

**NFI Analysis of Government Funding and COVID Relief Legislation**

<b>Issue</b>	<b>Section</b>	<b>Text</b>	<b>Importance to NFI members</b>
<b>COVID Relief</b>			
<i>Accounts Receivable/Covered Expenses</i>	Division N Title III Continuing the Paycheck Protection Program and Other Small Business Support Section 304	p. 2043 pdf/p.120-124: “(7) the term ‘covered supplier cost’ means an expenditure made by an entity to a supplier of goods for the supply of goods that— “(A) are essential to the operations of the entity at the time at which the expenditure is made; and “(B) is made pursuant to a contract, order, or purchase order— “(i) in effect at any time before the covered period with respect to the applicable covered loan; or “(ii) with respect to perishable goods, in effect before or at any time during the covered period with respect to the applicable covered loan;”	NFI priority. A/R due from restaurants that closed during the pandemic can be paid thru PPP.
<i>Second PPP draw</i>	Division N Title III Continuing the Paycheck Protection Program and Other Small Business Support Section 311	p.2073 pdf/p.150 (iv) NAICS 72 ENTITIES.—The maximum amount of a covered loan made to an eligible entity that is assigned a North American Industry Classification System code beginning with 72 at the time of disbursement is the lesser of— “(I) the product obtained by multiplying— “(aa) at the election of the eligible entity, the average total monthly payment for payroll costs incurred or paid by the eligible entity during— “(AA) the 1-year period before the date on which the loan is made; or “(BB) calendar year 2019; by “(bb) 3.5; or “(II) \$2,000,000.	NFI priority. Creates a second loan from the Paycheck Protection Program, called a “PPP second draw” loan for smaller and harder-hit businesses, with a maximum amount of \$2 million. In general, borrowers may receive a loan amount of up to 2.5X the average monthly payroll costs in the one year prior to the loan or the calendar year. No loan can be greater than \$2 million. Entities in industries assigned to NAICS code 72 (Accommodation and Food Services) may receive loans of up to 3.5X average monthly payroll costs. The increased multiples for foodservice will help restaurants, a major source of NFI members' sales.
<i>Distressed Communities Access to PPP</i>	Division N Title III Continuing the Paycheck Protection Program and Other Small Business Support Section 311	p. 2080 pdf and p.157 of Div N: “(M) PUBLICATION OF GUIDANCE.—Not later than 10 days after the date of enactment of this paragraph, the Administrator shall issue guidance addressing barriers to accessing capital for minority, underserved, veteran, and women-owned business concerns for the purpose of ensuring equitable access to covered loans.”.	May help NFI members that are women, veteran, or minority-owned access capital thru SBA. Details will follow in Administrator guidance.

**NFI Analysis of Government Funding and COVID Relief Legislation**

Issue	Section	Text	Importance to NFI members
<i>Deductibility of Expenses Associated with PPP</i>	Division N Title II Subtitle B COVID-related Tax 2 Relief Act of 2020 Section 276	CLARIFICATION OF TAX TREATMENT OF FORGIVENESS OF COVERED LOANS. (a) ORIGINAL PAYCHECK PROTECTION PROGRAM LOANS.— (1) IN GENERAL.—Subsection (i) of section 7A of the Small Business Act, as redesignated, transferred, and amended by the Economic Aid to Hard Hit Small Businesses, Nonprofits, and Venues Act, is amended to read as follows: “(i) TAX TREATMENT.—For purposes of the Internal Revenue Code of 1986— “(1) no amount shall be included in the gross income of the eligible recipient by reason of forgiveness of indebtedness described in subsection (b), “(2) no deduction shall be denied, no tax attribute shall be reduced, and no basis increase shall be denied, by reason of the exclusion from gross income provided by paragraph (1), and “(3) in the case of an eligible recipient that is a partnership or S corporation— “(A) any amount excluded from income by reason of paragraph (1) shall be treated as tax exempt income for purposes of sections 705 and 1366 of the Internal Revenue Code of 1986, and “(B) except as provided by the Secretary of the Treasury (or the Secretary’s delegate), any increase in the adjusted basis of a partner’s interest in a partnership under section 705 of the Internal Revenue Code of 1986 with respect to any amount described in subparagraph (A) shall equal the partner’s distributive share of deductions resulting from costs giving rise to forgiveness described in subsection (b).”. (2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years ending after the date of the enactment of the CARES Act., etc.	NFI priority. Clarifies that deductions are allowed for otherwise deductible expenses paid with the proceeds of a PPP loan that is forgiven, and that the tax basis and other attributes of the borrower’s assets will not be reduced as a result of the loan forgiveness.
<i>Deductibility of PPP (S-Corp)</i>	Division N Title II Subtitle B COVID-related Tax 2 Relief Act of 2020 Section 278	p. 2008 pdf/ p.85 of Div N: SEC. 278. CLARIFICATION OF TAX TREATMENT OF CERTAIN LOAN FORGIVENESS AND OTHER BUSINESS FINANCIAL ASSISTANCE. (a) UNITED STATES TREASURY PROGRAM MANAGEMENT AUTHORITY.—For purposes of the Internal Revenue Code of 1986— (1) no amount shall be included in the gross income of a borrower by reason of forgiveness of indebtedness described in section 1109(d)(2)(D) of the CARES Act, (2) no deduction shall be denied, no tax attribute shall be reduced, and no basis increase shall be denied, by reason of the exclusion from gross income provided by paragraph (1), and (3) in the case of a borrower that is a partnership or S corporation— (A) any amount excluded from income by reason of paragraph (1) shall be treated as tax exempt income for purposes of sections 705 and 1366 of the Internal Revenue Code of 1986, and (B) except as provided by the Secretary of the Treasury (or the Secretary’s delegate), any increase in the adjusted basis of a partner’s interest in a partnership under section 705 of the Internal Revenue Code of 1986 with respect to any amount described in subparagraph (A) shall equal the partner’s distributive share of deductions resulting from costs giving rise to forgiveness described in section 1109(d)(2)(D) of the CARES Act.	The provision clarifies that gross income does not include forgiveness of certain loans, emergency EIDL grants, and certain loan repayment assistance, each as provided by the CARES Act. The provision also clarifies that deductions are allowed for otherwise deductible expenses paid with the amounts not included in income by this section, and that tax basis and other attributes will not be reduced as a result of those amounts being excluded from gross income. The provision is effective for tax years ending after date of enactment of the CARES Act. The provision provides similar treatment for Targeted EIDL advances and Grants for Shuttered Venue Operators, effective for tax years ending after the date of enactment of the provision.

**NFI Analysis of Government Funding and COVID Relief Legislation**

Issue	Section	Text	Importance to NFI members
<i>Access to USDA Food Box Program</i>	Division N Title VII Nutrition and Agriculture Relief, Subtitle B - Office of the Secretary Agriculture Section 751	p.2357 of pdf, p.434-435 of Div N. Provided further, That from the amounts provided in this section, the Secretary of Agriculture shall use not less than \$1,500,000,000 to purchase food and agricultural products, including seafood, to purchase and distribute agricultural products (including fresh produce, dairy, and meat products) to individuals in need, including through delivery to nonprofit organizations that can receive, store, and distribute food items, and for grants and loans to small or mid-sized food processors or distributors, seafood processing facilities and processing vessels, farmers markets, producers, or other organizations to respond to coronavirus, including for measures to protect workers against the Coronavirus Disease 2019 (COVID-19): Provided further, That not later than 30 days after the date of enactment of this Act and prior to issuing solicitations for contracts under the previous proviso, the Secretary of Agriculture shall conduct a preliminary review of actions necessary to improve COVID-19-related food purchasing, including reviewing coordination, specifications, quality, and fairness of purchases, including the distribution of purchased commodities, including the fairness of food distribution, such as whether rural communities received adequate support, the degree to which transportation costs were sufficient to reach all areas, whether food safety was adequate in the distribution of food, and the degree to which local purchases of food were made:	NFI priority. Specifically calls out seafood as being eligible for the USDA Food Box program, thru which purchases are made thru food distributors. Seafood was previously excluded from the program.
<i>\$300M for Fisheries</i>	Division Coronavirus Response and Relief Supplemental Appropriations Act, 2021 Title I Department Of Commerce National Oceanic and Atmospheric Administration Fisheries Disaster Assistance	For an additional amount for "Fisheries Disaster Assistance", \$300,000,000 to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, which shall only be for activities authorized under section 12005 of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136): Provided, That the amount provided under this heading in this Act shall only be allocated to States of the United States bordering the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, or the Great Lakes, as well as Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, and federally recognized Tribes in any of the Nation's coastal States and territories, and federally recognized Tribes in any of the Nation's Great Lakes States with fisheries on the Tribe's reservation or ceded or usual and accustomed territory: Provided further, That each State and territory in the preceding proviso, except those States only bordering the Great Lakes, shall receive an amount equal to not less than percent of the amount provided under this heading in this Act and not greater than, from amounts provided under either section 12005 of Public Law 116-136 or amounts provided under this heading in this Act, that State or territory's total annual average revenue from commercial fishing operations, aquaculture firms, the seafood supply chain, and charter fishing businesses: Provided further, .<specific tribal language>>. That of the funds provided under this heading in this Act, \$15,000,000 shall be for all coronavirus related fishing impacts to non-tribal commercial, aquaculture, processor, and charter fishery participants in States of the United States bordering the Great Lakes:	NFI priority. Similar to previous support. provides \$300 million to fishery participants (harvesters thru distributors). Expands eligibility to Great Lakes states. Allocates \$15 million specifically to Great Lakes states.

**NFI Analysis of Government Funding and COVID Relief Legislation**

<b>Issue</b>	<b>Section</b>	<b>Text</b>	<b>Importance to NFI members</b>
<i>Business meal deductibility</i>	DIVISION EE Taxpayer Certainty and Disaster Tax Relief Act of 2020 Title II Other Provisions Section 210	p. 4946 pdf, p. 2479: SEC. 210. TEMPORARY ALLOWANCE OF FULL DEDUCTION 5 FOR BUSINESS MEALS. 6 (a) IN GENERAL.—Section 274(n)(2) of the Internal 7 Revenue Code of 1986 is amended by striking “or” at the 8 end of subparagraph (B), by striking the period at the 9 end of subparagraph (C)(iv) and inserting “, or”, and by 10 inserting after subparagraph (C) the following new sub11 paragraph: 12 “(D) such expense is— “(i) for food or beverages provided by a restaurant, and “(ii) paid or incurred before January 1, 2023.”. (b) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2020.	Benefits NFI members who sell to restaurants, as business meals as individuals may deduct business meals between Jan 1, 2021 and Jan 1, 2023.
<i>Eligibility of 501 c(6) organizations to PPP</i>	Division N Title III Continuing the Paycheck Protection Program and Other Small Business Support Section 318	p. 2100 pdf, p.177-182 of Div N: SEC. 318. ELIGIBILITY OF 501(c)(6) AND DESTINATION MARKETING ORGANIZATIONS FOR LOANS UNDER THE PAYCHECK PROTECTION PROGRAM. Section 7(a)(36) of the Small Business Act (15 12 U.S.C. 636(a)(36)) is amended— (1) in subparagraph (A), as amended by section 316 of this Act, by adding at the end the following: (C) by adding at the end the following: “(vii) ELIGIBILITY FOR CERTAIN 501(c)(6) ORGANIZATIONS.—“(I) IN GENERAL.—Any organization that is described in section 501(c)(6) of the Internal Revenue Code and that is exempt from taxation under section 501(a) of such Code (excluding professional sports leagues and organizations with the purpose of promoting or participating in a political campaign or other activity) shall be eligible to receive a covered loan if— “(aa) the organization does not receive more than 15 percent of its receipts from lobbying activities; “(bb) the lobbying activities of the organization do not comprise more than 15 percent of the total activities of the organization; “(cc) the cost of the lobbying activities of the organization did not exceed \$1,000,000 during the most recent tax year of the organization that ended prior to February 15, 2020; and “(dd) the organization employs not more than 300 employees. “(cc) the cost of the lobbying activities of the destination marketing organization did not exceed \$1,000,000 during the most recent tax year of the destination marketing organization that ended prior to February 15, 2020; and	NFI priority. Allows organizations organized under section c6 of the IRS code to apply for PPP loans. This will help NFI as a small business organization.
<b>Seafood Safety</b>			
<i>Seafood Safety Outreach for Educational Institutions</i>	Division A Ag/FDA Approps Section 765	SEC. 765. There is hereby appropriated \$1,000,000, for an additional amount for “Department of Health and Human Services—Food and Drug Administration—Salaries and Expenses” to remain available until expended and in addition to amounts otherwise made available for such purposes, for the development of research, education, and outreach partnerships with academic institutions to study and promote seafood safety.	Potentially important to the Seafood Industry Research Fund, which concentrates on seafood safety research, education, and outreach.

**NFI Analysis of Government Funding and COVID Relief Legislation**

<b>Issue</b>	<b>Section</b>	<b>Text</b>	<b>Importance to NFI members</b>
<i>Single laboratory for LC-MS for detecting brevetoxins in molluscan shellfish</i>	Ag/FDA Report (JES Division A), p. 59	The agreement urges FDA to complete the single laboratory validation of the liquid chromatography mass spectrometry-based (LC-MS) method for detecting brevetoxins association with neurotoxic shellfish poisoning in molluscan shellfish, and encourages the agency to work with the Interstate Shellfish Sanitation Conference to adopt FDA's proposal for the LC-MS method for brevetoxin testing of shellfish as an Approved Method under the National Shellfish Sanitation Program. The agreement is aware of the public health challenge related to the naturally occurring bacteria called <i>Vibrio parahaemolyticus</i> . The agreement encourages FDA to focus resources into <i>Vibrio</i> illnesses associated with the consumption of raw molluscan shellfish, improve risk assessment models, and develop improved rapid detection methods for virulent <i>Vibrio</i> strains	Technical amendment to urge FDA to ensure it regulates oysters thru proper risk methodology
<b>Seafood in WIC</b>			
<i>Seafood to WIC in regional packages</i>	Ag/FDA Report (JES Division A), p. 48-49	The agreement encourages USDA to collaborate with the Department of Health and Human Services on the development of uniform, evidence-based nutrition education materials in order to best serve WIC-eligible pregnant women and caregivers to infants impacted by Neonatal Abstinence Syndrome. The work of the National Academies of Science (NAS) to review and make recommendations for updating the WIC food packages to reflect current science and cultural factors is recognized. The agreement notes, however, that while all revised packages now allow some fish, the amounts remain low compared to the recommendations of other authoritative health agencies. The agreement strongly encourages the Department to consider the health and cultural benefits of fish consumption as the NAS recommendations are reviewed and used to inform the Department's next course of action. The agreement also strongly encourages the Department to continue to allow states to submit cultural food package proposals to respond to the cultural preferences of WIC participants in states like Alaska.	Encourages inclusion of more fish and seafood in the WIC packages
<b>Import Related</b>			
<i>Foreign Seafood Inspection</i>	Division A Ag/FDA Approps	P.67: Provided further, That of the total amount appropriated: (1) \$1,099,160,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs, of which no less than \$15,000,000 shall be used for inspections of foreign seafood manufacturers and field examinations of imported seafood;	Dedicates \$15 million to the inspection of imported seafood. While there is no evidence that imported seafood carries additional risks to support this targeted funding, NFI strongly supports FDA's inspection system using HACCP

**NFI Analysis of Government Funding and COVID Relief Legislation**

Issue	Section	Text	Importance to NFI members
<i>Shrimp Imports</i>	Division A Ag/FDA Approps Section 787	<p>p. 112-113SEC. 787. (a) The Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs (Commissioner), shall develop and, if it determines feasible, implement a number of options for regulating the export of shrimp to the United States from other countries, including the three largest exporting countries by volume to the United States over the last three calendar years, such as sampling of products prior to export to the United States, increasing foreign inspections of export facilities, increased seafood importer inspections, foreign surveillance inspections at overseas manufacturing sites, enhanced import screening, higher rates of examination and sampling, use of third-party audits, and formal seafood arrangements with foreign competent authorities.</p> <p>(b) The Commissioner shall especially give priority consideration to the following with the funds appropriated—</p> <p>(1) that appropriate controls are applied to shrimp feed and production ponds, processing plants, and facilities throughout the chain of distribution to determine compliance with seafood safety requirements;</p> <p>(2) dedicate its inspectional effort to determine compliance with seafood arrangements, once established, from any dedicated funds;</p> <p>(3) provide an annual report to the Committee before the end of fiscal years 2021, 2022, and 2023 with the reporting requirement goal being to provide the Committee information related to FDA’s oversight of the safety of shrimp products imported into the United States.</p>	Requires FDA to analyze the effectiveness of the Seafood HACCP program in ensuring shrimp food safety, with a concentration on the three largest shrimp exporters to the US.
<i>SIMP Language</i>	Division B Commerce, Justice, State Approps Report, Page 32	<p>Report on illegal, Unreported, and Unregulated (IUU) Fishing.-In lieu of House language requesting a report on IUU enforcement and seafood traceability, NMFS is directed to provide a report, within 90 days of enactment of this Act, that summarizes ongoing efforts to prevent the importation of seafood harvested through IUU fishing and address imported seafood fraud. The report should include the following: (1) the volume and value of seafood species subject to the Seafood Import Monitoring Program (SIMP) imported during fiscal year 2020; (2) the enforcement activities carried out under SIMP; (3) the percentage of import shipments subject to SIMP selected for inspection or audit; ( 4) the number of instances of noncompliance with the SIMP requirements; (5) the seafood species in which such noncompliance were found to be the most prevalent; and ( 6) such other information that NMFS considers appropriate with respect to SIMP monitoring and enforcing compliance. J Definition of Illegal, Unreported, and Unregulated Fishing.-Not later than 90 days after enactment of this Act, NOAA shall revise existing regulations defining IUU fishing, provided in 50 C.F.R 300.201, to be consistent with the definition codified in section 3532(6) of Public Law 116--92.</p>	Will result in analysis of effectiveness of the SIMP initiative.

**NFI Analysis of Government Funding and COVID Relief Legislation**

<b>Issue</b>	<b>Section</b>	<b>Text</b>	<b>Importance to NFI members</b>
<b>Aquaculture</b>			
<i>Aquaculture funding based on Executive order</i>	CJS Report (JES Div B), p. 29-30	Marine Aquaculture .-The agreement includes no less than \$500,000 in the Aquaculture Program, Project, or Activity (PPA) for NMFS, in collaboration with NOS, to perform activities in support of the identification of at least two aquaculture opportunity areas, as called for in section 7 of the May 7, 2020, Presidential Executive Order on Promoting American Seafood and Competitiveness and Economic Growth. The agreement also provides up to \$500,000 above the fiscal year 2020 enacted level in the Aquaculture PPA to increase the amount of staff focused on aquaculture at all NMFS fisheries science centers. Within the funding provided, NOAA is encouraged to return staffing levels to those in fiscal year 2010 at the Northeast and Northwest Fisheries Science Centers.	Reaffirms the Aquaculture Executive Order with funding identify 2 aquaculture opportunity areas. Also provides \$500k more than the FY20 funding to increase number of staffers dedicated to help aquaculture.
<i>Aquaculture pilot grants</i>	CJS Report (JES Div B), p. 30	Regional Pilots in Sustainable Aquaculture.- The agreement includes \$2,000,000 in the NMFS Aquaculture Office to continue the regional aquaculture pilot program, in partnership with the three interstate marine fisheries commissions, to establish partnerships between the seafood industry and community partners that can develop, validate, and deploy economically and environmentally sustainable aquatic farming techniques and regional business practices to grow domestic seafood production. To maximize the impact of these pilot grants, NMFS is encouraged to give priority consideration to promising but less commercially developed technologies, such as those targeting shellfish, seaweed, and other relative newcomers to the domestic aquaculture industry.	Provides funding to aquaculture projects, with an emphasis on less commercially developed farmed species.
<i>Sea Grant funds for aquaculture</i>	CJS Report (JES Div B), p. 36	Sea Grant Aquaculture Research.-The agreement provides \$13,000,000 for Sea Grant Aquaculture Research. NOAA is directed to support marine aquaculture research and development in partnership with universities, including with Historically Black Colleges and Universities and Tribal Colleges and Universities. Similar research efforts have led to beneficial outcomes such as the development and commercialization of new technologies to meet the domestic demand for seafood, including finfish, shrimp, and oysters.	Grants to universities to help with research in aquaculture
<b>Miscellaneous</b>			
<i>Catfish and food assistance</i>	Ag/FDA Report (JES Division A), p. 50-51	p. 50-51 The agreement encourages the Secretary to identify opportunities for increasing the supply of TEFAP [The Emergency Food Assistance Program] commodities through bonus and specialty crop purchases. The Department shall make available to the States domestically-produced catfish fillets for distribution to local agencies.	Provides opportunities for catfish producers to sell into bonus and specialty crop programs.
<i>Funding and directives for SK funds, etc.</i>	CJS Report (JES Div B), p. 23	For fiscal year 2021, NMFS shall follow prior year Senate direction and, if applicable, funding levels adopted by Public Law 116-93 on the following topics: Promote and Develop Fisheries Products and Research Funding Transfer, Saltonstall-Kennedy Grant Program, NMFS Staffing, Hawaiian Monk Seal and Sea Turtles, Species Recovery Grants, Atlantic Salmon, Pacific Salmon, American Lobster and Jonah Crab Research, Electronic Monitoring and Reporting, International Fisheries Management Coordination, Bycatch Reduction, Atlantic Herring Stock Assessment, and Seafood Reporting.	Established flat funding for various programs for FY 2021 for various programs, including Saltonstall-Kennedy

**NFI Analysis of Government Funding and COVID Relief Legislation**

Issue	Section	Text	Importance to NFI members
<b>Accurate Labeling</b>			
<i>HPPBA labeling</i>	House Ag/FDA Report <a href="https://www.congress.gov/116/crpt/hrpt446">https://www.congress.gov/116/crpt/hrpt446</a> <a href="#">/CRPT-116hrpt446.pdf</a>	p.92: Plant Product Labeling.—The Committee notes the increase of plant-based products labeled and marketed with meat, dairy, eggs, seafood and other animal food product terminology that may be advertised as a more healthful alternative to conventional animal based food products. Such representations may cause consumer confusion. As FDA works to modernize standards of identity and evaluate related product labeling, the Committee directs the Commissioner to consult with FSIS to prevent misleading labeling of these food products that do not contain any animal-based ingredients and to continue to engage with stakeholders and the public on this issue.	NFI priority. Requires FDA to consult industry as it moves toward addressing plant-based proteins that mimic seafood.
<i>HPPBA labeling of seafood</i>	House Ag/FDA Report <a href="https://www.congress.gov/116/crpt/hrpt446">https://www.congress.gov/116/crpt/hrpt446</a> <a href="#">/CRPT-116hrpt446.pdf</a>	p. 94 Seafood Product Labeling.—The Committee notes that certain foods are labeled as a fish or seafood product when the products are highly-processed plant-based foods rather than derived from actual fish or seafood. The Committee directs the FDA to continue to assess products on the market to determine whether action is necessary to ensure consumers are not misled regarding such product labeling.	NFI priority. Requires FDA to consult industry as it moves toward addressing plant-based proteins that mimic seafood.
<i>Net Weight of Seafood</i>	House Ag/FDA Report <a href="https://www.congress.gov/116/crpt/hrpt446">https://www.congress.gov/116/crpt/hrpt446</a> <a href="#">/CRPT-116hrpt446.pdf</a>	p.90 Net Weights.—The Committee encourages FDA to continue devoting appropriate efforts to address economic integrity issues, particularly with respect to net weights, and treatment of seafood. The Committee believes these short-weighted labeled products are violating FDA laws and that, despite industry reporting such violations, FDA has not prioritized enforcement. The Committee requests a briefing from FDA on its efforts to enforce net weight requirements with respect to seafood product.	NFI priority. Requires FDA to report to Congress on the agency's efforts to enforce net weights.



**NFI Analysis of Government Funding and COVID Relief Legislation**

Issue	Section	Text	Importance to NFI members
<b>H2B</b>			
<i>H-2B seafood provision</i>	Division H Labor Appropriations General Provisions Section 109	<p>p.940-941 SEC. 109. (a) FLEXIBILITY WITH RESPECT TO THE CROSSING OF H–2B NONIMMIGRANTS WORKING IN THE SEAFOOD INDUSTRY.—</p> <p>(1) IN GENERAL.—Subject to paragraph (2), if a petition for H–2B nonimmigrants filed by an employer in the seafood industry is granted, the employer may bring the nonimmigrants described in the petition into the United States at any time during the 120-day period beginning on the start date for which the employer is seeking the services of the nonimmigrants without filing another petition.</p> <p>(2) REQUIREMENTS FOR CROSSINGS AFTER 90TH DAY.—An employer in the seafood industry may not bring H–2B nonimmigrants into the United States after the date that is 90 days after the start date for which the employer is seeking the services of the nonimmigrants unless the employer—</p> <p>(A) completes a new assessment of the local labor market by—</p> <p>(i) listing job orders in local newspapers on 2 separate Sundays; and</p> <p>(ii) posting the job opportunity on the appropriate Department of Labor Electronic Job Registry and at the employer’s place of employment; and</p> <p>(B) offers the job to an equally or better qualified United States worker who—</p> <p>(i) applies for the job; and</p> <p>(ii) will be available at the time and place of need.</p> <p>(3) EXEMPTION FROM RULES WITH RESPECT TO STAGGERING.—The Secretary of Labor shall not consider an employer in the seafood industry who brings H–2B nonimmigrants into the United States during the 120-day period specified in paragraph (1) to be staggering the date of need in violation of section 655.20(d) of title 20, Code of Federal Regulations, or any other applicable provision of law.</p>	This is the same provision for the past several years, and it allows for seafood companies to stagger their workers. Most other industries cannot.
<hr/> <b>FDA Seafood Advice</b>			
<i>Seafood advice</i>	Division A Ag/FDA Approps Section 745	<p>P. 100-101: SEC. 745. Out of amounts appropriated to the Food and Drug Administration under title VI, the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall, not later than September 30, 2021, and following the review required under Executive Order No. 12866 (5 U.S.C. 601 note; relating to regulatory planning and review), issue advice revising the advice provided in the notice of availability entitled “Advice About Eating Fish, From the Environmental Protection Agency and Food and Drug Administration; Revised Fish Advice; Availability” (82 Fed. Reg. 6571 (January 19, 2017)), in a manner that is consistent with nutrition science recognized by the Food and Drug Administration on the net effects of seafood consumption.</p>	Requires the FDA in stature to update the seafood advice using FDA's own science. A Biden Administration is unlikely to follow the FDA Net Effects Report.

---

NFI Analysis of Government Funding and COVID Relief Legislation

Issue	Section	Text	Importance to NFI members
<b>TUNA SOI</b>			
<i>Tuna SOI</i>	House Ag/FDA Report	Report language p.83:Canned Tuna.—The Committee is concerned that FDA has not revised the standard of identity for canned tuna to adopt the drained weight fill of container standard despite having received two citizens petitions, as far back as 1994. FDA is directed to provide an update on the status of its review of the citizen petitions related to the standard of identity for canned tuna within 90 days.	Requires FDA to modernize the canned tuna SOI to align with technology and the rest of the globe.

---