

118TH CONGRESS
1ST SESSION

S. 2182

To amend the Agricultural Marketing Act of 1946 to establish a label designating fish harvested in the United States exclusive economic zone or navigable waters as wild USA seafood, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 22, 2023

Ms. MURKOWSKI (for herself and Mr. SULLIVAN) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Agricultural Marketing Act of 1946 to establish a label designating fish harvested in the United States exclusive economic zone or navigable waters as wild USA seafood, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the Wild USA Seafood Act
5 of 2023.

1 **SEC. 2. WILD USA SEAFOOD LABEL.**

2 Title II of the Agricultural Marketing Act of 1946
3 (7 U.S.C. 1621 et seq.) is amended by adding at the end
4 the following:

5 **“Subtitle H—Wild USA Seafood**
6 **Label**

7 **“SEC. 298A. DEFINITIONS.**

8 “In this subtitle:

9 “(1) FISH.—The term ‘fish’ means finfish, mol-
10 lusks, crustaceans, and all other forms of aquatic
11 animal and plant life other than aquatic mammals
12 and birds.

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

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

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

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

22 “(2) the fish is caught, taken, or harvested
23 from—

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

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

4 “(3) if the fish is caught, taken, or harvested
5 by a vessel, such vessel is a vessel of the United
6 States (as defined in section 3 of the Magnuson-Ste-
7 vens Fisheries Conservation and Management Act
8 (16 U.S.C. 1802)).

9 “(b) METHOD OF NOTIFICATION.—

10 “(1) IN GENERAL.—The information described
11 in subsection (a) may be provided to consumers by
12 means of a label, stamp, mark, placard, or other
13 clear and visible sign on the fish or on the package,
14 display, holding unit, or bin containing the fish at
15 the final point of sale to consumers.

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

21 **“SEC. 298C. ENFORCEMENT.**

22 “(a) WARNINGS.—If the Secretary determines that a
23 retailer of fish or person engaged in the business of sup-
24 plying fish to a retailer is in violation of section 298B,
25 the Secretary shall—

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

3 “(2) provide the retailer or person a 30-day pe-
 4 riod, beginning on the date on which the retailer or
 5 person receives the notice under paragraph (1) from
 6 the Secretary, during which the retailer or person
 7 may take necessary steps to comply with section
 8 298B.

9 “(b) FINES.—

10 “(1) IN GENERAL.—The Secretary may fine a
 11 retailer or person under paragraph (2) for an unfair
 12 or deceptive act or practice if, on completion of the
 13 30-day period described in subsection (a)(2), the
 14 Secretary determines that the retailer or person—

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

17 “(B) continues to willfully violate section
 18 298B with respect to the violation about which
 19 the retailer or person received notification
 20 under subsection (a)(1).

21 “(2) NOTICE AND HEARING; AMOUNT.—After
 22 providing notice and an opportunity for a hearing
 23 before the Secretary with respect to the violation de-
 24 scribed in paragraph (1), the Secretary may fine the

1 retailer or person in an amount of not more than
2 \$10,000 for each violation.

3 **“SEC. 298D. REGULATIONS.**

4 “The Secretary may promulgate such regulations as
5 are necessary to implement this subtitle and verify compli-
6 ance with section 298B(a).”.

○