

## H.R. 8788, the “Fisheries Improvement and Seafood Health Act of 2024”

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A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to establish the Fisheries and Ecological Resilience Program and to direct the Comptroller General of the United States to submit to Congress a report on the competitiveness of domestic seafood producers in domestic and global seafood trade.

Referred to the House Natural Resources Committee, and in addition to the House Ways and Means Committee, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

### Section 1. Short Title.

**Section 2. Resilient Fisheries.** This section would amend section 305 of the Magnuson-Stevens Fishery Conservation and Management Act (Other Requirements and Authority) to require the Secretary of Commerce, acting through the Director of NMFS, to establish a program to be known as the “Fisheries and Ecological Resilience Program”.

The Director of NMFS would be required to appoint a senior official to serve as director of the new Program.

The mission of the new program would be to:

- advance ocean and ecosystem understanding and modeling to project future ocean conditions and to inform fishery management;
- assess the current and anticipated impacts from, and vulnerability of, stocks of fish to changing environmental and ecological conditions;
- assess the anticipated impacts to coastal communities, economies, and traditional ways of life due to changing fishing and marine ecosystem conditions;
- develop innovative, science-based tools, processes, and decision support systems for meeting conservation and management standards under the MSA in response to changing environmental and ecological conditions;
- engage with and educate fishers, fishing communities, State, local, Tribal, and community leaders, and others on future ocean conditions and the impacts of changing environmental and ecological conditions on fisheries;
- create and provide tools, training, and support to Councils for management of and adaptation to changing ecosystems and fisheries; and
- coordinate across the NOAA and other relevant agencies to increase synergies and streamline efforts to better understand and model changing ocean ecosystems and increase fishery resilience.

The responsibilities of the Director would be to:

- conduct cooperative research with fishers, communities, academic institutions, nongovernmental organizations, and other interest parties on changing ecological and environmental conditions and impacts to stocks of fish and other marine resources;
- coordinate across the NOAA to produce and collate information about ocean and ecosystem modeling, forecasts, and projections for fishery management purposes;
- communicate to fishers, fishing communities, and the public about the risks posed by changing ecological and environmental conditions to the conservation and management of stocks of fish and other marine resources;
- conduct assessments to determine the vulnerability of stocks of fish to impacts from changing ecological and environmental conditions;
- identify and improve existing processes and structures to incorporate ecological and environmental information into management of stocks of fish;
- identify gaps where innovative management processes can be developed to facilitate incorporation of rapidly changing ecological and environmental information;
- pilot innovative tools and approaches to increase the adaptive capacity of fisheries managers to the impacts of changing ecological and environmental conditions on stocks of fish;
- provide the Councils with assessments and guidance on management actions and structured processes to increase the resilience of stocks of fish identified as vulnerable to impacts from changing ecological and environmental conditions;
- incorporate qualitative data, lived experiences, and priorities of fishers, communities, and other interested parties in initiatives to increase the resilience of stocks of fish and the communities that rely on them to changing ecological and environmental conditions;
- communicate frequently with and creating opportunities for cross-regional collaboration and learning among Councils and regional offices and regional science centers of the NMFS;
- collaborate with the National Ocean Service, the Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration Cooperative Institutes, the Integrated Ocean Observing System Regional Associations, and others to maintain a comprehensive digital database of ecological and environmental information relevant to fisheries and marine ecosystems, including regional ocean model outputs, ecosystem projections, and other data and information;
- conduct a cross-agency assessment to avoid redundancies and consolidate fishery resilience efforts and ecosystem modeling under the Program; and
- compile information and analyzing progress made to implement management measures to increase resilience to changing ecological and environmental conditions and respond to shifting populations of stocks of fish and changing productivity.

The legislation would require the mission of the Program and the activities of the Director to be carried out in coordination with other NOAA and NMFS offices, Councils and respective advisory panels, fishers, academic institutions, NGOs, and other interested parties.

The Director would be required to: appoint full and part-time employees; establish a regional ocean modeling and prediction coordination team to fund partnerships with relevant experts across NOAA regional science centers, NOAA Cooperative Institutes, IOOS Regional Associations, and others too

produce and deliver coordinated regional forecasts projections and other resources to improve the regional understanding and forecasting of ecosystem changes necessary for fishery management decisions; and establish management and decisions support teams that will support Councils by utilizing the information produced by the coordination teams for developing assessments and guidance on management actions to increase the resilience of fish stocks that are vulnerable to impacts from changing ecological and environmental conditions.

The legislation would require the Director to report to Congress, within 2 years of the enactment of the legislation and every two thereafter during the period appropriations are authorized, on actions taken to fulfill the requirements of the subsection.

The legislation would authorize appropriations for the Program (including the Director and staff) of \$30 million per fiscal years 2025 through 2030.

The legislation would amend section 302(k)(1) of the MSA (Council Training Program) by adding an authorization for additional topics that the training course may cover including “relevant impacts from changing environmental and ecological conditions on fisheries health, range, and other factors that would affect the conservation and management of a stock of fish” and “ecosystem-based fishery management”.

The legislation would amend section 404 of the MSA (Fisheries Research) to read (new language in red) “GENERAL - The Secretary shall initiate and maintain, in cooperation with the Councils, a comprehensive program of fishery research to carry out and further the purposes, policy, and provisions of this Act. Such program shall be designed to acquire knowledge and information, including statistics, on fishery conservation and management, **on changes in geographic range, spatial distribution, and productivity of a fishery or interrelated fisheries** and on the economics and social characteristics of the fisheries. The same language would be added to the Areas of Research provisions of section 404.

**Section 3. Report on the Competitiveness of Domestic Seafood Producers in Domestic and Global Seafood Trade.** This section would require the Comptroller of the United States (Government Accountability Office), within 180 days of the enactment of this legislation, to submit a report to Congress on the competitiveness of the domestic seafood producers in domestic and global seafood trade.

The report would be required to:

- identify Federal laws, regulations, and policies that directly affect the costs of domestic seafood production and seafood industry investment in the United States, compared to the costs of seafood production and investment in other seafood-producing countries;
- analyze the competitive position of United States seafood in domestic and global markets, given differences in tariffs and nontariff barriers among countries and changes in trade flows and market share over the last 5 years, highlighting the relative position of the United States compared to other seafood-producing countries;
- include an inventory and assessment of Federal domestic programs to help manage costs, facilitate and incentivize domestic capacity and modernization, and facilitate domestic and overseas market access for United States seafood producers, including: the identification of programs available and unavailable to wild and farmed domestic seafood producers; recommendations to improve the utility of these programs for domestic seafood producers; and

the financial health and stability of the Seafood Inspection Program as provider of seafood health and catch certificates and other services to domestic seafood producers and exporters;

- provide recommendations for a new National Seafood Trade Policy to improve the competitiveness of United States seafood producers, including: ways to facilitate interagency coordination under existing authorities and consultation with domestic seafood producers around common goals for seafood tariffs, nontariff barriers, and market access policy; domestic seafood cost control and investment programs; and domestic seafood producers' access to financial support programs;
- identify trade barriers to United States seafood production that are vulnerable to dispute settlement through the World Trade Organization or otherwise under trade agreements;
- include a strategy for enforcing violations of trade agreements related to such trade barriers; and
- identify like-minded trading partners for specific trade barriers that could act as co-complainants or primary complainants on disputes that are systemically or economically important to the United States.

The Comptroller, following the submission of the original report to Congress, would be required to send quarterly reports to Congress on progress toward resolving cases or filing disputes to resolve trade barriers identified in the initial report.

**Section 4. Ecological and Environmental Considerations.** This section of the legislation would amend section 303(a) of the MSA (Contents of Fishery Management Plans, Required Provisions) to add a new provision to fishery management plans requiring that the FMP "consider and account for the effects of changing ecological and environmental conditions on the fishery and describe how the management measures contained in the plan or plan amendment address such changing conditions."

Notes:

- The legislation seems to combine three somewhat unrelated topics. The first would create a new bureaucracy within NOAA. Much of the required activities could already be done by NOAA, but consolidating them within one program might provide a better product. However, creating a new program and staff within NOAA without significant new funding may harm existing programs. In addition, some of the requirements for this new program which is within NMFS may be duties or programs within other line offices of NOAA (National Ocean Service or Sea Grant?) which may also result in duplication of effort. This provision also seems to create a new education and/or communications mandate within NMFS. This provision would require the new director to conduct cooperative research. I believe cooperative research is currently done by the NOAA regional science centers which are not under NMFS. The provision would also require the new program director within NMFS to coordinate programs across NOAA. This might be better accomplished if the program and director were at the NOAA level, but then the fisheries aspects might be overshadowed. Lastly, the provision would require the program director to incorporate different types of data in initiatives to increase resiliency including "lived experiences". I am not sure how this would mesh with the requirement to use best scientific information available under the MSA.
- The second program would require GAO to look at domestic seafood competitiveness. Included in this is a mandate to examine all laws, regulations and policies that affect the cost of domestic seafood production versus the global seafood trade. This is a very large mandate and could

require GAO to look at labor costs, energy costs, transportation costs, etc. which will likely take much longer than 180 days. While this may be a helpful look at the challenges the domestic seafood industry faces, it will likely take Acts of Congress to address many of the impediments.

- The third provision is a new requirement for all fishery management plans which would likely require significant new information to be provided to the Councils for the Councils to be able to comply, would require Councils to amend all existing fishery management plans, and would likely result in litigation which will further impede progress on addressing fisheries impacts of changing ocean conditions.
- The provisions dealing with trade and tariff issues resulted in the additional referral to the House Ways and Means Committee which will slow consideration of the legislation.
- This is a pet peeve of mine, but the use of the term “fisher” in the bill annoys me and is not a defined term in the MSA. I don’t know if it was intentional, but this term originated with the ENGOs who were trying to be gender neutral. However, a fisher is a mammal related to the weasel and I don’t like fishermen/fisherwomen being referred to as relatives of weasels.