

116TH CONGRESS
2D SESSION

S. 2346

AN ACT

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Fishery Failures: Ur-
3 gently Needed Disaster Declarations Act”.

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

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

8 “(a) FISHERY RESOURCE DISASTER RELIEF.—

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

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

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

16 “(i) that could not have been ad-
17 dressed or prevented by fishery manage-
18 ment measures; and

19 “(ii) that is otherwise beyond the con-
20 trol of fishery managers to mitigate
21 through conservation and management
22 measures, including regulatory restrictions
23 imposed as a result of judicial action or to
24 protect human health or marine animals,
25 plants, or habitats.

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

5 “(i) is an unexpected large decrease in
6 fish stock biomass or other change that re-
7 sults in significant loss of access to the
8 fishery resource, which may include loss of
9 fishing vessels and gear for a substantial
10 period of time and results in significant
11 revenue or subsistence loss due to an al-
12 lowable cause; and

13 “(ii) does not include—

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

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

22 “(D) INDIAN TRIBE.—The term ‘Indian
23 Tribe’ has the meaning given such term in sec-
24 tion 102 of the Federally Recognized Indian
25 Tribe List Act of 1994 (25 U.S.C. 5130), and

1 the term ‘Tribal’ means of or pertaining to such
 2 an Indian tribe.

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

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

7 “(I) a hurricane;

8 “(II) a flood;

9 “(III) a harmful algal bloom;

10 “(IV) a tsunami;

11 “(V) a hypoxic zone;

12 “(VI) a drought;

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

15 “(VIII) a marine heat wave; or

16 “(IX) disease; and

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

20 “(F) 12-MONTH REVENUE LOSS.—The
 21 term ‘12-month revenue loss’ means the per-
 22 centage reduction, as applicable, in commercial,
 23 charter, headboat, or processor revenue for the
 24 12 months during which the fishery resource
 25 disaster occurred, when compared to average

1 annual revenue in the most recent 5 years when
2 no fishery resource disaster occurred or equiva-
3 lent for stocks with cyclical life histories.

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

11 “(2) GENERAL AUTHORITY.—

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

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

1 Tribal government, or interstate marine fish-
 2 eries commission.

3 “(C) SAVINGS CLAUSE.—The requirements
 4 under this subsection shall take effect only with
 5 respect to requests for a fishery resource dis-
 6 aster determination submitted after the date of
 7 enactment of the Fishery Failures: Urgently
 8 Needed Disaster Declarations Act.

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

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

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

19 “(ii) an official Tribal resolution; or

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

23 “(B) REQUIRED INFORMATION.—A com-
 24 plete request for a fishery resource disaster de-

1 termination under subparagraph (A) shall in-
2 clude—

3 “(i) identification of all presumed af-
4 fected fish stocks;

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

7 “(iii) the geographical boundaries of
8 the fishery;

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

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

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

23 “(II) 12-month revenue loss or
24 subsistence loss for the affected fish-
25 ery, or if a fishery resource disaster

1 has occurred at any time in the pre-
2 vious 5-year period, the most recent 5
3 years when no fishery resource dis-
4 aster occurred;

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

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

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

19 “(i) the assistance is so requested;

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

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

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

5 “(4) REVIEW PROCESS.—

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

10 “(i) acknowledges receipt of the re-
 11 quest;

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

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

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

21 “(B) EVALUATION OF REQUESTS.—

22 “(i) IN GENERAL.—The Secretary
 23 shall complete a review, within the time
 24 frame described in clause (ii), using the
 25 best scientific information available, in

1 consultation with the affected fishing com-
2 munities, States, or Tribes, of—

3 “(I) the information provided by
4 the requester and any additional in-
5 formation relevant to the fishery,
6 which may include—

7 “(aa) fishery characteristics;

8 “(bb) stock assessments;

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

14 “(dd) estimates of mortality;

15 and

16 “(ee) overall effects; and

17 “(II) the available economic in-
18 formation, which may include an anal-
19 ysis of—

20 “(aa) landings data;

21 “(bb) revenue;

22 “(cc) the number of partici-
23 pants involved;

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

“(AA) fishers;

“(BB) charter fishing
operators;

“(CC) subsistence
users;

“(DD) United States
fish processors; and

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

“(ee) an impacted Indian
Tribe;

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

1 “(gg) the length of time the
2 resource, or access to the re-
3 source, has been restricted;

4 “(hh) status of recovery
5 from previous fishery resource
6 disasters;

7 “(ii) lost resource tax reve-
8 nues assessed by local commu-
9 nities, such as a raw fish tax;
10 and

11 “(jj) other appropriate indi-
12 cators to an affected fishery, as
13 determined by the National Ma-
14 rine Fisheries Service.

15 “(ii) TIME FRAME.—The Secretary
16 shall complete the review described in
17 clause (i), if the fishing season, applicable
18 to the fishery—

19 “(I) has concluded or there is no
20 defined fishing season applicable to
21 the fishery, not later than 120 days
22 after the Secretary receives a com-
23 plete request for a fishery resource
24 disaster determination;

1 “(II) has not concluded, not later
 2 than 120 days after the conclusion of
 3 the fishing season; or

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

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

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

20 “(5) CRITERIA FOR DETERMINATIONS.—

21 “(A) IN GENERAL.—The Secretary shall
 22 make a determination about whether a fishery
 23 resource disaster has occurred, based on the
 24 revenue loss thresholds under subparagraph
 25 (B), and, if a fishery resource disaster has oc-

1 curred, whether the fishery resource disaster
 2 was due to—

3 “(i) a natural cause;

4 “(ii) an anthropogenic cause;

5 “(iii) a combination of a natural cause
 6 and an anthropogenic cause; or

7 “(iv) an undetermined cause.

8 “(B) REVENUE LOSS THRESHOLDS.—

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

15 “(I) Losses greater than 80 per-
 16 cent may result in a positive deter-
 17 mination that a fishery resource dis-
 18 aster has occurred, based on the infor-
 19 mation provided or analyzed under
 20 paragraph (4)(B).

21 “(II) Losses between 35 percent
 22 and 80 percent shall be evaluated to
 23 determine whether economic impacts
 24 are severe enough to declare that a
 25 fishery resource disaster has occurred.

1 “(III) Losses less than 35 per-
2 cent shall not be eligible for a deter-
3 mination that a fishery resource dis-
4 aster has occurred.

5 “(ii) CHARTER FISHING.—In making
6 a determination of whether a fishery re-
7 source disaster has occurred, the Secretary
8 shall consider the economic impacts to the
9 charter fishing industry to ensure financial
10 coverage for charter fishing businesses.

11 “(iii) SUBSISTENCE LOSS.—In consid-
12 ering subsistence loss, the Secretary shall
13 evaluate the severity of loss to the fishing
14 community instead of applying the revenue
15 loss thresholds described in clause (i).

16 “(C) INELIGIBLE FISHERIES.—A fishery
17 subject to overfishing in any of the 3 years pre-
18 ceding the date of a determination under this
19 subsection is not eligible for a determination of
20 whether a fishery resource disaster has occurred
21 unless the Secretary determines that overfishing
22 was not a contributing factor to the fishery re-
23 source disaster.

24 “(D) EXCEPTIONAL CIRCUMSTANCES.—In
25 an exceptional circumstance where substantial

1 economic impacts to the affected fishery and
 2 fishing community have been subject to a dis-
 3 aster declaration under another statutory au-
 4 thority, such as in the case of a natural disaster
 5 or from the direct consequences of a Federal
 6 action taken to prevent, or in response to, a
 7 natural disaster for purposes of protecting life
 8 and safety, the Secretary may determine a fish-
 9 ery resource disaster has occurred without a re-
 10 quest.

11 “(6) DISBURSAL OF APPROPRIATED FUNDS.—

12 “(A) AUTHORIZATION.—The Secretary
 13 shall allocate funds available under paragraph
 14 (9) for fishery resource disasters.

15 “(B) ALLOCATION OF APPROPRIATED
 16 FISHERY RESOURCE DISASTER ASSISTANCE.—

17 “(i) NOTIFICATION OF FUNDING
 18 AVAILABILITY.—When there are appro-
 19 priated funds for 1 or more fishery re-
 20 source disasters, the Secretary shall no-
 21 tify—

22 “(I) the public; and

23 “(II) representatives of affected
 24 fishing communities with a positive

1 disaster determination that is un-
2 funded;
3 of the availability of funds, not more than
4 14 days after the date of the appropriation
5 or the determination of a fishery resource
6 disaster, whichever occurs later.

7 “(ii) EXTENSION OF DEADLINE.—The
8 Secretary may extend the deadline under
9 clause (i) by 90 days to evaluate and make
10 determinations on eligible requests.

11 “(C) CONSIDERATIONS.—In determining
12 the allocation of appropriations for a fishery re-
13 source disaster, the Secretary shall consider
14 commercial, charter, headboat, or seafood proc-
15 essing revenue losses and may consider the fol-
16 lowing factors:

17 “(i) Direct economic impacts.

18 “(ii) Uninsured losses.

19 “(iii) Losses of subsistence and Tribal
20 ceremonial fishing opportunity.

21 “(iv) Losses of recreational fishing op-
22 portunity.

23 “(v) Aquaculture operations revenue
24 loss.

1 “(vi) Direct revenue losses to a fishing
2 community.

3 “(vii) Treaty obligations.

4 “(viii) Other economic impacts.

5 “(D) SPEND PLANS.—To receive an alloca-
6 tion from funds available under paragraph (9),
7 a requester with an affirmative fishery resource
8 disaster determination shall submit a spend
9 plan to the Secretary, not more than 120 days
10 after receiving notification that funds are avail-
11 able, that shall include the following informa-
12 tion, if applicable:

13 “(i) Objectives and outcomes, with an
14 emphasis on addressing the factors con-
15 tributing to the fishery resource disaster
16 and minimizing future uninsured losses, if
17 applicable.

18 “(ii) Statement of work.

19 “(iii) Budget details.

20 “(E) REGIONAL CONTACT.—If so re-
21 quested, the Secretary shall provide a regional
22 contact within the National Oceanic and Atmos-
23 pheric Administration to facilitate review of
24 spend plans and disbursal of funds.

25 “(F) DISBURSAL OF FUNDS.—

1 “(i) AVAILABILITY.—Funds shall be
2 made available to grantees not later than
3 90 days after the date the Secretary re-
4 ceives a complete spend plan.

5 “(ii) METHOD.—The Secretary may
6 provide an allocation of funds under this
7 subsection in the form of a grant, direct
8 payment, cooperative agreement, loan, or
9 contract.

10 “(iii) ELIGIBLE USES.—

11 “(I) IN GENERAL.—Funds allo-
12 cated for fishery resources disasters
13 under this subsection shall restore the
14 fishery affected by such a disaster,
15 prevent a similar disaster in the fu-
16 ture, or assist the affected fishing
17 community, and shall prioritize the
18 following uses, which are not in order
19 of priority:

20 “(aa) Habitat conservation
21 and restoration and other activi-
22 ties, including scientific research,
23 that reduce adverse impacts to
24 the fishery or improve under-

standing of the affected species
or its ecosystem.

“(bb) The collection of fishery information and other activities that improve management of the affected fishery.

“(cc) In a commercial fishery, capacity reduction and other activities that improve management of fishing effort, including funds to offset budgetary costs to refinance a Federal fishing capacity reduction loan or to repay the principal of a Federal fishing capacity reduction loan.

“(dd) Developing, repairing, or improving fishery-related public infrastructure.

“(ee) Direct assistance to a person, fishing community (including assistance for lost fisheries resource levies), or a business to alleviate economic loss incurred as a direct result of a fishery resource disaster, particu-

1 larly when affected by a cir-
 2 cumstance described in para-
 3 graph (5)(D).

4 “(ff) Hatcheries and stock
 5 enhancement to help rebuild the
 6 affected stock or offset fishing
 7 pressure on the affected stock.

8 “(II) DISPLACED FISHERY EM-
 9 PLOYEES.—Where appropriate, indi-
 10 viduals carrying out the activities de-
 11 scribed in items (aa) through (dd) of
 12 subclause (I) shall be individuals who
 13 are, or were, employed in a commer-
 14 cial, charter, or Tribal fishery for
 15 which the Secretary has determined
 16 that a fishery resource disaster has
 17 occurred.

18 “(7) LIMITATIONS.—

19 “(A) FEDERAL SHARE.—

20 “(i) IN GENERAL.—Except as pro-
 21 vided in clauses (ii) and (iii), the Federal
 22 share of the cost of any activity carried out
 23 under the authority of this subsection shall
 24 not exceed 75 percent of the cost of that
 25 activity.

1 “(ii) WAIVER.—The Secretary may
2 waive the non-Federal share requirements
3 of this subsection, if the Secretary deter-
4 mines that—

5 “(I) no reasonable means are
6 available through which the recipient
7 of the Federal share can meet the
8 non-Federal share requirement; and

9 “(II) the probable benefit of 100
10 percent Federal financing outweighs
11 the public interest in imposition of the
12 non-Federal share requirement.

13 “(iii) EXCEPTION.—The Federal
14 share shall be equal to 100 percent in the
15 case of—

16 “(I) direct assistance as de-
17 scribed in paragraph
18 (6)(F)(iii)(I)(hh); or

19 “(II) assistance to subsistence or
20 Tribal fisheries.

21 “(B) LIMITATIONS ON ADMINISTRATIVE
22 EXPENSES.—

23 “(i) FEDERAL.—Not more than 3 per-
24 cent of the funds available under this sub-
25 section may be used for administrative ex-

penses by the National Oceanographic and
Atmospheric Administration.

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

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

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

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

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

“(II) require that the vessel be—

1 “(aa) scrapped or otherwise
2 disposed of in a manner approved
3 by the Secretary;

4 “(bb) donated to a nonprofit
5 organization and thereafter used
6 only for purposes of research,
7 education, or training; or

8 “(cc) used for another non-
9 fishing purpose provided the Sec-
10 retary determines that adequate
11 measures are in place to ensure
12 that the vessel cannot reenter
13 any fishery anywhere in the
14 world.

15 “(D) NO FISHERY ENDORSEMENT.—

16 “(i) IN GENERAL.—A vessel that is
17 prohibited from fishing under subpara-
18 graph (C)(ii)(I) shall not be eligible for a
19 fishery endorsement under section
20 12113(a) of title 46, United States Code.

21 “(ii) NONEFFECTIVE.—A fishery en-
22 dorsement for a vessel described in clause
23 (i) shall not be effective.

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

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

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

13 **SEC. 3. MAGNUSON-STEVENSON FISHERY CONSERVATION AND**
 14 **MANAGEMENT ACT.**

15 (a) REPEAL.—Section 315 of the Magnuson-Stevens
 16 Fishery Conservation and Management Act (16 U.S.C.
 17 1864) is repealed.

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

21 (1) in the paragraph heading, by striking “AN-
 22 NUAL REPORT” and inserting “REPORT”;

23 (2) in the matter preceding subparagraph (A),
 24 by striking “Not later than 2 years after the date
 25 of enactment of this Act, and annually thereafter”

1 and inserting “Not later than 2 years after the date
 2 of enactment of the Fishery Failures: Urgently
 3 Needed Disaster Declarations Act, and biennially
 4 thereafter”; and

5 (3) in subparagraph (D), by striking “the cal-
 6 endar year 2003” and inserting “the most recent”.

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

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

10 (b) TECHNICAL EDIT.—Section 3(k)(1) of the Small
 11 Business Act (15 U.S.C. 632(k)(1)) is amended by strik-
 12 ing “(as determined by the Secretary of Commerce under
 13 section 308(b) of the Interjurisdictional Fisheries Act of
 14 1986)” and inserting “(as determined by the Secretary of
 15 Commerce under the Fishery Failures: Urgently Needed
 16 Disaster Declarations Act)”.

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

18 (a) BUDGET REQUEST.—In the budget justification
 19 materials submitted to Congress in support of the budget
 20 of the Department of Commerce for each fiscal year (as
 21 submitted with the budget of the President under section
 22 1105(a) of title 31, United States Code), the Secretary
 23 of Commerce shall include a separate statement of the
 24 amount requested to be appropriated for that fiscal year
 25 for outstanding unfunded fishery resource disasters.

1 (b) DRIFTNET ACT AMENDMENTS OF 1990 REPORT
2 AND BYCATCH REDUCTION AGREEMENTS.—

3 (1) IN GENERAL.—The Magnuson-Stevens
4 Fishery Conservation and Management Act (16
5 U.S.C. 1801 et seq.) is amended—

6 (A) in section 202(h), by striking para-
7 graph (3); and

8 (B) in section 206—

9 (i) by striking subsections (e) and (f);
10 and

11 (ii) by redesignating subsections (g)
12 and (h) as subsections (e) and (f), respec-
13 tively.

14 (2) BIENNIAL REPORT ON INTERNATIONAL
15 COMPLIANCE.—Section 607 of the High Seas
16 Driftnet Fishing Moratorium Protection Act (16
17 U.S.C. 1826h) is amended—

18 (A) by inserting “(a) IN GENERAL.—” be-
19 fore “The Secretary” and indenting appro-
20 priately; and

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

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

1 “(1) a description of the actions taken to carry
2 out the provisions of section 206 of the Magnuson-
3 Stevens Fishery Conservation and Management Act
4 (16 U.S.C. 1826), including—

5 “(A) an evaluation of the progress of those
6 efforts, the impacts on living marine resources,
7 including available observer data, and specific
8 plans for further action;

9 “(B) a list and description of any new fish-
10 eries developed by nations that conduct, or au-
11 thorize their nationals to conduct, large-scale
12 driftnet fishing beyond the exclusive economic
13 zone of any nation; and

14 “(C) a list of the nations that conduct, or
15 authorize their nationals to conduct, large-scale
16 driftnet fishing beyond the exclusive economic
17 zone of any nation in a manner that diminishes
18 the effectiveness of or is inconsistent with any
19 international agreement governing large-scale
20 driftnet fishing to which the United States is a
21 party or otherwise subscribes; and

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

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

Passed the Senate December 20, 2020.

Attest:

Secretary.

116TH CONGRESS
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To improve the Fishery Resource Disaster Relief program of the National Marine Fisheries Service, and for other purposes.