

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 4294
OFFERED BY MS. ELFRETH OF MARYLAND**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Mitigation Action and
3 Watermen Support Act of 2026” or the “MAWS Act of
4 2026”.

5 SEC. 2. BLUE CATFISH PILOT PROGRAM.

6 Section 307 of the National Oceanic and Atmospheric
7 Administration Authorization Act of 1992 (15 U.S.C.
8 1511d) is amended—

9 (1) by redesignating subsection (e) as sub-
10 section (f); and

11 (2) by inserting after subsection (d) the fol-
12 lowing:

13 “(e) BLUE CATFISH PILOT PROGRAM.—

14 “(1) IN GENERAL.—The Secretary, utilizing
15 and coordinating with applicable programs and ac-
16 tivities described in subsection (b)(3), shall carry out
17 a pilot program to enter into cooperative agreements

1 with covered entities for such covered entities to pur-
2 chase, in accordance with paragraph (3)—

3 “(A) from watermen, blue catfish caught
4 within the Chesapeake Bay Watershed by such
5 watermen; and

6 “(B) from seafood processors, such blue
7 catfish purchased by seafood processors from
8 such watermen.

9 “(2) APPLICATIONS.—To be eligible to enter
10 into a cooperative agreement under the pilot pro-
11 gram, a covered entity shall submit to the Secretary
12 an application in such form, at such time, and con-
13 taining such information as the Secretary deter-
14 mines appropriate.

15 “(3) USE OF AMOUNTS.—A covered entity that
16 enters into a cooperative agreement under the pilot
17 program—

18 “(A) shall use any amounts awarded under
19 such cooperative agreement to purchase blue
20 catfish from watermen or seafood processors for
21 at least the amount determined by the Sec-
22 retary under paragraph (5); and

23 “(B) may use not more than 15 percent of
24 such amounts to offset the cost to transport

1 such blue catfish to manufacturing or proc-
2 essing facilities.

3 “(4) WATERMAN AND SEAFOOD PROCESSOR
4 ELIGIBILITY.—To be eligible to sell a blue catfish
5 under the pilot program to a covered entity that en-
6 ters into a cooperative agreement under the pilot
7 program—

8 “(A) a waterman shall certify to such cov-
9 ered entity that the waterman caught the blue
10 catfish within the Chesapeake Bay Watershed;
11 and

12 “(B) a seafood processor shall certify to
13 such covered entity that the seafood processor
14 purchased the blue catfish from a waterman
15 who caught the blue catfish within the Ches-
16 apeake Bay Watershed.

17 “(5) DETERMINATION OF MINIMUM PURCHASE
18 AMOUNT.—With respect to blue catfish sold by
19 watermen or seafood processors under the pilot pro-
20 gram, the Secretary shall determine the minimum
21 price per pound, taking into consideration—

22 “(A) market factors;

23 “(B) feedback from watermen, seafood
24 processors, and covered entities that participate
25 in the pilot program, if available; and

1 “(C) differentiation of price points for fillet
2 and byproduct.

3 “(6) ABUNDANCE BASELINE.—

4 “(A) MEMORANDUM OF UNDER-
5 STANDING.—Not later than 180 days after the
6 date of the enactment of this subsection, the
7 Secretary shall seek to enter into a memo-
8 randum of understanding with eligible non-Fed-
9 eral partners—

10 “(i) to compile existing non-Federal
11 data necessary for the Secretary—

12 “(I) to develop under subpara-
13 graph (B) an estimate of the abun-
14 dance of blue catfish in the Ches-
15 apeake Bay Watershed; and

16 “(II) to provide the information
17 described in subparagraphs (A)
18 through (D) of paragraph (7) in the
19 report required under that paragraph;
20 and

21 “(ii) to adjust the collection by such
22 eligible non-Federal partners of relevant
23 data such that such data can be used as
24 described in subclauses (I) and (II) of
25 clause (i).

1 “(B) ABUNDANCE ESTIMATES.—Not later
2 than September 30, 2027, and annually there-
3 after through fiscal year 2032, the Secretary
4 shall develop, pursuant to the memorandum of
5 understanding described in subparagraph (A),
6 and make publicly available on the website of
7 the National Oceanic and Atmospheric Admin-
8 istration an estimate of the abundance of blue
9 catfish in the Chesapeake Bay Watershed.

10 “(7) REPORT.—Not later than 180 days after
11 the date on which the pilot program terminates in
12 accordance with paragraph (9), the Secretary shall
13 submit to Congress a report regarding the pilot pro-
14 gram, including the following information:

15 “(A) A summary of available information
16 regarding the size and spawning stock biomass
17 of the blue catfish population in the Chesapeake
18 Bay Watershed prior to and at the conclusion
19 of the pilot program, using the most recent
20 data available.

21 “(B) A summary of available data regard-
22 ing the size distribution and diet of the blue
23 catfish population in the Chesapeake Bay Wa-
24 tershed during and at the conclusion of the
25 pilot program.

1 “(C) The number of blue catfish and the
2 amount of blue catfish (measured in pounds)
3 caught by watermen who participate in the pilot
4 program during the pilot program.

5 “(D) The effects of the pilot program on
6 species other than the blue catfish in and the
7 environment of the Chesapeake Bay Watershed,
8 to the extent known.

9 “(E) The economic effect of the pilot pro-
10 gram on watermen who participate in the pilot
11 program, including—

12 “(i) the revenue generated by each
13 such waterman by selling blue catfish
14 under the pilot program; and

15 “(ii) catch data with respect to and
16 revenue generated from other species
17 fished by such watermen during the pilot
18 program.

19 “(F) The market response to the pilot pro-
20 gram, including—

21 “(i) the total amount awarded under
22 the pilot program to covered entities that
23 enter into cooperative agreements under
24 the pilot program; and

1 “(ii) trends in the types of such cov-
2 ered entities.

3 “(G) With respect to the manufacturing or
4 processing practices of each covered entity that
5 enters into a cooperative agreement under the
6 pilot program, information regarding whether
7 each such covered entity—

8 “(i) uses internal or third-party man-
9 ufacturers or processors;

10 “(ii) uses, for each type of food prod-
11 uct produced by the covered entity, whole
12 fish, fillet, or byproduct; and

13 “(iii) if the covered entity uses only
14 part of the fish, sells the remainder to
15 third parties.

16 “(H) How each covered entity that enters
17 into a cooperative agreement under the pilot
18 program transports blue catfish purchased by
19 the covered entity, including—

20 “(i) whether the covered entity freezes
21 such blue catfish;

22 “(ii) how often the covered entity
23 picks up such blue catfish; and

1 “(iii) whether the covered entity uses
2 a seafood transport company that is local
3 to the Chesapeake Bay Watershed.

4 “(I) Policy recommendations regarding—

5 “(i) the continuation of the pilot pro-
6 gram in the Chesapeake Bay Watershed;
7 and

8 “(ii) the expansion of the pilot pro-
9 gram to other watersheds, including—

10 “(I) best practices;

11 “(II) specific recommendations
12 regarding invasive species of carp in
13 the Mississippi rivershed;

14 “(III) with respect to other
15 invasive aquatic species and water-
16 sheds that may benefit from the pilot
17 program; and

18 “(IV) other strategies with re-
19 spect to the mitigation of aquatic
20 invasive species for Congress to con-
21 sider piloting.

22 “(J) Additional data necessary for Con-
23 gress to shape related policy, including—

24 “(i) data—

1 “(I) the Secretary was unable to
2 collect; or

3 “(II) is not collected by eligible
4 non-Federal partners; and

5 “(ii) recommendations for congres-
6 sional action to support the collection of
7 relevant data sets.

8 “(8) BRIEFINGS.—Not later than 90 days after
9 the date of the enactment of this subsection and
10 quarterly thereafter until the date on which the pilot
11 program terminates in accordance with paragraph
12 (9), the Secretary shall provide to the Committee on
13 Natural Resources of the House of Representatives
14 and the Committee on Commerce, Science, and
15 Transportation of the Senate briefings on the status
16 of the implementation of this subsection.

17 “(9) DURATION.—

18 “(A) IN GENERAL.—The Secretary shall
19 carry out the pilot program during the 2-year
20 period that begins on the first day of the fiscal
21 year immediately following the later of the fis-
22 cal year in which the Secretary—

23 “(i) first makes publicly available the
24 first abundance estimate under paragraph
25 (6); and

1 “(ii) issues guidance under subpara-
2 graph (B).

3 “(B) CRITERIA.—Not later than 1 year
4 after the date of the enactment of this sub-
5 section, the Secretary, in consultation with the
6 Chesapeake Bay Program Invasive Catfish
7 Workgroup and the heads of relevant Federal
8 agencies with experience administering similar
9 programs, shall issue guidance for the pilot pro-
10 gram.

11 “(10) DEFINITIONS.—In this subsection:

12 “(A) ANIMAL FEED.—The term ‘animal
13 feed’—

14 “(i) means an article that is intended
15 for use—

16 “(I) for food for an animal other
17 than man; and

18 “(II) as a substantial source of
19 nutrients in the diet of such an ani-
20 mal; and

21 “(ii) is not limited to a mixture in-
22 tended to be the sole ration of such an ani-
23 mal.

24 “(B) AQUACULTURE FEED.—The term
25 ‘aquaculture feed’—

1 “(i) means an article that is intended
2 for use—

3 “(I) for food for an aquacultural
4 species, including any species of
5 finfish, mollusk, crustacean (or other
6 aquatic invertebrate), amphibian, rep-
7 tile, ornamental fish, or aquatic plant
8 that is propagated and reared in a
9 controlled or selected environment;
10 and

11 “(II) as a substantial source of
12 nutrients in the diet of such an
13 aquacultural species; and

14 “(ii) is not limited to a mixture in-
15 tended to be the sole ration of such an
16 aquacultural species.

17 “(C) BLUE CATFISH.—The term ‘blue cat-
18 fish’ means the species *Ictalurus furcatus*.

19 “(D) CHESAPEAKE BAY WATERSHED.—
20 The term ‘Chesapeake Bay Watershed’ means
21 the region that covers—

22 “(i) the Chesapeake Bay;

23 “(ii) the portions of the States of
24 Delaware, Maryland, New York, Pennsyl-

1 vania, Virginia, and West Virginia that
2 drain into the Chesapeake Bay; and

3 “(iii) the District of Columbia.

4 “(E) COVERED ENTITY.—The term ‘cov-
5 ered entity’ means a person engaged in the
6 business of manufacturing or processing—

7 “(i) pet food;

8 “(ii) animal feed; or

9 “(iii) aquaculture feed.

10 “(F) ELIGIBLE NON-FEDERAL PARTNER.—

11 The term ‘eligible non-Federal partner’
12 means—

13 “(i) Maryland;

14 “(ii) Virginia; and

15 “(iii) research institutions, including
16 research institutions with expertise in—

17 “(I) blue catfish research in the
18 Chesapeake Bay Watershed; or

19 “(II) acting in coordination with
20 the Invasive Catfish Workgroup of the
21 Chesapeake Bay Program.

22 “(G) PILOT PROGRAM.—The term ‘pilot
23 program’ means the pilot program established
24 under paragraph (1).

1 “(H) SEAFOOD PROCESSOR.—The term
2 ‘seafood processor’ means a person engaged in
3 the business of preparing or packaging fish or
4 fish products (including fish harvested by the
5 processor) for sale.

6 “(I) SECRETARY.—The term ‘Secretary’
7 means the Secretary of Commerce, acting
8 through the Administrator of the National Oce-
9 anic and Atmospheric Administration.”.

