

118TH CONGRESS
1ST SESSION

H. R. 5103

To require the Director of the Office of Management and Budget to approve or deny spend plans within a certain amount of time, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 1, 2023

Mr. DONALDS (for himself, Mrs. PELTOLA, Mr. BILIRAKIS, Mr. MOSKOWITZ, Mr. DUNN of Florida, Mr. CARTER of Louisiana, Mr. NEHLS, Mr. MOYLAN, Mr. RUTHERFORD, Mr. WEBSTER of Florida, Mrs. LUNA, Mrs. RADEWAGEN, and Mr. MAST) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To require the Director of the Office of Management and Budget to approve or deny spend plans within a certain amount of time, 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 Improvement
5 to Streamline untimely regulatory Hurdles post Emer-
6 gency Situation Act” or the “FISHES Act”.

1 **SEC. 2. APPROVAL OR DENIAL OF SPEND PLANS.**

2 (a) IN GENERAL.—Notwithstanding any other provi-
3 sion of law, in the case of a spend plan submitted to the
4 Director by the Secretary for approval by the Director
5 pursuant to section 312(a) of the Magnuson-Stevens Fish-
6 ery Conservation and Management Act (16 U.S.C.
7 1861a(a)), the Director shall approve or deny such spend
8 plan not later than 30 days after the date on which the
9 Secretary submits such spend plan to the Director for ap-
10 proval.

11 (b) DENIAL OF SPEND PLAN.—

12 (1) IN GENERAL.—If the Director denies a
13 spend plan under subsection (a) or paragraph (3) of
14 this subsection, the Director shall, not later than 15
15 days after the date of such denial, return such de-
16 nied spend plan to the Secretary with a description
17 of the changes to such denied spend plan that are
18 necessary for the Director to approve such denied
19 spend plan.

20 (2) RESUBMISSION OF SPEND PLAN.—Upon re-
21 ceipt of a denied spend plan under paragraph (1),
22 the Secretary, in consultation with the relevant re-
23 quester with an affirmative fishery resource disaster
24 determination of the spend plan, shall make the nec-
25 essary changes to such spend plan described by the

1 Director under paragraph (1) and resubmit such
2 spend plan to the Director for approval.

3 (3) REVIEW OF RESUBMITTED SPEND PLAN.—

4 Not later than 15 days after the date of the receipt
5 of a spend plan under paragraph (2), the Director
6 shall approve or deny such spend plan.

7 (c) APPROVAL OF SPEND PLAN.—If the Director ap-
8 proves a spend plan under subsection (a) or subsection
9 (b)(3), the Director shall—

10 (1) make such approval publicly available on
11 the website of the Office of Management and Budg-
12 et; and

13 (2) include in such approval—

14 (A) the date on which communication re-
15 garding such spend plan was initiated between
16 the Director and the Secretary;

17 (B) if applicable—

18 (i) the date of each denial of such
19 spend plan under subsection (a) and sub-
20 section (b)(3); and

21 (ii) the date of each resubmission of
22 such spend plan under subsection (b)(2);
23 and

24 (C) the date on which the Director ap-
25 proved such spend plan.

1 (d) DEFINITIONS.—In this section:

2 (1) AFFIRMATIVE FISHERY RESOURCE DIS-
3 ASTER DETERMINATION.—The term “affirmative
4 fishery resource disaster determination” means a de-
5 termination by the Secretary under section 312(a) of
6 the Magnuson-Stevens Fishery Conservation and
7 Management Act (16 U.S.C. 1861a(a)) that a fish-
8 ery resource disaster has occurred.

9 (2) FISHERY RESOURCE DISASTER.—The term
10 “fishery resource disaster” has the meaning given
11 the term in section 312(a)(1)(C) of the Magnuson-
12 Stevens Fishery Conservation and Management Act
13 (16 U.S.C. 1861a(a)(1)(C)).

14 (3) DIRECTOR.—The term “Director” means
15 the Director of the Office of Management and Budg-
16 et.

17 (4) SECRETARY.—The term “Secretary” means
18 the Secretary of Commerce.

19 (5) SPEND PLAN.—The term “spend plan”
20 means a spend plan submitted to the Secretary
21 under section 312(a)(6)(D) of the Magnuson-Ste-
22 vens Fishery Conservation and Management Act (16
23 U.S.C. 1861a(a)(6)(D)) by a requester with an af-
24 firmative fishery resource disaster determination.

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