-
20 taining the program, the Secretary shall prioritize re-
21 search and improvement in the following areas:

22 “(1) Development of data standards and valida-
23 tion processes for survey programs collecting data on
24 recreational fishing catch and effort, including those

1 produced by State agencies and considered integral
2 or supplemental to Federal surveys.

3 “(2) Research to understand how surveys of
4 recreational fishing can more effectively account for
5 differences in fishing rate and effort, including
6 among fishermen who use private or public access
7 points, and fishermen who are State residents or
8 non-residents.

9 “(3) Methods and policies to improve the esti-
10 mation of discards in recreational fisheries, including
11 estimation of discarded fish both during and outside
12 of fishing seasons.

13 “(4) To improve understanding of best prac-
14 tices for minimizing discard mortality as well as esti-
15 mation of adoption rates of such practices by fisher-
16 men.

17 “(5) To assess changes in discard mortality es-
18 timates when best fishing practices are adequately
19 and verifiably applied.

20 “(6) Research on how the use of electronic ap-
21 plications can be used to collect data in recreational
22 fisheries, including spatial information, depth, dis-
23 card rate and disposition, release method, and socio-
24 economic information, while meeting data and vali-
25 dation standards.

1 “(7) Research on how electronic technologies
2 can most effectively be incorporated into survey de-
3 signs.

4 “(8) Research of methods to integrate rec-
5 reational catch data from more than one survey
6 source for use in assessments.

7 “(9) The use of approaches to improve rec-
8 reational data, including the use of tag and endorse-
9 ment measures to fund such data improvement,
10 stock-wide regional effort surveys, and species-spe-
11 cific oversampling.

12 “(d) PUBLIC NOTICE.—In developing the plan re-
13 quired under subsection (b), the Secretary shall consult
14 with relevant Federal, State, and international agencies,
15 scientific and technical experts, and other interested per-
16 sons, public and private, and shall publish a proposed plan
17 in the Federal Register for the purpose of receiving public
18 comment on the plan. Upon final publication in the Fed-
19 eral Register, the plan shall be submitted by the Secretary
20 to the Committee on Commerce, Science, and Transpor-
21 tation of the Senate and the Committee on Natural Re-
22 sources of the House of Representatives.”.

23 **SEC. 407. EMERGENCY OPERATING PLANS.**

24 (a) IN GENERAL.—The Administrator, not later than
25 1 year after the date of enactment of this Act and in con-

1 sultation with the Fishery Management Councils, relevant
2 Federal, State, and international agencies, scientific and
3 technical experts, and interested stakeholders, shall de-
4 velop a contingency plan for circumstances that would
5 make fisheries monitoring, including human observation,
6 and stock assessments impractical.

7 (b) REPORT.—Not later than 1 year after the date
8 of enactment of this Act, the Administrator shall submit
9 a report to Congress on the contingency plan developed
10 under subsection (a).

11 **SEC. 408. ZEKE GRADER FISHERIES CONSERVATION AND**
12 **MANAGEMENT FUND.**

13 (a) IN GENERAL.—Section 208 of the Magnuson-Ste-
14 vens Fishery Conservation and Management Reauthoriza-
15 tion Act of 2006 (16 U.S.C. 1891b) is amended—

16 (1) in the section heading, by inserting **“ZEKE**
17 **GRADER”** before **“FISHERIES CONSERVATION**
18 **AND MANAGEMENT FUND”**;

19 (2) in subsection (a), by inserting “Zeke Grad-
20 er” before “Fisheries Conservation and Management
21 Fund”; and

22 (3) in subsection (c), by striking “Fishery Con-
23 servation and Management Fund” each place such
24 term appears and inserting “Zeke Grader Fisheries
25 Conservation and Management Fund”.

1 (b) ADAPTATION FOR CLIMATE CHANGE.—Section
2 208(b) (16 U.S.C. 1891b(b)) is amended—

3 (1) in paragraph (6), by striking “and”;

4 (2) in paragraph (7), by striking the period at
5 the end and inserting “; and”; and

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

7 “(8) conducting research and analysis to pre-
8 pare and adapt fisheries and fishing communities to
9 the effects of climate change.”.

10 (c) ALLOCATION.—Section 208(d) (16 U.S.C.
11 1891b(d)) is amended to read as follows:

12 “(d) ALLOCATION.—

13 “(1) IN GENERAL.—Except as provided in para-
14 graphs (2) and (3), the Secretary shall, every 2
15 years, apportion amounts from the Fund among the
16 8 Council regions according to recommendations of
17 the Councils, based on regional priorities identified
18 through the Council process.

19 “(2) MINIMUM ALLOCATION.—In the case of
20 amounts deposited in the Fund pursuant to sub-
21 section (c)(2), unless specified otherwise, the Sec-
22 retary shall allocate not less than 5 percent of the
23 Fund in each allocation period to each region.

24 “(3) SPECIFICALLY APPORTIONED FUNDS.—

25 The Secretary may apportion amounts from the

1 Fund to a specific project or region if such amounts
2 were identified by the Council that designated such
3 amounts for inclusion in the Fund under subsection
4 (c)(1), or by the appropriation Act, State, public
5 source, or nonprofit or organization from which they
6 were received under subsection (c)(2), as being de-
7 posited for that specific project or region.”.

8 (d) REFERENCES.—Any reference in a law, map, reg-
9 ulation, document, paper, or other record of the United
10 States to the “Fisheries Conservation and Management
11 Fund” is deemed to be a reference to the “Zeke Grader
12 Fisheries Conservation and Management Fund”.

13 (e) CLERICAL AMENDMENT.—The table of contents
14 for the Magnuson-Stevens Fishery Conservation and Man-
15 agement Reauthorization Act of 2006 (Public Law 109–
16 479) is amended by striking the item relating to section
17 208 and inserting the following:

“Sec. 208. Zeke Grader Conservation and Management Fund.”.

18 **SEC. 409. OFFSHORE WIND COLLABORATION.**

19 The Secretary and the Secretary of the Interior, act-
20 ing through the Bureau of Ocean Energy Management,
21 shall enter into a cooperative agreement to fund such addi-
22 tional stock assessments and fisheries and marine wildlife
23 research as may be necessary as a result of actions by
24 such Bureau related to the development of offshore wind
25 energy.

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
9 due to climate change, and that impacts from both fishing
10 gear and non-fishing activities should be considered
11 through consistent application of essential fish habitat
12 provisions under the Magnuson-Stevens Fishery Conserva-
13 tion and Management 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 subparagraph (D), by inserting “and
19 such agencies shall take action” after “agencies”;

20 (2) by striking paragraphs (2), (3), and (4);
21 and

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

23 “(2) CONSULTATIONS REGARDING FEDERAL
24 AGENCY ACTION WITH ADVERSE EFFECTS ON ES-
25 SENTIAL FISH HABITAT.—

1 “(A) REQUIREMENT TO AVOID OR MITI-
2 GATE ADVERSE EFFECTS.—With respect to any
3 Federal agency action that may have an ad-
4 verse effect on—

5 “(i) essential fish habitat, each Fed-
6 eral agency shall, in consultation with the
7 Secretary, ensure that any action author-
8 ized, 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 con-
16 sultation with the Secretary—

17 “(I) monitor or require moni-
18 toring for possible adverse effects;

19 “(II) take action to minimize and
20 mitigate any adverse effect of the ac-
21 tion on—

22 “(aa) the habitat area of
23 particular concern;

24 “(bb) the species for with
25 respect to which the habitat area

1 of particular concern is des-
2 ignated; and

3 “(cc) for the entire period
4 during which such adverse effects
5 are likely to occur; and

6 “(III) evaluate the effectiveness
7 of measures described in subclause
8 (II) and report the results of such
9 evaluation to the Secretary annually.

10 “(B) CONSIDERATIONS.—In consulting
11 with a Federal agency under subparagraph (A)
12 for projects seeking to restore and improve the
13 long-term resilience of habitat, particularly in
14 estuarine environments heavily impacted by sea
15 level rise and other climate change factors, the
16 Secretary shall account for the consequences of
17 not pursuing such restoration and habitat resil-
18 ience projects and the long-term positive im-
19 pacts on fish populations of such activities.

20 “(C) REGULATIONS.—The Secretary shall
21 establish regulations for the consultation proc-
22 ess required by subparagraph (A), including to
23 ensure that recommendations made by the Sec-
24 retary pursuant to such subparagraph would re-
25 sult in the avoidance, if possible, of adverse ef-

1 fects on essential fish habitat and, if avoidance
2 is not possible, the minimization and mitigation
3 of any such adverse effects.

4 “(3) INFORMATION TO COUNCIL.—The Sec-
5 retary shall inform each Council that has authority
6 over an affected fishery of any consultation carried
7 out under paragraph (2), including information on
8 the proposed action and any potential adverse ef-
9 fects, and each 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 ac-
13 tion if, in the view of the Council, such action
14 may affect the habitat of a fishery resource
15 under the 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 ac-
19 tion if, in the view of the Council, such action
20 is likely to adversely affect the habitat of an
21 anadromous fishery resource under the author-
22 ity of 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 ad-
8 verse effects cannot be avoided, minimize and
9 mitigate such adverse effects.

10 “(B) REQUIRED RESPONSE.—Not later
11 than 30 days after receiving a recommendation
12 under subparagraph (A), a Federal, State, or
13 local agency shall provide a detailed response in
14 writing to any Council comment under para-
15 graph (3) and the Secretary regarding the mat-
16 ter. The response shall include a description of
17 measures proposed by the agency for avoiding
18 the adverse effects, or to the extent the adverse
19 effects cannot be avoided, mitigating the ad-
20 verse effects of the action on such essential fish
21 habitat. In the case of a response that is incon-
22 sistent with the recommendations of the Sec-
23 retary, the Federal agency shall explain how the
24 alternative measures proposed will avoid the ad-
25 verse effects of such action on essential fish

1 habitat or, to the extent that adverse effects
2 cannot be avoided, minimize and mitigate the
3 adverse effects.

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 2021 and not less frequently than
19 every 5 years thereafter, the Secretary shall
20 submit a report—

21 “(i) describing the effectiveness of
22 measures taken by the Secretary to ensure
23 the conservation and enhancement of es-
24 sential 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,
5 State agencies, and non-Federal partners
6 to enhance data collection, research, and
7 monitoring 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 ad-
22 verse effects on such habitat caused by fishing,
23 monitor efficacy of actions to avoid adverse ef-
24 fects, and identify other actions to encourage

1 the conservation and enhancement of such habi-
2 tat;”.

3 (c) PURPOSE.—Section 2(b)(7) (16 U.S.C.
4 1801(b)(7)) is amended by striking “in the review of
5 projects” and inserting “from adverse effects caused by
6 fishing and from projects”.

7 (d) HABITAT AREAS OF PARTICULAR CONCERN.—
8 Section 3 (16 U.S.C. 1802) is amended—

9 (1) by redesignating paragraph (1) as para-
10 graph (1A);

11 (2) by inserting before paragraph (1A), as re-
12 designated, the following:

13 “(1) ADVERSE EFFECT.—The term ‘adverse ef-
14 fect’ means, with respect to essential fish habitat,
15 any impact that reduces the quality or quantity of
16 essential fish habitat.”.

17 (3) by inserting after paragraph (19) the fol-
18 lowing:

19 “(19A) HABITAT AREAS OF PARTICULAR CON-
20 CERN.—The term ‘habitat areas of particular con-
21 cern’ means specific types or areas of habitat that
22 are part of or within essential fish habitat that—

23 “(A) provide important ecological function,
24 including for maintaining and restoring the bio-

1 mass, demographic, spatial and genetic charac-
2 teristics of fish populations;

3 “(B) are sensitive to human-induced envi-
4 ronmental degradation;

5 “(C) are or will be significantly stressed by
6 human activities;

7 “(D) due to prevailing or anticipated fu-
8 ture environmental conditions, are or may be-
9 come important to the health of managed spe-
10 cies; or

11 “(E) are rare.”.

12 **SEC. 503. REDUCING BYCATCH.**

13 (a) MINIMIZING BYCATCH.—

14 (1) NATIONAL STANDARDS FOR FISHERY CON-
15 SERVATION AND MANAGEMENT.—Section 301(a)(9)
16 (16 U.S.C. 1851(a)(9)) is amended to read as fol-
17 lows:

18 “(9) Conservation and management measures
19 shall—

20 “(A) minimize bycatch; and

21 “(B) to the extent bycatch cannot be
22 avoided, minimize the mortality of such by-
23 catch.”.

1 (2) CONTENTS OF FISHERY MANAGEMENT
2 PLANS.—Section 303 (16 U.S.C. 1853) is amend-
3 ed—

4 (A) in subsection (a)—

5 (i) in paragraph (5), by inserting
6 “quantification of bycatch,” after “hauls,”;
7 and

8 (ii) in paragraph (11), by striking “to
9 the extent practicable and”; and

10 (B) in subsection (b)—

11 (i) in paragraph (12), by striking
12 “and” at the end; and

13 (ii) by inserting after paragraph (12)
14 the following:

15 “(13) consider full retention requirements for
16 species with high catch mortality rates; and”.

17 (3) ACTION BY THE SECRETARY.—Section 304
18 (16 U.S.C. 1854) is amended—

19 (A) by redesignating the second subsection

20 (i) as subsection (j); and

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

22 “(k) STANDARDIZED BYCATCH REPORTING PRO-
23 GRAM.—

24 “(1) ESTABLISHMENT.—Not later than 2 years
25 after the date of enactment of the Sustaining Amer-

1 ica’s Fisheries for the Future Act of 2021, the Sec-
2 retary shall establish a national standardized report-
3 ing program (referred to in this subsection as ‘the
4 program’) to assess the amount and type of bycatch
5 occurring in each fishery and across fisheries, deter-
6 mine the contribution of bycatch to the total fishing-
7 related mortality of each fishery, and evaluate the
8 effects of bycatch on relevant fisheries and the eco-
9 system.

10 “(2) **METHODOLOGY AND STANDARDS.**—The
11 Secretary shall, acting through the program—

12 “(A) identify appropriate methodologies
13 and standards for collecting and producing sta-
14 tistically accurate and precise information re-
15 garding bycatch; and

16 “(B) require consistent data reporting, col-
17 lection, and assessment for all fisheries man-
18 aged under fishery management plans.

19 “(3) **MULTIPLE JURISDICTIONS.**—In a case in
20 which a species is caught in areas under the jurisdic-
21 tion of more than one Council or fishery manage-
22 ment plan, the Secretary shall require consistent re-
23 porting mechanisms across jurisdictions to ensure
24 that data can be aggregated and compared.

1 “(4) COORDINATION WITH STATES.—The Sec-
2 retary shall coordinate with State fishery managers
3 to carry out paragraph (3).”.

4 (b) BYCATCH REDUCTION ENGINEERING PRO-
5 GRAM.—

6 (1) IN GENERAL.—Section 316(a) (16 U.S.C.
7 1865(a)) is amended by striking paragraphs (3) and
8 (4) and inserting the following:

9 “(3) provide information, outreach, technical
10 assistance, and training to Councils, Tribes, and
11 fishery participants that will encourage adoption and
12 use of technologies and methods developed under the
13 program; and

14 “(4) provide for routine consultation with the
15 Councils in order to maximize opportunities to incor-
16 porate results of the program in Council actions and
17 provide incentives for adoption of technologies and
18 methods developed under the program in fishery
19 management plans, actions, and other measures de-
20 veloped by the Councils or the Secretary.”.

21 (2) FREQUENCY OF REPORT.—Section 316(d)
22 (16 U.S.C. 1865(d)) is amended—

23 (A) by striking “transmit an annual re-
24 port” and inserting “, not less frequently than
25 once every 3 years, transmit a report”;

1 (B) in paragraph (2), by striking “and” at
2 the end;

3 (C) in paragraph (3), by striking the pe-
4 riod at the end and inserting “; and”; and

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

6 “(4) includes a cumulative description of all by-
7 catch reduction technologies and methods developed,
8 tested, or supported by the Bycatch Reduction Engi-
9 neering Program, an assessment of the effectiveness
10 of those techniques, a summary on how and in which
11 fisheries those techniques have been fully imple-
12 mented and to what degree, and, if those techniques
13 have not been implemented into fishery manage-
14 ment, an explanation for why those techniques have
15 not been used and an estimate of the reduction of
16 bycatch that could be achieved if those techniques
17 were implemented.”.

18 **SEC. 504. IMPROVING REBUILDING OUTCOMES.**

19 Section 304(e) (16 U.S.C. 1854(e)) is amended—

20 (1) by amending paragraph (1) to read as fol-
21 lows:

22 “(1) The Secretary shall report annually to the
23 Congress and the Councils on the status of fisheries
24 within each Council’s geographical area of authority.

25 In this report, the Secretary shall do the following:

1 “(A) Identify those fisheries that are sub-
2 ject to overfishing, are depleted, or are ap-
3 proaching a condition of being depleted. For
4 those fisheries managed under a fishery man-
5 agement plan or international agreement, the
6 status shall be determined using the criteria for
7 overfishing and depleted status specified in such
8 plan or agreement. For stocks that lack criteria
9 as required under Sec 303(a)(10), the Secretary
10 shall determine whether the stock is depleted or
11 subject to overfishing using the best available
12 scientific information. A fishery shall be classi-
13 fied as approaching a condition of being de-
14 pleted if, based on trends in fishing effort, fish-
15 ery resource size, and other appropriate factors,
16 the Secretary estimates that the fishery will be-
17 come depleted within 2 years.

18 “(B) Identify those stocks that are under
19 a rebuilding plan or in need of a rebuilding plan
20 (as specified by this section), including speci-
21 fying the number of years the stock has been in
22 a rebuilding plan, the length in years of the
23 stock’s current rebuilding plan, the number of
24 rebuilding plans that have been implemented
25 for the stock, and whether a lack of adequate

1 progress toward ending overfishing and rebuild-
2 ing has been found for the stock.”;

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

5 “(2) If the Secretary determines at any time
6 that a fishery is subject to overfishing, is depleted,
7 or is approaching a depleted status, the Secretary
8 shall immediately notify the appropriate Council and
9 request that action be taken—

10 “(A) to end overfishing in the fishery im-
11 mediately and prevent overfishing in the fish-
12 ery;

13 “(B) for stocks that are depleted, to end
14 overfishing immediately in the fishery and to
15 implement conservation and management meas-
16 ures to rebuild affected stocks of fish; or

17 “(C) for stocks that are approaching a de-
18pleted condition, to end overfishing in the fish-
19ery immediately and prevent the stock from
20reaching a depleted condition.

21 The Secretary shall publish each notice under this
22 paragraph in the Federal Register.”;

23 (3) by amending paragraph (3) to read as fol-
24 lows:

1 “(3) Not later than 2 years after the date on
2 which a fishery is newly identified as or determined
3 to be depleted or approaching a depleted condition
4 under paragraph (1)(A) or paragraph (2), a fish-
5 ery’s rebuilding plan has been found to have failed
6 under paragraph (7)(C), or a fishery reaches the end
7 of the time period for rebuilding pursuant to para-
8 graph (8), the appropriate Council (or the Secretary,
9 for fisheries under section 302(a)(3)) shall prepare
10 and implement a fishery management plan, plan
11 amendment, or proposed regulations for the fishery
12 to which the identification or notice applies—

13 “(A) for stocks that are depleted, to end
14 overfishing immediately in the fishery and to
15 rebuild affected stocks of fish; or

16 “(B) for stocks that are approaching a de-
17 pleted condition, to end overfishing immediately
18 and prevent the stock from reaching a depleted
19 condition.”.

20 (4) in paragraph (4)—

21 (A) by amending subparagraph (A)(ii) to
22 read as follows:

23 “(ii) not exceed the time the stock of
24 fish would be rebuilt without fishing occur-
25 ring plus one mean generation, unless

1 management measures under an inter-
2 national agreement in which the United
3 States participates dictate otherwise;”;

4 (B) in subparagraph (B), by striking
5 “and” at the end;

6 (C) in subparagraph (C), by striking the
7 period at the end and inserting “; and”; and

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

9 “(D) contain objective and measurable cri-
10 teria for evaluating rebuilding progress.”;

11 (5) by amending paragraph (5) to read as fol-
12 lows:

13 “(5) If, during the 2-year period beginning on
14 the date of identification or notification, the Council
15 does not submit to the Secretary a fishery manage-
16 ment plan, plan amendment, or proposed regulations
17 required by paragraph (3), the Secretary shall pre-
18 pare under subsection (c) not later than 6 months
19 after the end of such 2-year period, a fishery man-
20 agement plan or plan amendment and any accom-
21 panying regulations to, for stocks that are depleted,
22 end overfishing immediately and rebuild affected
23 stocks of fish, or, for stocks that are approaching an
24 depleted condition, to end overfishing immediately

1 and prevent the stock from reaching an depleted
2 condition.”;

3 (6) by amending paragraph (7) to read as fol-
4 lows:

5 “(7)(A) The Secretary shall review any fishery
6 management plan, plan amendment, or regulations
7 required by this subsection at routine intervals that
8 may not exceed 2 years to determine whether such
9 plan, amendment, or regulations have resulted in
10 adequate progress toward rebuilding affected fish
11 stocks. The Secretary shall find a lack of adequate
12 progress toward rebuilding an affected fish stock
13 if—

14 “(i) the status of the stock is not improv-
15 ing sufficiently such that it becomes unlikely
16 that the stock will be rebuilt within the rebuild-
17 ing time period;

18 “(ii) the applicable fishing mortality rate
19 or annual catch limits are exceeded, and the
20 causes and rebuilding consequences of such
21 exceedances have not been corrected;

22 “(iii) new scientific information dem-
23 onstrates that assumptions regarding the
24 stock’s biology that formed the basis for the re-
25 building plan, such as stock productivity, were

1 fundamentally inaccurate, and such inaccura-
2 cies render the current rebuilding plan unable
3 to address the stock's rebuilding needs; or

4 “(iv) for other reasons, as appropriate.

5 “(B) If, as a result of the review, the Secretary
6 finds that such plan, amendment, or regulations
7 have not resulted in adequate progress toward re-
8 building affected fish stocks, the Secretary shall—

9 “(i) in the case of a fishery to which sec-
10 tion 302(a)(3) applies, immediately make revi-
11 sions necessary to achieve adequate progress to-
12 ward rebuilding by the deadline established
13 under paragraph (4); or

14 “(ii) for all other fisheries, immediately no-
15 tify the appropriate Council, which must make
16 revisions necessary to achieve adequate progress
17 toward rebuilding by not later than the deadline
18 established under paragraph (4). If the Council
19 fails to take such action by the date that is 9
20 months after the date of such notification, the
21 Secretary shall, not later than 15 months after
22 such date, make such revisions as are needed to
23 ensure adequate progress toward rebuilding by
24 not later than the deadline established under
25 paragraph (4).

1 “(C) If, as a result of the review, the Secretary
2 finds that revisions pursuant to subparagraph (B)
3 cannot achieve adequate progress within the time pe-
4 riod set under paragraph (4), the Secretary may
5 find that the rebuilding plan has failed. Upon such
6 a finding, the Council (or the Secretary in the case
7 of a stock to which section 302(a)(3) applies) shall
8 prepare and implement a new rebuilding plan pursu-
9 ant to the requirements in paragraph (8).

10 “(D) The Secretary shall publish the results of
11 a review performed under this paragraph in the Fed-
12 eral Register, including a determination of adequate
13 progress or lack of adequate progress, and the basis
14 for such determination.”; and

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

16 “(8) If the time period established under a
17 plan, amendment, or regulations pursuant to this
18 subsection expires, or the Secretary determines that
19 an existing rebuilding plan has failed under para-
20 graph (7)(C), but relevant stock has not rebuilt, the
21 Council (or Secretary in the case of a stock to which
22 section 302(a)(3) applies) shall prepare a new re-
23 building plan pursuant to paragraphs (3) through
24 (6) of this subsection, except that such plan shall
25 have no less than a 75 percent chance of rebuilding

1 the fishery by the end of the new time period set
2 under paragraph (4). Management measures in-
3 tended to rebuild the stock shall remain in effect
4 during such preparation of a rebuilding plan.”.

5 **SEC. 505. DEPLETED FISHERIES AND PREVENTING OVER-**
6 **FISHING.**

7 (a) DEPLETED FISHERIES.—

8 (1) DEFINITION.—Section 3 (16 U.S.C. 1802)
9 is amended by inserting after paragraph (8) the fol-
10 lowing:

11 “(8A) DEPLETED.—

12 “(A) DEFINITION.—The term ‘depleted’
13 means, with respect to a stock or stock com-
14 plex, that its biomass has declined below the
15 level at which the capacity of the stock or stock
16 complex to produce maximum sustainable yield
17 on a continuing basis is jeopardized. A depleted
18 condition may be caused by numerous factors,
19 alone or in combination, such as fishing effort,
20 habitat loss, ecosystem changes or climate
21 change, overfishing, inadequate forage, or other
22 characteristics of or stressors on the stock or
23 stock complex.

24 “(B) INCLUSION OF CASE LAW.—The term
25 ‘depleted’ has the meaning given to the term

1 ‘overfished’ by this section before the date of
2 enactment of the Sustaining America’s Fish-
3 eries for the Future Act of 2021 for the pur-
4 poses of determining the application of any
5 court precedent issued before such date.”.

6 (2) SUBSTITUTION.—The Magnuson-Stevens
7 Fishery Conservation and Management Act (16
8 U.S.C. 1801 et seq.) is amended—

9 (A) in section 3 (16 U.S.C. 1802), by
10 amending paragraph (34) to read as follows:

11 “(34) OVERFISHING.—The term ‘overfishing’
12 means a rate or level of fishing mortality that jeop-
13 ardizes the capacity of a fishery to produce the max-
14 imum sustainable yield on a continuing basis.”;

15 (B) by striking the term “overfished” each
16 place such term appears and inserting “de-
17 pleted”;

18 (C) in the heading of subsection (e) of sec-
19 tion 304, by striking “OVERFISHED” and in-
20 serting “DEPLETED”.

21 (3) REFERENCES IN THIS ACT.—The provisions
22 of this Act and the amendments made by this Act
23 are not intended to alter the legal mandate to pre-
24 vent depletion of fisheries and to rebuild depleted
25 fisheries upon determination of their depleted status,

1 which includes among other things ending or cur-
2 tailing fishing while the fishery rebuilds.

3 (b) INFORMATION PROVIDED BY SCIENTIFIC AND
4 STATISTICAL COMMITTEES.—Section 302(g)(1) (16
5 U.S.C. 1852(g)(1)) is amended—

6 (1) in subparagraph (A), by inserting “ecologi-
7 cal,” after “social”; and

8 (2) by amending subparagraph (B) to read as
9 follows:

10 “(B) Each scientific and statistical com-
11 mittee shall provide the appropriate Council
12 with ongoing scientific advice for fishery man-
13 agement decisions, including—

14 “(i) recommendations for accounting
15 for all sources of mortality in establishing
16 management measures, for the acceptable
17 biological catch levels, for preventing over-
18 fishing, for maximum sustainable yield,
19 and for achieving rebuilding targets and
20 promoting resilience of fish stocks to cli-
21 mate change;

22 “(ii) objective and measurable criteria
23 for determining whether a stock is depleted
24 or experiencing overfishing; and

1 “(iii) reports on stock status and
2 health, sources of mortality, bycatch, habi-
3 tat status, social, ecological, and economic
4 impacts of management measures, and
5 sustainability of fishing practices, and pre-
6 vailing and anticipated future impacts of
7 climate change on fish stocks, fishing com-
8 munities, and fishery sectors.”.

9 (c) **MINIMUM REQUIRED PRECAUTIONARY STAND-**
10 **ARD.**—Section 303(a)(10) (16 U.S.C. 1853(a)(10)) is
11 amended by inserting “, which may not be less pre-
12 cautionary than the recommendation of the scientific and
13 statistical committees for such fishery,” before “and,”.

14 (d) **TECHNICAL CORRECTION.**—Section 301 of the
15 Modernizing Recreational Fisheries Management Act of
16 2018 (16 U.S.C. 1801 note) is amended to read as follows:

17 **“SEC. 301. RULE OF CONSTRUCTION.**

18 “Nothing in this Act, including the amendment made
19 by section 102(a)(3), shall be construed as modifying the
20 requirements of sections 301(a), 302(h)(6), 303(a)(15), or
21 304(e) of the Magnuson-Stevens Fishery Conservation
22 and Management Act, or the equal application of such re-
23 quirements and other standards and requirements under
24 the Magnuson-Stevens Fishery Conservation and Manage-

1 ment Act to commercial, charter, and recreational fish-
2 eries, including each component of mixed-use fisheries.”.

3 **SEC. 506. PREPARATION AND REVIEW OF SECRETARIAL**
4 **PLANS.**

5 Section 304(c)(1) (16 U.S.C. 1854(c)) is amended—

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

7 (2) in subparagraph (A), by inserting “not to
8 exceed 180 days” after “time”;

9 (3) in subparagraph (B), by inserting “not later
10 than 180 days after the disapproval” before the
11 semicolon; and

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

13 “Not later than 30 days before the last day of a time pe-
14 riod established in subparagraph (B) or (C), the Secretary
15 shall provide written notification to the affected Council
16 that if such Council does not fulfill the requirements de-
17 scribed in such subparagraph, the Secretary shall issue a
18 Secretarial plan.”.

19 **SEC. 507. COUNCILS.**

20 Section 302(h) (16 U.S.C. 1852(h)) is amended—

21 (1) in paragraph (5), by striking “and” at the
22 end;

23 (2) in paragraph (7)—

1 (A) by redesignating subparagraphs (B)
2 and (C) as subparagraphs (C) and (D), respec-
3 tively; and

4 (B) by inserting after subparagraph (A)
5 the following:

6 “(B) prioritize fisheries and habitats expe-
7 riencing or expected to experience shifts in geo-
8 graphic range, spatial distribution, or produc-
9 tivity;”;

10 (3) by redesignating paragraphs (8) and (9) as
11 paragraphs (11) and (13), respectively;

12 (4) by inserting after paragraph (7) the fol-
13 lowing:

14 “(8) approve, for each of its managed stocks,
15 objective and measurable criteria for identifying
16 whether the stock is depleted or experiencing over-
17 fishing, which may not be less precautionary than
18 the recommendation of its scientific and statistical
19 committee;

20 “(9) develop and implement a plan to protect
21 essential fish habitat in the region of the Council
22 from adverse effects caused by fishing that shall in-
23 clude—

1 “(A) quantitative and measurable targets
2 and goals for increasing quality, quantity, and
3 representativeness of essential fish habitat; and

4 “(B) conservation and management meas-
5 ures to implement the plan;

6 “(10) at routine intervals not less frequently
7 than every 7 years and based on scientific evidence
8 or other relevant information, review habitat protec-
9 tion plans developed under paragraph (9) by such
10 Council and each designation of essential fish habi-
11 tat and habitat areas of particular concern under
12 section 303(a)(7) by such Council, and amend such
13 Council’s fishery management plans as necessary
14 and appropriate;”.

15 **SEC. 508. FORAGE FISH CONSERVATION.**

16 (a) SECRETARY TO DEFINE FORAGE FISH.—Section
17 305 (16 U.S.C. 1855) is further amended by adding at
18 the end the following:

19 “(m) FORAGE FISH.—Not later than 6 months after
20 the date of enactment of the Sustaining America’s Fish-
21 eries for the Future Act of 2021, the Secretary shall issue
22 a definition of the term ‘forage fish’ for the purposes of
23 this Act. In defining such term, the Secretary shall con-
24 sider factors including whether a species covered by such
25 definition, throughout such species’ lifecycle—

1 “(1) is at a low trophic level;

2 “(2) is generally small- to intermediate-sized;

3 “(3) occurs in schools or other dense aggrega-
4 tions;

5 “(4) contributes significantly to the diets of
6 other fish, marine mammals, or birds; and

7 “(5) serves as a conduit for energy transfer to
8 species at a higher trophic level.”.

9 (b) DEFINITIONS.—Section 3 (16 U.S.C. 1802) is
10 further amended—

11 (1) by inserting after paragraph (18) the fol-
12 lowing:

13 “(18A) FORAGE FISH.—The term ‘forage
14 fish’—

15 “(A) has the meaning given the term by
16 the Secretary under section 305(m); and

17 “(B) with respect to a species in a fishery
18 managed pursuant to a fishery management
19 plan or plan amendment that is approved by
20 the Secretary under section 304(a), means any
21 species identified in such plan as a forage
22 fish.”; and

23 (2) in paragraph (33)—

24 (A) in subparagraph (B), by striking
25 “and”;

1 (B) in subparagraph (C), by striking the
2 period and inserting “; and”; and

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

4 “(D) in the case of a forage fish, is re-
5 duced, pursuant to subparagraph (B), to pro-
6 vide for the diet needs of fish species and other
7 marine wildlife, including marine mammals and
8 birds, for which forage fish is a significant die-
9 tary component.”.

10 (c) SCIENTIFIC ADVICE.—Section 302(g)(1)(B) (16
11 U.S.C. 1852(g)(1)(B)) is further amended by adding at
12 the end the following:

13 “(iv) maintaining a sufficient abun-
14 dance, diversity, and localized distribution
15 of forage fish populations to support the
16 role of such populations in marine eco-
17 systems.”.

18 (d) COUNCIL FUNCTIONS.—

19 (1) RESEARCH PRIORITIES.—Section 302(h)(7)
20 (16 U.S.C. 1852(h)(7)) is further amended by in-
21 serting “forage fish populations and distribution,”
22 after “habitats,”.

23 (2) UNMANAGED FORAGE FISH.—Section
24 302(h) (16 U.S.C. 1852(h)) is further amended by
25 inserting after paragraph (11) the following:

1 “(12) develop a list of unmanaged forage fish
2 occurring in the area under its authority and pro-
3 hibit the development of any new directed forage fish
4 fishery until the Council has—

5 “(A) considered the best scientific informa-
6 tion available and evaluated the potential im-
7 pacts of forage fish harvest on existing fish-
8 eries, fishing communities, and the marine eco-
9 system;

10 “(B) determined whether conservation and
11 management of the forage fish fishery is need-
12 ed;

13 “(C) if a determination is made that con-
14 servation and management is needed, prepared
15 and submitted to the Secretary a fishery man-
16 agement plan or amendment consistent with
17 section 303; and

18 “(D) received final, approved regulations
19 from the Secretary pursuant to section
20 304(b)(3); and”.

21 (3) EFFECTIVE DATE.—The amendments made
22 by subsections (a) and (b) shall take effect 2 years
23 after the date of enactment of this Act.

24 (e) CONTENTS OF FISHERY MANAGEMENT PLANS.—

1 (1) FORAGE FISH MANAGEMENT.—Section
2 303(a) (16 U.S.C. 1853(a)) is further amended by
3 adding at the end the following:

4 “(18) when setting annual catch limits for for-
5 age fish fisheries, assess, specify, and reduce such
6 limits by the diet needs of fish species and other ma-
7 rine wildlife, such as marine mammals and birds, for
8 which forage fish is a significant part of their diet.”.

9 (2) EFFECTIVE DATE.—The amendment made
10 by subsection (a) shall take effect 5 years after the
11 date of enactment of this Act.

12 (f) ACTION BY THE SECRETARY.—Section 304 (16
13 U.S.C. 1854) is further amended by adding at the end
14 the following:

15 “(1) FORAGE FISH MANAGEMENT GUIDELINES.—

16 “(1) IN GENERAL.—Not later than 18 months
17 after the date of enactment of the Sustaining Amer-
18 ica’s Fisheries for the Future Act of 2021, the Sec-
19 retary shall establish by regulation guidelines to as-
20 sist the Councils in implementing sections
21 302(h)(12), and 303(a)(16).

22 “(2) WORKSHOPS.—In developing the guide-
23 lines under paragraph (1), the Secretary shall con-
24 duct workshops with Councils and other scientific,
25 fisheries, and conservation interests.”.

1 (g) RIVER HERRING AND SHAD.—

2 (1) DEFINITIONS.—In this section—

3 (A) RIVER HERRING.—The term “river
4 herring” means blueback herring (*Alosa*
5 *aestivalis*) and alewife (*Alosa pseudoharengus*).

6 (B) SHAD.—The term “shad” means
7 American shad (*Alosa sapidissima*) and hickory
8 shad (*Alosa mediocris*).

9 (2) AMENDMENTS OF PLANS.—Not later than
10 180 days after the date of enactment of this Act, the
11 Secretary of Commerce shall—

12 (A) amend the fishery management plans
13 for the Atlantic Herring and Atlantic Mackerel,
14 Squid, and Butterfish fisheries for the New
15 England and Mid-Atlantic Regions to add shad
16 and river herring as managed stocks in such
17 plans consistent with section 302(h)(1) of the
18 Magnuson-Stevens Fishery Conservation and
19 Management Act (16 U.S.C. 1852(h)(1));

20 (B) initiate additional fishery management
21 plan amendments to be completed in not more
22 than 1 year from the date of the addition of the
23 species identified in paragraph (1) in order to
24 develop and implement all required conservation
25 and management measures for such stocks con-

1 sistent with the Magnuson-Stevens Fisheries
2 Conservation and Management Act (16 U.S.C.
3 1801 et seq.), and all other applicable law; and
4 (C) notwithstanding any other law, rule, or
5 fishery management plan provision, including
6 conservation and management measures under
7 section 303(a)(11) of the Magnuson-Stevens
8 Fishery Conservation and Management Act (16
9 U.S.C. 1853(a)(11)), reallocate existing re-
10 sources to provide, for not less than 60 percent
11 of all relevant fishing trips, not fewer than one
12 at-sea observer or an on-board electronic or
13 video means of producing equivalent at-sea
14 monitoring information, for any vessel using
15 mid-water trawl or paired mid-water trawl fish-
16 ing gear in the Atlantic herring and Atlantic
17 mackerel fisheries.

18 (h) RULE OF CONSTRUCTION.—Nothing in this sec-
19 tion shall be construed as—

20 (1) extending or diminishing the jurisdiction or
21 authority of any State within its boundaries; or

22 (2) affecting—

23 (A) section 306 of the Magnuson-Stevens
24 Fishery Conservation and Management Act (16
25 U.S.C. 1856); or

1 (B) the Atlantic Coastal Fisheries Cooper-
2 ative Management Act (16 U.S.C. 5107 et
3 seq.).

4 **SEC. 509. FUNDING FOR MONITORING IMPLEMENTATION**
5 **OF NORTHEAST MULTISPECIES FISHERY**
6 **MANAGEMENT PLAN.**

7 Section 311(f)(4) (16 U.S.C. 1861(f)(4)) is amended
8 by striking “pursuant to this section” and all that follows
9 through the end of the sentence and inserting “to enforce
10 and monitor (including electronic monitoring) implementa-
11 tion of that plan.”.

12 **SEC. 510. AUTHORIZATION OF APPROPRIATIONS.**

13 There is authorized to be appropriated to the Sec-
14 retary the following amounts to carry out the provisions
15 of this Act:

- 16 (1) For fiscal year 2022, \$682,446,000.
- 17 (2) For fiscal year 2023, \$698,142,000.
- 18 (3) For fiscal year 2024, \$714,200,000.
- 19 (4) For fiscal year 2025, \$730,626,000.
- 20 (5) For fiscal year 2026, \$747,431,000.
- 21 (6) For fiscal year 2027, \$764,621,000.