

SUSTAINING AMERICA'S FISHERIES FOR THE FUTURE ACT

Summary of Major Differences Between Discussion Draft and the Sustaining America's Fisheries for the Future Act

These changes reflect discussions with stakeholder groups and consideration of feedback from over 50 organizations and individuals that sent comments on the discussion draft. Changes also reflect consideration of feedback from Members of Congress.

Title I: Climate Ready Fisheries

- Sec. 101: Removed addition of "best available climate science".
- Sec. 102: Added requirement for NOAA to conduct climate vulnerability assessment and that Councils plan management actions to increase resilience of stocks identified in those assessments.
- Sec. 103: Removed requirement that all training topics are mandatory for council members; maintains the addition of climate change and ecosystem-based fishery management on the list of possible training topics for councils.
- Sec. 104: Added a requirement for fishing participants, Tribes, and stakeholder input, rather than just consultation, in the climate ready fisheries innovation program.
- Sec. 105: Removed the task force on shifting stocks in response to stakeholder concerns about its scope and interference with the existing council system.
- Sec. 106: Requires publication of a list of all U.S. fisheries with specific and detailed information, to better determine management of newly developed fisheries.
- Added references throughout this title to include fishing dependent communities within provisions to prepare fisheries and management for climate change.

Title II: Supporting Fishing Communities

- Sec. 203: Updated language to reflect revisions to Rep. Pingree's Keep America's Waterfronts Working Act, including adding Tribes as grantees and increasing the authorization level (H.R. 3160 in the 117th Congress).
- Sec. 204: Removed the provision re-establishing the National Seafood Council, given NOAA's current work to address the Marine Fisheries Advisory Committee recommendations and concerns on this topic.
- Sec. 206: Removed amendments to the definition of fishing.

Title III: Strengthening Public Process and Transparency

- Sec. 302: Added new section to add two tribal seats at the North Pacific Fishery Management Council. This change recognizes the diversity of Alaska native communities and the importance of dedicated seats for Tribal representation on the council.
- Sec. 303: Added language specifying that liaisons should have expertise in fisheries that span both councils' jurisdiction. Removed the Mid- and South Atlantic liaison.

- Sec. 304: Clarified that while remote meeting participation and voting options should be available, Councils should strive to hold meetings in person to the extent possible.
- Sec. 305: Expanded ethics requirements to include committee and advisory panel members; removed provisions amending conflict of interest prohibitions and recusal requirements; revised the requirement for the Secretary to appoint two council members who do not have financial interest to require one only; revised to require geographic representation across constituent states for the Western Pacific Management Council at-large seat; and removed amendments to requirements for Gulf of Mexico and South Atlantic Fishery Management Council nominations.
- Sec. 306: Added clarification that funding is only for projects in federal waters.
- Sec. 307: Updated language to reflect revisions to Rep. Bonamici's NOAA Sexual Harassment and Assault Preventions Improvements Act (H.R. 2865 in the 117th Congress).
- Removed the section to make the Sport Fish and Boating Partnership Council a federal advisory committee of the Department of Commerce due to redundancy with other advisory bodies at NOAA.

Title IV: Modernizing Fisheries Science and Data

- Sec. 402: Added to Sense of Congress that NOAA should consider technologies in fishery independent data collection. Added new requirements for the electronic technologies advisory panel to provide recommendations on data ownership and assess how national performance standards would impact existing regional or fishery-specific technologies, and clarified that the recommendations would not preclude any regional council from independently developing electronic technologies. Increased the number of electronic technology industry representatives on the advisory panel to provide broader perspective from this stakeholder group.
- Sec. 403: Added reporting requirement to identify stock assessments that are not completed, if any, and to provide rationale.
- Sec. 404: Revised to include local and traditional knowledge and Indigenous communities, and to require public reports of cooperative research project results.
- Sec. 405: Added language to provide an option for another survey methodology selected in partnership with cooperating entities.
- Sec. 406: Revised to clarify that the Secretary shall implement measures for data integration to ensure consistent methods and approaches, and clarified language related to areas of recreational data research.
- Sec. 407: Added requirement for consultation with stakeholders for NOAA emergency operations planning.
- Sec. 409: Added fisheries and marine wildlife research to the areas that may be funded through a cooperative agreement with BOEM related to offshore wind energy.

Title V: Sustaining Fisheries Through Healthy Ecosystems and Improved Management

- Sec. 501: Added this new section, which includes a Sense of Congress to highlight the importance of essential fish habitat and to affirm that essential fish habitat consultation should be consistently applied to fishing and non-fishing activities.
- Sec. 502: Revised requirements related to avoidance and mitigation measures for Habitat Areas of Particular Concern (HAPC), added a definition of "adverse effect", and added monitoring requirements.
- Sec. 503: Removed the amendment to the definition of bycatch and added updates to the Bycatch Reduction Engineering Program to improve outreach, technical assistance, and adoption of bycatch reduction methods.

- Sec. 504: Revised to clarify rebuilding requirements related to meeting adequate progress and within specified time periods. Clarified language regarding the requirement for 75% chance of success for a second rebuilding plan, which is only required if the first plan fails.
- Sec. 505: Technical correction to the definition of “depleted” to include case law. Added a technical correction for a rule of construction in the MSA.
- Sec. 506: Added a requirement for notification by the Secretary 30 days prior to the 180 day deadline.
- Sec. 507: Removed the addition of “best available climate science”.
- Sec. 510: Increased authorization levels by 50%, accounting for inflation, to provide the necessary resources for the new requirements in this act and to better equip fisheries science and management.
- Removed the Atlantic Highly Migratory Species (HMS) Science and Statistical Committee due to potential conflicts with international management of these stocks.
- Removed the DESCEND Act (signed into law).

