

SUSTAINING AMERICA'S FISHERIES FOR THE FUTURE ACT

Section by Section Summary

Title I: Climate-Ready Fisheries

Sec. 101. Findings, purpose, and policy. Amendments to incorporate climate change.

Sec. 102. Promoting climate resilience in fisheries management. Requires fishery management plans to incorporate climate change by promoting stock resilience, identifying data needs, examining the vulnerability of a fishery and its participants to climate change, and assessing the anticipated impacts of climate change.

Sec. 103. Incorporating climate science. Includes climate change and ecosystem-based management as possible training topics for new council members. Adds climate to fisheries research priorities.

Sec. 104. Climate-ready fisheries innovation program (*also in H.R.3764 in the 117th Congress*). Establishes a program to develop innovative tools and approaches to increase the adaptive capacity of fishery management to the impacts of climate change.

Sec. 105. Managing shifting stocks. Establishes a framework for designating Council jurisdiction for cross-jurisdictional stocks and requires developing a strategy for coordinated research and management for international stocks impacted by climate change.

Sec. 106. Emerging fisheries. Requires a report on managed fisheries and gear types. Creates a framework for establishing a new fishery or gear type and requires Councils to analyze potential impacts and management of the new fishery or gear type.

Title II: Supporting Fishing Communities

Sec. 201. Fishery resource disaster relief (*H.R.5548 in the 116th Congress*). Sets a timeline for the federal government to respond to a fishery disaster request and for disbursement of appropriated funds and clarifies the disaster request process, including by allowing direct payments to be made to affected members of fishing communities as an eligible use of relief funds.

Sec. 202. Subsistence fishing. Recognizes and defines subsistence fishing.

Sec. 203. Working Waterfronts Grant Program (*H.R.3160 in the 117th Congress*). Establishes a Working Waterfront Grant Program to provide matching grants to coastal states to preserve and expand access to coastal waters for dependent businesses; creates a 5-year pilot loan fund for waterfront preservation; and establishes a Working Waterfront Task Force at the Department of Commerce to identify and prioritize critical needs for working waterfronts.

Sec. 204. Seafood marketing. Directs USDA and NOAA to work together to increase and support seafood industry participation in USDA Agricultural Marketing Service programs. Directs NOAA to study the possibility of establishing similar marketing support programs housed within the agency.

Sec. 205. Community participation in limited access privilege programs. Adds the participation of fishing communities as a requirement for limited access privilege programs; updates requirements

for community sustainability plans; and adds provisions for Councils to identify eligible fishing communities and provide a process for communities to participate in new programs.

Sec. 206. Findings. Technical amendment to findings.

Title III. Strengthening Public Process and Transparency

Sec. 301. Tribal representation at the Pacific Fishery Management Council. Removes the limit on the number of Tribal representatives that must be nominated for the Tribal seat on the Pacific Council and removes term limits for the Tribal seat.

Sec. 302. Tribal representation at the North Pacific Fishery Management Council. Adds two seats on the North Pacific Council to represent Indian Tribes in Alaska.

Sec. 303. Atlantic Councils. Adds a voting seat for a Mid-Atlantic Council member on the New England Council and a voting seat for a New England Council member on the Mid-Atlantic Council. These liaisons would represent the interests of the fisheries under their jurisdictions on neighboring Councils, which is particularly important as stocks shift with climate change.

Sec. 304. Council procedures and participation. Requires greater access to Council meetings, requires roll call votes for nonprocedural Council matters, and directs Councils to allow for remote participation in meetings.

Sec. 305. Council accountability and membership. Establishes stricter requirements related to ethics and lobbying by Council members. Expands the criteria for Council member nominations to ensure a balance of viewpoints and stakeholders are represented. Extends the statute of limitations on agency actions to 60 days. Requires geographic representation for at-large seats on the Western Pacific Council.

Sec. 306. Amendments to the Western Pacific Sustainable Fisheries Fund. Adds public notice requirements for marine conservation plans. Establishes an advisory panel for the Fund, directs the panel to provide public notice and minutes of meetings, requires the Secretary to submit an annual report to Congress on funded projects, and requires the Secretary to provide written explanation for funded projects that are not ranked by the advisory panel.

Sec. 307. NOAA Sexual Harassment and Assault Prevention (*H.R.2865 in the 117th Congress*). Expands NOAA's sexual assault and sexual harassment policies to include coverage for fishery observers and Council staff and strengthens resources and reporting.

Sec. 308. Saltonstall-Kennedy Act reform. Creates an Advisory Committee to assist in the awarding of fisheries marketing, research, and development grants through Saltonstall-Kennedy funding (*H.R.1218/S.494 in the 116th Congress*). Returns funding intended for the Saltonstall-Kennedy Act grants, which has been used to backfill NOAA's budget, to its original purpose.

Title IV: Modernizing Fisheries Science and Data

Sec. 401. Data modernization. Requires NOAA to provide to Congress an implementation plan for its Fisheries Information Management Modernization initiative to ensure continued progress in the modernization of NMFS fisheries data management systems to facilitate improvements in the collection, intake, use, storage, and access to data from federal and non-federal sources.

Sec. 402. Expanding and improving electronic technologies. Sense of Congress that expresses the importance of electronic technologies and adapting to management needs, especially in the context of climate change, and includes consideration of technologies in fishery independent data collection. Facilitates implementation of electronic technologies for monitoring and reporting, requires

a review of existing electronic technology capabilities in NMFS, establishes an electronic technologies innovation prize, and establishes an advisory panel on electronic technologies.

Sec. 403. Stock assessments. Requires the Secretary to report to Congress on NMFS' progress on prioritizing and improving stock assessments.

Sec. 404. Cooperative research and management. Clarifies authorities for cooperative research and management projects to make the use of these more consistent and requires public reports of project results. Updates priorities for cooperative research, including electronic technologies and climate research, and requires the Secretary to issue guidance on the development of cooperative management agreements, oversight, and enforcement. Adds to MSA findings that science and statistical committees should consider outside sources of information when seeking the best scientific information available.

Sec. 405. Northeast regional pilot research trawl survey and study. Sets up a pilot study to develop a fishing industry-based Northeast regional research trawl survey and study to enhance and provide improvements to current vessel trawl surveys, in coordination with the relevant councils and the Northeast Area Monitoring and Assessment Program.

Sec. 406. Recreational data consistency. Requires the Secretary to establish guidelines to improve recreational data and ensure data consistency. Creates a program to research and improve recreational data survey methods.

Sec. 407. Emergency operating plans. Requires NOAA, in consultation with stakeholders, to develop a contingency plan for pandemics or other emergencies that make it impractical to use human observers and conduct stock assessments, and to report to Congress on the plan.

Sec. 408. Zeke Grader Fisheries Conservation and Management Fund. Renames the Fisheries Conservation and Management Fund to the Zeke Grader Fisheries Conservation and Management Fund, allows climate change research to be an eligible use of funds, and allows funds to be used in the region in which they were generated.

Sec. 409. Offshore wind collaboration. Requires the Departments of Commerce and Interior to enter into a cooperative agreement to fund additional stock assessments and fisheries and marine wildlife research if impacted by offshore wind energy development.

Title V: Sustaining Fisheries Through Healthy Ecosystems and Improved Management

Sec. 501 Sense of Congress. States that the protection of essential fish habitat ensures healthy fisheries, and that essential fish habitat consultation should be consistently applied to fishing and non-fishing activities.

Sec. 502. Essential fish habitat consultation. Strengthens essential fish habitat (EFH) consultation and requires federal agency actions to avoid adverse effects to EFH or minimize and mitigate the adverse effects. Adds a definition of "adverse effect" and requires monitoring of impacts to EFH. Requires Councils to identify Habitat Areas of Particular Concern (HAPC), develop plans to protect EFH, and periodically review habitat protection plans and EFH and HAPC designations.

Sec. 503. Reducing bycatch. Removes loopholes that prevent effective bycatch management and creates a nation-wide standardized bycatch reporting system. Updates the Bycatch Reduction Engineering Program to expand outreach, technical assistance, and adoption of bycatch reduction methods.

Sec. 504. Improving rebuilding outcomes. Requires more detailed information in NOAA's annual status of stocks report to identify stocks subject to overfishing and in need of rebuilding plans;

specifies that conservation and management measures are required to improve stock status for stocks approaching an overfished condition; amends the rebuilding timeline to be specific to stock biology; requires adequate and measurable criteria and progress in rebuilding plans; and strengthens requirements for responding to rebuilding failures.

Sec. 505. Depleted fisheries and preventing overfishing. Replaces “overfished” with “depleted” throughout the Act. Includes a rule of construction regarding “overfished”. Requires that objective and measurable criteria are used to identify overfished stocks and stocks experiencing overfishing, clarifies that Councils cannot be less precautionary than science and statistical committee (SSC) recommendations, and requires SSCs to provide advice on accounting for all sources of mortality, promoting resilience to climate change, and objective and measurable criteria for overfishing and depleted stocks. Includes a technical correction on an existing rule of construction.

Sec. 506. Preparation and review of secretarial plans. Requires the Secretary to develop fishery management plans when Councils do not complete plans within a reasonable amount of time.

Sec. 507. Councils. Requires Councils to include climate change in research priorities, to develop objective and measurable criteria for identifying overfishing and depleted fisheries, and to develop measurable targets for essential fish habitat and regularly update habitat protection plans.

Sec. 508. Forage Fish Conservation (*H.R.2236 in the 116th Congress*). Directs the Secretary to define forage fish, requires an assessment of the potential impacts of a new commercial forage fish fishery, and requires consideration of predator needs in existing fishery management plans.

Sec. 509. Funding for monitoring implementation of Northeast Multispecies fishery management plan. Adds monitoring, including electronic monitoring, as a use of funds related to implementation of the plan.

Sec. 510. Authorization of appropriations. Authorizes funding for FY22-FY26. Increases 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.

