



Fishery Resource Disaster Determination Timeframes

In the Fishery Resource Disasters Improvement Act (P.L. 117-328, Division S, Title II), enacted in December 2022, Congress amended or repealed several fishery disaster authorities administered by the Secretary of Commerce. The amended language directs the Secretary and others to complete—within specific timeframes—certain actions, such as initiating and completing fishery resource disaster reviews and disbursing available disaster relief funds.



REQUEST AND REVIEW

The Secretary of Commerce may initiate—or be asked to initiate¹—a review to determine whether a fishery resource disaster has occurred. After an evaluation process, the Secretary makes a final determination based on criteria such as whether there was a loss of access to the fishery resource and if economic losses were greater than prescribed thresholds.

Request to Secretary

A requester can submit a request for a determination to the Secretary

- 1 year** after the conclusion of the fishing season or the onset of complete fishery closure, OR
- 2 years** after the conclusion of the fishing season, if the cause occurs during more than one consecutive fishing season

Interim Response

The Secretary must provide an interim response to requester

- 20 days** after receipt of the request

Evaluation of Request

The Secretary must complete the review

- 120 days** after the conclusion of the fishing season, if it has not concluded when the request is received, OR after the Secretary receives a complete request, if
 - there is no defined fishing season
 - the fishing season has concluded, or
 - the fishery is expected to be closed for the entire season

Notification of Determination

The Secretary must notify the requester (and others) of the determination (e.g., positive determination that a fishery resource disaster has occurred, including its identified cause; negative determination; determination that a fishery is ineligible)

- 14 days** after the conclusion of the review

No later than

FUNDING DISBURSAL

The Secretary of Commerce may begin the process for disbursing funds to communities with unfunded positive disaster determinations once Congress has appropriated funds to support a particular fishery disaster or multiple fishery disasters. Congress may appropriate these funds on a case-by-case basis, typically post-disaster, or in anticipation of future fishery disasters.

Notification of Funding Availability

The Secretary must notify the public and representatives of the fishing communities with an unfunded positive fishery disaster determination of the availability of funds²

- 14 days** after the appropriation or the positive determination, whichever occurs later

OPTIONAL

Extension of Notification Deadline

The Secretary may extend the deadline by

- 90 days** to evaluate and make determinations on eligible requests

Submission of Requester Spend Plans

Following the Secretary's announcement of the allocated amount, a requester with a positive fishery disaster determination must submit a spend plan to the Secretary

- 120 days** after receiving the notification of funding availability

Disbursal of Funds³

The Secretary must provide funds to grantees

- 90 days** after the Secretary receives a complete spend plan (as deemed by the Secretary).

¹ A request can be made by the governor of an affected state, an official resolution of an Indian tribe, or any other comparable elected or politically appointed representative as determined by the Secretary of Commerce. A title in bold indicates the individual for whom a given deadline applies.

² The legislative language (16 U.S.C. §1861a(a)) uses the terms *affirmative fishery resource disaster determination*, *positive determination*, and *positive disaster determination*. For the purpose of this infographic, CRS is assuming the three terms are intended to be interpreted interchangeably.

³ In determining the allocation of appropriations for a fishery resource disaster, the Secretary shall consider revenue losses and negative impacts to subsistence or Indian Tribe ceremonial fishing opportunity, for the affected fishery, among other factors.

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