

117TH CONGRESS
1ST SESSION

S. 2923

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

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 30, 2021

Mr. WICKER (for himself, Ms. CANTWELL, Mrs. HYDE-SMITH, and Ms. MURKOWSKI) introduced the following bill; which was read twice, considered, read the third time and passed

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fishery Resource Dis-
5 asters Improvement Act”.

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

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

1 “(a) FISHERY RESOURCE DISASTER RELIEF.—

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

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

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

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

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

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

23 “(i) is an unexpected large decrease in
24 fish stock biomass or other change that re-
25 sults in significant loss of access to the

1 fishery resource, which may include loss of
 2 fishing vessels and gear for a substantial
 3 period of time and results in significant
 4 revenue or subsistence loss due to an al-
 5 lowable cause; and

6 “(ii) does not include—

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

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

15 “(D) INDIAN TRIBE.—The term ‘Indian
 16 Tribe’ has the meaning given such term in sec-
 17 tion 102 of the Federally Recognized Indian
 18 Tribe List Act of 1994 (25 U.S.C. 5130), and
 19 the term ‘Tribal’ means of or pertaining to such
 20 an Indian tribe.

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

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

25 “(I) a hurricane;

- 1 “(II) a flood;
2 “(III) a harmful algal bloom;
3 “(IV) a tsunami;
4 “(V) a hypoxic zone;
5 “(VI) a drought;
6 “(VII) El Niño effects on water
7 temperature;
8 “(VIII) a marine heat wave; or
9 “(IX) disease; and

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

13 “(F) 12-MONTH REVENUE LOSS.—The
14 term ‘12-month revenue loss’ means the per-
15 centage reduction, as applicable, in commercial,
16 charter, headboat, or processor revenue for the
17 12 months during which the fishery resource
18 disaster occurred, when compared to average
19 annual revenue in the most recent 5 years when
20 no fishery resource disaster occurred or equiva-
21 lent for stocks with cyclical life histories.

22 “(G) UNDETERMINED CAUSE.—The term
23 ‘undetermined cause’ means a cause in which
24 the current state of knowledge does not allow
25 the Secretary to identify the exact cause, and

1 there is no current conclusive evidence sup-
2 porting a possible cause of the fishery resource
3 disaster.

4 “(2) GENERAL AUTHORITY.—

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

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

20 “(C) SAVINGS CLAUSE.—The requirements
21 under this subsection shall take effect only with
22 respect to requests for a fishery resource dis-
23 aster determination submitted after the date of
24 enactment of the Fishery Resource Disasters
25 Improvement Act.

1 “(3) INITIATION OF A FISHERY RESOURCE DIS-
2 ASTER REVIEW.—

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

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

11 “(ii) an official Tribal resolution; or

12 “(iii) any other comparable elected or
13 politically appointed representative as de-
14 termined by the Secretary.

15 “(B) REQUIRED INFORMATION.—A com-
16 plete request for a fishery resource disaster de-
17 termination under subparagraph (A) shall in-
18 clude—

19 “(i) identification of all presumed af-
20 fected fish stocks;

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

23 “(iii) the geographical boundaries of
24 the fishery;

1 “(iv) preliminary information on
2 causes of the fishery resource disaster, if
3 known; and

4 “(v) information needed to support a
5 finding of a fishery resource disaster, in-
6 cluding—

7 “(I) information demonstrating
8 the occurrence of an unexpected large
9 decrease in fish stock biomass or
10 other change that results in signifi-
11 cant loss of access to the fishery re-
12 source, which could include the loss of
13 fishing vessels and gear, for a sub-
14 stantial period of time;

15 “(II) 12-month revenue loss or
16 subsistence loss for the affected fish-
17 ery, or if a fishery resource disaster
18 has occurred at any time in the pre-
19 vious 5-year period, the most recent 5
20 years when no fishery resource dis-
21 aster occurred;

22 “(III) if applicable, information
23 on lost resource tax revenues assessed
24 by local communities, such as a raw

1 fish tax and local sourcing require-
2 ments; and

3 “(IV) if applicable and available,
4 information on 12-month revenue loss
5 for charter, headboat, or processors
6 related to the information provided
7 under subclause (I), subject to section
8 402(b).

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

12 “(i) the assistance is so requested;

13 “(ii) the Secretary is in possession of
14 the required information described in sub-
15 paragraph (B); and

16 “(iii) the data is not available to the
17 requester, in carrying out the complete re-
18 quest under subparagraph (B).

19 “(D) INITIATION OF REVIEW.—The Sec-
20 retary shall have the discretion to initiate a
21 fishery resource disaster review without a re-
22 quest.

23 “(4) REVIEW PROCESS.—

24 “(A) INTERIM RESPONSE.—Not later than
25 20 days after receipt of a request under para-

1 graph (3), the Secretary shall provide an in-
2 terim response to the individual that—

3 “(i) acknowledges receipt of the re-
4 quest;

5 “(ii) provides a regional contact with-
6 in the National Oceanographic and Atmos-
7 pheric Administration;

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

10 “(iv) requests additional information
11 concerning the fishery resource disaster, if
12 the original request is considered incom-
13 plete.

14 “(B) EVALUATION OF REQUESTS.—

15 “(i) IN GENERAL.—The Secretary
16 shall complete a review, within the time
17 frame described in clause (ii), using the
18 best scientific information available, in
19 consultation with the affected fishing com-
20 munities, States, or Tribes, of—

21 “(I) the information provided by
22 the requester and any additional in-
23 formation relevant to the fishery,
24 which may include—

25 “(aa) fishery characteristics;

- 1 “(bb) stock assessments;
- 2 “(cc) the most recent fishery
- 3 independent surveys and other
- 4 fishery resource assessments and
- 5 surveys conducted by Federal,
- 6 State, or Tribal officials;
- 7 “(dd) estimates of mortality;
- 8 and
- 9 “(ee) overall effects; and
- 10 “(II) the available economic in-
- 11 formation, which may include an anal-
- 12 ysis of—
- 13 “(aa) landings data;
- 14 “(bb) revenue;
- 15 “(cc) the number of partici-
- 16 pants involved;
- 17 “(dd) the number and type
- 18 of jobs and persons impacted,
- 19 which may include—
- 20 “(AA) fishers;
- 21 “(BB) charter fishing
- 22 operators;
- 23 “(CC) subsistence
- 24 users;

1 “(DD) United States
2 fish processors; and

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

11 “(ee) an impacted Indian
12 Tribe;

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

18 “(gg) the length of time the
19 resource, or access to the re-
20 source, has been restricted;

21 “(hh) status of recovery
22 from previous fishery resource
23 disasters;

24 “(ii) lost resource tax reve-
25 nues assessed by local commu-

1 nities, such as a raw fish tax;
2 and

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

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

11 “(I) has concluded or there is no
12 defined fishing season applicable to
13 the fishery, not later than 120 days
14 after the Secretary receives a com-
15 plete request for a fishery resource
16 disaster determination;

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

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

1 “(C) FISHERY RESOURCE DISASTER DE-
 2 TERMINATION.—The Secretary shall make the
 3 determination of a fishery resource disaster
 4 based on the criteria for determinations listed
 5 in paragraph (5).

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

12 “(5) CRITERIA FOR DETERMINATIONS.—

13 “(A) IN GENERAL.—The Secretary shall
 14 make a determination about whether a fishery
 15 resource disaster has occurred, based on the
 16 revenue loss thresholds under subparagraph
 17 (B), and, if a fishery resource disaster has oc-
 18 curred, whether the fishery resource disaster
 19 was due to—

20 “(i) a natural cause;

21 “(ii) an anthropogenic cause;

22 “(iii) a combination of a natural cause
 23 and an anthropogenic cause; or

24 “(iv) an undetermined cause.

25 “(B) REVENUE LOSS THRESHOLDS.—

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

7 “(I) Losses greater than 80 per-
8 cent may result in a positive deter-
9 mination that a fishery resource dis-
10 aster has occurred, based on the infor-
11 mation provided or analyzed under
12 paragraph (4)(B).

13 “(II) Losses between 35 percent
14 and 80 percent shall be evaluated to
15 determine whether economic impacts
16 are severe enough to declare that a
17 fishery resource disaster has occurred.

18 “(III) Losses less than 35 per-
19 cent shall not be eligible for a deter-
20 mination that a fishery resource dis-
21 aster has occurred.

22 “(ii) CHARTER FISHING.—In making
23 a determination of whether a fishery re-
24 source disaster has occurred, the Secretary
25 shall consider the economic impacts to the

1 charter fishing industry to ensure financial
2 coverage for charter fishing businesses.

3 “(iii) SUBSISTENCE LOSS.—In consid-
4 ering subsistence loss, the Secretary shall
5 evaluate the severity of loss to the fishing
6 community instead of applying the revenue
7 loss thresholds described in clause (i).

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

16 “(D) EXCEPTIONAL CIRCUMSTANCES.—In
17 an exceptional circumstance where substantial
18 economic impacts to the affected fishery and
19 fishing community have been subject to a dis-
20 aster declaration under another statutory au-
21 thority, such as in the case of a natural disaster
22 or from the direct consequences of a Federal
23 action taken to prevent, or in response to, a
24 natural disaster for purposes of protecting life
25 and safety, the Secretary may determine a fish-

1 ery resource disaster has occurred without a re-
2 quest.

3 “(6) DISBURSAL OF APPROPRIATED FUNDS.—

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

7 “(B) ALLOCATION OF APPROPRIATED
8 FISHERY RESOURCE DISASTER ASSISTANCE.—

9 “(i) NOTIFICATION OF FUNDING
10 AVAILABILITY.—When there are appro-
11 priated funds for 1 or more fishery re-
12 source disasters, the Secretary shall no-
13 tify—

14 “(I) the public; and

15 “(II) representatives of affected
16 fishing communities with a positive
17 disaster determination that is un-
18 funded;

19 of the availability of funds, not more than
20 14 days after the date of the appropriation
21 or the determination of a fishery resource
22 disaster, whichever occurs later.

23 “(ii) EXTENSION OF DEADLINE.—The
24 Secretary may extend the deadline under

1 clause (i) by 90 days to evaluate and make
2 determinations on eligible requests.

3 “(C) CONSIDERATIONS.—In determining
4 the allocation of appropriations for a fishery re-
5 source disaster, the Secretary shall consider
6 commercial, charter, headboat, or seafood proc-
7 essing revenue losses and may consider the fol-
8 lowing factors:

9 “(i) Direct economic impacts.

10 “(ii) Uninsured losses.

11 “(iii) Losses of subsistence and Tribal
12 ceremonial fishing opportunity.

13 “(iv) Losses of recreational fishing op-
14 portunity.

15 “(v) Aquaculture operations revenue
16 loss.

17 “(vi) Direct revenue losses to a fishing
18 community.

19 “(vii) Treaty obligations.

20 “(viii) Other economic impacts.

21 “(D) SPEND PLANS.—To receive an alloca-
22 tion from funds available under paragraph (9),
23 a requester with an affirmative fishery resource
24 disaster determination shall submit a spend
25 plan to the Secretary, not more than 120 days

1 after receiving notification that funds are avail-
2 able, that shall include the following informa-
3 tion, if applicable:

4 “(i) Objectives and outcomes, with an
5 emphasis on addressing the factors con-
6 tributing to the fishery resource disaster
7 and minimizing future uninsured losses, if
8 applicable.

9 “(ii) Statement of work.

10 “(iii) Budget details.

11 “(E) REGIONAL CONTACT.—If so re-
12 quested, the Secretary shall provide a regional
13 contact within the National Oceanic and Atmos-
14 pheric Administration to facilitate review of
15 spend plans and disbursal of funds.

16 “(F) DISBURSAL OF FUNDS.—

17 “(i) AVAILABILITY.—Funds shall be
18 made available to grantees not later than
19 90 days after the date the Secretary re-
20 ceives a complete spend plan.

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

1 “(iii) ELIGIBLE USES.—

2 “(I) IN GENERAL.—Funds allo-
3 cated for fishery resources disasters
4 under this subsection shall restore the
5 fishery affected by such a disaster,
6 prevent a similar disaster in the fu-
7 ture, or assist the affected fishing
8 community, and shall prioritize the
9 following uses, which are not in order
10 of priority:

11 “(aa) Habitat conservation
12 and restoration and other activi-
13 ties, including scientific research,
14 that reduce adverse impacts to
15 the fishery or improve under-
16 standing of the affected species
17 or its ecosystem.

18 “(bb) The collection of fish-
19 ery information and other activi-
20 ties that improve management of
21 the affected fishery.

22 “(cc) In a commercial fish-
23 ery, capacity reduction and other
24 activities that improve manage-
25 ment of fishing effort, including

1 funds to offset budgetary costs to
2 refinance a Federal fishing ca-
3 pacity reduction loan or to repay
4 the principal of a Federal fishing
5 capacity reduction loan.

6 “(dd) Developing, repairing,
7 or improving fishery-related pub-
8 lic infrastructure.

9 “(ee) Direct assistance to a
10 person, fishing community (in-
11 cluding assistance for lost fish-
12 eries resource levies), or a busi-
13 ness to alleviate economic loss in-
14 curred as a direct result of a
15 fishery resource disaster, particu-
16 larly when affected by a cir-
17 cumstance described in para-
18 graph (5)(D).

19 “(ff) Hatcheries and stock
20 enhancement to help rebuild the
21 affected stock or offset fishing
22 pressure on the affected stock.

23 “(II) DISPLACED FISHERY EM-
24 PLOYEES.—Where appropriate, indi-
25 viduals carrying out the activities de-

1 scribed in items (aa) through (dd) of
2 subclause (I) shall be individuals who
3 are, or were, employed in a commer-
4 cial, charter, or Tribal fishery for
5 which the Secretary has determined
6 that a fishery resource disaster has
7 occurred.

8 “(7) LIMITATIONS.—

9 “(A) FEDERAL SHARE.—

10 “(i) IN GENERAL.—Except as pro-
11 vided in clauses (ii) and (iii), the Federal
12 share of the cost of any activity carried out
13 under the authority of this subsection shall
14 not exceed 75 percent of the cost of that
15 activity.

16 “(ii) WAIVER.—The Secretary may
17 waive the non-Federal share requirements
18 of this subsection, if the Secretary deter-
19 mines that—

20 “(I) no reasonable means are
21 available through which the recipient
22 of the Federal share can meet the
23 non-Federal share requirement; and

24 “(II) the probable benefit of 100
25 percent Federal financing outweighs

1 the public interest in imposition of the
2 non-Federal share requirement.

3 “(iii) EXCEPTION.—The Federal
4 share shall be equal to 100 percent in the
5 case of—

6 “(I) direct assistance as de-
7 scribed in paragraph (6)(F)(iii)(I)(ee);
8 or

9 “(II) assistance to subsistence or
10 Tribal fisheries.

11 “(B) LIMITATIONS ON ADMINISTRATIVE
12 EXPENSES.—

13 “(i) FEDERAL.—Not more than 3 per-
14 cent of the funds available under this sub-
15 section may be used for administrative ex-
16 penses by the National Oceanographic and
17 Atmospheric Administration.

18 “(ii) STATE OR TRIBAL GOVERN-
19 MENTS.—Of the funds remaining after the
20 use described in clause (i), not more than
21 5 percent may be used by States, Tribal
22 governments, or interstate marine fisheries
23 commissions for administrative expenses.

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

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

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

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

15 “(II) require that the vessel be—

16 “(aa) scrapped or otherwise
17 disposed of in a manner approved
18 by the Secretary;

19 “(bb) donated to a nonprofit
20 organization and thereafter used
21 only for purposes of research,
22 education, or training; or

23 “(cc) used for another non-
24 fishing purpose provided the Sec-
25 retary determines that adequate

1 measures are in place to ensure
2 that the vessel cannot reenter
3 any fishery anywhere in the
4 world.

5 “(D) NO FISHERY ENDORSEMENT.—

6 “(i) IN GENERAL.—A vessel that is
7 prohibited from fishing under subpara-
8 graph (C)(ii)(I) shall not be eligible for a
9 fishery endorsement under section
10 12113(a) of title 46, United States Code.

11 “(ii) NONEFFECTIVE.—A fishery en-
12 dorsement for a vessel described in clause
13 (i) shall not be effective.

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

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

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

1 **SEC. 3. MAGNUSON-STEVENSON FISHERY CONSERVATION AND**
2 **MANAGEMENT ACT.**

3 (a) REPEAL.—Section 315 of the Magnuson-Stevens
4 Fishery Conservation and Management Act (16 U.S.C.
5 1864) is repealed.

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

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

11 (2) in the matter preceding subparagraph (A),
12 by striking “Not later than 2 years after the date
13 of enactment of this Act, and annually thereafter”
14 and inserting “Not later than 2 years after the date
15 of enactment of the Fishery Resource Disasters Im-
16 provement Act, and biennially thereafter”; and

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

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

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

22 (b) TECHNICAL EDIT.—Section 3(k)(1) of the Small
23 Business Act (15 U.S.C. 632(k)(1)) is amended by strik-
24 ing “(as determined by the Secretary of Commerce under
25 section 308(b) of the Interjurisdictional Fisheries Act of
26 1986)” and inserting “(as determined by the Secretary of

1 Commerce under the Fishery Resource Disasters Improve-
2 ment Act)”.
3

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

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

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

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

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

19 (B) in section 206—

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

21 and

22 (ii) by redesignating subsections (g)

23 and (h) as subsections (e) and (f), respec-

24 tively.

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

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

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

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

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

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

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

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

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

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

○