

116TH CONGRESS
2D SESSION

H. R. 5548

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 2020

Mr. HUFFMAN (for himself, Mr. PALAZZO, Mr. KILMER, and Ms. HERRERA BEUTLER) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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 Failures: Ur-
5 gently Needed Disaster Declarations Act”.

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

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

5 “(a) FISHERY RESOURCE DISASTER RELIEF.—

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

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

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

13 “(i) that could not have been ad-
14 dressed or prevented by fishery manage-
15 ment measures; and

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

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

1 “(i) is an unexpected decrease in fish
2 stock biomass or other change that results
3 in significant loss of access to the fishery
4 resource, which may include loss of fishing
5 vessels and gear for a substantial period of
6 time and results in significant revenue or
7 subsistence loss due to an allowable cause;
8 and

9 “(ii) does not include—

10 “(I) reasonably predictable, fore-
11 seeable, and recurrent fishery cyclical
12 variations in species distribution or
13 stock abundance; or

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

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

24 “(E) NATURAL CAUSE.—The term ‘natural
25 cause’—

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

3 “(I) a hurricane;

4 “(II) a flood;

5 “(III) a harmful algal bloom;

6 “(IV) a tsunami;

7 “(V) a hypoxic zone;

8 “(VI) a drought;

9 “(VII) El Niño effects on water
10 temperature;

11 “(VIII) a marine heat wave; or

12 “(IX) disease; and

13 “(ii) does not mean a normal or cycli-
14 cal variation in a species distribution or
15 stock abundance.

16 “(F) 12-MONTH REVENUE LOSS.—The
17 term ‘12-month revenue loss’ means the per-
18 centage reduction in commercial, charter,
19 headboat, and processor revenue for the 12
20 months during the fishery resource disaster pe-
21 riod that is due to the fishery resource disaster,
22 when compared to average annual revenue in
23 the most recent 5-year period or equivalent for
24 stocks with cyclical life histories.

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 under paragraph (9) and from any sup-
19 plemental appropriations that are available, to
20 be used by the affected State, Tribal govern-
21 ment, or interstate marine fisheries commission,
22 or by the Secretary in cooperation with the af-
23 fected State, Tribal government, or interstate
24 marine fisheries commission.

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

7 “(3) INITIATION OF A FISHERY RESOURCE DIS-
8 ASTER REVIEW.—

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

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

17 “(ii) an official Tribal resolution; or

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

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

1 “(i) identification of all presumed af-
2 fected fish stocks;

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

5 “(iii) the geographical boundaries of
6 the fishery;

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

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

13 “(I) information demonstrating
14 the occurrence of an unexpected de-
15 crease in fish stock biomass or other
16 change that results in significant loss
17 of access to the fishery resource,
18 which could include the loss of fishing
19 vessels and gear, for a substantial pe-
20 riod of time;

21 “(II) 12-month revenue loss or
22 subsistence loss for the affected Fed-
23 eral fishery, or if a fishery resource
24 disaster has occurred at any time in
25 the previous 5-year period, an appro-

1 prate time frame as determined by
2 the Secretary;

3 “(III) if applicable, information
4 on lost resource tax revenues assessed
5 by local communities, such as a raw
6 fish tax; and

7 “(IV) if applicable, information
8 on 12-month revenue loss for proc-
9 essors related to the information pro-
10 vided under subclause (I), subject to
11 section 402(b).

12 “(C) ASSISTANCE.—The Secretary may
13 provide assistance, data, and analysis to an eli-
14 gible requester described in paragraph (1), if so
15 requested and the data is not available to the
16 requester, in carrying out the compete request
17 under subparagraph (A).

18 “(4) REVIEW PROCESS.—

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

23 “(i) acknowledges receipt of the re-
24 quest;

1 “(ii) provides a regional contact with-
2 in the National Oceanographic and Atmos-
3 pheric Administration;

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

6 “(iv) requests additional information
7 concerning the fishery resource disaster, if
8 the original request is considered incom-
9 plete.

10 “(B) EVALUATION OF REQUESTS.—

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

17 “(I) the information provided by
18 the requester and any additional in-
19 formation relevant to the fishery,
20 which may include—

21 “(aa) fishery characteristics;

22 “(bb) stock assessments;

23 “(cc) the most recent fishery
24 independent surveys and other
25 fishery resource assessments and

1 surveys conducted by Federal,
2 State, or Tribal officials;

3 “(dd) estimates of mortality;
4 and

5 “(ee) overall effects; and

6 “(II) the available economic in-
7 formation, which may include an anal-
8 ysis of—

9 “(aa) landings data;

10 “(bb) revenue;

11 “(cc) the number of partici-
12 pants involved;

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

16 “(AA) fishers;

17 “(BB) charter fishing
18 operators;

19 “(CC) subsistence
20 users;

21 “(DD) United States
22 fish processors; and

23 “(EE) an owner of a
24 related fishery infrastructure
25 or business affected by the

1 disaster, such as a marina
2 operator, recreational fishing
3 equipment retailer, or char-
4 ter, headboat, or tender ves-
5 sel owner, operator, or crew;

6 “(ee) an impacted Indian
7 Tribe;

8 “(ff) an impacted business
9 or other entity;

10 “(gg) the availability of haz-
11 ard insurance to address finan-
12 cial losses due to a disaster;

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

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

21 “(jj) status of recovery from
22 previous fishery resource disas-
23 ters;

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

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

3 “(II) 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) has not been opened, not
21 later than 120 days after the Sec-
22 retary receives a complete request for
23 a fishery resource disaster determina-
24 tion.

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 requestor 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.—The Secretary
2 shall apply the following 12-month revenue
3 loss thresholds in determining whether a
4 fishery resource disaster has occurred:

5 “(I) Losses greater than 80 per-
6 cent shall result in a positive deter-
7 mination that a fishery resource dis-
8 aster has occurred.

9 “(II) Losses between 35 percent
10 and 80 percent shall be evaluated to
11 determine whether a fishery resource
12 disaster has occurred, based on the in-
13 formation provided or analyzed under
14 paragraph (4)(B).

15 “(III) Losses less than 35 per-
16 cent shall not be eligible for a deter-
17 mination that a fishery resource dis-
18 aster has occurred, except where the
19 Secretary determines there are ex-
20 tenuating circumstances that justify
21 using a lower threshold in making the
22 determination.

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

1 shall consider the economic impacts to the
2 charter fishing industry to ensure financial
3 coverage for charter fishing businesses.

4 “(iii) SUBSISTENCE USES.—In mak-
5 ing a determination of whether a fishery
6 resource disaster has occurred, the Sec-
7 retary may consider loss of subsistence op-
8 portunity, where appropriate.

9 “(C) EXCEPTIONAL CIRCUMSTANCES.—In
10 an exceptional circumstance where substantial
11 economic impacts to the affected fishery and
12 fishing community have been subject to a dis-
13 aster declaration under another statutory au-
14 thority, such as in the case of a natural disaster
15 or from the direct consequences of a Federal
16 action taken to prevent, or in response to, a
17 natural disaster for purposes of protecting life
18 and safety, the Secretary may determine a fish-
19 ery resource disaster has occurred without a re-
20 quest or without conducting the required anal-
21 yses in subparagraphs (A) and (B).

22 “(6) DISBURSAL OF APPROPRIATED FUNDS.—

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

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

3 “(i) NOTIFICATION OF FUNDING
4 AVAILABILITY.—When there are appro-
5 priated funds for 1 or more fishery re-
6 source disasters, the Secretary shall notify
7 the public and representatives of affected
8 fishing communities with a positive dis-
9 aster determination that is unfunded of the
10 allocation under paragraph (2)(B) not
11 more than 14 days after the date of the
12 appropriation or the determination of a
13 fishery resource disaster, whichever occurs
14 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 may consider the fol-
24 lowing factors:

25 “(i) Direct economic impacts.

1 “(ii) Uninsured losses.

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

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

6 “(v) Aquaculture operations revenue
7 loss.

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

10 “(vii) Treaty obligations.

11 “(viii) Other economic impacts.

12 “(D) SPEND PLANS.—To receive an alloca-
13 tion from funds available under paragraph (9),
14 a requestor with an affirmative fishery resource
15 disaster determination shall submit a spend
16 plan to the Secretary, not more than 120 days
17 after receiving notification that funds are avail-
18 able, that shall include the following informa-
19 tion, if applicable:

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

25 “(ii) Statement of work.

1 “(iii) Budget details.

2 “(E) REGIONAL CONTACT.—The Secretary
3 shall provide a regional contact within the Na-
4 tional Oceanic and Atmospheric Administration
5 to facilitate review of spend plans and disbursal
6 of funds.

7 “(F) DISBURSAL OF FUNDS.—

8 “(i) AVAILABILITY.—Funds shall be
9 disbursed not later than 90 days after the
10 date the Secretary receives a complete
11 spend plan under subparagraph (D).

12 “(ii) METHOD.—The Secretary may
13 provide an allocation of funds under this
14 subsection in the form of a grant, direct
15 payment, cooperative agreement, loan, or
16 contract.

17 “(iii) ELIGIBLE USES.—

18 “(I) IN GENERAL.—Funds allo-
19 cated for fishery resources disasters
20 under this subsection shall prioritize
21 the following uses, which are not in
22 order of priority:

23 “(aa) Habitat conservation
24 and restoration and other activi-
25 ties, including scientific research,

1 that reduce adverse impacts to
2 the fishery or improve under-
3 standing of the affected species
4 or its ecosystem.

5 “(bb) The collection of fish-
6 ery information and other activi-
7 ties that improve management of
8 the affected fishery.

9 “(cc) In a commercial fish-
10 ery, capacity reduction and other
11 activities that improve manage-
12 ment of fishing effort, including
13 funds to offset budgetary costs to
14 refinance a Federal fishing ca-
15 pacity reduction loan or to repay
16 the principal of a Federal fishing
17 capacity reduction loan.

18 “(dd) Developing, repairing,
19 or improving fishery-related pub-
20 lic infrastructure.

21 “(ee) Job training and eco-
22 nomic transition programs.

23 “(ff) Public information
24 campaigns on the recovery of the
25 fishery, including marketing.

1 “(gg) For any purpose that
2 the Secretary determines is ap-
3 propriate to restore the fishery
4 affected by such a disaster or to
5 prevent a similar disaster in the
6 future.

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

17 “(ii) Appropriate economic
18 and other incentives to encourage
19 commercial fisherman to return
20 to the fishery once it has recov-
21 ered from the disaster.

22 “(jj) Hatcheries and stock
23 enhancement to help rebuild the
24 affected stock or offset fishing
25 pressure on the affected stock.

1 “(kk) Other activities that
2 recover or improve management
3 of the affected fishery, as deter-
4 mined by the Secretary.

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

15 “(7) LIMITATIONS.—

16 “(A) FEDERAL SHARE.—

17 “(i) IN GENERAL.—Except as applied
18 to Tribes and as provided in clauses (ii)
19 and (iii), the Federal share of the cost of
20 any activity carried out under the author-
21 ity of this subsection shall not exceed 75
22 percent of the cost of that activity.

23 “(ii) WAIVER.—The Secretary may
24 waive the non-Federal share requirements

1 of this subsection, if the Secretary deter-
2 mines that—

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

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

11 “(iii) EXCEPTION.—The Federal
12 share of direct assistance as described in
13 paragraph (6)(F)(iii)(I)(hh) shall be equal
14 to 100 percent.

15 “(B) LIMITATIONS ON ADMINISTRATIVE
16 EXPENSES.—

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

22 “(ii) STATE OR TRIBAL GOVERN-
23 MENTS.—Of the funds remaining after the
24 use described in clause (i), not more than
25 5 percent may be used by States, Tribal

1 governments, or interstate marine fisheries
2 commissions for administrative expenses.

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

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

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

16 “(I) prohibit the vessel from
17 being used for fishing; and

18 “(II) require that the vessel be—

19 “(aa) scrapped or otherwise
20 disposed of in a manner approved
21 by the Secretary;

22 “(bb) donated to a nonprofit
23 organization and thereafter used
24 only for purposes of research,
25 education, or training; or

1 “(cc) used for another non-
2 fishing purpose provided the Sec-
3 retary determines that adequate
4 measures are in place to ensure
5 that the vessel cannot reenter
6 any fishery anywhere in the
7 world.

8 “(D) NO FISHERY ENDORSEMENT.—

9 “(i) IN GENERAL.—A vessel that is
10 prohibited from fishing under subpara-
11 graph (C)(ii)(I) shall not be eligible for a
12 fishery endorsement under section
13 12113(a) of title 46, United States Code.

14 “(ii) NONEFFECTIVE.—A fishery en-
15 dorsement for a vessel described in clause
16 (i) shall not be effective.

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

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

25 “(9) AUTHORIZATION OF APPROPRIATIONS.—

1 “(A) AUTHORIZATION.—There are author-
2 ized to be appropriated to carry out this sub-
3 section such sums as may be necessary.

4 “(B) AVAILABILITY OF FUNDS.—Amounts
5 appropriated under this subsection shall remain
6 available until expended.

7 “(C) TAX EXEMPT STATUS.—The Fish-
8 eries Disasters Fund appropriated under this
9 subsection shall be a tax exempt fund.

10 “(D) SUPPLEMENTAL APPROPRIATIONS.—
11 The Secretary may use any supplemental ap-
12 propriations that are available to carry out this
13 subsection.”.

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

16 (a) REPEAL.—Section 315 of the Magnuson-Stevens
17 Fishery Conservation and Management Act (16 U.S.C.
18 1864) is repealed.

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

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

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

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

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

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

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

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

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

19 (a) BUDGET REQUEST.—In the budget justification
20 materials submitted to Congress in support of the budget
21 of the Department of Commerce for each fiscal year (as
22 submitted with the budget of the President under section
23 1105(a) of title 31, United States Code), the Secretary
24 of Commerce shall include a separate statement of the

1 amount requested to be appropriated for that fiscal year
 2 for outstanding unfunded fishery resource disasters.

3 (b) DRIFTNET ACT AMENDMENTS OF 1990 REPORT
 4 AND BYCATCH REDUCTION AGREEMENTS.—

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

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

10 (B) in section 206—

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

12 and

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

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

20 (A) by inserting “(a) IN GENERAL.—The
 21 Secretary” and indenting appropriately; and

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

23 “(b) ADDITIONAL INFORMATION.—In addition to the
 24 information described in paragraphs (1) through (5) of
 25 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)).”.

10 **SEC. 6. REPORT ON EFFORTS TO PREPARE AND ADAPT**

11 **UNITED STATES FISHERY MANAGEMENT FOR**

12 **THE IMPACTS OF CLIMATE CHANGE.**

13 (a) IN GENERAL.—Not later than 1 year after the
14 date of enactment of this Act, the Comptroller General
15 of the United States shall submit a report to Congress
16 examining efforts by the Regional Fishery Management
17 Councils, the Atlantic States Marine Fisheries Commis-
18 sion, and the National Marine Fisheries Service to prepare
19 and adapt to the impacts of climate change.

20 (b) CONTENTS OF STUDY.—The report required
21 under subsection (a) shall include—

22 (1) an examination of current or previous ef-
23 forts, and whether those efforts have resulted in
24 changes to management, by the Regional Fishery
25 Management Councils, the Atlantic States Marine

1 Fisheries Commission, and the National Marine
2 Fisheries Service to prepare and adapt Federal and
3 jointly managed fisheries for the impacts of climate
4 change;

5 (2) an examination of any guidance issued to
6 the Regional Fishery Management Councils by the
7 National Marine Fisheries Service to prepare and
8 adapt Federal fishery management for the impacts
9 of climate change and whether and how that guid-
10 ance has been utilized;

11 (3) identification of and recommendations for
12 how best to address the most significant economic,
13 social, ecological, or other knowledge gaps, as well as
14 key funding gaps, that would increase the ability of
15 the Regional Fishery Management Councils, the At-
16 lantic States Marine Fisheries Commission, or the
17 National Marine Fisheries Service to prepare and
18 adapt fishery management for the impacts of climate
19 change;

20 (4) recommendations for how the Regional
21 Fishery Management Councils, the Atlantic States
22 Marine Fisheries Commission, and the National Ma-
23 rine Fisheries Service can better adapt fishery man-
24 agement and prepare associated fishing industries

1 and dependent communities for the impacts of cli-
2 mate change; and

3 (5) recommendations for how to enhance the
4 capacity of the National Marine Fisheries Service to
5 monitor climate-related changes to fisheries and ma-
6 rine ecosystems, to understand the mechanisms of
7 change, to evaluate risks and priorities, to provide
8 forecasts and projections of future conditions, to
9 communicate scientific advice, and to better manage
10 fisheries under changing conditions due to climate
11 change.

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