

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 4690
OFFERED BY MR. GRIJALVA OF ARIZONA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Sustaining America’s
3 Fisheries for the Future Act of 2022”.

4 SEC. 2. TABLE OF CONTENTS.

5 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.
- Sec. 4. Definitions.
- Sec. 5. Gender inclusive language.
- Sec. 6. Conforming amendments to the table of contents of the Magnuson-Stevens Fishery Conservation and Management Act.

TITLE I—CLIMATE-READY FISHERIES

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

TITLE II—SUPPORTING FISHING COMMUNITIES

- Sec. 201. Fishery Resource Disaster Relief.
- Sec. 202. Subsistence fishing.
- Sec. 203. Working Waterfronts Grant Program.
- Sec. 204. Seafood marketing.
- Sec. 205. Community participation in limited access privilege programs.
- Sec. 206. Findings.
- Sec. 207. Participation by fishery-dependent communities.

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

- Sec. 301. Tribal representation at the Pacific Fishery Management Council.
- Sec. 302. Tribal representation at the North Pacific Fishery Management Council.
- Sec. 303. Atlantic Councils.
- Sec. 304. Council procedures and participation.
- Sec. 305. Council accountability and membership.
- Sec. 306. Western Pacific Sustainable Fishery Fund.
- Sec. 307. National Oceanic and Atmospheric Administration sexual harassment and assault prevention.
- Sec. 308. American Fisheries Advisory Committee.

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. Overfished fisheries and preventing overfishing.
- Sec. 506. Preparation and review of secretarial plans.
- Sec. 507. Councils.
- Sec. 508. Forage fish conservation.
- Sec. 509. Funding for monitoring implementation of Northeast Multispecies Fishery Management Plan.
- Sec. 510. Highly migratory species.

TITLE VI—INTERNATIONAL FISHERIES MANAGEMENT

- Sec. 601. Conservation Commissioner of the Atlantic Tunas Convention Act.
- Sec. 602. Conservation Commissioner to the Western and Central Pacific Fisheries Convention.
- Sec. 603. Conservation Commissioner to the Inter-American Tropical Tuna Commission.
- Sec. 604. Application of annual catch limit and accountability measures requirement.
- Sec. 605. Authorization of appropriations.

1 **SEC. 3. REFERENCES.**

2 Except as otherwise expressly provided in this Act,
3 wherever in this Act an amendment or repeal is expressed
4 in terms of an amendment to, or repeal of, a section or

1 other provision, the reference shall be considered to be
2 made to that section or other provision of the Magnuson-
3 Stevens Fishery Conservation and Management Act (16
4 U.S.C. 1801 et seq.).

5 **SEC. 4. DEFINITIONS.**

6 In this Act:

7 (1) ADMINISTRATOR.—The term “Adminis-
8 trator” means the Administrator of the National
9 Oceanic and Atmospheric Administration.

10 (2) SECRETARY.—The term “Secretary” means
11 the Secretary of Commerce.

12 **SEC. 5. GENDER INCLUSIVE LANGUAGE.**

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

17 (b) Each of the following provisions is amended by
18 striking “he” each place such term appears and inserting
19 “the Secretary”:

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

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

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

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

24 (5) Section 401(a)(1) (16 U.S.C. 1881(a)(1)).

1 (c) Each of the following provisions is amended by
2 striking “his” each place such term appears and inserting
3 “the Secretary’s”:

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

5 (2) 204(b)(9) (16 U.S.C. 1824(b)(9)).

6 (3) 306(b)(1) (16 U.S.C. 1856(b)(1)).

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

8 (d) Sections 204(B)(4)(A) and 302(c)(1)(D) (16
9 U.S.C. 1824(b)(4)(A) and 1852(c)(1)(D)) are each
10 amended by striking “his” and inserting “such Sec-
11 retary’s”.

12 (e) Subsections (b)(1)(B) and (c)(1)(A) of section
13 302 (16 U.S.C. 1852(b)(1)(B) and (c)(1)(A)) are each
14 amended by striking “his” and inserting “such director’s”.

15 (f) Section 201(e)(1)(D) (16 U.S.C. 1821(e)(1)(D))
16 is amended by striking “he” and inserting “such Sec-
17 retary”.

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

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

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

1 (j) Section 302(c)(1)(C) (16 U.S.C. 1852(c)(1)(C))
2 is amended by striking “his” and inserting “such execu-
3 tive director’s”.

4 (k) Section 302(f)(4) (16 U.S.C. 1852(f)(4)) is
5 amended by striking “he” and inserting “the Adminis-
6 trator of General Services”.

7 (l) Section 302(j)(4) (16 U.S.C. 1852(j)(4)) is
8 amended by striking “his or her” and inserting “such indi-
9 vidual’s”.

10 (m) Section 302(j)(7)(D) (16 U.S.C. 1852(j)(7)(D))
11 is amended by striking “he or she” each place such term
12 appears and inserting “such individual”.

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

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

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

20 (1) by striking “he” and inserting “such per-
21 son”; and

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

1 **SEC. 6. CONFORMING AMENDMENTS TO THE TABLE OF**
2 **CONTENTS OF THE MAGNUSON-STEVENS**
3 **FISHERY CONSERVATION AND MANAGEMENT**
4 **ACT.**

5 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

“Sec. 101. United States sovereign rights to fish and fishery management au-
thority.

“Sec. 102. Highly migratory species.

“TITLE II—FOREIGN FISHING AND INTERNATIONAL FISHERY
AGREEMENTS

“Sec. 201. Foreign fishing.

“Sec. 202. International fishery agreements.

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

“Sec. 204. Permits for foreign fishing.

“Sec. 205. Import prohibitions.

“Sec. 206. Large-scale driftnet fishing.

“Sec. 207. International monitoring and compliance.

“TITLE III—NATIONAL FISHERY MANAGEMENT PROGRAM

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

“Sec. 302. Regional fishery management councils.

“Sec. 303. Contents of fishery management plans.

“Sec. 304. Action by the Secretary.

“Sec. 305. Other requirements and authority.

“Sec. 306. State jurisdiction.

“Sec. 307. Prohibited Acts.

“Sec. 308. Civil penalties and permit sanctions.

“Sec. 309. Criminal offenses.

“Sec. 310. Civil forfeitures.

“Sec. 311. Enforcement.

“Sec. 312. Transition to sustainable fisheries.

“Sec. 313. North Pacific fisheries conservation.

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

“Sec. 315. Regional Coastal Disaster Assistance, Transition, and Recovery Pro-
gram.

“Sec. 316. Bycatch Reduction Engineering Program.

“Sec. 317. Shark Feeding.

“Sec. 318. Cooperative Research and Management Program.

“Sec. 319. Herring Study.

“Sec. 320. Restoration Study.

“Sec. 321. Required possession of descending devices.

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

“TITLE IV—FISHERY MONITORING AND RESEARCH

“Sec. 401. Registration and information management.

“Sec. 402. Information collection.

“Sec. 403. Observers.

“Sec. 404. Fisheries research.

“Sec. 405. Incidental harvest research.

“Sec. 406. Fisheries systems research.

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

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

“Sec. 409. Recreational data improvement program.”.

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

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

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

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

1 “(D) changing environmental conditions,
2 including those associated with climate
3 change.”;

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

7 (C) by amending paragraph (9) to read as
8 follows:

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

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

20 “(14) Environmental changes associated with
21 climate change, including changes in water tempera-
22 ture, ocean acidification, and deoxygenation, are rap-
23 idly altering the abundance, productivity, and dis-
24 tribution of fish and are affecting commercial, rec-
25 reational, and subsistence fisheries.

1 “(15) The impacts of climate change on fish
2 and their habitats are resulting in management and
3 sustainability challenges that threaten to negatively
4 impact marine ecosystems, fishery resources, and
5 coastal communities.

6 “(16) Many factors beyond the direct impacts
7 of fishing can contribute to a decline in abundance
8 of a stock of fish, resulting in depleted fish stocks
9 and threatening the stability of ecosystems and fish-
10 ing communities, including climate change, pollution,
11 habitat and watershed degradation, inadequate
12 freshwater resources, and industrial uses of the
13 ocean. The designation of a stock of fish as over-
14 fished indicates that it is depleted and management
15 actions are necessary to allow the stock to rebuild,
16 regardless of the cause of depletion.”;

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

19 “(5) to establish Regional Fishery Management
20 Councils to exercise sound judgement in the stew-
21 ardship of fishery resources through the preparation,
22 monitoring, and revision of such plans under cir-
23 cumstances—

24 “(A) which will enable the States, the fish-
25 ing industry, consumer and environmental orga-

1 nizations, and other interested persons to par-
2 ticipate in, and advise on, the establishment
3 and administration of such plans;

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

6 “(C) which address the impacts of environ-
7 mental conditions associated with climate
8 change on stocks of fish, marine ecosystems,
9 fisheries management, and coastal commu-
10 nities.”; and

11 (3) in subsection (c)—

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

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

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

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

20 “(9) to ensure that the research, resource man-
21 agement, and expenditures to prepare fisheries and
22 fishing communities for climate change promote ra-
23 cial and socioeconomic equity with respect to envi-
24 ronmental, economic, and social outcomes across
25 fisheries and regions.”.

1 **SEC. 102. PROMOTING CLIMATE RESILIENCE IN FISHERIES**
2 **MANAGEMENT.**

3 (a) IN GENERAL.—Section 303(a) (16 U.S.C.
4 1853(a)) is amended—

5 (1) in paragraph (1)(A), by inserting “and to
6 promote the resilience of fish stocks to cumulative
7 stressors, including cumulative stressors associated
8 with climate change” before the semicolon at the
9 end;

10 (2) in paragraph (3), by inserting “including
11 considering the impacts of climate change,” after
12 “fishery,”;

13 (3) in paragraph (8), by striking “1991” and
14 inserting “2022”, and by inserting “, including data
15 needed to implement the plan effectively under pre-
16 vailing and anticipated environmental or ecological
17 conditions, including climate change” before the
18 semicolon at the end;

19 (4) in paragraph (13), by inserting “as well as
20 examine the vulnerability of the fishery and fishery
21 participants to the impacts of prevailing and antici-
22 pated environmental or ecological conditions, includ-
23 ing climate change” before the semicolon at the end;

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

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

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

4 “(16) assess and describe the anticipated im-
5 pacts of climate change and other environmental and
6 ecological changes on the fishery, including an as-
7 sessment of whether and how the management
8 measures contained in the plan or plan amendment
9 have accounted for these changes, and a summary of
10 the information used in these assessments;

11 “(17) describe and identify the current range
12 and distribution of, and fishing patterns on, fish
13 stocks managed under the plan, including areas out-
14 side the jurisdiction of the Council having authority
15 to issue the plan, and for fish stocks whose distribu-
16 tion crosses management boundaries, describe the
17 measures used for coordination with other relevant
18 management bodies for the conservation and man-
19 agement of the fish stock; and”.

20 (b) **EFFECTIVE DATE.**—The amendments made by
21 subsection (a) shall take effect on the date that is 4 years
22 after the date of enactment of this section.

23 (c) **INCREASING RESILIENCE OF FISH STOCKS TO**
24 **CLIMATE CHANGE.**—Title III is amended by adding at the
25 end the following:

1 **“SEC. 322. INCREASING RESILIENCE OF FISH STOCKS TO**
2 **CLIMATE CHANGE.**

3 “(a) VULNERABILITY ASSESSMENT.—Not later than
4 3 years after the date of enactment of the Sustaining
5 America’s Fisheries for the Future Act of 2022 and every
6 5 years thereafter, the Secretary shall—

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

10 “(2) notify each Council of the vulnerability of
11 fish stocks within such geographical area; and

12 “(3) make recommendations to each Council for
13 measures to increase the resilience of fish stocks
14 within such geographical area identified as vulner-
15 able to climate change.

16 “(b) COUNCIL PRIORITIZATION PLANS.—

17 “(1) IN GENERAL.—No later than one year
18 after receiving a notification from the Secretary
19 under subsection (a), each Council shall publish a
20 plan identifying management actions to increase re-
21 silience of the fish stocks identified as vulnerable to
22 climate change and begin implementing such man-
23 agement actions.

24 “(2) HIGHLY MIGRATORY SPECIES.—With re-
25 spect to stocks managed under section 302(a)(3),
26 not later than one year after issuing a notification

1 under subsection (a), the Secretary shall publish a
2 plan identifying management actions to increase re-
3 siliience of such fish stocks identified as vulnerable to
4 climate change and begin implementing such man-
5 agement actions.

6 “(3) REPORT.—Not later than 3 years after
7 publishing a plan under paragraph (1), each Council
8 shall report to the Secretary on the actions the
9 Council has taken to implement such plan or provide
10 an explanation for not taking such action.

11 “(c) REPORT TO CONGRESS.—Not later than 3 years
12 after the date of enactment of the Sustaining America’s
13 Fisheries for the Future Act of 2022 and every 5 years
14 thereafter, the Secretary shall submit a report to Con-
15 gress—

16 “(1) describing the vulnerability of fish stocks
17 to climate change;

18 “(2) identifying the risks posed by climate
19 change to the conservation and management of fish
20 stocks; and

21 “(3) summarizing the steps taken by the Sec-
22 retary and the Councils to mitigate and address the
23 impacts on and risks of climate change to fish
24 stocks.”.

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

3 “(n) GUIDANCE.—Not later than 2 years after the
4 date of enactment of the Sustaining America’s Fisheries
5 for the Future Act of 2022, the Secretary shall issue
6 guidelines to assist the Councils in preparing and adapting
7 fishery management for the impacts of climate change, in-
8 cluding for consideration of climate change in the con-
9 servation and management of fish stocks under each
10 Council’s geographical area of authority.”.

11 **SEC. 103. INCORPORATING CLIMATE SCIENCE.**

12 (a) COUNCIL TRAINING PROGRAM.—Section
13 302(k)(1) (16 U.S.C. 1852(k)(1)) is amended—

14 (1) by redesignating subparagraphs (C) through
15 (H) as subparagraphs (D) through (I), respectively;

16 (2) by redesignating subparagraph (I) as sub-
17 paragraph (K);

18 (3) by inserting after subparagraph (B) the fol-
19 lowing:

20 “(C) climate change and its relevant im-
21 pacts on fisheries health, range, and other fac-
22 tors that would affect the conservation and
23 management of a stock;”;

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

1 (5) by inserting after subparagraph (I), as so
2 redesignated, the following:

3 “(J) ecosystem-based fishery management;
4 and”.

5 (b) FISHERIES RESEARCH.—Section 404 (16 U.S.C.
6 1881c) is amended—

7 (1) in subsection (a), by inserting “; on changes
8 in geographic range, spatial distribution, and pro-
9 ductivity of a fishery or interrelated fisheries;” after
10 “management”; and

11 (2) in subsection (c)(1), by inserting “changes
12 in geographic range, spatial distribution, and pro-
13 ductivity of a fishery or interrelated fisheries,” after
14 “degradation,”.

15 **SEC. 104. CLIMATE-READY FISHERIES INNOVATION PRO-**
16 **GRAM.**

17 (a) CLIMATE-READY FISHERIES INNOVATION PRO-
18 GRAM.—Not later than one year after the date of the en-
19 actment of this Act, the Administrator shall establish a
20 program to develop innovative tools and approaches de-
21 signed to increase the adaptive capacity of fishery manage-
22 ment to the impacts of climate change. In administering
23 such program, the Administrator shall—

24 (1) develop science and management tools and
25 approaches that address regional and national prior-

1 ities to improve the conservation and management of
2 fishery resources under existing and anticipated cli-
3 mate impacts;

4 (2) provide for routine input from fishery man-
5 agers and scientists in order to maximize opportuni-
6 ties to incorporate results of the program in fishery
7 management actions;

8 (3) promote adoption of methods developed
9 under the program in fishery management plans de-
10 veloped by the Regional Fishery Management Coun-
11 cils;

12 (4) provide information and outreach to the pri-
13 vate sector and academic sector to encourage devel-
14 opment and operationalization of tools and ap-
15 proaches to manage the effects of climate change on
16 fisheries; and

17 (5) provide information and outreach to fishery
18 participants to increase understanding of and en-
19 courage adoption and use of tools and approaches
20 developed under the program.

21 (b) COORDINATION OF THE PROGRAM.—

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

24 (A) regional offices and science centers of
25 the National Marine Fisheries Service;

1 (B) the Regional Fishery Management
2 Councils;

3 (C) the scientific and statistical committees
4 of such Fishery Management Councils; and

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

13 (2) Such coordination should include identifica-
14 tion of multiyear research priorities to study and un-
15 derstand the current and anticipated impacts of cli-
16 mate change on fisheries, fisheries interactions, habi-
17 tats, fishery participants, fishing communities, sea-
18 food markets, fisheries science and monitoring, or
19 other relevant priority. Such priorities should be
20 routinely reviewed in a timeframe not to exceed 5
21 years and updated as necessary.

22 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated to the Administrator to
24 carry out this section \$5,000,000 for each of fiscal years
25 2023 through 2027.

1 **SEC. 105. MANAGING SHIFTING STOCKS.**

2 (a) CROSS-JURISDICTIONAL MANAGEMENT.—Section
3 304(f) (16 U.S.C. 1854(f)) is amended to read as follows:

4 “(f) FISHERIES UNDER AUTHORITY OF MORE THAN
5 ONE COUNCIL.—

6 “(1) SECRETARIAL REVIEW OF AREAS OF AU-
7 THORITY.—The Secretary shall review the geo-
8 graphical area of authority of each Council in order
9 to determine if a substantial portion of any federally
10 managed fishery within such area is within the area
11 of authority of another council—

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

13 “(B) not less frequently than every 5
14 years.

15 “(2) DESIGNATION OF COUNCIL TO PREPARE
16 PLAN.—If the Secretary determines under para-
17 graph (1) that a substantial portion of a fishery is
18 located in the geographical area of authority of more
19 than one Council, the Secretary shall, not later than
20 6 months after making such determination—

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

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

4 “(3) DEADLINE FOR SUBMISSION OF PLAN.—
5 Not later than 2 years after the Secretary makes a
6 designation under paragraph (2), the Council or
7 Councils concerned shall prepare and submit a fish-
8 ery management plan or amendment in accordance
9 with this Act.

10 “(4) TERMINATION OF CROSS-JURISDICTIONAL
11 AUTHORITY.—

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

19 “(B) TERMINATION.—

20 “(i) IN GENERAL.—If the Secretary
21 determines under subparagraph (A) that a
22 fishery no longer has a substantial portion
23 located in the geographical area of author-
24 ity of more than one Council—

1 “(I) the Secretary shall deter-
2 mine which Council has predominant
3 geographic authority over the fishery;
4 and

5 “(II) not later than 2 years after
6 the date on which the determination
7 under subclause (I) is made, and at
8 such other times as required under
9 this Act, the Council determined
10 under such subclause shall adopt any
11 existing fishery management plan for
12 the fishery, and shall prepare and
13 submit any plan amendments nec-
14 essary for transitioning to single-
15 Council management as well as for
16 any other purposes, in accordance
17 with the provisions of this Act.

18 “(ii) REPEAL OF PRIOR PLAN.—Not-
19 withstanding subsection (h), upon the date
20 of adoption of a fishery management plan
21 under clause (i)(II), any preceding fishery
22 management plan with respect to such
23 fishery is repealed.

24 “(5) ESTABLISHMENT OF CRITERIA.—The Sec-
25 retary shall, by regulation, identify criteria for deter-

1 mining under paragraphs (1) and (5) whether a sub-
2 stantial portion of a fishery is located in the geo-
3 graphical area of authority of more than one Coun-
4 cil.

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

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

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

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

22 (1) IN GENERAL.—The Secretary, in coordina-
23 tion with the Secretary of State where necessary,
24 shall develop a strategy for coordinated research and
25 management with other relevant nations with which

1 the United States shares stocks of fish that are cur-
2 rently experiencing or are expected to experience
3 shifts in geographic range or spatial distribution
4 that spans or will span international boundaries, in-
5 cluding within the same life stage or across life
6 stages.

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

10 (A) a list of fisheries that are currently ex-
11 perencing or are expected to experience shifts
12 in geographic range or spatial distribution that
13 spans or will span international boundaries and
14 the relevant countries for each fishery or stock
15 of a fishery's current or expected range and the
16 relevant regional fisheries management organi-
17 zation or other international organizations or
18 agreement with authority over the management
19 of each fishery or fish stock;

20 (B) an analysis of priority research needs
21 for each of these fisheries or stocks of fisheries
22 that should be coordinated with other affected
23 nations and relevant international management
24 organizations; and

1 (C) a 5-year strategy to undertake and
2 complete such research, including a proposed
3 budget and timeline for that work.

4 **SEC. 106. EMERGING FISHERIES.**

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

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

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

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

14 “(A) a list of all fisheries managed under
15 this Act, organized by Federal region (or Secre-
16 tarial management under section 302(a)(3), as
17 applicable); and

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

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

21 “(ii) the jurisdiction (State, Federal,
22 interstate, or otherwise) exercising man-
23 agement authority over such fishery;

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

4 “(iv) the species authorized to be
5 caught and retained in such fishery.”;

6 (3) in paragraph (2), by striking “determining”
7 and all that follows through the end of the para-
8 graph and inserting “determining—”

9 (A) “when a fishery is sufficiently different
10 from those listed as to constitute a new fishery;
11 and”

12 (B) “minimum criteria for a fishery to be
13 considered managed under paragraph (1)(A),
14 which, for federally managed fisheries, must in-
15 clude having a fishery management plan and
16 associated regulations under this Act.”;

17 (4) by redesignating paragraph (6) as para-
18 graph (9); and

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

21 “(3) Not later than 24 months after the date
22 of enactment of the Sustaining America’s Fisheries
23 for the Future Act of 2022, and at least once every
24 5 years thereafter, each Council (or the Secretary
25 for fisheries to which section 302(a)(3) applies) shall

1 review the fisheries for which the Council is respon-
2 sible on the list required under paragraph (1)(A)
3 and submit to the Secretary proposed changes to
4 such list in specific and narrow terms, including geo-
5 graphic range, to ensure that only managed fisheries
6 are included on the list.

7 “(4) The Secretary shall review proposed
8 changes pursuant to the guidelines established under
9 paragraph (2) and publish a revised list, after notice
10 and an opportunity for public comment.

11 “(5) The Secretary may permit, pursuant to
12 section 318(d), on a limited interim basis, fishing
13 activity that is not included on the list, if—

14 “(A) the experimental fishing permit is de-
15 signed and implemented so as to yield informa-
16 tion necessary and currently lacking for the de-
17 velopment of a fishery management plan or
18 amendment to such plan under section
19 302(h)(1) and section 303;

20 “(B) the Secretary collects, evaluates, and
21 notwithstanding section 402(b), makes public
22 the data generated by the experimental fishing
23 activity at the end of each permit year, and
24 based on such evaluation, the Council renders a
25 determination of whether the fishing activity

1 should be continued, either in the form of a
2 subsequent year of experimental fishing under
3 this paragraph, or in the form of a fishery man-
4 aged under a fishery management plan pursu-
5 ant to section 302(h)(1) and section 303; and

6 “(C) the data collected from, and the Sec-
7 retary’s evaluation of, the fishing activity are
8 included in any fishery management plan or
9 amendment that is prepared for management of
10 the fishing activity.

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

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

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

21 Section 312(a) of the Magnuson-Stevens Fishery
22 Conservation and Management Act (16 U.S.C. 1861a(a))
23 is amended to read as follows:

24 “(a) FISHERY RESOURCE DISASTER RELIEF.—

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

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

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

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

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

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

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

1 period of time and results in significant
2 revenue loss or negative subsistence im-
3 pacts due to an allowable cause; and

4 “(ii) does not include—

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

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

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

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

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

22 “(I) a hurricane;

23 “(II) a flood;

24 “(III) a harmful algal bloom;

25 “(IV) a tsunami;

1 “(V) a hypoxic zone;

2 “(VI) a drought;

3 “(VII) El Niño effects on water
4 temperature;

5 “(VIII) a marine heat wave; or

6 “(IX) disease; and

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

10 “(F) 12-MONTH REVENUE LOSS.—The
11 term ‘12-month revenue loss’—

12 “(i) means the percentage reduction,
13 as applicable, in commercial, charter,
14 headboat, or processor revenue for the af-
15 fected fishery for the 12 months during
16 which the fishery resource disaster oc-
17 curred, when compared to average annual
18 revenue in the most recent 5 years when
19 no fishery resource disaster occurred or
20 equivalent for stocks with cyclical life his-
21 tories; and

22 “(ii) shall not include any revenue loss
23 resulting from the same distinct cause as
24 a previously determined fishery resource
25 disaster.

1 “(G) UNDETERMINED CAUSE.—The term
2 ‘undetermined cause’ means a cause in which
3 the current state of knowledge does not allow
4 the Secretary to identify the exact cause, and
5 there is no current conclusive evidence sup-
6 porting a possible cause of the fishery resource
7 disaster.

8 “(2) GENERAL AUTHORITY.—

9 “(A) IN GENERAL.—The Secretary shall
10 have the authority to determine the existence,
11 extent, and beginning and end dates of a fish-
12 ery resource disaster under this subsection in
13 accordance with this subsection.

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

24 “(C) SAVINGS CLAUSE.—The requirements
25 under this subsection shall take effect only with

1 respect to requests for a fishery resource dis-
2 aster determination submitted after the date of
3 enactment of the Fishery Resource Disasters
4 Improvement Act.

5 “(3) INITIATION OF A FISHERY RESOURCE DIS-
6 ASTER REVIEW.—

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

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

15 “(ii) an official Tribal representative
16 or Tribal resolution; or

17 “(iii) any other comparable elected or
18 politically appointed representative as de-
19 termined by the Secretary.

20 “(B) REQUIRED INFORMATION.—A com-
21 plete request for a fishery resource disaster de-
22 termination under subparagraph (A) shall in-
23 clude—

24 “(i) identification of all presumed af-
25 fected fish stocks;

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

3 “(iii) the geographical boundaries of
4 the fishery, as determined by the eligible
5 requester, including geographic boundaries
6 that are smaller than the area represented
7 by the eligible requester;

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

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

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

22 “(II) significant—

23 “(aa) 12-month revenue loss
24 for the affected fishery; or

1 “(bb) negative subsistence
2 impact for the affected fishery, or
3 if a fishery resource disaster has
4 occurred at any time in the pre-
5 vious 5-year period, the most re-
6 cent 5 years when no fishery re-
7 source disaster occurred, but
8 shall not include any impacts re-
9 sulting from the same distinct
10 cause as a previously determined
11 fishery resource disaster;

12 “(III) if applicable, information
13 on lost resource tax revenues assessed
14 by local communities, such as a raw
15 fish tax and local sourcing require-
16 ments; and

17 “(IV) if applicable and available,
18 information on affected fishery 12-
19 month revenue loss for charter,
20 headboat, or processors related to the
21 information provided under subclause
22 (I), subject to section 402(b).

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

1 “(i) the assistance is so requested;

2 “(ii) the Secretary is in possession of
3 the required information described in sub-
4 paragraph (B); and

5 “(iii) the data is not available to the
6 requester, in carrying out the complete re-
7 quest under subparagraph (B).

8 “(D) INITIATION OF REVIEW.—The Sec-
9 retary shall have the discretion to initiate a
10 fishery resource disaster review without a re-
11 quest.

12 “(4) REVIEW PROCESS.—

13 “(A) INTERIM RESPONSE.—Not later than
14 20 days after receipt of a request under para-
15 graph (3), the Secretary shall provide an in-
16 terim response to the individual that—

17 “(i) acknowledges receipt of the re-
18 quest;

19 “(ii) provides a regional contact with-
20 in the National Oceanographic and Atmos-
21 pheric Administration;

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

24 “(iv) requests additional information
25 concerning the fishery resource disaster, if

1 the original request is considered incom-
2 plete.

3 “(B) EVALUATION OF REQUESTS.—

4 “(i) IN GENERAL.—The Secretary
5 shall complete a review, within the time
6 frame described in clause (ii), using the
7 best scientific information available, in
8 consultation with the affected fishing com-
9 munities, States, or Tribes, of—

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

14 “(aa) fishery characteristics;

15 “(bb) stock assessments;

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

21 “(dd) estimates of mortality;

22 and

23 “(ee) overall effects; and

1 “(II) the available economic in-
2 formation, which may include an anal-
3 ysis of—

4 “(aa) landings data;

5 “(bb) revenue;

6 “(cc) the number of partici-
7 pants involved;

8 “(dd) the number and type
9 of jobs and persons impacted,
10 which may include—

11 “(AA) fishers;

12 “(BB) charter fishing
13 operators;

14 “(CC) subsistence
15 users;

16 “(DD) United States
17 fish processors; and

18 “(EE) an owner of a
19 related fishery infrastructure
20 or business affected by the
21 disaster, such as a marina
22 operator, recreational fishing
23 equipment retailer, or char-
24 ter, headboat, or tender ves-
25 sel owner, operator, or crew;

1 “(ee) an impacted Indian
2 Tribe;

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

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

11 “(hh) status of recovery
12 from previous fishery resource
13 disasters;

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

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

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

1 “(I) has concluded or there is no
2 defined fishing season applicable to
3 the fishery, not later than 120 days
4 after the Secretary receives a com-
5 plete request for a fishery resource
6 disaster determination;

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

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

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

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

1 “(5) CRITERIA FOR DETERMINATIONS.—

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

9 “(i) a natural cause;

10 “(ii) an anthropogenic cause;

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

13 “(iv) an undetermined cause.

14 “(B) REVENUE LOSS THRESHOLDS.—

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

21 “(I) Losses greater than 80 per-
22 cent may result in a positive deter-
23 mination that a fishery resource dis-
24 aster has occurred, based on the infor-

1 mation provided or analyzed under
2 paragraph (4)(B).

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

8 “(III) Losses less than 35 per-
9 cent shall not be eligible for a deter-
10 mination that a fishery resource dis-
11 aster has occurred.

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

18 “(iii) NEGATIVE SUBSISTENCE IM-
19 PACTS.—In considering negative subsist-
20 ence impacts, the Secretary shall evaluate
21 the severity of negative impacts to the fish-
22 ing community instead of applying the rev-
23 enue loss thresholds described in clause (i).

24 “(C) INELIGIBLE FISHERIES.—A fishery
25 subject to overfishing in any of the 3 years pre-

1 ceding the date of a determination under this
2 subsection is not eligible for a determination of
3 whether a fishery resource disaster has occurred
4 unless the Secretary determines that overfishing
5 was not a contributing factor to the fishery re-
6 source disaster.

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

20 “(6) DISBURSAL OF APPROPRIATED FUNDS.—

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

24 “(B) ALLOCATION OF APPROPRIATED
25 FISHERY RESOURCE DISASTER ASSISTANCE.—

1 “(i) NOTIFICATION OF FUNDING
2 AVAILABILITY.—When there are appro-
3 priated funds for 1 or more fishery re-
4 source disasters, the Secretary shall no-
5 tify—

6 “(I) the public; and

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

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

19 “(C) CONSIDERATIONS.—In determining
20 the allocation of appropriations for a fishery re-
21 source disaster, the Secretary shall consider
22 commercial, charter, headboat, or seafood proc-
23 essing revenue losses and negative impacts to
24 subsistence and Tribal ceremonial fishing op-

1 portunity, for the affected fishery and may con-
2 sider the following factors:

3 “(i) Direct economic impacts.

4 “(ii) Uninsured losses.

5 “(iii) Losses of recreational fishing
6 opportunity.

7 “(iv) Aquaculture operations revenue
8 loss.

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

11 “(vi) Treaty obligations.

12 “(vii) Other economic impacts.

13 “(D) SPEND PLANS.—To receive an alloca-
14 tion from funds available under paragraph (9),
15 a requester with an affirmative fishery resource
16 disaster determination shall submit a spend
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 impacts to
7 the fishery or improve under-
8 standing of the affected species
9 or its ecosystem.

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 when affected by a cir-
9 cumstance described in para-
10 graph (5)(D) or by negative im-
11 pacts to subsistence and Tribal
12 ceremonial fishing opportunity.

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

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

1 that a fishery resource disaster has
2 occurred.

3 “(7) LIMITATIONS.—

4 “(A) FEDERAL SHARE.—

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

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

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

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

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

1 “(I) direct assistance as de-
2 scribed in paragraph (6)(F)(iii)(I)(ee);
3 or

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

6 “(B) LIMITATIONS ON ADMINISTRATIVE
7 EXPENSES.—

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

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

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

21 “(i) IN GENERAL.—No funds available
22 under this subsection may be used as part
23 of a fishing capacity reduction program in
24 a fishery unless the Secretary determines

1 that adequate conservation and manage-
2 ment measures are in place in such fishery.

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

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

11 “(II) require that the vessel be—

12 “(aa) scrapped or otherwise
13 disposed of in a manner approved
14 by the Secretary;

15 “(bb) donated to a nonprofit
16 organization and thereafter used
17 only for purposes of research,
18 education, or training; or

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

1 “(D) NO FISHERY ENDORSEMENT.—

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

7 “(ii) NONEFFECTIVE.—A fishery en-
8 dorsement for a vessel described in clause
9 (i) shall not be effective.

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

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

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

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

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

1 (b) DEFINITION OF SUBSISTENCE FISHING.—Section
2 3 (16 U.S.C. 1802) is amended—

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

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

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

12 “(i) for direct or sharing personal,
13 family, or community consumption, includ-
14 ing as food, shelter, clothing, or tools;

15 “(ii) for the making or selling of
16 handiwork articles out of nonedible byprod-
17 ucts of subsistence fishing;

18 “(iii) for barter; and

19 “(iv) for customary trade.

20 “(B) In this paragraph—

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

1 “(ii) the term ‘barter’ means the exchange
2 of a fish or fish part harvested through subsist-
3 ence fishing—

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

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

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

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

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

13 “(a) WORKING WATERFRONTS TASK FORCE.—

14 “(1) ESTABLISHMENT AND FUNCTIONS.—The
15 Secretary shall establish a task force to work di-
16 rectly with coastal States, user groups, and coastal
17 stakeholders to identify and address critical needs
18 with respect to working waterfronts.

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

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

1 “(B) representatives from the National
2 Oceanic and Atmospheric Administration’s Of-
3 fice of Coastal Management, the United States
4 Fish and Wildlife Service, the Department of
5 Agriculture, the Environmental Protection
6 Agency, the United States Geological Survey,
7 the Navy, the National Marine Fisheries Serv-
8 ice, the Economic Development Administration,
9 and such other Federal agencies as the Sec-
10 retary considers appropriate.

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

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

17 “(i) economic and cultural importance
18 of working waterfronts to communities;

19 “(ii) changing environments and
20 threats working waterfronts face from en-
21 vironmental changes, trade barriers, sea
22 level rise, extreme weather events, ocean
23 acidification, and harmful algal blooms;
24 and

1 “(iii) identifying working waterfronts
2 and highlighting them within communities;

3 “(B) outline options, in coordination with
4 coastal States and local stakeholders, to address
5 such critical needs, including adaptation and
6 mitigation where applicable;

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

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

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

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

22 “(6) IMPLEMENTATION.—The head of each
23 Federal agency identified in the report pursuant to
24 paragraph (3)(C) shall take such action as is nec-
25 essary to implement the recommendations contained

1 in the report by not later than one year after the
2 date of issuance of the report.

3 “(b) WORKING WATERFRONTS GRANT PROGRAM.—

4 “(1) ESTABLISHMENT.—The Secretary shall es-
5 tablish a Working Waterfront Grant Program, in co-
6 operation with appropriate State, regional, and other
7 units of government, under which the Secretary may
8 make a grant to any coastal State for the purpose
9 of implementing a working waterfronts plan ap-
10 proved by the Secretary under subsection (c).

11 “(2) GRANTS.—The Secretary shall award
12 matching grants under the Working Waterfronts
13 Grant Program to coastal States with approved
14 working waterfronts plans through a regionally equi-
15 table, competitive funding process in accordance
16 with the following:

17 “(A) The Governor, or an agency des-
18 ignated by the Governor for coordinating the
19 implementation of this section, in consultation
20 with any appropriate local government, shall de-
21 termine that the application is consistent with
22 the State’s or territory’s approved coastal zone
23 plan, program, and policies prior to submission
24 to the Secretary.

1 “(B) In developing guidelines under this
2 section, the Secretary shall consult with coastal
3 States, other Federal agencies, and other inter-
4 ested stakeholders with expertise in working
5 waterfronts planning.

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

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

12 “(A) the economic, cultural, and historical
13 significance of working waterfronts to the coast-
14 al State;

15 “(B) the demonstrated working water-
16 fronts needs of the coastal State as outlined by
17 a working waterfronts plan approved for the
18 coastal State under subsection (c), and the
19 value of the proposed project for the implemen-
20 tation of such plan;

21 “(C) the ability to leverage funds among
22 participating entities, including Federal agen-
23 cies, regional organizations, State and other
24 government units, landowners, corporations, or
25 private organizations;

1 “(D) the potential for rapid turnover in
2 the ownership of working waterfronts in the
3 coastal State, and where applicable the need for
4 coastal States to respond quickly when prop-
5 erties in existing or potential working water-
6 fronts areas or public access areas as identified
7 in the working waterfronts plan submitted by
8 the coastal State come under threat or become
9 available; and

10 “(E) the impact of the working water-
11 fronts plan approved for the coastal State
12 under subsection (c) on the coastal ecosystem
13 and the users of the coastal ecosystem.

14 “(4) TIMELINE FOR APPROVAL.—The Secretary
15 shall approve or reject an application for such a
16 grant not later than 60 days after receiving an ap-
17 plication for the grant.

18 “(c) WORKING WATERFRONTS PLANS.—

19 “(1) DEVELOPMENT AND SUBMISSION OF
20 PLAN.—To be eligible for a grant under subsection
21 (b), a coastal State shall submit to the Secretary a
22 comprehensive working waterfronts plan in accord-
23 ance with this subsection, or be in the process of de-
24 veloping such a plan and have an established work-
25 ing waterfronts program at the State or local level.

1 “(2) PLAN REQUIREMENTS.—Such plan—

2 “(A) shall provide for preservation and ex-
3 pansion of access to coastal waters to persons
4 engaged in commercial fishing, marine rec-
5 reational and tourism businesses, aquaculture,
6 boatbuilding, or other water-dependent, coastal-
7 related business;

8 “(B) shall include—

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

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

17 “(iii) identification of geographic
18 areas where working waterfronts are cur-
19 rently under threat of conversion to uses
20 incompatible with commercial and rec-
21 reational fishing, recreational fishing and
22 boating businesses, other marine rec-
23 reational and tourism businesses, aqua-
24 culture, boatbuilding, or other water-de-

1 pendent, coastal-related business, and the
2 level of that threat;

3 “(iv) identification of geographic areas
4 with a historic connection to working wa-
5 terfronts where working waterfronts are
6 not currently available, and, where appro-
7 priate, an assessment of the environmental
8 impacts of any expansion or new develop-
9 ment of working waterfronts on the coastal
10 ecosystem;

11 “(v) identification of other working
12 waterfronts needs including improvements
13 to existing working waterfronts and work-
14 ing waterfronts areas;

15 “(vi) a strategic and prioritized plan
16 for the preservation, expansion, and im-
17 provement of working waterfronts in the
18 coastal State;

19 “(vii) for areas identified under
20 clauses (iii), (iv), (v), and (vi), identifica-
21 tion of current availability and potential
22 for expansion of public access to coastal
23 waters;

1 “(viii) a description of the degree of
2 community support for such strategic plan;
3 and

4 “(ix) a contingency plan for properties
5 that revert to the coastal State pursuant to
6 determinations made by the coastal State
7 under subsection (g)(4)(C);

8 “(C) may include detailed descriptions of
9 environmental impacts on working waterfronts,
10 including hazards, sea level rise, inundation ex-
11 posure, and other resiliency issues;

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

14 “(E) shall utilize to the maximum extent
15 practicable existing information contained in
16 relevant surveys, plans, or other strategies to
17 fulfill the information requirements under this
18 paragraph; and

19 “(F) shall incorporate the policies and reg-
20 ulations adopted by communities under local
21 working waterfronts plans or strategies in exist-
22 ence before the date of the enactment of this
23 section.

24 “(3) A working waterfront plan—

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

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

6 “(C) shall be complimentary to and incor-
7 porate the policies and objectives of regional or
8 local working waterfronts plan as in effect be-
9 fore the date of the enactment of this section or
10 as subsequently revised.

11 “(4) The Secretary may—

12 “(A) award planning grants to coastal
13 States for the purpose of developing or revising
14 comprehensive working waterfronts plan;

15 “(B) award grants consistent with the pur-
16 poses of this section to States undertaking the
17 working waterfronts planning process under
18 this section, for the purpose of preserving and
19 protecting working waterfronts during such
20 process; and

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

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

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

4 “(B) coordinate development and imple-
5 mentation of such a plan with other coastal
6 management programs, regulations, and activi-
7 ties of the coastal State; and

8 “(C) if the coastal State allows qualified
9 holders (other than the coastal State) to enter
10 into working waterfronts covenants, provide as
11 part of the working waterfronts plan under this
12 subsection a procedure to ensure that the quali-
13 fied holders are fulfilling such qualified holder’s
14 obligations under the working waterfronts cov-
15 enant.

16 “(d) USES, TERMS, AND CONDITIONS.—A grant
17 under this section may be used—

18 “(1) to acquire a working waterfronts, or an in-
19 terest in a working waterfront;

20 “(2) to make improvements to a working water-
21 fronts, including the construction or repair of
22 wharfs, boat ramps, or related facilities; or

23 “(3) for necessary climate change adaptation or
24 mitigation.

1 “(e) PUBLIC ACCESS REQUIREMENT.—A working
2 waterfronts project funded by grants made under this sec-
3 tion must provide for expansion, improvement, or preser-
4 vation of reasonable and appropriate public access to
5 coastal waters at or in the vicinity of a working water-
6 front, except for commercial fishing or other industrial ac-
7 cess points where the coastal State determines that public
8 access would be unsafe.

9 “(f) LIMITATIONS.—

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

15 “(2) A grant awarded under this section may
16 be used to acquire working waterfronts or an inter-
17 est in working waterfronts at less than fair market
18 value only if the owner certifies to the Secretary that
19 the sale is being entered into willingly and without
20 coercion.

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

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

3 “(1) DESIGNATION OF QUALIFIED HOLDER.—

4 Subject to the approval of the Secretary, a coastal
5 State may, as part of an approved working water-
6 front plan, designate as a qualified holder any unit
7 of State or local government or nongovernmental or-
8 ganization, if the coastal State is ultimately respon-
9 sible for ensuring that the property will be managed
10 in a manner that is consistent with the purposes for
11 which the land entered into the program.

12 “(2) ALLOCATION.—A coastal State or a quali-
13 fied holder designated by a coastal State may allo-
14 cate to a unit of local government, nongovernmental
15 organization, fishing cooperative, or other entity, a
16 portion of any grant made under this section for the
17 purpose of carrying out this section, except that
18 such an allocation shall not relieve the coastal State
19 of the responsibility for ensuring that any funds so
20 allocated are applied in furtherance of the coastal
21 State’s approved working waterfronts plan.

22 “(3) EXCEPTIONS.—A qualified holder may
23 hold title to or interest in property acquired under
24 this section, except that—

1 “(A) all persons holding title to or interest
2 in working waterfronts affected by a grant
3 under this section shall enter into a working
4 waterfronts covenant;

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

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

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

17 “(ii) the coastal State shall have the
18 right of immediate entry onto the working
19 waterfronts; and

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

25 “(h) MATCHING CONTRIBUTIONS.—

1 “(1) IN GENERAL.—Except as provided in para-
2 graph (2), the Secretary shall require that each
3 coastal State that receives a grant under this sec-
4 tion, or a qualified holder designated by that coastal
5 State under subsection (g), shall provide matching
6 funds in an amount equal to at least 25 percent of
7 the total cost of the project carried out with the
8 grant. As a condition of receipt of a grant under this
9 section, the Secretary shall require that a coastal
10 State provide to the Secretary such assurances as
11 the Secretary determines are sufficient to dem-
12 onstrate that the share of the cost of each eligible
13 project that is not funded by the grant awarded
14 under this section has been secured.

15 “(2) WAIVER.—The Secretary may waive the
16 application of paragraph (1) for any qualified holder
17 that is an underserved community, a community
18 that has an inability to draw on other sources of
19 funding because of the small population or low in-
20 come of the community, or for other reasons the
21 Secretary considers appropriate.

22 “(3) IN-KIND CONTRIBUTIONS.—A local com-
23 munity designated as a qualified holder under sub-
24 section (g) may use funds or other in-kind contribu-
25 tions donated by a nongovernmental partner to sat-

1 isfy the matching funds requirement under this sub-
2 section.

3 “(4) FUNDING FROM OTHER FEDERAL
4 SOURCE.—If financial assistance under this section
5 represents only a portion of the total cost of a
6 project, funding from other Federal sources may be
7 applied to the cost of the project.

8 “(5) VALUE OF A WORKING WATERFRONT.—
9 The Secretary shall treat as non-Federal match the
10 value of a working waterfront or interest in a work-
11 ing waterfront, including conservation and other
12 easements, that is held in perpetuity by a qualified
13 holder, if the working waterfront or interest is iden-
14 tified in the application for the grant and acquired
15 by the qualified holder not later than three years of
16 the grant award date, or not later than three years
17 after the submission of the application and before
18 the end of the grant award period. Such value shall
19 be determined by an appraisal performed at such
20 time before the award of the grant as the Secretary
21 considers appropriate.

22 “(6) OTHER CONSIDERATIONS.—The Secretary
23 shall treat as non-Federal match the costs associated
24 with acquisition of a working waterfront or an inter-
25 est in a working waterfront, and the costs of res-

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

9 “(i) LIMIT ON ADMINISTRATIVE COSTS.—The Sec-
10 retary may not use more than 5 percent of the funds made
11 available under this section may for planning or adminis-
12 tration of the program under this section.

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

15 “(1) The Secretary may use up to 5 percent of
16 the funds appropriated under this section to provide
17 technical assistance as described in this subsection.

18 “(2) The Secretary shall—

19 “(A) provide technical assistance to coastal
20 States and local governments in identifying and
21 obtaining other sources of available Federal
22 technical and financial assistance for the devel-
23 opment and revision of a working waterfronts
24 plan and the implementation of an approved
25 working waterfronts plan;

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

10 “(C) assist States in developing other tools
11 to protect working waterfronts;

12 “(D) collect and disseminate to States
13 guidance for best stormwater management
14 practices in regards to working waterfronts;

15 “(E) provide technical assistance to States
16 and local governments on integrating resilience
17 planning into working waterfronts preservation
18 efforts; and

19 “(F) collect and disseminate best practices
20 on working waterfronts and resilience planning.

21 “(k) REPORTS.—

22 “(1) The Secretary shall—

23 “(A) develop performance measures to
24 evaluate and report on the effectiveness of the

1 program under this section in accomplishing the
2 purpose of this section; and

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

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

11 “(1) DEFINITIONS.—In this section, the following
12 definitions apply:

13 “(1) QUALIFIED HOLDER.—The term ‘qualified
14 holder’ means a coastal State or a unit of local or
15 coastal State government or a non-State organiza-
16 tion designated by a coastal State under subsection
17 (g).

18 “(2) WORKING WATERFRONT.—The term
19 ‘working waterfront’ means real property (including
20 support structures over water and other facilities)
21 that provides access to coastal waters to persons en-
22 gaged in commercial and recreational fishing, rec-
23 reational fishing and boating businesses, other ma-
24 rine recreational and tourism businesses,
25 boatbuilding, aquaculture, or other water-dependent,

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

7 “(3) WORKING WATERFRONT COVENANT.—The
8 term ‘working waterfront covenant’ means an agree-
9 ment in recordable form between the owner of work-
10 ing waterfront and one or more qualified holders,
11 that provides such assurances as the Secretary may
12 require that—

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

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

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

1 “(i) all working waterfront owners
2 and qualified holders involved in such sale
3 or exchange shall accede to such agree-
4 ment; and

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

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

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

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

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

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

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

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

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

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

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

25 (1) in paragraph (1)—

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

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

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

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

12 “(3) FISHING COMMUNITIES.—

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

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

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

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

1 or realizing a security interest in such ac-
2 cess; and

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

11 “(B) COMMUNITY SUSTAINABILITY PLAN
12 APPROVAL.—

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

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

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

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

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

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

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

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

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

18 **SEC. 206. FINDINGS.**

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

21 “(3) Commercial, recreational, and charter fish-
22 ing constitute major sources of employment and con-
23 tribute significantly to the economy of the nation.
24 Many coastal areas are dependent upon fishing and
25 related activities, and their economies have been

1 badly damaged by the overfishing of fishery re-
2 sources; ensuring sustainable use of fishery re-
3 sources is essential to the economic well-being of
4 these areas.”.

5 **SEC. 207. PARTICIPATION BY FISHERY-DEPENDENT COM-**
6 **MUNITIES.**

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

9 “(8) Conservation and management measures
10 shall, consistent with the conservation requirements
11 of this Act (including the prevention of overfishing
12 and rebuilding of overfished stocks), provide for the
13 sustained participation by fishery-dependent commu-
14 nities by using economic and social data that meets
15 the requirements of paragraph (2) to—

16 “(A) minimize adverse economic impacts
17 on such communities; and

18 “(B) include measurable objectives and
19 tangible strategies that provide residents of
20 local fishing communities with sustained access
21 to adjacent fisheries.”.

22 (b) UPDATE OF ADVISORY GUIDELINES.—Not later
23 than 60 days after the date of enactment of this section,
24 the Secretary shall update the advisory guidelines required
25 under section 301(b) of the Magnuson-Stevens Fishery

1 Conservation and Management Act (16 U.S.C. 1851(b))
2 to be consistent with the amendment made by this section.

3 **TITLE III—STRENGTHENING**
4 **PUBLIC PROCESS AND**
5 **TRANSPARENCY**

6 **SEC. 301. TRIBAL REPRESENTATION AT THE PACIFIC FISH-**
7 **ERY MANAGEMENT COUNCIL.**

8 (a) IN GENERAL.—Section 302(b)(5) (16 U.S.C.
9 1852(b)(5)) is amended—

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

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

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

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

21 **SEC. 302. TRIBAL REPRESENTATION AT THE NORTH PA-**
22 **CIFIC FISHERY MANAGEMENT COUNCIL.**

23 (a) IN GENERAL.—Section 302(a)(1)(G) (16 U.S.C.
24 1852(a)(1)(G)) is amended—

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

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

8 (b) APPOINTMENT.—Section 302(b) (16 U.S.C.
9 1852(b)) is amended by adding at the end the following:

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

12 “(A) APPOINTMENT.—The Secretary shall
13 appoint to the North Pacific Council 2 rep-
14 resentatives of Indian Tribes in Alaska that are
15 identified (including parenthetically) on the
16 most current list (as of the date of the enact-
17 ment of this paragraph) published by the Sec-
18 retary under section 104 of the Federally Rec-
19 ognized Indian Tribe List Act of 1994 (25
20 U.S.C. 5131) from a list submitted by the Trib-
21 al governments of those Tribes. The Secretary,
22 in consultation with the Secretary of the Inte-
23 rior and Tribal governments, shall establish by
24 regulation the procedure for submitting a list
25 under this subparagraph.

1 “(B) REPRESENTATION.—Representation
2 shall be rotated among affected tribal regions,
3 taking into consideration—

4 “(i) the qualifications of the individ-
5 uals on the list described in subparagraph
6 (A);

7 “(ii) the degree to which the Indian
8 tribes in the region are dependent on anad-
9 romous fish and marine resources in the
10 area managed by the Council and the im-
11 pact of Council actions on such resources;
12 and

13 “(iii) the geographic area in which the
14 tribe of the representative is located.

15 “(C) FILLING OF VACANCY.—A vacancy
16 occurring prior to the expiration of any term
17 shall be filled in the same manner as set out in
18 subparagraphs (A) and (B), except that the
19 Secretary may use the list from which the
20 vacating representative was chosen.

21 “(D) DESIGNATION OF ALTERNATE.—The
22 tribal representative appointed under subpara-
23 graph (A) may designate as an alternate an in-
24 dividual knowledgeable concerning tribal rights
25 and fishing practices, Indigenous traditional

1 knowledge, tribal law, and other marine re-
2 sources of the geographical area concerned.

3 “(E) TERM OF APPOINTMENT.—An indi-
4 vidual appointed under subparagraph (A) shall
5 serve on the North Pacific Council until such
6 time as a new appointment to the tribal seat is
7 made under subparagraph (A).”.

8 **SEC. 303. ATLANTIC COUNCILS.**

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

10 (1) in paragraph (1)—

11 (A) in subparagraph (A)—

12 (i) by striking “18” and inserting
13 “19”; and

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

20 (B) in subparagraph (B)—

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

23 (ii) by inserting before the period at
24 the end “and a liaison who is a member of
25 the New England Fishery Management

1 Council to represent the interests of fish-
2 eries under the jurisdiction of such Coun-
3 cil”; and

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

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

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

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

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

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

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

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

1 “(B) ensure the availability of remote
2 meeting participation and voting.”.

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

5 “(G) Each Council shall make available on
6 the website of the Council—

7 “(i) to the extent possible, a webcast
8 or a live audio or video broadcast of each
9 meeting of the Council, and of the Council
10 Coordination Committee established under
11 subsection (l), that is not closed in accord-
12 ance with paragraph (3); and

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

21 “(H) The Secretary shall maintain and
22 make available to the public, for a period of not
23 less than 5 years beginning on the date of a
24 meeting, an archive of Council and scientific
25 and statistical committee meeting audio and

1 video recordings and transcripts made available
2 under clauses (i) and (ii) of subparagraph
3 (G).”.

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

5 (a) VOTING MEMBERS.—Section 302(b)(2) (16
6 U.S.C. 1852(b)(2)) is amended—

7 (1) by amending subparagraph (A) to read as
8 follows:

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

15 “(i) the conservation and manage-
16 ment, or the commercial, recreational, or
17 subsistence harvest, of the fishery re-
18 sources of the geographic area concerned;
19 or

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

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

24 “(B) APPORTIONMENT.—The Secretary, in
25 making appointments under this section, shall,

1 to the extent practicable, ensure a fair and bal-
2 anced apportionment, on a rotating or other
3 basis, of active participants (or their represent-
4 atives) in the commercial, recreational, and sub-
5 sistence fisheries under the jurisdiction of the
6 Council and of members of the conservation
7 community, scientists, non-consumptive users,
8 and indigenous and tribal communities as appli-
9 cable, and of the active participants (or their
10 representatives) in the commercial, recreational,
11 and subsistence fisheries under the jurisdiction
12 of the Council. The Secretary shall, on an an-
13 nual basis, submit to the Committee on Com-
14 merce, Science, and Transportation of the Sen-
15 ate and the Committee on Natural Resources of
16 the House of Representatives a report on the
17 actions taken by the Secretary to ensure that
18 such fair and balanced apportionment is
19 achieved. The report shall—

20 “(i) list the fisheries under the juris-
21 diction of each Council, outlining for each
22 fishery the type and quantity of fish har-
23 vested, fishing and processing methods em-
24 ployed, the number of participants, the du-

1 ration and range of the fishery, and other
2 distinguishing characteristics;

3 “(ii) assess the membership of each
4 Council in terms of the apportionment of
5 the active participants in each such fishery
6 and of members of the conservation com-
7 munity, scientists, non-consumptive users,
8 indigenous and tribal communities; and

9 “(iii) state the Secretary’s plans and
10 schedule for actions to achieve a fair and
11 balanced apportionment on the Council for
12 the active participants in any such fishery
13 and for the categories of members listed in
14 clause (ii).”; and

15 (3) by amending subparagraph (C) to read as
16 follows:

17 “(C) APPOINTMENTS.—

18 “(i) LIST FROM GOVERNOR.—

19 “(I) APPOINTMENT FROM
20 LIST.—The Secretary shall appoint
21 the members of each Council from a
22 list of individuals submitted by the
23 Governor of each applicable con-
24 stituent State.

1 “(II) REQUIREMENTS FOR
2 LIST.—in submitting a list for the
3 purposes of subclause (I), a Gov-
4 ernor—

5 “(aa) may only submit the
6 name of an individual if such
7 Governor has determined such in-
8 dividual is qualified under the re-
9 quirements of subparagraph (A);
10 and

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

20 “(III) REVIEW.—The Secretary
21 shall review each list submitted under
22 this subparagraph. If the Secretary
23 determines that any individual does
24 not meet the requirements of this

1 paragraph, the Secretary shall notify
2 the appropriate Governor.

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

10 “(ii) INDIVIDUALS WHO DO NOT HAVE
11 A FINANCIAL INTEREST.—The Secretary
12 shall appoint to each Council at least one
13 individual who does not have a financial in-
14 terest in matters before the Council.

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

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

23 “(F) In appointing at-large members to
24 the Western Pacific Fishery Management Coun-
25 cil, the Secretary shall ensure geographic rep-

1 resentation across all constituent states of the
2 Council.”.

3 (c) DISCLOSURE OF FINANCIAL INTEREST AND
4 RECUSAL.—Section 302(j) (16 U.S.C. 1852(j)) is amend-
5 ed—

6 (1) by amending paragraph (1)(B) to read as
7 follows:

8 “(B) the term ‘designated official’ means an at-
9 torney employed in the Office of the General Counsel
10 of the National Oceanic and Atmospheric Adminis-
11 tration with an expertise in Federal conflict-of-inter-
12 est requirements who is designated by the Secretary,
13 in consultation with the Council, to attend Council
14 meetings and make determinations under paragraph
15 (7)(B).”;

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

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

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

23 “(m) LOBBYING.—

24 “(1) PROHIBITION ON COUNCIL LOBBYING.—

1 “(A) IN GENERAL.—Except as provided in
2 subparagraph (B), Regional Fishery Manage-
3 ment Council members, members of Council ad-
4 visory bodies, and Council employees and con-
5 tractors, are prohibited from using Federal
6 funds to attempt to influence the—

7 “(i) introduction, advancement, enact-
8 ment, amendment, or repeal of Federal or
9 State legislation; or

10 “(ii) issuance, modification, or over-
11 turning of an executive order, Presidential
12 proclamation, or similar Presidential direc-
13 tive or decree.

14 “(B) TECHNICAL AND FACTUAL PRESEN-
15 TATIONS.—Notwithstanding subparagraph (A),
16 such individuals may provide a technical and
17 factual presentation directly related to the per-
18 formance of a Council’s duties, through hearing
19 testimony or written statements, if such presen-
20 tation is in response to a documented request
21 and is made available under paragraph (4).

22 “(2) ADJUDICATING VIOLATIONS.—

23 “(A) INITIATION BY SECRETARY.—The
24 Secretary may initiate an investigation of a po-
25 tential violation of this subsection.

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

5 “(3) PENALTIES.—If the Secretary determines
6 that an individual violated paragraph (1), such indi-
7 vidual shall be subject to disciplinary action includ-
8 ing suspension or expulsion from participation in,
9 membership of, or employment by a council, advisory
10 body, or related entity or activity.

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

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

22 “(A) the funding provided to implement
23 this subsection;

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

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

7 “(6) REGULATIONS.—Not later than 12 months
8 after the date of enactment of the Sustaining Amer-
9 ica’s Fisheries for the Future Act of 2022, the Sec-
10 retary shall issue implementing regulations for this
11 subsection.”.

12 (e) WORKPLACE HARASSMENT PREVENTION.—Sec-
13 tion 302 (16 U.S.C. 1852) is further amended by adding
14 at the end the following:

15 “(n) WORKPLACE HARASSMENT PREVENTION.—

16 “(1) PROHIBITION.—The Secretary shall pro-
17 hibit any person from harassing a covered individual
18 during the conduct of duties under this Act.

19 “(2) HARASSMENT PREVENT TRAINING.—Coun-
20 cil members and staff shall, as a condition of em-
21 ployment, not later than 1 year after the date of en-
22 actment of the Sustaining America’s Fisheries for
23 the Future Act of 2022 or such individual’s first day
24 of employment by a Council and not less often than
25 every 2 years thereafter, complete 2 hours of work-

1 place harassment prevention training approved by
2 the office authorized by section 3541 of the National
3 Defense Authorization Act for Fiscal Year 2017.

4 “(3) DEFINITIONS.—In this subsection:

5 “(A) COVERED INDIVIDUAL.—The term
6 ‘covered individuals’ means—

7 “(i) council members;

8 “(ii) council staff;

9 “(iii) advisory panel members;

10 “(iv) committee members;

11 “(v) Federal fishery permit holders; or

12 “(vi) staff, crew, employees, or con-
13 tractors associated with a federally per-
14 mitted vessel or a facility providing serv-
15 ices to such vessels.

16 “(B) HARASSMENT.—The term ‘harass-
17 ment’ means unwelcome verbal, visual, or phys-
18 ical conduct based on race, color, national ori-
19 gin, religion, age (40 and above), sex (including
20 gender identity, sexual orientation, and preg-
21 nancy), disability, genetic information, or prior
22 Equal Employment Opportunity activity.”.

23 (f) JUDICIAL REVIEW.—Section 305(f)(1) (16 U.S.C.
24 1855(f)(1) is amended by striking “30” and inserting
25 “60”.

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

2 Section 204(e) of the Magnuson-Stevens Fishery
3 Conservation and Management Act (16 U.S.C. 1824(e))
4 is amended—

5 (1) in paragraph (1)—

6 (A) by striking “in consultation with any
7 appropriate Council,” and inserting “at the re-
8 quest and with the concurrence of the Governor
9 of the applicable Pacific Insular Area,”;

10 (B) by striking “a Pacific Insular Area—
11 ” and inserting “that Pacific Insular Area.”;
12 and

13 (C) by striking subparagraphs (A) and
14 (B);

15 (2) in paragraph (3)(A)—

16 (A) by inserting “and” before “the Gov-
17 ernor”;

18 (B) by striking “, and the appropriate
19 Council”; and

20 (C) by adding at the end “Such permits
21 shall also be consistent with any applicable fish-
22 ery management plan.”;

23 (3) in paragraph (4)—

24 (A) in subparagraph (A)—

25 (i) by striking “the Western Pacific
26 Council and”;

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

3 (iii) by amending (v) to read as fol-
4 lows—

5 “(v) western Pacific community based
6 demonstration projects under section
7 112(b) of the Sustainable Fisheries Act
8 and other coastal improvement projects in
9 waters beyond the seaward boundary (as
10 such term is defined in section 4 of the
11 Submerged Lands Act) of any state to fos-
12 ter and promote the management, con-
13 servation, and economic enhancement of
14 the Pacific Insular Areas.”; and

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

17 “(B) In the case of American Samoa,
18 Guam, and the Northern Mariana Islands, the
19 appropriate Governor of the applicable Pacific
20 Insular Area shall develop the marine conserva-
21 tion plan described in subparagraph (A) and
22 submit such plan to the Secretary for approval.
23 In the case of other Pacific Insular Areas, the
24 Secretary and the appropriate Governor of the
25 applicable Pacific Insular Area shall jointly de-

1 velop the marine conservation plan described in
2 subparagraph (A).”;

3 (4) in paragraph (6)—

4 (A) in subparagraph (A), by inserting
5 “and” at the end;

6 (B) by striking subparagraph (B); and

7 (C) redesignating subparagraph (C) as
8 subparagraph (B);

9 (5) in paragraph (7)—

10 (A) by striking “, who shall provide such
11 funds only to” and inserting “for the purposes
12 of”;

13 (B) in subparagraph (A)—

14 (i) by striking “the Western Pacific
15 Council for the purpose of”; and

16 (ii) by inserting “as determined by the
17 Secretary, in consultation with the Western
18 Pacific Sustainable Fishery Fund Advisory
19 Panel established under section
20 204(e)(9),” after “subsection,”;

21 (C) in subparagraph (B), by inserting
22 “providing such funds as are necessary to” be-
23 fore “the Secretary”;

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

1 “(C) providing such funds as remain in the
2 Western Pacific Sustainable Fisheries Fund
3 after the funding requirements of subpara-
4 graphs (A) and (B) have been satisfied to the
5 Governor of Hawaii to meet conservation and
6 management objectives in the State of Ha-
7 waii.”; and

8 (E) by striking “Amounts deposited in
9 such fund shall not diminish funding received
10 by the Western Pacific Council for the purpose
11 of carrying out other responsibilities under this
12 Act.”; and

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

14 “(9) WESTERN PACIFIC SUSTAINABLE FISHERY
15 FUND ADVISORY PANEL.—

16 “(A) IN GENERAL.—To assist in carrying
17 out this paragraph, the Secretary shall establish
18 and convene an advisory panel under section
19 302(g) to evaluate, determine the relative mer-
20 its of, and annually rank applications for grants
21 for implementation of approved marine con-
22 servation plans approved under paragraph (4).
23 The panel shall consist of members such that—

1 “(i) the Governor of each applicable
2 Pacific Insular Area selects one member;
3 and

4 “(ii) no member shall be a member or
5 employee of the Western Pacific Fishery
6 Management Council.

7 “(B) AWARD NOT IN ACCORDANCE WITH
8 RANK.—If the Secretary awards a grant for a
9 project not in accordance with the rank given to
10 such project by the advisory panel, the Sec-
11 retary shall provide a detailed written expla-
12 nation of the reasons for such award.

13 “(C) NOTICE.—The Secretary shall pro-
14 vide to the public timely notice of each meeting
15 of the advisory panel.

16 “(D) MINUTES.—Minutes of each meeting
17 of the advisory panel shall be kept by the Sec-
18 retary and shall be made available to the public.

19 “(E) REPORTS.—The Secretary shall, with
20 the assistance of the Western Pacific Sustain-
21 able Fishery Fund Advisory Panel, submit an
22 annual report to Congress identifying any
23 projects that were funded in the previous year
24 and the status and progress of projects carried
25 out under this subsection.

1 “(F) EXEMPTION FROM FEDERAL ADVI-
2 SORY COMMITTEE ACT.—The Federal Advisory
3 Committee Act (5 U.S.C. App) shall not apply
4 to the advisory panel.”.

5 **SEC. 307. NATIONAL OCEANIC AND ATMOSPHERIC ADMIN-**
6 **ISTRATION SEXUAL HARASSMENT AND AS-**
7 **SAULT PREVENTION.**

8 (a) POLICY ON THE PREVENTION OF AND RESPONSE
9 TO SEXUAL HARASSMENT INVOLVING NATIONAL OCE-
10 ANIC AND ATMOSPHERIC ADMINISTRATION PER-
11 SONNEL.—

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

15 (A) by striking “Not later” and inserting
16 the following:

17 “(1) IN GENERAL.—Not later”; and

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

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

23 “(A) Observers and at-sea monitors re-
24 quired by the National Marine Fisheries Service
25 to be aboard commercial fishing vessels and

1 other privately owned vessels, barges, or plat-
2 forms for—

3 “(i) commercial fisheries observation
4 required by the Magnuson-Stevens Fishery
5 Conservation and Management Act;

6 “(ii) protected species or endangered
7 species observation required by the Marine
8 Mammal Protection Act of 1972 or the
9 Endangered Species Act of 1973; or

10 “(iii) platform removal observation.

11 “(B) Council members, executive and ad-
12 ministrative staff, and advisory panel and com-
13 mittee members of regional fishery management
14 councils established under section 302 of the
15 Magnuson-Stevens Fishery Conservation and
16 Management Act.

17 “(C) Federal fishery permit holders and
18 staff, crew, employees, and contractors associ-
19 ated with federally permitted vessels under the
20 Magnuson-Stevens Fishery Conservation and
21 Management Act.”.

22 (2) INCLUSION OF EQUAL EMPLOYMENT IN
23 QUARTERLY REPORTS.—Section 3541(f) of such Act
24 (33 U.S.C. 894(f)) is amended—

1 (A) by inserting “and equal employment”
2 after “sexual harassment” each place it ap-
3 pears; and

4 (B) in paragraph (2)—

5 (i) by redesignating subparagraphs
6 (C) and (D) as subparagraphs (D) and
7 (E), respectively; and

8 (ii) by inserting after subparagraph
9 (B) the following:

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

12 (b) COMPREHENSIVE POLICY ON PREVENTION OF
13 AND RESPONSE TO SEXUAL ASSAULTS.—

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

16 (A) by striking “Not later” and inserting
17 the following:

18 “(1) IN GENERAL.—Not later”; and

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

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

24 (2) VICTIM ADVOCATES.—

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

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

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

13 (c) ANNUAL REPORT ON SEXUAL ASSAULTS, SEX-
14 UAL HARASSMENT, AND EQUAL EMPLOYMENT.—Section
15 3548 of such Act (33 U.S.C. 894e) is amended—

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

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

24 (3) in subsection (b)—

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

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

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

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

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

17 “(A) a synopsis of each case and the sta-
18 tus;

19 “(B) the disposition of any investigation;
20 and

21 “(C) a description of the fishery manage-
22 ment region and fishery or the geographic re-
23 gion and type of permitted operation in which
24 the assault or harassment is alleged to have oc-
25 curred, as appropriate.”.

1 (d) INVESTIGATION AND CRIMINAL REFERRAL RE-
2 QUIREMENTS.—

3 (1) TECHNICAL AMENDMENT.—Sections 3548
4 (as amended) and 3549 of such Act (33 U.S.C. 894e
5 and 894f) are redesignated as sections 3551 and
6 3552, respectively.

7 (2) IN GENERAL.—Subtitle C of title XXXV of
8 such Act (33 U.S.C. 894 et seq.) is amended by in-
9 serting after section 3547 the following:

10 **“SEC. 3548. EXCEPTIONS REGARDING ANONYMITY OF SUR-
11 VIVORS IN CERTAIN CASES.**

12 “(a) IN GENERAL.—In any case in which an em-
13 ployee, member of the commissioned officer corps, or indi-
14 vidual conducting business on behalf of the administration
15 elects anonymous reporting under section 3541(b)(3)(B)
16 or 3542(b)(5)(B), disclosure of such person’s personally
17 identifying information is authorized to the following per-
18 sons or organizations when disclosure would be for the fol-
19 lowing reasons:

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

23 “(2) To National Oceanic and Atmospheric Ad-
24 ministration staff or law enforcement personnel to

1 prevent or lessen a serious or imminent threat to the
2 health or safety of the survivor or another person.

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

6 “(4) To a State or Federal court, when ordered
7 by such court or if disclosure is required by Federal
8 or State statute.

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

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

15 “(2) take such action as is necessary to protect
16 the privacy and safety of the employee, member, or
17 individual.

18 **“SEC. 3549. RESTRICTED REPORTING.**

19 “(a) IN GENERAL.—Not later than 3 years after the
20 date of enactment of this section, the Secretary of Com-
21 merce, acting through the Under Secretary for Oceans and
22 Atmosphere, shall develop a mechanism to provide a sys-
23 tem of restricted reporting.

24 “(b) RESTRICTED REPORTING DEFINED.—In this
25 section the term ‘restricted reporting’ means a system of

1 reporting that allows employees of the National Oceanic
2 and Atmospheric Administration, members of the Com-
3 missioned Officer Corps of the Administration, and indi-
4 viduals who work with or conduct business on behalf of
5 the Administration who are sexually assaulted to confiden-
6 tially disclose the details of such person’s assault to speci-
7 fied individuals and receive the services outlined in this
8 subtitle title—

9 “(1) without the dissemination of such
10 persons’s personally identifying information except
11 as necessary for the provision of such services; and

12 “(2) without automatically triggering an inves-
13 tigative process.

14 **“SEC. 3550. MARINER REFERRAL.**

15 “The Under Secretary of Commerce for Oceans and
16 Atmosphere, acting through the Director of the Office of
17 Marine and Aviation Operations and in consultation with
18 the Commandant of the Coast Guard, shall, not later than
19 180 days after the date of the enactment of this section,
20 develop and implement a policy to report to the Coast
21 Guard Suspension and Revocation National Center of Ex-
22 pertise, the names of personnel of the National Oceanic
23 and Atmospheric Administration who—

24 “(1) are the subject of a claim of an act or of-
25 fense detrimental to good discipline and safety at

1 sea, such as sexual harassment or sexual assault
2 that is substantiated by an investigation under sec-
3 tion 3546, or any other substantiated claim of an
4 act or offense for which suspension or revocation of
5 a credential is either mandatory or sought pursuant
6 to part 5 of title 46 of the Code of Federal Regula-
7 tions; and

8 “(2) are—

9 “(A) employees or contractors of the Ad-
10 ministration required to hold a valid merchant
11 mariner credential as a condition of employ-
12 ment; or

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

16 (e) CONFORMING AND CLERICAL AMENDMENTS.—

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

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

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

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

3 (D) in section 3543—

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

6 (ii) by striking “victim” and inserting
7 “survivor”; and

8 (E) in section 3544—

9 (i) in subsection (a)—

10 (I) by striking “VICTIMS” and in-
11 sserting “SURVIVORS”; and

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

15 (ii) by striking “victim” each place
16 such term appears and inserting “sur-
17 vivor”.

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

21 (A) by striking the item relating to section
22 3543 and inserting the following:

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

23 and

1 (B) by striking the items relating to sec-
2 tions 3548 and 3549 and inserting the fol-
3 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.”.

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

7 (1) by striking “forcibly”; and

8 (2) by striking “on a vessel”.

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

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

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

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

4 **SEC. 308. AMERICAN FISHERIES ADVISORY COMMITTEE.**

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

7 (1) by redesignating subsection (e) as sub-
8 section (f); and

9 (2) by inserting after subsection (d) the fol-
10 lowing:

11 “(e) AMERICAN FISHERIES ADVISORY COM-
12 MITTEE.—

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

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

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

22 “(C) MARKETING AND PROMOTION.—The
23 term ‘marketing and promotion’ means an ac-
24 tivity aimed at encouraging the consumption of

1 seafood or expanding or maintaining commer-
2 cial markets for seafood.

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

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

12 “(2) ESTABLISHMENT.—Not later than 90 days
13 after the date of the enactment of the Sustaining
14 America’s Fisheries for the Future Act of 2022, the
15 Secretary shall establish 6 regions within the Amer-
16 ican Fisheries Advisory Committee as follows:

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

21 “(B) Region 2 shall consist of Maine, New
22 Hampshire, Massachusetts, Rhode Island, and
23 Connecticut.

24 “(C) Region 3 shall consist of Texas, Ala-
25 bama, Louisiana, Mississippi, Florida, Arkan-

1 sas, Puerto Rico, and the Territory of the Vir-
2 gin Islands of the United States.

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

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

8 “(F) Region 6 shall consist of Michigan,
9 Minnesota, Wisconsin, Illinois, Indiana, Ohio,
10 and Pennsylvania.

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

13 “(A) REGIONAL REPRESENTATION.—Each
14 of the regions listed in subparagraphs (A)
15 through (F) of paragraph (2) shall be rep-
16 resented on the Committee by 3 members—

17 “(i) who are appointed by the Sec-
18 retary;

19 “(ii) who reside in a State or territory
20 in the region that the member will rep-
21 resent;

22 “(iii) of which—

23 “(I) one shall have experience as
24 a seafood harvester or processor;

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

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

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

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

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

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

22 “(iii) One individual with experience
23 in the commercial fishing industry supply
24 chain, such as fishermen, manufacturers,
25 retailers, and distributors.

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

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

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

15 “(5) RESPONSIBILITIES.—The Committee shall
16 be responsible for—

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

20 “(B) developing the request for proposals
21 for such grants;

22 “(C) reviewing applications for such
23 grants; and

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

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

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

7 “(8) MEETINGS.—

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

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

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

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

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

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

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

17 “(11) CONFLICT OF INTEREST.—The conflict of
18 interest and recusal provisions set out in section
19 302(j) of the Magnuson-Stevens Fishery Conserva-
20 tion and Management Act (16 U.S.C. 1852(j)) shall
21 apply to any decision by the Committee and to all
22 members of the Committee as if each member of the
23 Committee is an affected individual within the mean-
24 ing of such section 302(j), except that in addition to
25 the disclosure requirements of section 302(j)(2)(C)

1 of such Act (16 U.S.C. 1852(j)(2)(C)), each member
2 of the Committee shall disclose any financial interest
3 or relationship in an organization or with an indi-
4 vidual that is applying for a grant under subsection
5 (c) held by the member of the Committee, including
6 an interest as an officer, director, trustee, partner,
7 employee, contractor, agent, or other representative.

8 “(12) TECHNICAL REVIEW OF APPLICATIONS.—

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

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

19 “(ii) shall independently evaluate each
20 such proposal; and

21 “(iii) shall certify that the expert does
22 not have a conflict of interest concerning
23 the application that the expert is review-
24 ing.

1 “(B) GUIDANCE.—Not later than 180 days
2 after the date of the enactment of the Sus-
3 taining America’s Fisheries for the Future Act
4 of 2022, the Secretary shall issue guidance re-
5 lated to carrying out the technical evaluations
6 under subparagraph (A). Such guidance shall
7 include criteria for the elimination by the Na-
8 tional Oceanic and Atmospheric Administration
9 of applications that fail to meet a minimum
10 level of technical merit as determined by the re-
11 view described in subparagraph (A).”.

12 (b) ROLE IN APPROVAL OF GRANTS.—Section
13 2(c)(3) of the Act of August 11, 1939 (15 U.S.C. 713c-
14 3(c)(3)), is amended to read as follows:

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

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

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

24 “(I) soundness of design;

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

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

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

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

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

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

17 (c) EXPANSION OF SPECIFIED PURPOSES OF FISH-
18 ERIES RESEARCH AND DEVELOPMENT PROJECTS GRANTS
19 PROGRAM TO INCLUDE FISHERIES RESEARCH AND DE-
20 VELOPMENT PROJECTS.—Section 2(c)(1) of the Act of
21 August 11, 1939 (15 U.S.C. 713c–3(c)(1)) is amended by
22 inserting “fisheries science, recreational fishing,” before
23 “harvesting,”.

24 (d) PUBLIC AVAILABILITY OF GRANTS PRO-
25 POSALS.—Section 2(c) of the Act of August 11, 1939 (15

1 U.S.C. 713c–3(c)), is amended by adding at the end the
2 following:

3 “(6) Any person awarded a grant under this sub-
4 section shall make publicly available a title and abstract
5 of the project to be carried out by the grant funds that
6 serves as the public justification for funding the project
7 that includes a statement describing how the project
8 serves to enhance United States fisheries, including har-
9 vesting, processing, marketing, and associated infrastruc-
10 tures, if applicable.”.

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

13 **SEC. 401. DATA MODERNIZATION.**

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

19 Such plan shall include a description of—

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

1 (4) a plan for stakeholder engagement for de-
2 velopment of user-centric systems, processes, and
3 policies; and

4 (5) how the initiative will align with other Na-
5 tional Oceanic and Atmospheric Administration data
6 management efforts to provide for efficiency and
7 interoperability including such Administration's
8 Data Strategy, Cloud Strategy, and Artificial Intel-
9 ligence strategy.

10 (b) INFORMATION FROM EXPERTS.—In carrying out
11 this section, the Secretary shall solicit information, as
12 needed, from data management and technology experts in-
13 side and outside the government.

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

16 **SEC. 402. EXPANDING AND IMPROVING ELECTRONIC TECH-**
17 **NOLOGIES.**

18 (a) SENSE OF CONGRESS.— It is the sense of Con-
19 gress that the use of electronic technologies such as digital
20 video cameras and monitors, digital recording systems,
21 and other forms of electronic technology as a complement
22 to, and in some cases a replacement for, observers may
23 maintain, increase, or improve the amount and accuracy
24 of observer and fishery dependent information collected
25 from fisheries while reducing costs and logistical difficul-

1 ties. To achieve optimum yields on a continuing basis
2 while conserving and maintaining fisheries and integrating
3 healthy ecosystem considerations, managers require reli-
4 able, timely data across all regions and fishing sectors for
5 conservation, management, and scientific purposes. To
6 achieve management goals especially in the context of cli-
7 mate change, the National Oceanic and Atmospheric Ad-
8 ministration should work to meet evolving management
9 needs and, in collaboration with industry stakeholders,
10 identify appropriate data collection technologies and strat-
11 egies. The National Oceanic and Atmospheric Administra-
12 tion should also consider the use of innovative technology
13 in fishery independent data collection including stock and
14 habitat assessments and environmental conditions.

15 (b) FISHERY MANAGEMENT COUNCILS.—Section
16 303(b)(8) (16 U.S.C. 1853(b)(8)) is amended to read as
17 follows:

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

23 “(A) electronic monitoring or other elec-
24 tronic technology; or

1 “(B) observers carried onboard such vessel,
2 except that such a vessel shall not be required
3 to carry an observer on board if the facilities of
4 the vessel for the quartering of an observer, or
5 for carrying out observer functions, are so inad-
6 equate or unsafe that the health or safety of the
7 observer or the safe operation of the vessel
8 would be jeopardized;”.

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

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

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

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

22 “(3) SECRETARIAL REVIEW.—Not less often
23 than once every 5 years, the Secretary shall review
24 the procedures and policies by which information is
25 collected, managed, and used to manage fisheries

1 and revise information collection programs and poli-
2 cies needed to integrate data collection and manage-
3 ment, improve the timeliness, quality, usability, cost-
4 effectiveness, and to reduce unnecessary duplication
5 within and across fishery management plans and re-
6 gions. Upon the completion of each such review, the
7 Secretary shall publish a report for the public de-
8 scribing the findings of such review and planned re-
9 visions to information collection programs.”.

10 (d) ASSESSMENT OF ELECTRONIC TECHNOLOGIES IN
11 FISHERIES MANAGEMENT.—

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

22 (2) REPORT.—The Comptroller General shall
23 submit to Congress a report describing the results of
24 the review required by paragraph (1) and the rec-
25 ommendations made pursuant to such review not

1 later than 18 months after the date of enactment of
2 this Act.

3 (e) ELECTRONIC TECHNOLOGIES INNOVATION
4 PRIZE.—The Administrator, in consultation with the Sec-
5 retary of Defense and the heads of other relevant Federal
6 agencies, and in conjunction with such nongovernmental
7 partners as the Administrator determines appropriate,
8 shall establish at least one electronic technologies innova-
9 tion prize to catalyze the rapid development and deploy-
10 ment of electronic technology-based data collection to be
11 used in fisheries management. Such prize shall focus on
12 one or more of the following:

- 13 (1) Improved fish species recognition software.
- 14 (2) Confidential data management.
- 15 (3) Cost-effective storage of electronic reports,
16 imagery, location information, and other data.
- 17 (4) Data analysis and visualization.
- 18 (5) Artificial intelligence and machine learning
19 applications for data collection and monitoring.
- 20 (6) Battery storage and energy supply storage
21 at sea.
- 22 (7) Improved internet connectivity onshore and
23 at sea in support of data uploads.
- 24 (8) Bycatch hotspot mapping and adaptive use
25 of protected areas.

1 (9) Such other area as the Administrator deter-
2 mines appropriate.

3 (f) ADVISORY PANEL FOR ELECTRONIC TECH-
4 NOLOGIES DEVELOPMENT AND DEPLOYMENT.—

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

13 (2) APPOINTMENTS.—In appointing individuals
14 to the Advisory Panel, the Secretary shall appoint at
15 least 2 members who are electronic technology devel-
16 opers, operators, or providers.

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

22 (4) RECOMMENDATIONS.—Not later than 2
23 years after the date of enactment of this Act, the
24 Advisory Panel shall make a recommendation to the
25 Secretary regarding the potential value of national

1 performance standards for electronic technologies
2 used in fisheries data collection and management.

3 Such recommendation shall include—

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

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

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

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

1 (E) a list of knowledge gaps or additional
2 questions the Secretary should consider before
3 publishing such performance standards;

4 (F) recommendations on ensuring cost ef-
5 fectiveness of electronic technologies for fish-
6 eries data collection and management;

7 (G) recommendations to address data stor-
8 age problems of electronic technologies;

9 (H) recommendations on ownership of data
10 collected using electronic technology; and

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

15 (5) EXEMPTION FROM THE FEDERAL ADVISORY
16 COMMITTEES ACT.—The Federal Advisory Com-
17 mittee Act (5 U.S.C. App.) shall not apply to the
18 Advisory Panel.

19 (6) SAVINGS CLAUSE.—Nothing in this sub-
20 section shall preclude any regional council from inde-
21 pendently developing electronic technologies to be
22 used in fisheries data collection and management.

23 **SEC. 403. STOCK ASSESSMENTS.**

24 Not later than one year after the date of enactment
25 of this Act, and annually thereafter, the Secretary shall

1 report to the Committee on Natural Resources of the
2 House of Representatives and the Committee on Com-
3 merce, Science, and Transportation of the Senate, on the
4 National Marine Fisheries Service's progress on
5 prioritizing and improving stock assessments. Such report
6 shall—

7 (1) summarize the methods used for assess-
8 ments for all stocks of fish for which a fishery man-
9 agement plan is in effect under the Magnuson-Ste-
10 vens Fishery Conservation and Management Act (16
11 U.S.C. 1801 et seq.), and explain which stocks have
12 not been assessed, and why;

13 (2) summarize each stock assessment and stock
14 assessment update completed during the preceding
15 year;

16 (3) identify each stock assessment that was
17 planned but not completed and explain why such
18 stock assessment was not completed;

19 (4) include the schedule for all upcoming stock
20 assessments and stock assessment updates;

21 (5) summarize data and analysis, that, if avail-
22 able, would reduce uncertainty in and improve the
23 accuracy of future stock assessments, including
24 whether such data and analysis could be provided by

1 fishermen, fishing communities, universities, and re-
2 search institutions;

3 (6) summarize progress on autonomous surveys
4 and identify opportunities to expand new tech-
5 nologies for stock assessments data collection; and

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

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

10 (a) IN GENERAL.—Section 318 (16 U.S.C. 1867) is
11 amended—

12 (1) in subsection (a), by inserting “fishing com-
13 munities,” after “data,”;

14 (2) by amending subsection (b) to read as fol-
15 lows:

16 “(b) ELIGIBLE PROJECTS.—The Secretary shall
17 make funds available under the program for the support
18 of cooperative research and management projects to ad-
19 dress critical needs identified by the Councils. Each Coun-
20 cil shall provide a list of such needs to the Secretary on
21 an annual basis, identifying and prioritizing such needs.
22 The program shall promote and encourage efforts to use
23 sources of data maintained by other Federal agencies,
24 State agencies, local and traditional knowledge, or aca-
25 demia for use in such projects.”;

1 (3) by amending subsection (c) to read as fol-
2 lows:—

3 “(c) PRIORITIES.—In making funds available the
4 Secretary shall award funding on a competitive basis and
5 based on regional fishery management needs, select pro-
6 grams that form part of a coherent program of cooperative
7 research or management projects focused on addressing
8 priority issues identified by the Councils, and shall give
9 priority to the following projects:

10 “(1) Projects to collect data to improve, supple-
11 ment, or enhance stock assessments, including the
12 use of fishing vessels or acoustic or other marine
13 technology.

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

16 “(A) to assess the amount and type of by-
17 catch or post-release mortality occurring in a
18 fishery;

19 “(B) expanding the use of electronic tech-
20 nology and modernizing data management sys-
21 tems; and

22 “(C) improving monitoring coverage
23 through the expanded use of electronic tech-
24 nology.

1 “(3) Conservation engineering or management
2 projects designed to reduce bycatch, including avoid-
3 ance of post-release mortality, reduction of bycatch
4 in high seas fisheries, and transfer of such fishing
5 technologies and methods to other nations, or other
6 regional entities, including fishing communities, re-
7 gional fishery associations, and fishing sectors.

8 “(4) Projects for the identification of habitat
9 areas of particular concern and for habitat conserva-
10 tion.

11 “(5) Projects designed to collect and compile
12 economic and social data for which electronic tech-
13 nologies can be added.

14 “(6) Projects to test and expand electronic
15 technologies for monitoring, reporting, observer cov-
16 erage, and other functions.

17 “(7) Projects that use electronic technologies to
18 monitor changing ocean conditions, improve meth-
19 ods, support adaptive management, and enhance cli-
20 mate resilience in fisheries.

21 “(8) Projects designed to identify the impacts
22 of anticipated changing ocean conditions, including
23 climate change, on fish stocks, fisheries, and fishing
24 communities or designed to develop conservation and
25 management strategies to adapt to those impacts.

1 “(9) Cooperative management projects that
2 make use of data collected under this section.”;

3 (4) by redesignating subsections (e) and (f) as
4 subsections (f) and (g), respectively;

5 (5) by inserting after subsection (d) the fol-
6 lowing:

7 “(e) COOPERATIVE MANAGEMENT AGREEMENTS.—

8 “(1) IN GENERAL.—Not later than one year
9 after the date of enactment of this Act, the Sec-
10 retary, in consultation with the Councils and with
11 input from the public, shall issue guidance to facili-
12 tate a transparent, timely, uniform, and regionally
13 based process for the development, oversight, and
14 management of cooperative management agree-
15 ments.

16 “(2) PROCESS FOR APPROVAL.—The Secretary
17 may use the process developed pursuant to (d) to
18 approve cooperative management agreements as if
19 such agreements are cooperative fishing agreements.

20 “(3) PERFORMANCE STANDARDS.—An agree-
21 ment authorized by this subsection shall be subject
22 to performance standards and accountability meas-
23 ures specified in a fishery management plan or oth-
24 erwise established by the Secretary, in consultation
25 with the Councils, and shall not allow catch in excess

1 of annual catch limits or bycatch in excess of by-
2 catch caps or limits.

3 “(4) PRE-EXISTING AGREEMENTS.—This sub-
4 section shall not apply to a cooperative management
5 agreement submitted to, proposed by or approved by
6 the Secretary before the date of enactment of this
7 Act.”; and

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

9 “(g) PUBLIC REPORT OF DATA.—With respect to
10 any cooperative research project funded or experimental
11 fishing permit issued under this section, the appropriate
12 Council shall publish a report of results and data gen-
13 erated by such project or under such permit.

14 “(h) PROGRESS REPORT.—Not later than 180 days
15 after the date of enactment of this Act, the Assistant Ad-
16 ministrator for Fisheries shall provide a report to Con-
17 gress on progress in implementing the recommendations
18 of the Cooperative Research and Cooperative Management
19 Working Group report entitled ‘NOAA Technical Memo-
20 randum NMFS–F/SPO–156’ and published in August
21 2015 and on the development and implementation of any
22 subsequent recommendations by such Working Group.”.

23 (b) Section 2(a)(8) is amended by inserting “Fish-
24 eries management is most effective when it uses the best
25 scientific information available, and incorporates such in-

1 formation from governmental and nongovernmental
2 sources, including State and Federal agency staff, fisher-
3 men, fishing communities, universities, nonprofit organi-
4 zations, local and traditional knowledge from Tribes, In-
5 digenous communities, and subsistence fishermen, and re-
6 search institutions. Scientific and statistical committees
7 should consider such information when seeking the best
8 scientific information available to form the basis of con-
9 servation and management.” after “States”.

10 **SEC. 405. NORTHEAST REGIONAL PILOT RESEARCH TRAWL**
11 **SURVEY AND STUDY.**

12 (a) **INDUSTRY-BASED PILOT STUDY.**—Not later than
13 one year after the date of enactment of this Act, the Sec-
14 retary shall, in coordination with the relevant Councils se-
15 lected by the Secretary and the Northeast Area Moni-
16 toring and Assessment Program, develop a fishing indus-
17 try-based Northeast regional pilot research trawl survey
18 and study to enhance and provide improvement to current
19 National Oceanic and Atmospheric Administration vessel
20 trawl surveys.

21 (b) **COMPONENTS.**—Under the pilot survey and
22 study—

23 (1) the Secretary—

1 (A) may select fishing industry vessels to
2 participate in the study by issuing a request for
3 procurement;

4 (B) may use the Northeast Area Moni-
5 toring and Assessment Program Southern New
6 England/Mid-Atlantic Nearshore Trawl Survey
7 or another methodology selected in partnership
8 with the National Marine Fisheries Service
9 Northeast Fisheries Science Center and the Vir-
10 ginia Institute of Marine Science as a model for
11 the pilot survey;

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

14 (D) shall ensure the pilot study uses a sta-
15 tistically valid sampling method and spatial cov-
16 erage that allows for comparison with results
17 from the National Oceanic and Atmospheric
18 Administration trawl surveys; and

19 (2) the National Marine Fisheries Service
20 Northeast Fisheries Science Center shall, in partner-
21 ship with the selected Councils and the Virginia In-
22 stitute of Marine Science, collect data for 5 years.

23 (c) REPORT.—Upon completion of the pilot survey
24 and study, the Secretary and the selected Councils shall
25 submit a detailed report on the results of the pilot survey

1 and study to the Committee on Natural Resources of the
2 House of Representatives and the Committee on Com-
3 merce, Science, and Transportation of the Senate.

4 **SEC. 406. RECREATIONAL DATA CONSISTENCY.**

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

7 “(1) RECREATIONAL DATA IMPROVEMENT.—Not
8 later than 2 years after the date of enactment of the Sus-
9 taining America’s Fisheries for the Future Act of 2022,
10 the Secretary shall establish guidelines for recreational
11 catch data, which shall include the development of data
12 standards to improve timeliness, accuracy, precision and
13 validation of data produced by recreational surveys in
14 order to facilitate the use of such data in assessments,
15 for use in management actions, and for other uses as ap-
16 plicable. The Secretary’s guidelines shall consider the rel-
17 evant recommendations developed under section 404(e),
18 subsections (g)(4)(C) and (h) of section 401, and section
19 201(b) of the Modernizing Recreational Fisheries Manage-
20 ment Act of 2018 (16 U.S.C. 1881 note). If recreational
21 catch data for a stock of fish come from more than one
22 survey program, such as Federal and non-Federal sources,
23 including from States or Marine Fisheries Commissions,
24 the Secretary shall implement measures, which may in-
25 clude the use of calibration methods, as needed for the

1 timely integration of such data to ensure consistent meth-
2 ods and approaches are used for monitoring of catch
3 against the relevant annual catch limits and for other fish-
4 ery science and management purposes.”.

5 (b) RECREATIONAL DATA IMPROVEMENT PRO-
6 GRAM.—Title IV is amended by adding at the end the fol-
7 lowing:

8 **“SEC. 409. RECREATIONAL DATA IMPROVEMENT PROGRAM.**

9 “(a) IN GENERAL.—The Secretary shall initiate and
10 maintain a comprehensive program to implement the re-
11 quirements and associated guidelines in section 305(l). In
12 executing the program, the Secretary shall coordinate with
13 programs established in subsection 401(g) and promote
14 collaboration with State and Federal partners.

15 “(b) STRATEGIC PLAN.—Not later than one year
16 after the date of enactment of the Sustaining America’s
17 Fisheries for the Future Act of 2022, and not less fre-
18 quently than once every 5 years thereafter, the Secretary
19 shall develop and publish in the Federal Register a stra-
20 tegic plan for recreational data improvements for the 5
21 years immediately following such publication. The plan
22 shall—

23 “(1) improve coordination between Federal pro-
24 grams that implement recreational fishing surveys

1 and other data from non-Federal sources, including
2 data from States or Marine Fisheries Commissions;

3 “(2) improve the timeliness, accuracy, precision,
4 and validation of data produced by surveys;

5 “(3) describe processes to calibrate data sources
6 with historical time series data prior to being used
7 for management;

8 “(4) develop methods to integrate recreational
9 data collected from more than one source for use in
10 assessments;

11 “(5) create goals, objectives, and timeframes for
12 achievement of paragraphs (1) through (4);

13 “(6) consider the use and effectiveness of exper-
14 imental fishing permits to carry out such research;
15 and

16 “(7) describe the role of fishery participants in
17 the program. In developing the strategic plan and
18 subsequent plans, the Secretary shall cooperate with
19 the Councils and affected States, provide for coordi-
20 nation with the Councils, affected States, and other
21 research and data collection entities, and allow for
22 public input.

23 “(c) AREAS OF RESEARCH.—In initiating and main-
24 taining the program, the Secretary shall prioritize re-
25 search and improvement in the following areas:

1 “(1) Development of data standards and valida-
2 tion processes for survey programs collecting data on
3 recreational fishing catch and effort, including those
4 produced by State agencies and considered integral
5 or supplemental to Federal surveys.

6 “(2) Research to understand how surveys of
7 recreational fishing can more effectively account for
8 differences in fishing rate and effort, including
9 among fishermen who use private or public access
10 points, and fishermen who are State residents or
11 non-residents.

12 “(3) Methods and policies to improve the esti-
13 mation of discards in recreational fisheries, including
14 estimation of discarded fish both during and outside
15 of fishing seasons.

16 “(4) To improve understanding of best prac-
17 tices for minimizing discard mortality as well as esti-
18 mation of adoption rates of such practices by fisher-
19 men.

20 “(5) To assess changes in discard mortality es-
21 timates when best fishing practices are adequately
22 and verifiably applied.

23 “(6) Research on how the use of electronic ap-
24 plications can be used to collect data in recreational
25 fisheries, including spatial information, depth, dis-

1 card rate and disposition, release method, and socio-
2 economic information, while meeting data and vali-
3 dation standards.

4 “(7) Research on how electronic technologies
5 can most effectively be incorporated into survey de-
6 signs.

7 “(8) Research of methods to integrate rec-
8 reational catch data from more than one survey
9 source for use in assessments.

10 “(9) The use of approaches to improve rec-
11 reational data, including the use of tag and endorse-
12 ment measures to fund such data improvement,
13 stock-wide regional effort surveys, and species-spe-
14 cific oversampling.

15 “(d) PUBLIC NOTICE.—In developing the plan re-
16 quired under subsection (b), the Secretary shall publish
17 a proposed plan in the Federal Register for the purpose
18 of receiving public comment on the plan. Upon final publi-
19 cation in the Federal Register, the plan shall be submitted
20 by the Secretary to the Committee on Commerce, Science,
21 and Transportation of the Senate and the Committee on
22 Natural Resources of the House of Representatives.”.

23 **SEC. 407. EMERGENCY OPERATING PLANS.**

24 (a) IN GENERAL.—The Administrator, not later than
25 one year after the date of enactment of this Act and in

1 consultation with the Fishery Management Councils, rel-
2 evant Federal, State, and international agencies, scientific
3 and technical experts, and interested stakeholders, shall
4 develop a contingency plan for circumstances that would
5 make fisheries monitoring, including human observation,
6 surveys, and other data collection to support stock assess-
7 ments impractical.

8 (b) REPORT.—Not later than one year after the date
9 of enactment of this Act, the Administrator shall submit
10 a report to Congress on the contingency plan developed
11 under subsection (a).

12 **SEC. 408. ZEKE GRADER FISHERIES CONSERVATION AND**
13 **MANAGEMENT FUND.**

14 (a) IN GENERAL.—Section 208 of the Magnuson-Ste-
15 vens Fishery Conservation and Management Reauthoriza-
16 tion Act of 2006 (16 U.S.C. 1891b) is amended—

17 (1) in the section heading, by inserting “**ZEKE**
18 **GRADER**” before “**FISHERIES CONSERVATION**
19 **AND MANAGEMENT FUND**”;

20 (2) in subsection (a), by inserting “Zeke Grad-
21 er” before “Fisheries Conservation and Management
22 Fund”; and

23 (3) in subsection (c), by striking “Fishery Con-
24 servation and Management Fund” each place such

1 term appears and inserting “Zeke Grader Fisheries
2 Conservation and Management Fund”.

3 (b) ADAPTATION FOR CLIMATE CHANGE.—Section
4 208(b) (16 U.S.C. 1891b(b)) is amended—

5 (1) in paragraph (6), by striking “and”;

6 (2) in paragraph (7), by striking the period at
7 the end and inserting “; and”; and

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

9 “(8) conducting research and analysis to pre-
10 pare and adapt fisheries and fishing communities to
11 the effects of climate change.”.

12 (c) ALLOCATION.—Section 208(d) (16 U.S.C.
13 1891b(d)) is amended to read as follows:

14 “(d) ALLOCATION.—

15 “(1) IN GENERAL.—Except as provided in para-
16 graphs (2) and (3), the Secretary shall, every 2
17 years, apportion amounts from the Fund among the
18 8 Council regions according to recommendations of
19 the Councils, based on regional priorities identified
20 through the Council process.

21 “(2) MINIMUM ALLOCATION.—In the case of
22 amounts deposited in the Fund pursuant to sub-
23 section (c)(2), unless specified otherwise, the Sec-
24 retary shall allocate not less than 5 percent of the
25 Fund in each allocation period to each region.

1 “(3) SPECIFICALLY APPORTIONED FUNDS.—
2 The Secretary may apportion amounts from the
3 Fund to a specific project or region if such amounts
4 were identified by the Council that designated such
5 amounts for inclusion in the Fund under subsection
6 (c)(1), or by the appropriation Act, State, public
7 source, or nonprofit or organization from which they
8 were received under subsection (c)(2), as being de-
9 posited for that specific project or region.”.

10 (d) REFERENCES.—Any reference in a law, map, reg-
11 ulation, document, paper, or other record of the United
12 States to the “Fisheries Conservation and Management
13 Fund” is deemed to be a reference to the “Zeke Grader
14 Fisheries Conservation and Management Fund”.

15 (e) CLERICAL AMENDMENT.—The table of contents
16 for the Magnuson-Stevens Fishery Conservation and Man-
17 agement Reauthorization Act of 2006 (Public Law 109–
18 479) is amended by striking the item relating to section
19 208 and inserting the following:

 “Sec. 208. Zeke Grader Conservation and Management Fund.”.

20 **SEC. 409. OFFSHORE WIND COLLABORATION.**

21 The Secretary and the Secretary of the Interior, act-
22 ing through the Bureau of Ocean Energy Management,
23 shall enter into a cooperative agreement to fund such sur-
24 vey mitigation programs, additional stock assessments,
25 and fisheries and marine wildlife research as may be nec-

1 essary as a result of actions by such Bureau related to
2 the development of offshore wind energy.

3 **TITLE V—SUSTAINING FISH-**
4 **ERIES THROUGH HEALTHY**
5 **ECOSYSTEMS AND IMPROVED**
6 **MANAGEMENT**

7 **SEC. 501. SENSE OF CONGRESS.**

8 It is the sense of Congress that protection of essential
9 fish habitat ensures healthy and resilient fisheries and ma-
10 rine ecosystems, particularly as oceans conditions shift
11 due to climate change, and that impacts from both fishing
12 gear and non-fishing activities should be considered
13 through consistent application of essential fish habitat
14 provisions under the Magnuson-Stevens Fishery Conserva-
15 tion and Management Act.

16 **SEC. 502. ESSENTIAL FISH HABITAT CONSULTATION.**

17 (a) IN GENERAL.—Section 305(b) of the Magnuson-
18 Stevens Fishery Conservation and Management Act (16
19 U.S.C. 1855(b)) is amended—

20 (1) in subparagraph (D), by inserting “and
21 such agencies shall take action” after “agencies”;

22 (2) by striking paragraphs (2), (3), and (4);

23 and

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

1 “(2) CONSULTATIONS REGARDING FEDERAL
2 AGENCY ACTION WITH ADVERSE EFFECTS ON ES-
3 SENTIAL FISH HABITAT.—

4 “(A) REQUIREMENT TO AVOID OR MITI-
5 GATE ADVERSE EFFECTS.—With respect to any
6 Federal agency action that may have an ad-
7 verse effect on—

8 “(i) essential fish habitat, each Fed-
9 eral agency shall, in consultation with the
10 Secretary, ensure that any action author-
11 ized, funded, or undertaken by such agency
12 avoids the adverse effect of such action on
13 essential fish habitat or, to the extent that
14 the adverse effect cannot be avoided, the
15 agency shall minimize and mitigate the ad-
16 verse effect; and

17 “(ii) a habitat area of particular con-
18 cern, each Federal agency shall, in con-
19 sultation with the Secretary—

20 “(I) for the entire period during
21 which such adverse effect is likely to
22 occur, monitor or require monitoring
23 for such adverse effect;

24 “(II) for the entire period during
25 which such adverse effect is likely to

1 occur, take action to minimize and
2 mitigate such adverse effect of the ac-
3 tion on—

4 “(aa) the habitat area of
5 particular concern; and

6 “(bb) the species for with
7 respect to which the habitat area
8 of particular concern is des-
9 ignated;

10 “(III) evaluate the effectiveness
11 of measures described in subclause
12 (II) and report the results of such
13 evaluation to the Secretary annually.

14 “(B) CONSIDERATIONS.—In consulting
15 with a Federal agency under subparagraph (A)
16 for projects seeking to restore and improve the
17 long-term resilience of habitat, particularly in
18 estuarine environments heavily impacted by sea
19 level rise and other climate change factors, the
20 Secretary shall account for the consequences of
21 not pursuing such restoration and habitat resil-
22 ience projects and the long-term positive im-
23 pacts on fish populations of such activities.

24 “(C) REGULATIONS.—The Secretary shall
25 establish regulations for the consultation proc-

1 ess required by subparagraph (A), including to
2 ensure that recommendations made by the Sec-
3 retary pursuant to such subparagraph would re-
4 sult in the avoidance, of adverse effects on es-
5 sential fish habitat and, to the extent adverse
6 effects cannot be avoided, the minimization and
7 mitigation of any such adverse effects.

8 “(3) INFORMATION TO COUNCIL.—The Sec-
9 retary shall inform each Council that has authority
10 over an affected fishery of any consultation carried
11 out under paragraph (2), including information on
12 the proposed action and any potential adverse ef-
13 fects, and each such Council—

14 “(A) may comment on and make rec-
15 ommendations to the Secretary and any Federal
16 or State agency concerning the underlying ac-
17 tion if, in the view of the Council, such action
18 may affect the habitat of a fishery resource
19 under the authority of such Council; and

20 “(B) shall comment on and make rec-
21 ommendations to the Secretary and any Federal
22 or State agency concerning the underlying ac-
23 tion if, in the view of the Council, such action
24 is likely to adversely affect the habitat of an

1 anadromous fishery resource under the author-
2 ity of such Council.

3 “(4) INFORMATION FROM OTHER SOURCES.—

4 “(A) RECEIPT OF INFORMATION.—If the
5 Secretary receives information from any source
6 and determines that an action taken, funded, or
7 authorized or proposed to be taken, funded, or
8 authorized by a State or Federal agency may
9 have an adverse effect on an essential fish habi-
10 tat identified under this Act, the Secretary shall
11 recommend to such agency measures that avoid
12 such adverse effects and to the extent the ad-
13 verse effects cannot be avoided, minimize and
14 mitigate such adverse effects.

15 “(B) REQUIRED RESPONSE.—Not later
16 than 30 days after receiving a recommendation
17 under subparagraph (A), a Federal, State, or
18 local agency shall provide a detailed response in
19 writing to any Council comment under para-
20 graph (3) and the Secretary regarding the mat-
21 ter. The response shall include a description of
22 measures proposed by the agency for avoiding
23 the adverse effects, or to the extent the adverse
24 effects cannot be avoided, mitigating the ad-
25 verse effects of the action on such essential fish

1 habitat. In the case of a response that is incon-
2 sistent with the recommendations of the Sec-
3 retary, the Federal, State, or local agency shall
4 explain how the alternative measures proposed
5 will avoid the adverse effects of such action on
6 essential fish habitat or, to the extent that ad-
7 verse effects cannot be avoided, minimize and
8 mitigate the adverse effects.

9 “(C) PUBLICATION.—The Secretary shall
10 make available to the public—

11 “(i) any recommendation made under
12 subparagraph (A) on the date on which
13 such recommendation is made; and

14 “(ii) any response made by an agency
15 under subparagraph (B) on the date on
16 which such response is received.

17 “(D) MONITORING.—The Secretary shall
18 monitor measures taken by each Federal agency
19 to meet the requirements of this subsection.

20 “(E) REPORT TO CONGRESS.—Not later
21 than 5 years after the date of the enactment of
22 the Sustaining America’s Fisheries for the Fu-
23 ture Act of 2022 and not less frequently than
24 every 5 years thereafter, the Secretary shall
25 submit a report—

1 “(i) describing the effectiveness of
2 measures taken by the Secretary to ensure
3 the conservation and enhancement of es-
4 sential fish habitat; and

5 “(ii) identifying opportunities for
6 partnerships between the National Oceanic
7 and Atmospheric Administration, in con-
8 sultation with other Federal agencies,
9 State agencies, and non-Federal partners
10 to enhance data collection, research, and
11 monitoring of essential fish habitat.”.

12 (b) CONTENTS OF FISHERY MANAGEMENT PLANS.—
13 Section 303(a)(7) (16 U.S.C. 1853(a)(7)) is amended to
14 read as follows:

15 “(7) describe and identify—

16 “(A) essential fish habitat for the fishery
17 based on the guidelines established by the Sec-
18 retary under section 305(b)(1)(A), minimize ad-
19 verse effects on essential fish habitat caused by
20 fishing, and identify other actions to encourage
21 the conservation and enhancement of essential
22 fish habitat; and

23 “(B) habitat areas of particular concern
24 based on the guidelines established by the Sec-
25 retary under section 305(b)(1)(A), avoid ad-

1 verse effects on such habitat caused by fishing,
2 monitor efficacy of actions to avoid adverse ef-
3 fects, and identify other actions to encourage
4 the conservation and enhancement of such habi-
5 tat;”.

6 (c) PURPOSE.—Section 2(b)(7) (16 U.S.C.
7 1801(b)(7)) is amended by striking “in the review of
8 projects” and inserting “from adverse effects caused by
9 fishing and from projects”.

10 (d) HABITAT AREAS OF PARTICULAR CONCERN.—
11 Section 3 (16 U.S.C. 1802) is amended—

12 (1) by redesignating paragraph (1) as para-
13 graph (1A);

14 (2) by inserting before paragraph (1A), as re-
15 designated, the following:

16 “(1) ADVERSE EFFECT.—The term ‘adverse ef-
17 fect’ means, with respect to essential fish habitat,
18 any impact that reduces the quality or quantity of
19 essential fish habitat.”; and

20 (3) by inserting after paragraph (19) the fol-
21 lowing:

22 “(19A) HABITAT AREAS OF PARTICULAR CON-
23 CERN.—The term ‘habitat areas of particular con-
24 cern’ means specific types or areas of habitat that
25 are part of or within essential fish habitat that—

1 “(A) provide important ecological function,
2 including for maintaining and restoring the bio-
3 mass, demographic, spatial and genetic charac-
4 teristics of fish populations;

5 “(B) are sensitive to human-induced envi-
6 ronmental degradation;

7 “(C) are or will be significantly stressed by
8 human activities;

9 “(D) due to prevailing or anticipated fu-
10 ture environmental conditions, are or may be-
11 come important to the health of managed spe-
12 cies; or

13 “(E) are rare.”.

14 **SEC. 503. REDUCING BYCATCH.**

15 (a) MINIMIZING BYCATCH.—

16 (1) NATIONAL STANDARDS FOR FISHERY CON-
17 SERVATION AND MANAGEMENT.—Section 301(a)(9)
18 (16 U.S.C. 1851(a)(9)) is amended to read as fol-
19 lows:

20 “(9) Conservation and management measures
21 shall—

22 “(A) minimize bycatch; and

23 “(B) to the extent bycatch cannot be
24 avoided, minimize the mortality of such by-
25 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 3 years
25 after the date of enactment of the Sustaining Amer-

1 ica’s Fisheries for the Future Act of 2022, 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 description of all bycatch reduc-
7 tion technologies and methods developed, tested, or
8 supported by the Bycatch Reduction Engineering
9 Program, and a summary of how such technologies
10 and methods have been implemented into fishery
11 management, or an explanation for why such tech-
12 nologies and methods have not been implemented.”.

13 **SEC. 504. IMPROVING REBUILDING OUTCOMES.**

14 Section 304(e) (16 U.S.C. 1854(e)) is amended to
15 read as follows:—

16 “(e) REBUILDING OVERFISHED FISHERIES AND
17 ENDING OVERFISHING.—

18 “(1) DETERMINATION OF STATUS.—

19 “(A) IN GENERAL.—The Secretary shall,
20 determine, based on the best scientific informa-
21 tion available and at any time, for stocks within
22 each Council’s geographic area of authority, (or
23 the Secretary, for stocks managed under section
24 302(a)(3)), whether such stock of fish is each
25 of the following:

1 “(i) Subject to overfishing.

2 “(ii) Overfished.

3 “(iii) Approaching a condition of
4 being overfished.

5 “(B) CRITERIA FOR DETERMINATION.—

6 “(i) CRITERIA PROVIDED BY MAN-
7 AGING DOCUMENT.—In making a deter-
8 mination under subparagraph (A), the Sec-
9 retary shall, with respect to a stock of fish
10 managed under a stock of fish manage-
11 ment plan or international agreement, use
12 the criteria specified in such plan or agree-
13 ment.

14 “(ii) APPROACHING A CONDITION OF
15 BEING OVERFISHED.—In making a deter-
16 mination under subparagraph (A), the Sec-
17 retary shall classify a stock of fish as ap-
18 proaching a condition of being overfished
19 if, based on trends in fishing effort, fishery
20 resource size, and other appropriate fac-
21 tors, the Secretary estimates that the stock
22 of fish will become overfished within 2
23 years.

24 “(iii) STOCKS LACKING CRITERIA.—

25 For stocks that lack criteria as required

1 under section 303(a)(10), the Secretary
2 shall determine whether the stock is over-
3 fished or subject to overfishing using the
4 best available scientific information.

5 “(2) PUBLICATION.—

6 “(A) IN GENERAL.—The Secretary shall
7 publish each determination made under para-
8 graph (1) in the Federal Register.

9 “(B) NOTIFICATION OF COUNCIL.—If the
10 Secretary determines that a stock of fish is sub-
11 ject to overfishing, overfished, or approaching a
12 condition of being overfished under paragraph
13 (1), the Secretary shall immediately notify the
14 appropriate Council and request that action be
15 taken—

16 “(i) to end overfishing with respect to
17 the stock of fish immediately;

18 “(ii) for a stock of fish that is over-
19 fished, to end overfishing immediately and
20 to implement conservation and manage-
21 ment measures to rebuild affected the
22 stock of fish; or

23 “(iii) for a stock of fish that is ap-
24 proaching an overfished condition, to end
25 overfishing immediately and prevent the

1 stock of fish from reaching a overfished
2 condition.

3 “(C) ANNUAL REPORT.—The Secretary
4 shall submit an annual report to Congress and
5 the Councils. Such report—

6 “(i) shall list each determination
7 made with respect to a stock of fish under
8 paragraph (1) during the preceding year;

9 “(ii) shall identify each stock of fish
10 managed under this Act that is under a re-
11 building plan or in need of a rebuilding
12 plan (as specified by this section), includ-
13 ing—

14 “(I) specifying the number of
15 years the stock of fish has been in a
16 rebuilding plan;

17 “(II) the anticipated length in
18 years of the stock of fish’s current re-
19 building plan;

20 “(III) the number of rebuilding
21 plans that have been implemented for
22 the stock of fish; and

23 “(IV) whether a lack of adequate
24 progress toward ending overfishing

1 and rebuilding has been found for the
2 stock of fish; and

3 “(iii) may use, as appropriate, the
4 term ‘depleted’ to further describe an over-
5 fished stock of fish that has been signifi-
6 cantly impacted by environmental factors
7 in addition to (or in absence of) fishing
8 pressure.

9 “(3) REQUIRED ACTION BY COUNCIL.—

10 “(A) DETERMINATION THAT REQUIRES AC-
11 TION.—Not later than 2 years after date on
12 which the Secretary makes any of the following
13 determinations, the appropriate Council (or the
14 Secretary, for fisheries managed under section
15 302(a)(3)) shall take an action described in
16 subparagraph (B):

17 “(i) A determination that a stock of
18 fish is subject to overfishing, overfished, or
19 approaching a condition of being over-
20 fished.

21 “(ii) A determination that a rebuild-
22 ing plan has failed under paragraph
23 (7)(C).

1 “(iii) A determination that a stock of
2 fish has reached the end of the time period
3 for a rebuilding plan under paragraph (8).

4 “(B) ACTIONS.—The actions described in
5 this subparagraph are—

6 “(i) with respect to a stock of fish
7 that is subject to overfishing, to end over-
8 fishing immediately and prevent over-
9 fishing of the stock;

10 “(ii) with respect to a stock of fish
11 that is overfished, to end overfishing imme-
12 diately and to rebuild the stock of fish; or

13 “(iii) with respect to a stock of fish
14 that is approaching an overfished condi-
15 tion, to end overfishing immediately and
16 prevent the stock of fish from reaching an
17 overfished condition.

18 “(4) REBUILDING PLAN REQUIRED.—For a
19 stock of fish that is overfished, any management
20 document prepared pursuant to paragraph (3) or
21 paragraph (5) for such fishery shall—

22 “(A) specify a time period for rebuilding
23 the stock of fish that shall—

24 “(i) be as short as possible, taking
25 into account the status and biology of over-

1 fished stocks of fish, the needs of fishing
2 communities, recommendations by inter-
3 national organizations in which the United
4 States participates, and the interaction of
5 the overfished stock of fish within the ma-
6 rine ecosystem; and

7 “(ii) not exceed the time the stock of
8 fish would be rebuilt in the absence of any
9 fishing mortality plus one mean genera-
10 tion;

11 “(B) allocate both overfishing restrictions
12 and recovery benefits fairly and equitably
13 among sectors of the fishery;

14 “(C) for a stock of fish managed under an
15 international agreement, reflect traditional par-
16 ticipation in the stock of fish, relative to other
17 nations, by fishermen of the United States; and

18 “(D) contain objective and measurable cri-
19 teria for evaluating rebuilding progress.

20 “(5) SECRETARIAL PLAN.—If a Council does
21 not meet the deadline described in paragraph (3)(A)
22 to submit a management document the Secretary
23 shall, not later than 9 months after the expiration
24 of such deadline, prepare such management docu-
25 ment for the affected fish stock under subsection (c).

1 “(6) INTERIM MEASURES.—During the develop-
2 ment of a management document for a stock of fish
3 required by this subsection, a Council may request
4 that the Secretary implement interim measures to
5 reduce overfishing under section 305(c) until such
6 measures can be replaced by such management docu-
7 ment. Such measures, if otherwise in compliance
8 with the provisions of this Act, may be implemented
9 even though they are not sufficient to stop over-
10 fishing of a fishery.

11 “(7) ASSESSMENT OF REBUILDING PLAN.—

12 “(A) SECRETARIAL REVIEW.—The Sec-
13 retary shall review each management document
14 relating to a stock of fish required by this sub-
15 section not less often than once every 2 years
16 to determine whether such management docu-
17 ment has resulted in adequate progress toward
18 rebuilding affected stocks of fish. The Secretary
19 shall find a lack of adequate progress toward
20 rebuilding an affected stock of fish if—

21 “(i) the status of the stock is not im-
22 proving sufficiently such that it becomes
23 unlikely that the stock will be rebuilt with-
24 in the rebuilding time period;

1 “(ii) the applicable fishing mortality
2 rate or annual catch limits are exceeded,
3 and the causes and rebuilding con-
4 sequences of such exceedances have not
5 been corrected;

6 “(iii) new scientific information dem-
7 onstrates that assumptions regarding the
8 stock’s biology that formed the basis for
9 the rebuilding plan, such as stock produc-
10 tivity, were fundamentally inaccurate, and
11 such inaccuracies render the current re-
12 building plan unable to address the stock’s
13 rebuilding needs; or

14 “(iv) for such other reasons as the
15 Secretary determines appropriate.

16 “(B) FINDING OF INADEQUATE
17 PROGRESS.—Except as provided in subpara-
18 graph (C), if the Secretary finds after a review
19 under subparagraph (A) that a management
20 document has not resulted in adequate progress
21 toward rebuilding affected fish stocks, the Sec-
22 retary shall—

23 “(i) in the case of a stock of fish to
24 which section 302(a)(3) applies, imme-
25 diately make revisions necessary to achieve

1 adequate progress toward rebuilding by the
2 deadline established under paragraph (4);
3 or

4 “(ii) for all other stocks of fish, imme-
5 diately notify the appropriate Council,
6 which must make revisions necessary to
7 achieve adequate progress toward rebuild-
8 ing by not later than the deadline estab-
9 lished under paragraph (4). If the Council
10 fails to complete such action by the date
11 that is 9 months after the date of such no-
12 tification, the Secretary shall, not later
13 than 18 months after the date of such no-
14 tification, make such revisions as are need-
15 ed to ensure adequate progress toward re-
16 building by not later than the rebuilding
17 deadline established under paragraph (4).

18 “(C) FAILED REBUILDING PLAN.—If the
19 Secretary finds that revisions pursuant to sub-
20 paragraph (B) cannot achieve adequate
21 progress within the time period set under para-
22 graph (4), the Secretary may find that the re-
23 building plan has failed.

24 “(D) PUBLICATION.—The Secretary shall
25 publish the results of a review performed under

1 this paragraph in the Federal Register, includ-
2 ing a determination of adequate progress or in-
3 adequate progress, and the basis for such deter-
4 mination.

5 “(8) SUBSEQUENT REBUILDING PLAN.—If a re-
6 building time period established under paragraph (4)
7 expires and the relevant fish stock has not been re-
8 built, or the Secretary determines that an existing
9 rebuilding plan has failed under paragraph (7)(C),
10 the Council (or Secretary in the case of a stock to
11 which section 302(a)(3) applies) shall prepare a new
12 rebuilding plan pursuant to paragraphs (3) through
13 (6), except that such plan shall have not less than
14 a 75 percent chance of rebuilding the stock of fish
15 by the end of the new rebuilding time period set
16 under paragraph (4). Management measures in-
17 tended to rebuild the stock shall remain in effect
18 during such preparation of a rebuilding plan.

19 “(9) MANAGEMENT DOCUMENT.—In this sub-
20 section, the term ‘management document’ means a
21 management plan, management plan amendment, or
22 proposed regulations for a stock of fish.”.

1 **SEC. 505. OVERFISHED FISHERIES AND PREVENTING OVER-**
2 **FISHING.**

3 (a) 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 its Council with ongoing
12 scientific advice for fishery management deci-
13 sions, 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 over-
24 fished or experiencing overfishing; and

25 “(iii) reports on stock status and
26 health, sources of mortality, bycatch, habi-

1 tat status, social, ecological, and economic
2 impacts of management measures, and
3 sustainability of fishing practices, and pre-
4 vailing and anticipated future impacts of
5 climate change on fish stocks, fishing com-
6 munities, and fishery sectors.”.

7 (b) MINIMUM REQUIRED PRECAUTIONARY STAND-
8 ARD.—Section 303(a)(10) (16 U.S.C. 1853(a)(10)) is
9 amended to read as follows:

10 “(10) specify objective and measurable criteria
11 for identifying when the fish stock to which the plan
12 applies is overfished or subject to overfishing (with
13 an analysis of how the criteria were determined and
14 the relationship of the criteria to the reproductive
15 potential of stocks of fish in that fishery), which
16 may not be less precautionary than the recommenda-
17 tion of the scientific and statistical committees for
18 such fishery, and, in the case of a fishery which the
19 Council or the Secretary has determined is ap-
20 proaching an overfished condition or is overfished,
21 contain conservation and management measures to
22 prevent overfishing or end overfishing and rebuild
23 the fishery.”.

1 (c) TECHNICAL CORRECTION.—Section 301 of the
2 Modernizing Recreational Fisheries Management Act of
3 2018 (16 U.S.C. 1801 note) is amended to read as follows:

4 **“SEC. 301. RULE OF CONSTRUCTION.**

5 “Nothing in this Act, including the amendment made
6 by section 102(a)(3), shall be construed as modifying the
7 requirements of sections 301(a), 302(h)(6), 303(a)(15), or
8 304(e) of the Magnuson-Stevens Fishery Conservation
9 and Management Act, or the equal application of such re-
10 quirements and other standards and requirements under
11 the Magnuson-Stevens Fishery Conservation and Manage-
12 ment Act to commercial, charter, and recreational fish-
13 eries, including each component of mixed-use fisheries.”.

14 **SEC. 506. PREPARATION AND REVIEW OF SECRETARIAL**
15 **PLANS.**

16 Section 304(c)(1) (16 U.S.C. 1854(c)) is amended—

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

18 (2) in subparagraph (A), by inserting “not to
19 exceed 2 years, or 9 months in the case of a man-
20 agement plan or amendment subject to section
21 304(e)(7)(B)” after “time”;

22 (3) in subparagraph (B), by inserting “not later
23 than 180 days after the disapproval” before the
24 semicolon; and

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

1 “Not later than 30 days before the date on which a time
2 period established in subparagraph (B) or (C) ends, the
3 Secretary shall provide written notification to the affected
4 Council that if such Council does not fulfill the require-
5 ments described in such subparagraph, the Secretary shall
6 issue a Secretarial plan.”.

7 **SEC. 507. COUNCILS.**

8 Section 302(h) (16 U.S.C. 1852(h)) is amended—

9 (1) in paragraph (5), by striking “and” at the
10 end;

11 (2) in paragraph (7)—

12 (A) by redesignating subparagraphs (B)
13 and (C) as subparagraphs (C) and (D), respec-
14 tively; and

15 (B) by inserting after subparagraph (A)
16 the following:

17 “(B) prioritize fisheries and habitats expe-
18 riencing or expected to experience shifts in geo-
19 graphic range, spatial distribution, or produc-
20 tivity;”;

21 (3) by redesignating paragraphs (8) and (9) as
22 paragraphs (11) and (13), respectively; and

23 (4) by inserting after paragraph (7) the fol-
24 lowing:

1 “(8) approve, for each of its managed stocks,
2 objective and measurable criteria for identifying
3 whether the stock is overfished or experiencing over-
4 fishing, which may not be less precautionary than
5 the recommendation of its scientific and statistical
6 committee;

7 “(9) develop and implement a habitat protec-
8 tion plan to protect essential fish habitat in the re-
9 gion of the Council from adverse effects caused by
10 fishing that shall include—

11 “(A) quantitative and measurable targets
12 and goals for increasing quality, quantity, and
13 representativeness of essential fish habitat; and

14 “(B) conservation and management meas-
15 ures in a fishery management plan to imple-
16 ment the habitat protection plan;

17 “(10) at routine intervals not less frequently
18 than every 7 years and based on scientific evidence
19 or other relevant information, review habitat protec-
20 tion plans developed under paragraph (9) by such
21 Council and each designation of essential fish habi-
22 tat and habitat areas of particular concern under
23 section 303(a)(7) by such Council, and amend such
24 Council’s fishery management plans as necessary
25 and appropriate;”.

1 **SEC. 508. FORAGE FISH CONSERVATION.**

2 (a) SECRETARY TO DEFINE FORAGE FISH.—Section
3 305 (16 U.S.C. 1855) is further amended by adding at
4 the end the following:

5 “(m) FORAGE FISH.—Not later than 12 months after
6 the date of enactment of the Sustaining America’s Fish-
7 eries for the Future Act of 2022, the Secretary shall es-
8 tablish by regulation, in consultation with the Regional
9 Fishery Management Councils, a definition of the term
10 ‘forage fish’ for the purposes of this Act. In defining such
11 term, the Secretary shall consider factors including wheth-
12 er a species covered by such definition, throughout such
13 species’ lifecycle—

14 “(1) is at a low trophic level;

15 “(2) is generally small- to intermediate-sized;

16 “(3) occurs in schools or other dense aggrega-
17 tions;

18 “(4) contributes significantly to the diets of
19 other fish, marine mammals, or birds; and

20 “(5) serves as a conduit for energy transfer to
21 species at a higher trophic level.”.

22 (b) DEFINITIONS.—Section 3 (16 U.S.C. 1802) is
23 further amended—

24 (1) by inserting after paragraph (18) the fol-
25 lowing:

1 “(18A) FORAGE FISH.—The term ‘forage
2 fish’—

3 “(A) has the meaning given the term by
4 the Secretary under section 305(m); and

5 “(B) with respect to a species in a fishery
6 managed pursuant to a fishery management
7 plan or plan amendment that is approved by
8 the Secretary under section 304(a), means any
9 species identified in such plan as a forage
10 fish.”; and

11 (2) in paragraph (33)—

12 (A) in subparagraph (B), by striking
13 “and”;

14 (B) in subparagraph (C), by striking the
15 period and inserting “; and”; and

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

17 “(D) in the case of a forage fish, is re-
18 duced, pursuant to subparagraph (B), to pro-
19 vide for the diet needs of fish species and other
20 marine wildlife, including marine mammals and
21 birds, for which forage fish is a significant die-
22 tary component.”.

23 (e) SCIENTIFIC ADVICE.—Section 302(g)(1)(B) (16
24 U.S.C. 1852(g)(1)(B)) is further amended by adding at
25 the end the following:

1 “(iv) maintaining a sufficient abun-
2 dance, diversity, and localized distribution
3 of forage fish populations to support the
4 role of such populations in marine eco-
5 systems.”.

6 (d) COUNCIL FUNCTIONS.—

7 (1) RESEARCH PRIORITIES.—Section 302(h)(7)
8 (16 U.S.C. 1852(h)(7)) is further amended by in-
9 serting “forage fish populations and distribution,”
10 after “habitats,”.

11 (2) UNMANAGED FORAGE FISH.—Section
12 302(h) (16 U.S.C. 1852(h)) is further amended by
13 inserting after paragraph (11), as redesignated, the
14 following:

15 “(12) develop and submit to the Secretary for
16 approval a list of unmanaged forage fish occurring
17 in the area under its authority for which the devel-
18 opment of any new directed forage fish fishery is
19 prohibited until the Council has—

20 “(A) considered the best scientific informa-
21 tion available and evaluated the potential im-
22 pacts of forage fish harvest on existing fish-
23 eries, fishing communities, and the marine eco-
24 system;

1 “(B) determined whether conservation and
2 management of the forage fish fishery is need-
3 ed;

4 “(C) if a determination is made that con-
5 servation and management is needed, prepared
6 and submitted to the Secretary a fishery man-
7 agement plan or amendment consistent with
8 section 303; and

9 “(D) received final, approved regulations
10 from the Secretary pursuant to section
11 304(b)(3); and”.

12 (3) EFFECTIVE DATE.—The amendments made
13 by this section shall take effect 2 years after the
14 date of enactment of this Act.

15 (e) CONTENTS OF FISHERY MANAGEMENT PLANS.—

16 (1) FORAGE FISH MANAGEMENT.—Section
17 303(a) (16 U.S.C. 1853(a)) is further amended by
18 adding at the end the following:

19 “(18) when setting annual catch limits for for-
20 age fish fisheries, assess, specify, and reduce such
21 limits by the diet needs of fish species and other ma-
22 rine wildlife, such as marine mammals and birds, for
23 which forage fish is a significant part of their diet.”.

1 (2) EFFECTIVE DATE.—The amendment made
2 by subsection (a) shall take effect 5 years after the
3 date of enactment of this Act.

4 (f) ACTION BY THE SECRETARY.—Section 304 (16
5 U.S.C. 1854) is further amended by adding at the end
6 the following:

7 “(1) FORAGE FISH MANAGEMENT GUIDELINES.—

8 “(1) IN GENERAL.—Not later than 18 months
9 after the date of enactment of the Sustaining Amer-
10 ica’s Fisheries for the Future Act of 2022, the Sec-
11 retary shall establish by regulation guidelines to as-
12 sist the Councils in implementing sections
13 302(h)(12) and 303(a)(18).

14 “(2) WORKSHOPS.—In developing the guide-
15 lines under paragraph (1), the Secretary shall con-
16 duct workshops with Councils and other scientific,
17 fisheries, and conservation interests.

18 “(m) FORAGE FISH PROHIBITION.—In accordance
19 with section 302(h)(12), the Secretary shall prohibit the
20 development of any new directed forage fish fishery.”.

21 (g) RIVER HERRING AND SHAD.—

22 (1) DEFINITIONS.—In this section—

23 (A) RIVER HERRING.—The term “river
24 herring” means blueback herring (*Alosa*
25 *aestivalis*) and alewife (*Alosa pseudoharengus*).

1 (B) SHAD.—The term “shad” means
2 American shad (*Alosa sapidissima*) and hickory
3 shad (*Alosa mediocris*).

4 (2) AMENDMENTS OF PLANS.—Not later than
5 180 days after the date of enactment of this Act, the
6 Secretary of Commerce shall—

7 (A) amend the fishery management plans
8 for the Atlantic Herring and Atlantic Mackerel,
9 Squid, and Butterfish fisheries for the New
10 England and Mid-Atlantic Regions to add shad
11 and river herring as managed stocks in such
12 plans consistent with section 302(h)(1) of the
13 Magnuson-Stevens Fishery Conservation and
14 Management Act (16 U.S.C. 1852(h)(1));

15 (B) initiate additional fishery management
16 plan amendments to be completed in not more
17 than one year from the date of the addition of
18 the species identified in paragraph (1) in order
19 to develop and implement all required conserva-
20 tion and management measures for such stocks
21 consistent with the Magnuson-Stevens Fisheries
22 Conservation and Management Act (16 U.S.C.
23 1801 et seq.), and all other applicable law; and

24 (C) notwithstanding any other law, rule, or
25 fishery management plan provision, including

1 conservation and management measures under
2 section 303(a)(11) of the Magnuson-Stevens
3 Fishery Conservation and Management Act (16
4 U.S.C. 1853(a)(11)), reallocate existing re-
5 sources to ensure accurate and precise catch ac-
6 counting on an ongoing basis within any fishery
7 using mid-water trawl or paired mid-water
8 trawl fishing gear in the Atlantic herring and
9 Atlantic mackerel fisheries through the use of
10 human or electronic on-board observation.

11 (h) RULE OF CONSTRUCTION.—Nothing in this sec-
12 tion shall be construed as—

13 (1) extending or diminishing the jurisdiction or
14 authority of any State within its boundaries; or

15 (2) affecting—

16 (A) section 306 of the Magnuson-Stevens
17 Fishery Conservation and Management Act (16
18 U.S.C. 1856); or

19 (B) the Atlantic Coastal Fisheries Cooper-
20 ative Management Act (16 U.S.C. 5107 et
21 seq.).

1 **SEC. 509. FUNDING FOR MONITORING IMPLEMENTATION**
2 **OF NORTHEAST MULTISPECIES FISHERY**
3 **MANAGEMENT PLAN.**

4 Section 311(f)(4) (16 U.S.C. 1861(f)(4)) is amended
5 by striking “pursuant to this section” and all that follows
6 through the end of the sentence and inserting “to enforce
7 and monitor (including electronic monitoring) implementa-
8 tion of that plan.”.

9 **SEC. 510. HIGHLY MIGRATORY SPECIES.**

10 Section 304(g)(1) (16 U.S.C. 1854(g)(1)) is amend-
11 ed—

12 (1) in subparagraph (B), by inserting “a sci-
13 entific and statistical committee and” after “estab-
14 lish”; and

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

17 “(C) for stocks not managed pursuant to
18 the Atlantic Tunas Convention Act of 1975, de-
19 velop annual catch limits that may not exceed
20 the fishing level recommendations of the sci-
21 entific and statistical committee;”.

1 **TITLE VI—INTERNATIONAL**
2 **FISHERIES MANAGEMENT**

3 **SEC. 601. CONSERVATION COMMISSIONER OF THE ATLAN-**
4 **TIC TUNAS CONVENTION ACT.**

5 (a) APPOINTMENT AND PROCEDURE OF COMMIS-
6 SIONERS.—Section 3(a) of the Atlantic Tunas Convention
7 Act of 1975 (16 U.S.C. 971a(a)) is amended to read as
8 follows:

9 “(a) APPOINTMENT AND NUMBER; RULES OF PRO-
10 CEDURE; TERM.—

11 “(1) APPOINTMENT.—The President shall ap-
12 point four Commissioners to serve as delegates of
13 the United States to the Commission as follows:

14 “(A) One Commissioner shall be a Federal
15 employee who shall serve as Chair.

16 “(B) Three Commissioners shall not be
17 Federal employees, of whom—

18 “(i) one shall have knowledge and ex-
19 perience regarding commercial fishing in
20 the Atlantic Ocean, Gulf of Mexico, or Car-
21 ibbean Sea;

22 “(ii) one shall have knowledge and ex-
23 perience regarding recreational fishing in
24 the Atlantic Ocean, Gulf of Mexico, or Car-
25 ibbean Sea; and

1 “(iii) one shall have knowledge and
2 experience in marine conservation, shall
3 represent the public interest in marine con-
4 servation and non-consumptive uses of the
5 Atlantic Ocean, Gulf of Mexico, and
6 Carribean Sea.

7 “(2) TERM OF APPOINTMENT.—

8 “(A) LENGTH OF TERM.—The term of a
9 Commissioner appointed under paragraph (1)
10 shall be three years.

11 “(B) CONSECUTIVE TERMS.—No indi-
12 vidual appointed under paragraph (1) shall
13 serve more than two consecutive terms as Com-
14 missioner.

15 “(C) PLEASURE OF THE PRESIDENT.—
16 Each Commissioner appointed under paragraph
17 (1) shall serve at the pleasure of the President.

18 “(3) REPRESENTATION OF THE UNITED
19 STATES.—

20 “(A) IN GENERAL.—At meetings of the
21 Commission, Council, any Panel, or any other
22 function as provided for in the Convention, the
23 United States shall be represented by the Com-
24 missioner described in paragraph (1)(A) and

1 two Commissioners described in paragraph
2 (1)(B).

3 “(B) PROCEDURES FOR ROTATION.— The
4 Secretary of State, in consultation with the Sec-
5 retary, shall establish procedures under which
6 the Commissioners appointed described in para-
7 graph (1)(B) rotate in representing the United
8 States to the Commission.

9 “(C) RIGHT TO PARTICIPATION.—Each
10 Commissioner appointed under paragraph (1)
11 may—

12 “(i) attend all meetings of the Com-
13 mission, Council, any Panel, or any other
14 function as provided for in the Convention;
15 and

16 “(ii) participate fully in all United
17 States preparatory activity for any activity
18 relating to the Convention.”.

19 (b) REGULATION MAY NOT DECREASE ALLOCATION
20 OR QUOTA.—Section 6(c)(3) of such Act (16 U.S.C.
21 971d(c)(3)) is amended by striking “or decreasing”.

1 **SEC. 602. CONSERVATION COMMISSIONER TO THE WEST-**
2 **ERN AND CENTRAL PACIFIC FISHERIES CON-**
3 **VENTION.**

4 Section 503(a) of the Western and Central Pacific
5 Fisheries Convention Implementation Act (16 U.S.C.
6 6902(a) is amended to read as follows:

7 “(a) IN GENERAL.—

8 “(1) APPOINTMENT.—The United States shall
9 be represented on the Commission by 5 United
10 States Commissioners. The President shall appoint
11 individuals to serve on the Commission at the pleas-
12 ure of the President. In making the appointments,
13 the President shall select Commissioners from
14 among individuals who are knowledgeable or experi-
15 enced concerning highly migratory fish stocks and
16 commercial fishing in the Western and Central Pa-
17 cific Ocean—

18 “(A) one of whom shall be an officer or
19 employee of the Department of Commerce;

20 “(B) one of whom shall be the chairman or
21 a member of the Western Pacific Fishery Man-
22 agement Council;

23 “(C) one of whom shall be the chairman or
24 a member of the Pacific Fishery Management
25 Council; and

1 “(D) one of whom shall be an individual
2 with knowledge and experience in marine con-
3 servation who shall represent the public interest
4 in marine conservation and non-consumptive
5 uses of the Western and Central Pacific Ocean.

6 “(2) RULES OF PROCEDURE.—The Commis-
7 sioners shall be entitled to adopt such rules of proce-
8 dures as they find necessary and to select a chair-
9 man from among members who are officers or em-
10 ployees of the United States Government.”.

11 **SEC. 603. CONSERVATION COMMISSIONER TO THE INTER-**
12 **AMERICAN TROPICAL TUNA COMMISSION.**

13 Section 3(a) of the Tuna Conventions Act of 1950
14 (16 U.S.C. 952) is amended to read as follows:

15 “(a) COMMISSIONERS.—

16 “(1) APPOINTMENT.—The President shall ap-
17 point four individuals to represent the United States
18 on the Commission.

19 “(2) REMOVAL.—The Commissioners appointed
20 under paragraph (1) shall be subject to supervision
21 and removal by the Secretary of State, in consulta-
22 tion with the Secretary.

23 “(3) QUALIFICATIONS.—In making an appoint-
24 ment under paragraph (1), the President shall select
25 Commissioners from among individuals who are

1 knowledgeable or experienced concerning highly mi-
2 gratory fish stocks in the eastern tropical Pacific
3 Ocean—

4 “(A) one of whom shall be an officer or
5 employee of the Department of Commerce; and

6 “(B) one of whom shall be a an individual
7 with knowledge and experience in marine con-
8 servation, and who shall represent the public in-
9 terest in marine conservation and non-consump-
10 tive uses of the eastern tropical Pacific Ocean.

11 “(4) LIMITATION ON APPOINTMENTS.—The
12 President may not appoint more than two Commis-
13 sioners under paragraph (1) who reside in a State
14 other than a State whose vessels maintain a sub-
15 stantial fishery in the area of the Convention.”.

16 **SEC. 604. APPLICATION OF ANNUAL CATCH LIMIT AND AC-**
17 **COUNTABILITY MEASURES REQUIREMENT.**

18 Section 104(b) of the Magnuson-Stevens Fishery
19 Conservation and Management Reauthorization Act of
20 2006 (16 U.S.C. 1853 note) is amended to read as follows:

21 “(b) EFFECTIVE DATES; APPLICATION TO CERTAIN
22 SPECIES.—The amendment made by subsection (a)(10)—

23 “(1) except as provided in paragraph (2), shall
24 apply to any management plan for a stock of fish
25 prepared by any Council or the Secretary, including

1 a management plan governing a stock of fish man-
2 aged under an international agreement in which the
3 United States participates; and

4 “(2) shall not apply to a management plan for
5 a stock of fish for a species that has a life cycle of
6 approximately 1 year unless the Secretary has deter-
7 mined such stock of fish is subject to overfishing
8 with respect to such species; and

9 “(3) shall not limit or otherwise affect the re-
10 quirements of section 301(a)(1) or 304(e) of the
11 Magnuson Stevens Fishery Conservation and Man-
12 agement Act.”.

13 **SEC. 605. AUTHORIZATION OF APPROPRIATIONS.**

14 There is authorized to be appropriated to the Sec-
15 retary the following amounts to carry out the provisions
16 of this Act:

17 (1) For fiscal year 2023, \$698,142,000.

18 (2) For fiscal year 2024, \$714,200,000.

19 (3) For fiscal year 2025, \$730,626,000.

20 (4) For fiscal year 2026, \$747,431,000.

21 (5) For fiscal year 2027, \$764,621,000.

22 (6) For fiscal year 2028, \$782,207,000.

