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(Original Signature of Member)

118TH CONGRESS
2D SESSION

H. R. _____

To reauthorize and amend the Magnuson-Stevens Fishery Conservation and Management Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. HUFFMAN introduced the following bill; which was referred to the Committee on _____

A BILL

To reauthorize and amend the Magnuson-Stevens Fishery Conservation and Management Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Sustaining America’s
5 Fisheries for the Future Act of 2024”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.
- Sec. 4. Definitions.

- Sec. 5. Gender neutral language.
- Sec. 6. Conforming amendments to table of contents of Magnuson-Stevens Fishery Conservation and Management Act.

TITLE I—CLIMATE-READY FISHERIES

- Sec. 101. Findings, purposes, and policy.
- Sec. 102. Promoting climate resilience in fisheries management.
- Sec. 103. Incorporating climate science.
- Sec. 104. Climate-ready fisheries innovation program.
- Sec. 105. Managing shifting stocks of fish.
- Sec. 106. Emerging fisheries.
- Sec. 107. Report regarding inshore and shallow water mobile gear fishing.

TITLE II—SUPPORTING FISHING COMMUNITIES

- Sec. 201. Subsistence fishing.
- Sec. 202. Working Waterfronts Grant Program.
- Sec. 203. Seafood marketing.
- Sec. 204. Community participation in limited access privilege programs.
- Sec. 205. Findings.

TITLE III—STRENGTHENING PUBLIC PROCESS AND TRANSPARENCY

- Sec. 301. Tribal representation on Pacific Fishery Management Council.
- Sec. 302. Tribal representation on North Pacific Fishery Management Council.
- Sec. 303. Atlantic Councils.
- Sec. 304. Council procedures and participation.
- Sec. 305. Council accountability and membership.
- Sec. 306. Western Pacific Sustainable Fishery Fund.
- Sec. 307. Council staff and administration.
- Sec. 308. National Oceanic and Atmospheric Administration sexual harassment and assault prevention.

TITLE IV—MODERNIZING FISHERIES SCIENCE AND DATA

- Sec. 401. Data modernization.
- Sec. 402. Expanding and improving electronic technologies.
- Sec. 403. Stock Assessments.
- Sec. 404. Cooperative research and management.
- Sec. 405. Northeast regional pilot research trawl survey and study.
- Sec. 406. Recreational data consistency.
- Sec. 407. Emergency operating plans.
- Sec. 408. Zeke Grader Fisheries Conservation and Management Fund.
- Sec. 409. Offshore wind collaboration.
- Sec. 410. Shark populations analysis.

TITLE V—SUSTAINING FISHERIES THROUGH HEALTHY ECOSYSTEMS AND IMPROVED MANAGEMENT

- Sec. 501. Sense of Congress.
- Sec. 502. Essential fish habitat consultation.
- Sec. 503. Reducing bycatch.
- Sec. 504. Improving rebuilding outcomes.
- Sec. 505. Overfished fisheries and preventing overfishing.
- Sec. 506. Preparation and review of Secretarial plans.

- Sec. 507. Councils.
Sec. 508. Forage fish conservation.
Sec. 509. Funding for monitoring implementation of Northeast Multispecies
Fishery Management Plan.
Sec. 510. Highly migratory species.

TITLE VI—INTERNATIONAL FISHERIES MANAGEMENT

- Sec. 601. Conservation Commissioner of Atlantic Tunas Convention.
Sec. 602. Conservation Commissioner of Western and Central Pacific Fisheries
Convention.
Sec. 603. Conservation Commissioner of Inter-American Tropical Tuna Com-
mission.
Sec. 604. Application of annual catch limit and accountability measures re-
quirement.
Sec. 605. Authorization of appropriations.

1 **SEC. 3. REFERENCES.**

2 Except as otherwise expressly provided, wherever in
3 this Act an amendment or repeal is expressed in terms
4 of an amendment to, or repeal of, a section or other provi-
5 sion, the reference shall be considered to be made to a
6 section or other provision of the Magnuson-Stevens Fish-
7 ery Conservation and Management Act (16 U.S.C. 1801
8 et seq.).

9 **SEC. 4. DEFINITIONS.**

10 In this Act:

11 (1) ADMINISTRATOR.—The term “Adminis-
12 trator” means the Administrator of the National
13 Oceanic and Atmospheric Administration.

14 (2) COUNCIL.—The term “Council” has the
15 meaning given the term in section 3 of the Magnu-
16 son-Stevens Fishery Conservation and Management
17 Act (16 U.S.C. 1802).

1 (3) SECRETARY.—The term “Secretary” means
2 the Secretary of Commerce.

3 **SEC. 5. GENDER NEUTRAL LANGUAGE.**

4 (a) The Magnuson-Stevens Fishery Conservation and
5 Management Act (16 U.S.C. 1801 et seq.) is amended by
6 striking “prepared by him” each place such term appears
7 and inserting “prepared by the Secretary”.

8 (b) Each of the following provisions is amended by
9 striking “he” each place such term appears and inserting
10 “the Secretary”:

11 (1) Section 201(h)(2) (16 U.S.C. 1821(h)(2)).

12 (2) Section 204(b) (16 U.S.C. 1824(b)).

13 (3) Section 305(c)(1) (16 U.S.C. 1855(c)(1)).

14 (4) Section 306(b)(2) (16 U.S.C. 1856(b)(2)).

15 (c) Each of the following provisions is amended by
16 striking “his” each place such term appears and inserting
17 “the Secretary’s”:

18 (1) Section 3(39) (16 U.S.C. 1802(39)).

19 (2) Section 204(b)(9) (16 U.S.C. 1824(b)(9)).

20 (3) Section 306(b)(1) (16 U.S.C. 1856(b)(1)).

21 (4) Section 308(a) (16 U.S.C. 1858(a)).

22 (d) Section 201(e)(1)(D) (16 U.S.C. 1821(e)(1)(D))
23 is amended by striking “he” and inserting “such Sec-
24 retary”.

1 (e) Section 201(i) (16 U.S.C. 1821(i)) is amended by
2 striking “his” and inserting “such Governor’s”.

3 (f) Section 203(c)(5)(C) (16 U.S.C. 1823(c)(5)(C))
4 is amended by striking “his” and inserting “the minority
5 leader’s”.

6 (g) Sections 204(b)(4)(A) and 302(c)(1)(D) (16
7 U.S.C. 1824(b)(4)(A) and 1852(c)(1)(D)) are each
8 amended by striking “his” and inserting “such Sec-
9 retary’s”.

10 (h) Subsections (b)(1)(B) and (c)(1)(A) of section
11 302 (16 U.S.C. 1852(b)(1)(B) and (c)(1)(A)) are each
12 amended by striking “his” and inserting “such director’s”.

13 (i) Section 302(c)(1)(B) (16 U.S.C. 1852(c)(1)(B))
14 is amended by striking “his” and inserting “such com-
15 mander’s”.

16 (j) Section 302(c)(1)(C) (16 U.S.C. 1852(c)(1)(C))
17 is amended by striking “his” and inserting “such execu-
18 tive director’s”.

19 (k) Section 302(f)(4) (16 U.S.C. 1852(f)(4)) is
20 amended by striking “he” and inserting “the Adminis-
21 trator of General Services”.

22 (l) Section 302(j)(4) (16 U.S.C. 1852(j)(4)) is
23 amended by striking “his or her” and inserting “such indi-
24 vidual’s”.

1 (m) Section 302(j)(7)(D) (16 U.S.C. 1852(j)(7)(D))
2 is amended by striking “he or she” each place such term
3 appears and inserting “such individual”.

4 (n) Section 309(a) (16 U.S.C. 1859(a)) is amended
5 by striking “he” and inserting “such person”.

6 (o) Section 311(b)(1)(A)(i) (16 U.S.C.
7 1861(b)(1)(A)(i)) is amended by striking “he” and insert-
8 ing “such officer”.

9 (p) Section 311(b)(2) (16 U.S.C. 1861(b)(2)) is
10 amended—

11 (1) by striking “he” and inserting “such per-
12 son”; and

13 (2) by striking “his” and inserting “such per-
14 son’s”.

15 **SEC. 6. CONFORMING AMENDMENTS TO TABLE OF CON-**
16 **TENTS OF MAGNUSON-STEVENSON FISHERY**
17 **CONSERVATION AND MANAGEMENT ACT.**

18 The table of contents is amended to read as follows:

“TABLE OF CONTENTS

“Sec. 2. Findings, purposes, and policy.

“Sec. 3. Definitions.

“Sec. 4. Authorization of appropriations.

“TITLE I—UNITED STATES RIGHTS AND AUTHORITY REGARDING
FISH AND FISHERY RESOURCES

“Sec. 101. United States sovereign rights to fish and fishery management au-
thority.

“Sec. 102. Highly migratory species.

“TITLE II—FOREIGN FISHING AND INTERNATIONAL FISHERY
AGREEMENTS

“Sec. 201. Foreign fishing.

- “Sec. 202. International fishery agreements.
- “Sec. 203. Congressional oversight of international fishery agreements.
- “Sec. 204. Permits for foreign fishing.
- “Sec. 205. Import prohibitions.
- “Sec. 206. Large-scale driftnet fishing.
- “Sec. 207. International monitoring and compliance.

“TITLE III—NATIONAL FISHERY MANAGEMENT PROGRAM

- “Sec. 301. National standards for fishery conservation and management.
- “Sec. 302. Regional fishery management councils.
- “Sec. 303. Contents of fishery management plans.
- “Sec. 304. Action by the Secretary.
- “Sec. 305. Other requirements and authority.
- “Sec. 306. State jurisdiction.
- “Sec. 307. Prohibited Acts.
- “Sec. 308. Civil penalties and permit sanctions.
- “Sec. 309. Criminal offenses.
- “Sec. 310. Civil forfeitures.
- “Sec. 311. Enforcement.
- “Sec. 312. Transition to sustainable fisheries.
- “Sec. 313. North Pacific fisheries conservation.
- “Sec. 314. Northwest Atlantic Ocean fisheries reinvestment program.
- “Sec. 315. Regional Coastal Disaster Assistance, Transition, and Recovery Program.
- “Sec. 316. Bycatch Reduction Engineering Program.
- “Sec. 317. Shark Feeding.
- “Sec. 318. Cooperative Research and Management Program.
- “Sec. 319. Herring Study.
- “Sec. 320. Restoration Study.
- “Sec. 321. Required possession of descending devices.
- “Sec. 322. Increasing resilience of stocks of fish to climate change.

“TITLE IV—FISHERY MONITORING AND RESEARCH

- “Sec. 401. Registration and information management.
- “Sec. 402. Information collection.
- “Sec. 403. Observers.
- “Sec. 404. Fisheries research.
- “Sec. 405. Incidental harvest research.
- “Sec. 406. Fisheries systems research.
- “Sec. 407. Gulf of Mexico red snapper research.
- “Sec. 408. Deep sea coral research and technology program.
- “Sec. 409. Recreational data improvement program.”.

1 **TITLE I—CLIMATE-READY**

2 **FISHERIES**

3 **SEC. 101. FINDINGS, PURPOSES, AND POLICY.**

4 Section 2 (16 U.S.C. 1801) is amended—

5 (1) in subsection (a)—

1 (A) by amending paragraph (2) to read as
2 follows:

3 “(2) Certain stocks of fish have declined to the
4 point where their survival is threatened, and other
5 stocks of fish have been so substantially reduced in
6 number that they could become similarly threatened
7 as a consequence of—

8 “(A) increased fishing pressure;

9 “(B) inadequate fishery resource conserva-
10 tion and management practices and controls;

11 “(C) direct and indirect habitat losses that
12 result in a diminished capacity to support exist-
13 ing fishing levels; or

14 “(D) changing environmental conditions,
15 including those associated with climate
16 change.”;

17 (B) in paragraph (6), by striking “to in-
18 sure conservation,” and inserting “to ensure
19 conservation, to account for the impacts of envi-
20 ronmental changes on stocks of fish,”;

21 (C) by amending paragraph (9) to read as
22 follows:

23 “(9) One of the greatest long-term threats to
24 the viability of commercial and recreational fisheries
25 is the continuing degradation of marine ecosystems,

1 including the loss of marine, estuarine, and other
2 aquatic habitats, including as a result of changing
3 environmental conditions associated with climate
4 change. Habitat and ecosystem considerations
5 should receive increased attention for the conserva-
6 tion and management of fishery resources of the
7 United States.”; and

8 (D) by adding at the end the following:

9 “(14) Environmental changes associated with
10 climate change, including changes in water tempera-
11 ture, ocean acidification, and deoxygenation, are rap-
12 idly altering the abundance, productivity, and dis-
13 tribution of fish and are affecting commercial, rec-
14 reational, and subsistence fisheries.

15 “(15) The impacts of climate change on fish
16 and their habitats are resulting in management and
17 sustainability challenges that threaten to negatively
18 impact marine ecosystems, fishery resources, and
19 coastal communities.

20 “(16) Many factors beyond the direct impacts
21 of fishing can contribute to a decline in abundance
22 of a stock of fish, resulting in depleted stocks of fish
23 and threatening the stability of ecosystems and fish-
24 ing communities, including climate change, pollution,
25 habitat and watershed degradation, inadequate

1 freshwater resources, and industrial uses of the
2 ocean. The designation of a stock of fish as over-
3 fished indicates that it is depleted and management
4 actions are necessary to allow the stock of fish to re-
5 build, regardless of the cause of depletion.”;

6 (2) in subsection (b), by amending paragraph
7 (5) to read as follows:

8 “(5) to establish Regional Fishery Management
9 Councils to exercise sound judgement in the stew-
10 ardship of fishery resources through the preparation,
11 monitoring, and revision of such plans under cir-
12 cumstances—

13 “(A) which will enable the States, the fish-
14 ing industry, consumer and environmental orga-
15 nizations, and other interested persons to par-
16 ticipate in, and advise on, the establishment
17 and administration of such plans;

18 “(B) which take into account the social
19 and economic needs of the States; and

20 “(C) which address the impacts of environ-
21 mental conditions associated with climate
22 change on stocks of fish, marine ecosystems,
23 fisheries management, and coastal commu-
24 nities;”;

25 (3) in subsection (c)—

1 (A) in paragraph (6), by striking “and” at
2 the end;

3 (B) in paragraph (7), by striking the pe-
4 riod at the end and inserting a semicolon; and

5 (C) by adding at the end the following:

6 “(8) to promote management that accounts for
7 changes in stocks of fish and the marine environ-
8 ment that result from climate change; and

9 “(9) to ensure that the research, resource man-
10 agement, and expenditures to prepare fisheries and
11 fishing communities for climate change include in-
12 digenous, insular, and coastal populations in deci-
13 sionmaking and promote equity with respect to envi-
14 ronmental, economic, and social outcomes across
15 fisheries and regions.”.

16 **SEC. 102. PROMOTING CLIMATE RESILIENCE IN FISHERIES**
17 **MANAGEMENT.**

18 (a) IN GENERAL.—Section 303(a) (16 U.S.C.
19 1853(a)) is amended—

20 (1) in paragraph (1)(A)—

21 (A) by striking “and” before “to protect”;
22 and

23 (B) by inserting “, and to promote the re-
24 siliance of stocks of fish to cumulative stressors,
25 including cumulative stressors associated with

1 climate change” before the semicolon at the
2 end;

3 (2) in paragraph (3), by inserting “including
4 considering the impacts of climate change,” after
5 “fishery,”;

6 (3) in paragraph (8), by striking “1991” and
7 inserting “2024”, and by inserting “, including data
8 needed to implement the plan effectively under pre-
9 vailing and anticipated environmental or ecological
10 conditions, including climate change” before the
11 semicolon at the end;

12 (4) in paragraph (13), by inserting “as well as
13 examine the vulnerability of the fishery and fishery
14 participants to the impacts of prevailing and antici-
15 pated environmental or ecological conditions, includ-
16 ing climate change” before the semicolon at the end;

17 (5) in paragraph (14), by striking “and;” and
18 inserting a semicolon;

19 (6) in paragraph (15), by striking the period at
20 the end and inserting a semicolon; and

21 (7) by adding at the end the following:

22 “(16) assess and describe the anticipated im-
23 pacts of climate change and other environmental and
24 ecological changes on the fishery, including an as-
25 sessment of whether and how the management

1 measures contained in the plan or plan amendment
2 have accounted for such impacts, and a summary of
3 the information used in such assessment; and

4 “(17) describe and identify the current range
5 and distribution of, and fishing patterns on, each
6 stock of fish managed under the plan, including
7 areas outside the jurisdiction of the Council having
8 authority to issue the plan, and for each stock of
9 fish the distribution of which crosses management
10 boundaries, describe the measures used to coordinate
11 with other relevant management bodies for the con-
12 servation and management of each such stock of
13 fish.”.

14 (b) INCREASING RESILIENCE OF STOCKS OF FISH TO
15 CLIMATE CHANGE.—Title III (16 U.S.C. 1851 et seq.) is
16 amended by adding at the end the following:

17 **“SEC. 322. INCREASING RESILIENCE OF STOCKS OF FISH TO**
18 **CLIMATE CHANGE.**

19 “(a) VULNERABILITY ASSESSMENT.—Not later than
20 3 years after the date of the enactment of the Sustaining
21 America’s Fisheries for the Future Act of 2024, and every
22 5 years thereafter, the Secretary shall—

23 “(1) assess the vulnerability of stocks of fish
24 within the geographical area of authority of each
25 Council to climate change;

1 “(2) notify each Council of the vulnerability of
2 stocks of fish within such geographical area; and

3 “(3) make recommendations to each Council for
4 measures to increase the resilience of stocks of fish
5 within such geographical area identified as vulner-
6 able to climate change.

7 “(b) COUNCIL PRIORITIZATION PLANS.—

8 “(1) IN GENERAL.—Not later than 1 year after
9 receiving a notification from the Secretary under
10 subsection (a), each Council shall publish a plan
11 identifying management actions to increase resilience
12 of the stocks of fish identified as vulnerable to cli-
13 mate change and begin implementing such manage-
14 ment actions.

15 “(2) HIGHLY MIGRATORY SPECIES.—With re-
16 spect to stocks of fish managed under section
17 302(a)(3), not later than 1 year after issuing a noti-
18 fication under subsection (a), the Secretary shall
19 publish a plan identifying management actions to in-
20 crease resilience of such stocks of fish identified as
21 vulnerable to climate change and begin implementing
22 such management actions.

23 “(3) REPORT.—Not later than 3 years after
24 publishing a plan under paragraph (1), each Council
25 shall report to the Secretary on the actions the

1 Council has taken to implement such plan or provide
2 an explanation for not taking such action.

3 “(c) REPORT TO CONGRESS.—Not later than 3 years
4 after the date of the enactment of the Sustaining Amer-
5 ica’s Fisheries for the Future Act of 2024, and every 5
6 years thereafter, the Secretary shall submit to Congress
7 a report—

8 “(1) describing the vulnerability of stocks of
9 fish to climate change;

10 “(2) identifying the risks posed by climate
11 change to the conservation and management of
12 stocks of fish; and

13 “(3) summarizing the steps taken by the Sec-
14 retary and the Councils to mitigate and address the
15 impacts on and risks of climate change to stocks of
16 fish.”.

17 (c) GUIDANCE FOR COUNCILS.—Section 305 (16
18 U.S.C. 1855) is amended by adding at the end the fol-
19 lowing:

20 “(1) GUIDANCE.—Not later than 2 years after the
21 date of the enactment of the Sustaining America’s Fish-
22 eries for the Future Act of 2024, the Secretary shall issue
23 guidelines to assist the Councils in preparing and adapting
24 fishery management for the impacts of climate change, in-
25 cluding for consideration of climate change in the con-

1 servation and management of stocks of fish under the geo-
2 graphical area of authority of each Council.”.

3 (d) EFFECTIVE DATE.—The amendments made by
4 subsection (a) shall take effect on the date that is 4 years
5 after the date of the enactment of this section.

6 **SEC. 103. INCORPORATING CLIMATE SCIENCE.**

7 (a) COUNCIL TRAINING PROGRAM.—Section
8 302(k)(1) (16 U.S.C. 1852(k)(1)) is amended—

9 (1) by redesignating subparagraphs (C) through
10 (H) as subparagraphs (D) through (I), respectively;

11 (2) by redesignating subparagraph (I) as sub-
12 paragraph (K);

13 (3) by inserting after subparagraph (B) the fol-
14 lowing:

15 “(C) climate change and relevant impacts
16 of climate change on fisheries health, range,
17 and other factors that would affect the con-
18 servation and management of a stock of fish;”;

19 (4) by striking “and” after the semicolon at the
20 end of subparagraph (I), as so redesignated; and

21 (5) by inserting after subparagraph (I), as so
22 redesignated, the following:

23 “(J) ecosystem-based fishery management;
24 and”.

1 (b) FISHERIES RESEARCH.—Section 404 (16 U.S.C.
2 1881c) is amended—

3 (1) in subsection (a), by inserting “, on changes
4 in geographic range, spatial distribution, and pro-
5 ductivity of a fishery or interrelated fisheries,” after
6 “management”; and

7 (2) in subsection (c)(1), by inserting “changes
8 in geographic range, spatial distribution, and pro-
9 ductivity of a fishery or interrelated fisheries,” after
10 “degradation,”.

11 **SEC. 104. CLIMATE-READY FISHERIES INNOVATION PRO-**
12 **GRAM.**

13 (a) IN GENERAL.—Not later than 1 year after the
14 date of the enactment of this section, the Administrator
15 shall establish a program to develop innovative tools and
16 approaches designed to increase the adaptive capacity of
17 fishery management to the impacts of climate change.

18 (b) DUTIES.—In carrying out the program estab-
19 lished under subsection (a), the Administrator shall—

20 (1) develop science and management tools and
21 approaches that address regional and national prior-
22 ities to improve the conservation and management of
23 fishery resources under existing and anticipated cli-
24 mate impacts;

1 (2) provide for routine input from fishery man-
2 agers and scientists in order to maximize opportuni-
3 ties to incorporate results of the program in fishery
4 management actions;

5 (3) promote adoption of methods developed
6 under the program in fishery management plans de-
7 veloped by the Councils;

8 (4) provide information and outreach to the pri-
9 vate and academic sectors to encourage development
10 and operationalization of tools and approaches to
11 manage the effects of climate change on fisheries;
12 and

13 (5) provide information and outreach to fishery
14 participants to increase understanding and encour-
15 age adoption and use of tools and approaches devel-
16 oped under the program.

17 (c) COORDINATION OF PROGRAM.—

18 (1) IN GENERAL.—In carrying out the program
19 established under subsection (a), the Administrator
20 shall establish a process to ensure coordination with
21 and outreach to—

22 (A) regional offices and science centers of
23 the National Marine Fisheries Service;

24 (B) the Councils;

1 (C) the scientific and statistical committees
2 of the Councils; and

3 (D) the heads of other relevant programs,
4 including the cooperative research and manage-
5 ment program established under section 318
6 (16 U.S.C. 1867), the Integrated Ocean Ob-
7 serving System, and programs within the Na-
8 tional Oceanic and Atmospheric Administration
9 designed to address ocean acidification.

10 (2) IDENTIFICATION OF RESEARCH PRIOR-
11 ITIES.—

12 (A) IN GENERAL.—Coordination carried
13 out under paragraph (1) should include identi-
14 fication of multiyear research priorities to study
15 and understand the current and anticipated im-
16 pacts of climate change on fisheries, fisheries
17 interactions, habitats, fishery participants, fish-
18 ing communities, seafood markets, fisheries
19 science and monitoring, or other relevant prior-
20 ities.

21 (B) REVIEW.—The Administrator, in co-
22 ordination with the entities described in sub-
23 paragraphs (A) through (D) of paragraph (1),
24 should routinely review the priorities identified

1 under subparagraph (A) in a timeframe not to
2 exceed 5 years and updated as necessary.

3 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated to the Administrator to
5 carry out this section \$5,000,000 for each of fiscal years
6 2025 through 2029.

7 **SEC. 105. MANAGING SHIFTING STOCKS OF FISH.**

8 (a) CROSS-JURISDICTIONAL MANAGEMENT.—Section
9 304(f) (16 U.S.C. 1854(f)) is amended to read as follows:

10 “(f) FISHERIES UNDER AUTHORITY OF MORE THAN
11 1 COUNCIL.—

12 “(1) SECRETARIAL REVIEW OF AREAS OF AU-
13 THORITY.—The Secretary shall review the geo-
14 graphical area of authority of each Council to deter-
15 mine if a substantial portion of any federally man-
16 aged fishery within such area is within the area of
17 authority of another council—

18 “(A) upon request of such Council; or

19 “(B) not less frequently than every 5
20 years.

21 “(2) DESIGNATION OF COUNCIL TO PREPARE
22 PLAN.—If the Secretary determines under para-
23 graph (1) that a substantial portion of a federally
24 managed fishery is located in the geographical area
25 of authority of more than 1 Council, the Secretary

1 shall, not later than 6 months after making such de-
2 termination—

3 “(A) designate 1 of the Councils concerned
4 to prepare the fishery management plan for
5 such fishery and any amendment to such plan,
6 if required under this Act; or

7 “(B) designate that such plan and any
8 such amendment, if required under this Act, be
9 prepared jointly by the Councils concerned.

10 “(3) DEADLINE FOR SUBMISSION OF PLAN.—
11 Not later than 2 years after the Secretary makes a
12 designation under paragraph (2), the designated
13 Council or Councils shall prepare and submit a fish-
14 ery management plan or amendment in accordance
15 with this Act.

16 “(4) TERMINATION OF CROSS-JURISDICTIONAL
17 AUTHORITY.—

18 “(A) REQUEST OF COUNCIL.—At the re-
19 quest of a Council or as a result of the review
20 pursuant to paragraph (1), the Secretary shall
21 determine whether a fishery described in para-
22 graph (2) no longer has a substantial portion of
23 such fishery located in the geographical area of
24 authority of more than 1 Council.

25 “(B) TERMINATION.—

1 “(i) IN GENERAL.—If the Secretary
2 determines under subparagraph (A) that a
3 fishery described in paragraph (2) no
4 longer has a substantial portion of such
5 fishery located in the geographical area of
6 authority of more than 1 Council—

7 “(I) the Secretary shall deter-
8 mine which Council has predominant
9 geographic authority over the fishery;
10 and

11 “(II) not later than 2 years after
12 the date on which the determination
13 under subclause (I) is made, and at
14 such other times as required under
15 this Act, the Council determined
16 under such subclause shall adopt any
17 existing fishery management plan for
18 the fishery and shall prepare and sub-
19 mit any plan amendments necessary
20 for transitioning to single-Council
21 management as well as for any other
22 purposes, in accordance with the pro-
23 visions of this Act.

24 “(ii) REPEAL OF PRIOR PLAN.—Not-
25 withstanding subsection (h), upon the date

1 of adoption of a fishery management plan
2 under clause (i)(II), any preceding fishery
3 management plan with respect to such
4 fishery is repealed.

5 “(5) ESTABLISHMENT OF CRITERIA.—The Sec-
6 retary shall by regulation identify criteria for deter-
7 mining under paragraphs (1) and (5) whether a sub-
8 stantial portion of a federally managed fishery is lo-
9 cated in the geographical area of authority of more
10 than 1 Council.

11 “(6) ESTABLISHMENT OF BOUNDARIES.—The
12 Secretary shall establish the boundaries between the
13 geographical areas of authority of adjacent Councils.

14 “(7) REQUIREMENT FOR MAJORITY OF VOTING
15 MEMBERS.—No jointly prepared plan or amendment
16 required to be prepared under this subsection may
17 be submitted to the Secretary unless such plan or
18 amendment is approved by a majority of the voting
19 members, present and voting, of each Council con-
20 cerned.

21 “(8) HIGHLY MIGRATORY SPECIES IN CERTAIN
22 FISHERIES.—This subsection does not apply with re-
23 spect to any fishery to which section 302(a)(3) ap-
24 plies.”.

1 (b) INTERNATIONAL COOPERATION IN THE RE-
2 SEARCH AND MANAGEMENT OF CROSS-JURISDICTIONAL
3 FISHERIES.—

4 (1) IN GENERAL.—The Secretary, in coordina-
5 tion with the Secretary of State where necessary,
6 shall develop a strategy for coordinated research and
7 management with other relevant nations with which
8 the United States shares stocks of fish that are cur-
9 rently experiencing or are expected to experience
10 shifts in geographic range or spatial distribution
11 that spans or will span international boundaries, in-
12 cluding within the same life stage or across life
13 stages.

14 (2) REPORT.—Not later than 2 years after the
15 date of the enactment of this section, the Secretary
16 shall submit to the Congress a report that in-
17 cludes—

18 (A) a list of fisheries that are currently ex-
19 perencing or are expected to experience shifts
20 in geographic range or spatial distribution that
21 spans or will span international boundaries and
22 the relevant countries for each fishery or stock
23 of a fishery's current or expected range and the
24 relevant regional fisheries management organi-
25 zation or other international organizations or

1 agreement with authority over the management
2 of each fishery or stock of fish;

3 (B) an analysis of priority research needs
4 for each of these fisheries or stocks of fisheries
5 that should be coordinated with other affected
6 nations and relevant international management
7 organizations; and

8 (C) a 5-year strategy to undertake and
9 complete such research, including a proposed
10 budget and timeline for that work.

11 **SEC. 106. EMERGING FISHERIES.**

12 Section 305(a) (16 U.S.C. 1855(a)) is amended—

13 (1) in the subsection heading, by striking “NO-
14 TIFICATION OF ENTRY” and inserting “DEVELOP-
15 MENT OF NEW FISHERIES”;

16 (2) in paragraph (1) to read as follows:

17 “(1) The Secretary shall publish in the Federal
18 Register, subject to paragraph (3), and after notice
19 and an opportunity for public comment—

20 “(A) a list of all fisheries managed under
21 this Act, organized by Federal region (or Secre-
22 tarial management under section 302(a)(3), as
23 applicable); and

24 “(B) with respect to each such fishery—

1 “(i) the types of fishing gear author-
2 ized for use in such fishery;

3 “(ii) the jurisdiction (State, Federal,
4 interstate, or otherwise) exercising man-
5 agement authority over such fishery;

6 “(iii) whether a fishery management
7 plan or analogous management structure
8 exists for the fishery; and

9 “(iv) the species authorized to be
10 caught and retained in such fishery.”;

11 (3) in paragraph (2), by striking “determining”
12 and all that follows through the end of the para-
13 graph and inserting “determining—”

14 “(A) when a fishery is sufficiently different
15 from those listed as to constitute a new fishery;
16 and

17 “(B) minimum criteria for a fishery to be
18 considered managed under paragraph (1)(A),
19 which, for federally managed fisheries, must in-
20 clude having a fishery management plan and
21 associated regulations under this Act.”;

22 (4) by redesignating paragraph (6) as para-
23 graph (7); and

24 (5) by striking paragraphs (3), (4), and (5) and
25 inserting the following:

1 “(3) Not later than 2 years after the date of
2 the enactment of the Sustaining America’s Fisheries
3 for the Future Act of 2024, and at least once every
4 5 years thereafter, each Council (or the Secretary
5 for fisheries to which section 302(a)(3) applies) shall
6 review the fisheries for which the Council is respon-
7 sible on the list published under paragraph (1)(A)
8 and submit to the Secretary proposed changes to
9 such list in specific and narrow terms, including geo-
10 graphic range, to ensure that only managed fisheries
11 are included on such list.

12 “(4) The Secretary shall review proposed
13 changes pursuant to the guidelines established under
14 paragraph (2) and publish a revised list, after notice
15 and an opportunity for public comment.

16 “(5) The Secretary may permit, pursuant to
17 section 318(d), on a limited interim basis, fishing
18 activity that is not included on the list, if—

19 “(A) the experimental fishing permit is de-
20 signed and implemented so as to yield informa-
21 tion necessary and currently lacking for the de-
22 velopment of a fishery management plan or
23 amendment to such plan under section
24 302(h)(1) and section 303;

1 “(B) the Secretary collects, evaluates, and,
2 notwithstanding section 402(b), makes public
3 the data generated by the experimental fishing
4 activity at the end of each permit year, and
5 based on such evaluation, the Council renders a
6 determination of whether the fishing activity
7 should be continued, either in the form of a
8 subsequent year of experimental fishing under
9 this paragraph, or in the form of a fishery man-
10 aged under a fishery management plan pursu-
11 ant to section 302(h)(1) and section 303; and

12 “(C) the data collected from, and the eval-
13 uation of the Secretary of, the fishing activity
14 are included in any fishery management plan or
15 amendment that is prepared for management of
16 the fishing activity.

17 “(6) No person or vessel may employ fishing
18 gear or engage in a fishery not included on the list
19 except as provided in paragraph (4). A Council may
20 request the Secretary to promulgate emergency reg-
21 ulations under subsection (c) to prohibit any persons
22 or vessels from using an unlisted fishing gear or en-
23 gaging in an unlisted fishery.”.

1 **SEC. 107. REPORT REGARDING INSHORE AND SHALLOW**
2 **WATER MOBILE GEAR FISHING.**

3 Not later than 1 year after the date of the enactment
4 of this title, the Secretary shall conduct a study and sub-
5 mit to Congress, the Councils, State fisheries managers,
6 and the regional Marine Fisheries Commissions a report
7 regarding the effects of inshore and shallow water mobile
8 gear fishing on habitat and nontarget species and the ef-
9 fects it has between interstate boundaries and Federal and
10 State waters.

11 **TITLE II—SUPPORTING FISHING**
12 **COMMUNITIES**

13 **SEC. 201. SUBSISTENCE FISHING.**

14 (a) PURPOSES.—Section 2(b)(3) (16 U.S.C.
15 1801(b)(3)) is amended by inserting “, subsistence,” after
16 “commercial”.

17 (b) DEFINITION OF SUBSISTENCE FISHING.—Section
18 3 (16 U.S.C. 1802) is amended by inserting after para-
19 graph (42) the following:

20 “(42A)(A) SUBSISTENCE FISHING.—The term
21 ‘subsistence fishing’ means fishing in which the fish
22 harvested are intended for customary and traditional
23 uses, including—

24 “(i) for direct or sharing personal, family,
25 or community consumption, including as food,
26 shelter, clothing, or tools;

1 “(ii) for the making or selling of handi-
2 craft articles out of nonedible byproducts of
3 subsistence fishing;

4 “(iii) for barter; and

5 “(iv) for customary trade.

6 “(B) In this paragraph—

7 “(i) the term ‘family’ means all persons re-
8 lated by blood, marriage, or adoption, or any
9 person living within the household on a perma-
10 nent basis; and

11 “(ii) the term ‘barter’ means the exchange
12 of a fish or fish part harvested through subsist-
13 ence fishing—

14 “(I) for another fish or fish part; or

15 “(II) for other food or for nonedible
16 items other than money if the exchange is
17 of a limited and noncommercial nature.”.

18 **SEC. 202. WORKING WATERFRONTS GRANT PROGRAM.**

19 The Coastal Zone Management Act of 1972 (16
20 U.S.C. 1451 et seq.) is amended by inserting after section
21 306A of that Act (16 U.S.C. 1455a) the following:

22 **“SEC. 306B. WORKING WATERFRONTS.**

23 “(a) TASK FORCE.—

24 “(1) IN GENERAL.—The Secretary shall estab-
25 lish a task force to work directly with covered enti-

1 ties, users of working waterfronts, and coastal stake-
2 holders to identify and address critical needs with
3 respect to working waterfronts.

4 “(2) MEMBERSHIP.—The Secretary shall ap-
5 point members of the Task Force, and shall in-
6 clude—

7 “(A) experts in the unique economic, so-
8 cial, cultural, ecological, geographic, and re-
9 source concerns of working waterfronts; and

10 “(B) representatives from—

11 “(i) the Office of Coastal Management
12 of the National Oceanic and Atmospheric
13 Administration;

14 “(ii) the United States Fish and Wild-
15 life Service;

16 “(iii) the Department of Agriculture;

17 “(iv) the Environmental Protection
18 Agency;

19 “(v) the United States Geological Sur-
20 vey;

21 “(vi) the Department of the Navy;

22 “(vii) the National Marine Fisheries
23 Service;

24 “(viii) the Economic Development Ad-
25 ministration;

1 “(ix) such other Federal agencies as
2 the Secretary determines appropriate;

3 “(x) Indian Tribes; and

4 “(xi) Native Hawaiian organizations.

5 “(3) FUNCTIONS.—The Task Force shall—

6 “(A) identify and prioritize critical needs
7 with respect to working waterfronts in coastal
8 states that have a management program ap-
9 proved under section 306, in the areas of—

10 “(i) economic and cultural importance
11 of such working waterfronts to commu-
12 nities;

13 “(ii) changing circumstances and
14 threats such working waterfronts face from
15 trade barriers and environmental changes,
16 including sea level rise, extreme weather
17 events, ocean acidification, and harmful
18 algal blooms; and

19 “(iii) identifying such working water-
20 fronts and highlighting them within com-
21 munities;

22 “(B) outline options, in consultation with
23 coastal states and coastal stakeholders, to ad-
24 dress each critical need identified under sub-

1 paragraph (A), including adaptation and miti-
2 gation options where applicable;

3 “(C) identify which Federal agency is re-
4 sponsible for addressing each critical need iden-
5 tified under subparagraph (A); and

6 “(D) recommend which Federal agency is
7 best suited to address each critical need identi-
8 fied under subparagraph (A) for which no re-
9 sponsible Federal agency is identified under
10 subparagraph (C).

11 “(4) REPORT.—Not later than 18 months after
12 the date of the enactment of this section, the Task
13 Force shall submit to Congress a report regarding
14 the findings of the Task Force under this sub-
15 section.

16 “(5) IMPLEMENTATION.—Not later than 30
17 months after the date of the enactment of this sec-
18 tion, the head of each Federal agency identified
19 under paragraph (3)(C) shall, to the extent prac-
20 ticable and subject to the availability of appropria-
21 tions, implement the options outlined under para-
22 graph (3)(B).

23 “(b) WORKING WATERFRONTS PLAN.—

24 “(1) IN GENERAL.—A covered entity may sub-
25 mit to the Secretary a working waterfronts plan for

1 approval under this subsection, which, as applicable
2 and with respect to the covered entity—

3 “(A) shall—

4 “(i) provide for the preservation and
5 expansion of access to coastal waters by
6 coastal users;

7 “(ii) be complementary to and incor-
8 porate the policies, objectives, and regula-
9 tions of regional and local working water-
10 fronts plans or strategies in effect before
11 the date of the enactment of this section;

12 “(iii) be developed through a process
13 that—

14 “(I) ensures the involvement of
15 coastal stakeholders; and

16 “(II) is consistent with other
17 coastal management programs, regu-
18 lations, and activities of the covered
19 entity;

20 “(iv) designate each qualified holder
21 of the covered entity, if any;

22 “(v) if the covered entity designates a
23 qualified holder under clause (iv)—

24 “(I) ensure that such qualified
25 holder complies with the duty of a

1 qualified holder to enforce each work-
2 ing waterfront covenant to which the
3 qualified holder is a party; and

4 “(II) certify that the covered en-
5 tity retains the responsibility to en-
6 sure that each affected working water-
7 front is managed in a manner that is
8 consistent with the working water-
9 fronts plan of the covered entity; and
10 “(vi) include—

11 “(I) an assessment of the eco-
12 nomic, social, cultural, and historical
13 value of working waterfronts;

14 “(II) a description of any rel-
15 evant non-Federal laws and regula-
16 tions that affect working waterfronts
17 in the geographic areas identified
18 under subclauses (III) and (IV);

19 “(III) an identification of geo-
20 graphic areas where working water-
21 fronts are, as of the date of the enact-
22 ment of this subsection, under threat
23 of conversion to uses incompatible
24 with commercial and recreational fish-
25 ing, recreational fishing and boating

1 businesses, aquaculture, boatbuilding,
2 or other water-dependent, coastal-re-
3 lated business, and the level of that
4 threat;

5 “(IV) an identification of geo-
6 graphic areas with a historical connec-
7 tion to working waterfronts where
8 working waterfronts are not, as of the
9 date of the enactment of this section,
10 available, and, where appropriate, an
11 assessment of the environmental im-
12 pacts of any expansion or new devel-
13 opment of working waterfronts on the
14 coastal ecosystems of such geographic
15 areas;

16 “(V) an identification of addi-
17 tional working waterfronts needs, in-
18 cluding improvements to existing
19 working waterfronts;

20 “(VI) a strategic and prioritized
21 plan for the preservation, expansion,
22 and improvement of each relevant
23 working waterfront;

24 “(VII) for geographic areas iden-
25 tified under subclauses (III) and (IV),

1 an identification of the current avail-
2 ability and potential for expansion of
3 public access to coastal waters in such
4 geographic areas;

5 “(VIII) a description of the de-
6 gree of community support for the
7 plan included under subclause (VI);
8 and

9 “(IX) a contingency plan for any
10 property that reverts to the covered
11 entity pursuant to a determination
12 made by the covered entity under sub-
13 section (c)(11)(B); and

14 “(B) may—

15 “(i) be developed using existing infor-
16 mation contained in relevant surveys,
17 plans, or other documents to fulfill the in-
18 formation requirements under this para-
19 graph;

20 “(ii) include a vulnerability assess-
21 ment, hazards resilience plan, or identifica-
22 tion of waterfront properties exposed to
23 sea level rise or inundation; and

24 “(iii) be part of a management pro-
25 gram approved under section 306.

1 “(2) DURATION OF APPROVAL.—

2 “(A) IN GENERAL.—A working waterfronts
3 plan approved by the Secretary under this sub-
4 section shall be effective during the 5-year pe-
5 riod beginning on the date of such approval.

6 “(B) MAINTENANCE OF APPROVAL.—An
7 eligible covered entity that participates in the
8 grant program on the basis of an approved
9 working waterfronts plan of that eligible cov-
10 ered entity shall resubmit such working water-
11 fronts plan for approval by the Secretary before
12 the end of each 5-year period described in sub-
13 paragraph (A).

14 “(c) WORKING WATERFRONTS GRANT PROGRAM.—

15 “(1) IN GENERAL.—The Secretary shall, in con-
16 sultation with covered entities, Federal agencies the
17 Secretary determines appropriate, and interested
18 coastal stakeholders with expertise in working water-
19 fronts planning, establish a regionally equitable and
20 competitive grant program, to be known as the
21 ‘Working Waterfronts Grant Program’.

22 “(2) USES.—The Secretary may award grants
23 under this subsection to eligible covered entities—

1 “(A) to implement or revise an approved
2 working waterfronts plan of such eligible cov-
3 ered entity, including—

4 “(i) acquiring a working waterfront or
5 an interest in a working waterfront;

6 “(ii) making improvements to a work-
7 ing waterfront, including constructing or
8 repairing wharfs, boat ramps, or related
9 facilities; or

10 “(iii) carrying out necessary climate
11 adaptation mitigation activities for a work-
12 ing waterfront; or

13 “(B) to develop a working waterfronts plan
14 of such eligible covered entity under subsection
15 (b).

16 “(3) APPLICATION.—

17 “(A) IN GENERAL.—To be eligible for a
18 grant under this subsection, an eligible covered
19 entity shall submit an application to the Sec-
20 retary—

21 “(i) that, if applicable, is consistent
22 with the management program of the eligi-
23 ble covered entity approved under section
24 306; and

1 “(ii) in such form, at such time, and
2 containing such information as the Sec-
3 retary determines appropriate.

4 “(B) DEADLINE.—Not later than 60 days
5 after the date on which the Secretary receives
6 an application for a grant under this para-
7 graph, the Secretary shall approve or reject
8 such application.

9 “(4) GUIDELINES.—The Secretary shall, in
10 consultation with the entities described in paragraph
11 (1), issue guidelines regarding the implementation of
12 the grant program.

13 “(5) CRITERIA.—In awarding a grant to an eli-
14 gible covered entity, the Secretary shall take into ac-
15 count the following criteria:

16 “(A) The economic, cultural, and historical
17 significance of working waterfronts to the eligi-
18 ble covered entity.

19 “(B) The demonstrated working water-
20 fronts needs of the eligible covered entity, as
21 described in the approved working waterfronts
22 plan of the eligible covered entity, if any.

23 “(C) The ability of the eligible covered en-
24 tity to meet the matching requirement under
25 paragraph (10).

1 “(D) The potential for rapid turnover in
2 the ownership of relevant working waterfronts,
3 and, if applicable, the need for the eligible cov-
4 ered entity to respond quickly when property in
5 an existing or potential working waterfront area
6 or public access area, as identified in the ap-
7 proved working waterfronts plan of the eligible
8 covered entity, if any, comes under threat of
9 conversion to incompatible uses or becomes
10 available for purchase.

11 “(E) As applicable, the impact of the ap-
12 proved working waterfronts plan of the eligible
13 covered entity, if any, on the coastal ecosystem
14 and working waterfronts of the eligible covered
15 entity and the users of the coastal ecosystem of
16 the eligible covered entity.

17 “(6) OTHER TECHNICAL AND FINANCIAL AS-
18 SISTANCE.—

19 “(A) IN GENERAL.—Upon the request of
20 an eligible covered entity that is awarded a
21 grant under this subsection, the Secretary shall
22 provide to such eligible covered entity technical
23 assistance—

24 “(i) to identify and obtain sources of
25 Federal technical or financial assistance

1 other than that provided under this sub-
2 section to develop a working waterfronts
3 plan for approval under subsection (b) or
4 to implement or revise an approved work-
5 ing waterfronts plan;

6 “(ii) to develop a working waterfronts
7 plan for approval under subsection (b);

8 “(iii) to implement or revise an ap-
9 proved working waterfronts plan;

10 “(iv) to integrate resilience planning
11 into working waterfronts preservation ef-
12 forts of such eligible covered entity;

13 “(v) to develop additional tools to pro-
14 tect working waterfronts;

15 “(vi) regarding guidance for best
16 storm water management practices with
17 regard to working waterfronts; or

18 “(vii) to collect and disseminate best
19 practices regarding working waterfronts
20 and resilience planning.

21 “(B) LIMITATION.—The Secretary may
22 use not more than 5 percent of the amounts
23 made available under this subsection in each
24 fiscal year to provide technical assistance under
25 this paragraph.

1 “(7) PUBLIC ACCESS REQUIREMENT.—A
2 project carried out with a grant awarded under this
3 subsection, other than a project that involves com-
4 mercial fishing or other industrial access points to
5 which the eligible covered entity determines public
6 access would be unsafe, shall provide for the expan-
7 sion, improvement, or preservation of reasonable and
8 appropriate public access to coastal waters at or in
9 the vicinity of working waterfronts.

10 “(8) LIMITATION ON ACQUISITION.—An eligible
11 covered entity that is awarded a grant under this
12 subsection, or any entity to which such eligible cov-
13 ered entity allocates a portion of such grant under
14 paragraph (9), may use such grant award to acquire
15 title to or an interest in a working waterfront, in-
16 cluding an easement, only—

17 “(A) for fair market value from a willing
18 seller; or

19 “(B) for less than fair market value from
20 a seller that certifies to the Secretary that the
21 seller is willing and is not subject to coercion.

22 “(9) ALLOCATION.—

23 “(A) IN GENERAL.—An eligible covered en-
24 tity that is awarded a grant under this sub-
25 section may allocate a portion of such grant

1 award to a unit of State or local government,
2 a nonprofit organization, a fishing cooperative,
3 or any other appropriate entity for the purpose
4 of carrying out this subsection if such eligible
5 covered entity ensures that any such allocated
6 grant award is used consistently with this sub-
7 section.

8 “(B) IDENTIFIED WORKING WATER-
9 FRONTS.—The Secretary shall encourage each
10 eligible covered entity that is awarded a grant
11 under this subsection to equitably allocate such
12 grant award among working waterfronts identi-
13 fied in the approved working waterfronts plan
14 of each such eligible covered entity, if any.

15 “(10) MATCHING REQUIREMENT.—

16 “(A) IN GENERAL.—Except as provided in
17 subparagraph (B), the Federal share of a
18 project carried out with a grant awarded under
19 this subsection may not exceed 75 percent.

20 “(B) WAIVER OF MATCHING REQUIRE-
21 MENT.—The Secretary may waive the applica-
22 tion of subparagraph (A)—

23 “(i) with respect to an eligible covered
24 entity that is awarded a grant under this

1 subsection that has designated a qualified
2 holder that is located within—

3 “(I) a disadvantaged community;

4 or

5 “(II) a community that has an
6 inability to draw on other sources of
7 funding because of the small popu-
8 lation or low income of the commu-
9 nity; or

10 “(ii) for any other reason the Sec-
11 retary determines appropriate.

12 “(C) NON-FEDERAL SHARE.—An eligible
13 covered entity that is awarded a grant under
14 this subsection may satisfy the non-Federal
15 share of a project carried out with a grant
16 awarded under this subsection through in-kind
17 contributions and other noncash support, in-
18 cluding the following:

19 “(i) The value, as determined by an
20 appraisal performed at such time before
21 the award of the grant as the Secretary de-
22 termines appropriate, of a working water-
23 front or an interest in a working water-
24 front, including conservation and other
25 easements, that is held in perpetuity by a

1 qualified holder, if the working waterfront
2 or interest in a working waterfront—

3 “(I) is identified in the grant ap-
4 plication; and

5 “(II) is acquired by the qualified
6 holder not later than 3 years after—

7 “(aa) the grant award date;
8 or

9 “(bb) the date of the sub-
10 mission of such application and
11 before the end of the initial 5-
12 year period for which the ap-
13 proved working waterfronts plan
14 associated with the grant applica-
15 tion, if any, is effective.

16 “(ii) The costs, including cash or in-
17 kind contributions, associated with the ac-
18 quisition, restoration, or enhancement of,
19 or making other improvements to, a work-
20 ing waterfront or an interest in a working
21 waterfront, if—

22 “(I) such costs are identified in
23 the grant application; and

24 “(II) the costs are incurred—

1 “(aa) before the end of the
2 initial 5-year period for which the
3 approved working waterfronts
4 plan associated with the grant
5 application, if any, is effective; or

6 “(bb) for working water-
7 fronts described in clause (i),
8 within the time limits described
9 in that clause.

10 “(11) WORKING WATERFRONT COVENANTS.—

11 “(A) IN GENERAL.—An eligible covered en-
12 tity that is awarded a grant under this sub-
13 section may use such grant award with respect
14 to a working waterfront only for which each
15 person other than the eligible covered entity
16 that holds title to or an interest in such work-
17 ing waterfront enters into a working waterfront
18 covenant.

19 “(B) VIOLATION.—

20 “(i) IN GENERAL.—An eligible covered
21 entity may determine, on the record after
22 an opportunity for a hearing, that a work-
23 ing waterfront covenant of the eligible cov-
24 ered entity has been violated.

1 “(ii) REVERSION; CONVEYANCE;
2 RIGHT OF IMMEDIATE ENTRY.—If an eligi-
3 ble covered entity makes a determination
4 under clause (i) that a violation described
5 under that clause has occurred—

6 “(I) all right, title, and interest
7 in and to the working waterfront cov-
8 ered by the violated working water-
9 front covenant shall revert to the eligi-
10 ble covered entity;

11 “(II) the eligible covered entity
12 may convey the working waterfront or
13 interest in the working waterfront to
14 a qualified holder; and

15 “(III) the eligible covered entity
16 shall have the right of immediate
17 entry onto the working waterfront
18 covered by the violated working water-
19 front covenant.

20 “(12) TERMS AND CONDITIONS.—The Secretary
21 shall subject each grant awarded under this sub-
22 section to such terms and conditions as the Sec-
23 retary determines appropriate to ensure that each
24 such grant is used for purposes consistent with this
25 section.

1 “(13) REPORT.—

2 “(A) IN GENERAL.—The Secretary shall
3 biennially submit to Congress a report regard-
4 ing the implementation of this subsection,
5 which shall include—

6 “(i) an evaluation, based on perform-
7 ance measures developed by the Secretary,
8 of the effectiveness of the grant program
9 in accomplishing the purposes of this sub-
10 section;

11 “(ii) an account of all expenditures
12 under this subsection; and

13 “(iii) descriptions of each project car-
14 ried out using a grant awarded under this
15 section.

16 “(B) ALTERNATIVE MANNER OF SUBMIS-
17 SION.—The Secretary may submit each report
18 required under subparagraph (A) by including
19 the information required under that subpara-
20 graph in each report required under section
21 316.

22 “(14) ADMINISTRATIVE EXPENSES.—The Sec-
23 retary may use not more than 5 percent of the
24 amounts made available under this subsection in

1 each fiscal year to pay the administrative expenses
2 necessary to carry out this subsection.

3 “(15) AUTHORIZATION OF APPROPRIATIONS.—
4 There is authorized to be appropriated to the Sec-
5 retary to carry out this subsection \$50,000,000 for
6 each of fiscal years 2025 through 2029.

7 “(d) DEFINITIONS.—In this section:

8 “(1) APPROVED WORKING WATERFRONTS
9 PLAN.—The term ‘approved working waterfronts
10 plan’ means a working waterfronts plan that is ap-
11 proved by the Secretary under subsection (b).

12 “(2) COASTAL INDIAN TRIBE.—The term
13 ‘coastal Indian Tribe’ means an Indian Tribe with
14 respect to which land owned by the Indian Tribe,
15 held in trust by the United States for the Indian
16 Tribe, or held by the Indian Tribe and subject to re-
17 strictions on alienation imposed by the United
18 States or the reservation of the Indian Tribe is lo-
19 cated within a coastal state.

20 “(3) COASTAL USERS.—The term ‘coastal
21 users’ means—

22 “(A) persons that engage in commercial or
23 recreational fishing;

24 “(B) recreational fishing and boating busi-
25 nesses; and

1 “(C) boatbuilding, aquaculture, and other
2 water-dependent, coastal-related businesses.

3 “(4) COVERED ENTITY.—The term ‘covered en-
4 tity’ means—

5 “(A) a coastal state;

6 “(B) a coastal Indian Tribe; or

7 “(C) a Native Hawaiian organization.

8 “(5) ELIGIBLE COVERED ENTITY.—The term
9 ‘eligible covered entity’ means a covered entity
10 that—

11 “(A) has an approved working waterfronts
12 plan;

13 “(B) is in the process of developing a
14 working waterfronts plan for approval under
15 subsection (b); or

16 “(C) has a coastal land use plan that the
17 Secretary determines is sufficient for the pur-
18 poses of this section.

19 “(6) GRANT PROGRAM.—The term ‘grant pro-
20 gram’ means the grant program established under
21 subsection (c).

22 “(7) INDIAN TRIBE.—The term ‘Indian Tribe’
23 has the meaning given the term in section 4 of the
24 Indian Self-Determination and Education Assistance
25 Act (25 U.S.C. 5304).

1 “(8) NATIVE HAWAIIAN ORGANIZATION.—The
2 term ‘Native Hawaiian organization’ means a non-
3 profit organization—

4 “(A) that serves the interests of Native
5 Hawaiians;

6 “(B) in which Native Hawaiians serve in
7 substantive and policymaking positions;

8 “(C) that is recognized for having expertise
9 in Native Hawaiian culture and heritage, in-
10 cluding tourism; and

11 “(D) is located within a coastal state.

12 “(9) QUALIFIED HOLDER.—The term ‘qualified
13 holder’ means—

14 “(A) a unit of local government of a cov-
15 ered entity, if the covered entity is a coastal
16 state; or

17 “(B) a nonprofit organization;
18 that is designated by a covered entity in the ap-
19 proved working waterfronts plan of the covered enti-
20 ty to carry out some or all of the functions of the
21 covered entity under the grant program if the cov-
22 ered entity applies for and is awarded a grant under
23 the grant program, including holding title to or an
24 interest in a working waterfront acquired with a
25 grant awarded under the grant program.

1 “(10) TASK FORCE.—The term ‘Task Force’
2 means the task force established under subsection
3 (a)(1).

4 “(11) DISADVANTAGED COMMUNITY.—The
5 term ‘disadvantaged community’ means a commu-
6 nity the Secretary determines, based on appropriate
7 data, indices, and screening tools, is economically,
8 socially, or environmentally disadvantaged.

9 “(12) WORKING WATERFRONT.—The term
10 ‘working waterfront’ means real property (including
11 support structures over water and other facilities)
12 that—

13 “(A) provides access to coastal waters by
14 coastal users; and

15 “(B) is used for, or supports, commercial
16 and recreational fishing, recreational fishing
17 and boating businesses, and boatbuilding, aqua-
18 culture, and other water-dependent, coastal-re-
19 lated business.

20 “(13) WORKING WATERFRONT COVENANT.—
21 The term ‘working waterfront covenant’ means an
22 agreement in recordable form entered into between
23 a person that holds title to or an interest in a work-
24 ing waterfront and a covered entity that is awarded
25 a grant under the grant program or a qualified hold-

1 er of such covered entity that provides such assur-
2 ances as the Secretary determines necessary to en-
3 sure the following:

4 “(A) Except as provided in subparagraph
5 (C), the title to or interest in the working wa-
6 terfront will be held by an entity that is subject
7 to such agreement in perpetuity.

8 “(B) The working waterfront will be man-
9 aged in a manner that is consistent with the
10 purposes of this section, and the working water-
11 front will not be converted to any use that is in-
12 consistent with this section.

13 “(C) If the title to or interest in the work-
14 ing waterfront is subsequently sold or otherwise
15 exchanged—

16 “(i) each party involved in such sale
17 or exchange shall accede to such agree-
18 ment; and

19 “(ii) funds equal to the fair market
20 value of the title to or interest in the work-
21 ing waterfront shall be paid to the Sec-
22 retary by the parties to the sale or ex-
23 change, and such funds shall be, at the
24 discretion of the Secretary, paid to the rel-
25 evant covered entity or a qualified holder

1 of such covered entity for use in the imple-
2 mentation of the approved working water-
3 fronts plan of the covered entity.

4 “(D) Such agreement shall be subject to
5 enforcement and oversight by the covered entity
6 or by another person as the Secretary deter-
7 mines appropriate.

8 **“SEC. 306C. WORKING WATERFRONTS PRESERVATION**
9 **LOAN FUND.**

10 “(a) GENERAL AUTHORITY.—

11 “(1) GRANTS TO ELIGIBLE COASTAL STATES TO
12 ESTABLISH WORKING WATERFRONTS PRESERVATION
13 LOAN FUNDS.—

14 “(A) IN GENERAL.—The Secretary may
15 enter into an agreement with an eligible coastal
16 state to issue a capitalization grant, including a
17 letter of credit, to such eligible coastal state to
18 implement the approved working waterfronts
19 plan of such eligible coastal state.

20 “(B) ESTABLISHMENT OF WORKING WA-
21 TERFRONTS PRESERVATION LOAN FUNDS.—

22 “(i) IN GENERAL.—To be eligible to
23 receive a capitalization grant under this
24 subsection, an eligible coastal state shall

1 establish a working waterfronts preserva-
2 tion loan fund.

3 “(ii) DEPOSIT.—Each capitalization
4 grant made to an eligible coastal state
5 under this paragraph shall be deposited in
6 the working waterfronts preservation loan
7 fund of such eligible coastal state.

8 “(C) EXTENDED PERIOD.—A capitaliza-
9 tion grant made to an eligible coastal state
10 under this section shall be available to the eligi-
11 ble coastal state for obligation for a period of
12 2 fiscal years.

13 “(2) USE OF FUNDS.—

14 “(A) IN GENERAL.—An eligible coastal
15 state shall use amounts deposited in the work-
16 ing waterfronts preservation loan fund of such
17 eligible coastal state, including loan repayments
18 and interest earned on such amounts, to pro-
19 vide financial assistance described in subsection
20 (f) to a covered entity to implement the ap-
21 proved working waterfronts plan of such eligible
22 coastal state through preservation, improve-
23 ment, restoration, rehabilitation, and acquisi-
24 tion of working waterfronts pursuant to criteria
25 established by the Secretary.

1 “(B) SALE OF BONDS.—A covered entity
2 may use amounts received under this section as
3 a source of revenue (restricted solely to interest
4 earnings of the applicable working waterfronts
5 preservation loan fund) or security for payment
6 of the principal and interest on a revenue or
7 general obligation bond issued by the eligible
8 coastal state to provide matching funds under
9 subsection (e) if the proceeds of the sale of the
10 bond will be deposited in the working water-
11 fronts preservation loan fund of such eligible
12 coastal state.

13 “(C) NO INCREASED BONDING AUTHOR-
14 ITY.—Amounts deposited in the working water-
15 fronts preservation loan fund of an eligible
16 coastal state may not be used as a source of
17 payment of, or security for (directly or indi-
18 rectly), in whole or in part, any obligation the
19 interest on which is exempt from the tax im-
20 posed under chapter 1 of the Internal Revenue
21 Code of 1986.

22 “(3) LIMITATION.—An eligible coastal state
23 may not provide financial assistance described in
24 subsection (f) to a covered entity that does not have
25 the technical, managerial, and financial capability to

1 ensure compliance with the requirements of this sec-
2 tion.

3 “(4) PREVAILING WAGES.—The Secretary shall
4 ensure compliance with the provisions of the Act of
5 March 3, 1931 (40 U.S.C. 3141 et seq.; commonly
6 known as the ‘Davis-Bacon Act’) with respect to any
7 construction project carried out in whole or in part
8 with financial assistance made available from a
9 working waterfronts preservation loan fund.

10 “(5) RESERVATION.—Each eligible coastal state
11 that enters into a capitalization agreement under
12 paragraph (1) shall, each fiscal year, reserve 0.2
13 percent of the amount in the working waterfronts
14 preservation loan fund of the eligible coastal state to
15 provide financial assistance described in subsection
16 (f) to an Indian Tribe or a Native Hawaiian organi-
17 zation.

18 “(b) INTENDED USE PLANS.—

19 “(1) IN GENERAL.—Each eligible coastal state
20 that enters into a capitalization agreement under
21 subsection (a)(1) shall annually prepare an intended
22 use plan, subject to notice and an opportunity for
23 public comment, that identifies the intended uses of
24 the amounts available to the working waterfronts
25 preservation loan fund of the eligible coastal state.

1 “(2) CONTENTS.—Each intended use plan pre-
2 pared by an eligible coastal state under paragraph
3 (1) shall include, with respect to the eligible coastal
4 state—

5 “(A) a list of each project to be assisted
6 with amounts from the working waterfronts
7 preservation loan fund in the first fiscal year
8 that begins after the date such intended use
9 plan is finalized, including, with respect to each
10 such project—

11 “(i) a description of the project;

12 “(ii) the expected terms of financial
13 assistance; and

14 “(iii) the size of the community
15 served;

16 “(B) the criteria and methods established
17 to distribute amounts from the working water-
18 fronts preservation loan fund; and

19 “(C) a description of the financial status of
20 the working waterfronts preservation loan fund
21 and the short- and long-term goals of such
22 working waterfronts preservation loan fund.

23 “(c) WORKING WATERFRONTS PRESERVATION LOAN
24 FUND MANAGEMENT.—

1 “(1) IN GENERAL.—Each working waterfronts
2 preservation loan fund under this section shall be es-
3 tablished, maintained, and credited with repayments
4 and interest and the fund corpus shall be available
5 in perpetuity to provide financial assistance de-
6 scribed in subsection (f) to covered entities under
7 this section.

8 “(2) EXTRA AMOUNTS.—To the extent amounts
9 in a working waterfronts preservation loan fund are
10 not required for obligation or expenditure, such
11 amounts shall be invested in interest-bearing obliga-
12 tions.

13 “(d) ASSISTANCE FOR DISADVANTAGED COMMU-
14 NITIES.—

15 “(1) LOAN SUBSIDY.—

16 “(A) IN GENERAL.—Notwithstanding any
17 other provision of this section, if an eligible
18 coastal state makes a loan to a disadvantaged
19 community pursuant to subsection (a)(2), the
20 eligible coastal state may provide additional
21 subsidization to such disadvantaged community,
22 including—

23 “(i) forgiveness of principal;

24 “(ii) grants;

25 “(iii) negative interest loans;

1 “(iv) other loan forgiveness; and

2 “(v) through buying, refinancing, or
3 restructuring debt.

4 “(B) EXCLUSION.—A loan from a working
5 waterfronts preservation loan fund with an in-
6 terest rate equal to or greater than 0 percent
7 shall not be considered additional subsidization
8 for the purposes of this subsection.

9 “(2) TOTAL AMOUNT OF SUBSIDIES.—Of the
10 amount of a capitalization grant received by an eligi-
11 ble coastal state for any fiscal year, the total amount
12 of loan subsidies made by such eligible coastal state
13 pursuant to paragraph (1)—

14 “(A) may not exceed 35 percent; and

15 “(B) to the extent that there are, as deter-
16 mined by the Secretary, sufficient applications
17 from disadvantaged communities for loans, may
18 not be less than 12 percent.

19 “(e) ELIGIBLE COASTAL STATE CONTRIBUTION.—
20 Each capitalization agreement entered into under sub-
21 section (a)(1) shall require that the eligible coastal state
22 subject to such agreement deposit in the working water-
23 fronts preservation loan fund of the eligible coastal state
24 an amount equal to not less than 20 percent of the total
25 amount of the capitalization grant to be made to the eligi-

1 ble coastal state on or before the date on which the capital-
2 ization grant payment is made to the eligible coastal state.

3 “(f) TYPES OF ASSISTANCE.—The amounts depos-
4 ited into a working waterfronts preservation loan fund of
5 an eligible coastal state under this section may be used
6 by the eligible coastal state—

7 “(1) to make a loan to a covered entity, on the
8 condition that—

9 “(A) the interest rate for the loan does not
10 exceed the market rate;

11 “(B) principal and interest payments on
12 the loan will commence not later than 18
13 months after completion of the project for
14 which the loan was made;

15 “(C) the loan will be fully amortized not
16 later than 30 years after the completion of the
17 project, except that in the case of a disadvan-
18 taged community an eligible coastal state may
19 provide an extended term for the loan, if the ex-
20 tended term—

21 “(i) terminates not later than the date
22 that is 40 years after the completion of the
23 project; and

24 “(ii) does not exceed the expected de-
25 sign life of the project;

1 “(D) the recipient of the loan will establish
2 a dedicated source of revenue (or, in the case
3 of a privately owned working waterfront prop-
4 erty, demonstrate that there is adequate secu-
5 rity) for the repayment of the loan; and

6 “(E) the working waterfronts preservation
7 loan fund of the eligible coastal state will be
8 credited with all payments of principal and in-
9 terest on the loan;

10 “(2) to buy or refinance the debt obligation of
11 a municipality or an intermunicipal or interstate
12 agency within the eligible coastal state at an interest
13 rate that is less than or equal to the market interest
14 rate;

15 “(3) to guarantee, or purchase insurance for, a
16 local obligation (all of the proceeds of which finance
17 a project eligible for financial assistance under this
18 section) if the guarantee or purchase would improve
19 credit market access or reduce the interest rate ap-
20 plicable to the obligation;

21 “(4) as a source of revenue or security for the
22 payment of principal and interest on a revenue or
23 general obligation bond issued by the eligible coastal
24 state if the proceeds of the sale of the bond will be

1 deposited into the working waterfronts preservation
2 loan fund of the eligible coastal state; or

3 “(5) to earn interest on the amounts deposited
4 into the working waterfronts preservation loan fund
5 of the eligible coastal state.

6 “(g) ADMINISTRATION OF WORKING WATERFRONTS
7 PRESERVATION LOAN FUNDS.—

8 “(1) COMBINED FINANCIAL ADMINISTRATION.—

9 Notwithstanding subsection (c), an eligible coastal
10 state may combine the financial administration of a
11 working waterfronts preservation loan fund of the el-
12 igible coastal state with the financial administration
13 of any other revolving fund established by the eligi-
14 ble coastal state if the Secretary determines that the
15 capitalization grants made under this section, to-
16 gether with loan repayments and interest, will be
17 separately accounted for and used solely for the pur-
18 poses specified in subsection (a).

19 “(2) COST OF ADMINISTERING WORKING WA-
20 TERFRONTS PRESERVATION LOAN FUND.—

21 “(A) IN GENERAL.—For each fiscal year,
22 an eligible coastal state may use the amount de-
23 scribed in subparagraph (B)—

24 “(i) to cover the reasonable costs of
25 administration of the programs under this

1 section, including the recovery of reason-
2 able costs expended to establish a working
3 waterfronts preservation loan fund that are
4 incurred after the date of the enactment of
5 this section; and

6 “(ii) to provide technical assistance to
7 working waterfronts projects carried out
8 within the eligible coastal state.

9 “(B) DESCRIPTION OF AMOUNT.—The
10 amount referred to in subparagraph (A) is an
11 amount equal to the sum of—

12 “(i) the amount of any fees collected
13 by the eligible coastal state for use in ac-
14 cordance with subparagraph (A)(i), regard-
15 less of the source; and

16 “(ii) the greater of—

17 “(I) \$400,000;

18 “(II) 0.2 percent of the current
19 valuation of the working waterfronts
20 preservation loan fund of the eligible
21 coastal state; or

22 “(III) an amount equal to 4 per-
23 cent of all grant awards made to the
24 working waterfronts preservation loan

1 fund of the eligible coastal state under
2 this section for the fiscal year.

3 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
4 is authorized to be appropriated to the Secretary to carry
5 out this section \$50,000,000 for each of fiscal years 2025
6 through 2029.

7 “(i) DEFINITIONS.—In this section:

8 “(1) APPROVED WORKING WATERFRONTS
9 PLAN.—The term ‘approved working waterfronts
10 plan’ has the meaning given the term in section
11 306B.

12 “(2) COVERED ENTITY.—The term ‘covered en-
13 tity’ means—

14 “(A) a State agency;

15 “(B) an Indian Tribe;

16 “(C) a Native Hawaiian organization;

17 “(D) a local government; or

18 “(E) a nonprofit organization.

19 “(3) DISADVANTAGED COMMUNITY.—The term
20 ‘disadvantaged community’ has the meaning given
21 the term in section 306B.

22 “(4) ELIGIBLE COASTAL STATE.—The term ‘eli-
23 gible coastal state’ means a coastal state that has an
24 approved working waterfronts plan.

1 “(5) WORKING WATERFRONT.—The term
2 ‘working waterfront’ has the meaning given the term
3 in section 306B.

4 “(6) WORKING WATERFRONTS PRESERVATION
5 LOAN FUND.—The term ‘working waterfronts pres-
6 ervation loan fund’ means a revolving loan fund es-
7 tablished under this section for the preservation of
8 working waterfronts.”.

9 **SEC. 203. SEAFOOD MARKETING.**

10 (a) OUTREACH PLAN.—The Secretary of Agriculture,
11 in conjunction with the Administrator, shall develop an
12 outreach plan to expand outreach by the Department of
13 Agriculture to fishing industry stakeholders to increase
14 awareness of and assist with the use of programs in the
15 Agricultural Marketing Service by such stakeholders.

16 (b) STUDY.—The Administrator shall, in consultation
17 with the Secretary of Agriculture and members of the sea-
18 food industry, study the possibility of establishing edu-
19 cation and marketing programs within the National Oce-
20 anic and Atmospheric Administration.

21 (c) REPORTS.—Not later than 2 years after the date
22 of the enactment of this section—

23 (1) the Secretary of Agriculture, in conjunction
24 with the Administrator, shall submit a report to

1 Congress regarding the outreach plan developed
2 under subsection (a); and

3 (2) the Administrator shall submit to Congress
4 a report regarding the findings of the study con-
5 ducted under subsection (b).

6 **SEC. 204. COMMUNITY PARTICIPATION IN LIMITED ACCESS**

7 **PRIVILEGE PROGRAMS.**

8 (a) IN GENERAL.—Section 303A(c) (16 U.S.C.
9 1853a(c)) is amended—

10 (1) in paragraph (1)—

11 (A) in subparagraph (C)(iii), by inserting
12 “, including the participation of fishing commu-
13 nities in the fishery” after “benefits”;

14 (B) in subparagraph (J), by striking
15 “and” at the end;

16 (C) in subparagraph (K), by striking the
17 period at the end and inserting “; and”; and

18 (D) by adding at the end the following:

19 “(L) consider the needs of fishing commu-
20 nities and provide a process for fishing commu-
21 nities to participate in the limited access privi-
22 lege program in accordance with subsection
23 (c)(3).”; and

24 (2) by amending paragraph (3) to read as fol-
25 lows:

1 “(3) FISHING COMMUNITIES.—

2 “(A) ELIGIBILITY.—To be eligible to par-
3 ticipate in a limited access privilege program to
4 harvest fish, a fishing community shall—

5 “(i) be located within the management
6 area of the relevant Council;

7 “(ii) consist of residents who conduct
8 commercial or recreational fishing, proc-
9 essing, or fishery-dependent support busi-
10 nesses within the management area of the
11 relevant Council;

12 “(iii) seek to participate in such pro-
13 gram for a purpose other than perfecting
14 or realizing a security interest in such ac-
15 cess; and

16 “(iv) develop and submit a community
17 sustainability plan to the relevant Council
18 and the Secretary that demonstrates how
19 the plan will address the social and eco-
20 nomic development needs of coastal com-
21 munities, including those that have not his-
22 torically had the resources to participate in
23 the fishery, for approval.

24 “(B) COMMUNITY SUSTAINABILITY PLAN
25 APPROVAL.—

1 “(i) IN GENERAL.—A community sus-
2 tainability plan submitted by a fishing
3 community to a Council and the Secretary
4 for approval shall include the following
5 components:

6 “(I) A description of the entity
7 and the Board and governance for the
8 entity that will receive the allocation.

9 “(II) A description of the quota
10 allocation process that will be used by
11 the entity, including an appeals pro-
12 cess within the entity.

13 “(III) Provisions for monitoring
14 and enforcement of the community
15 sustainability plan.

16 “(IV) Goals and objectives for
17 the fishing community and how the
18 entity will use the allocation to meet
19 those goals and objectives.

20 “(V) A description of how the en-
21 tity will sustain the participation of
22 the fishing community in the fisheries,
23 including providing for new entry and
24 intergenerational transfer, encour-
25 aging active participation and ad-

1 dressing economic barriers to access
2 to the fisheries.

3 “(VI) A description of how the
4 community sustainability plan will ad-
5 dress the projected economic and so-
6 cial impacts associated with the imple-
7 mentation of the limited access privi-
8 lege program, including the potential
9 for strengthening economic conditions
10 in remote fishing communities that
11 lack the resources to participate in
12 harvesting activities in the fishery.

13 “(VII) A description of how the
14 community sustainability plan will en-
15 sure the benefits of participating in
16 the limited access privilege program
17 accrue to the fishing community and
18 participants, including limitations or
19 measures necessary to prevent an in-
20 equitable concentration of limited ac-
21 cess privileges within the fishing com-
22 munity.

23 “(ii) PREVIOUSLY ADOPTED PLAN.—A
24 community sustainability plan submitted
25 before the date of the enactment of the

1 Sustaining America’s Fisheries for the Fu-
2 ture Act of 2024 shall not be invalidated
3 by failure to comply with clause (i) unless
4 such plan is amended after such date.”.

5 (b) AUDIT.—

6 (1) IN GENERAL.—The inspector general of the
7 Department of Commerce shall conduct an audit re-
8 garding limited access privilege programs for feder-
9 ally managed fisheries in the United States.

10 (2) DETERMINATIONS AND DISCLOSURES.—The
11 audit required under paragraph (1) shall determine
12 and disclose the following:

13 (A) The amount of harvest privileges or
14 transferable quota that were actively harvested
15 in each year from 2019 through 2024.

16 (B) The amount of harvest privileges or
17 transferable quota that were leased to other
18 parties or entities in each year from 2019
19 through 2024.

20 (C) The names of each corporation, part-
21 nership, or other authorized entity that, at the
22 time such audit is conducted, hold harvesting
23 privileges or transferable quota in Federal fish-
24 eries.

1 (D) The proportion of transferable quota
2 holders (including both individuals and author-
3 ized entities) that, at the time such audit is
4 conducted, are actively fishing their harvesting
5 privileges.

6 (E) The average cost of a transferable har-
7 vest share in each federally managed limited ac-
8 cess privilege program.

9 (F) The average leasing cost of a transfer-
10 able harvest share in each federally managed
11 limited access privilege program where, at the
12 time such audit is conducted, leasing is occur-
13 ring.

14 (3) ADDITIONAL REQUIREMENTS.—In addition
15 to the requirements under paragraph (2), the audit
16 required under paragraph (1) shall—

17 (A) evaluate the performance of the Sec-
18 retary in overseeing limited access privilege pro-
19 grams in accordance with section 303A(e)(1)(J)
20 (16 U.S.C. 1853a(e)(1)(J)); and

21 (B) recommend policies to strengthen
22 transparency and achieve full disclosure of own-
23 ership of harvest privileges in limited access
24 privilege programs.

1 (4) CONGRESSIONAL BRIEFING.—Not later than
2 1 year after the date of the enactment of the Sus-
3 taining America’s Fisheries for the Future Act of
4 2024, the inspector general of the Department of
5 Commerce shall brief the appropriate committees of
6 Congress on the preliminary findings of the audit
7 conducted under paragraph (1).

8 (5) FINAL REPORT.—Not later than 30 days
9 after the date on which a briefing occurs under
10 paragraph (4), the inspector general of the Depart-
11 ment of Commerce shall submit to Congress a final
12 report setting forth the results of the audit con-
13 ducted under paragraph (1).

14 **SEC. 205. FINDINGS.**

15 Section 2(a)(3) (16 U.S.C. 1801(a)(3)) is amended
16 to read as follows:

17 “(3) Commercial, recreational, and charter fish-
18 ing constitute major sources of employment and con-
19 tribute significantly to the economy of the Nation.
20 Many coastal areas are dependent upon fishing and
21 related activities, and the economies of such areas
22 have been badly damaged by the overfishing of fish-
23 ery resources; ensuring the sustainable use of fishery
24 resources is essential to the economic well-being of
25 such areas.”.

1 **TITLE III—STRENGTHENING**
2 **PUBLIC PROCESS AND**
3 **TRANSPARENCY**

4 **SEC. 301. TRIBAL REPRESENTATION ON PACIFIC FISHERY**
5 **MANAGEMENT COUNCIL.**

6 (a) IN GENERAL.—Section 302(b)(5) (16 U.S.C.
7 1852(b)(5)) is amended—

8 (1) in subparagraph (A), by striking “not less
9 than 3”; and

10 (2) by adding at the end the following:

11 “(E) An individual appointed under subpara-
12 graph (A) shall serve on the Pacific Council until
13 such time as a new appointment to the tribal seat
14 is made under subparagraph (A).”.

15 (b) CONFORMING AMENDMENT.—Section 302(b)(3)
16 (16 U.S.C. 1852(b)(3)) is amended by striking “para-
17 graphs (2) and (5)” and inserting “paragraph (2)”.

18 **SEC. 302. TRIBAL REPRESENTATION ON NORTH PACIFIC**
19 **FISHERY MANAGEMENT COUNCIL.**

20 (a) IN GENERAL.—Section 302 (16 U.S.C. 1852) is
21 amended—

22 (1) in subsection (a)(1)(G)—

23 (A) by striking “seward” and inserting
24 “seaward”;

1 (B) by striking “11” and inserting “13”;

2 and

3 (C) by inserting before the period at the
4 end “and 2 appointed by the Secretary in ac-
5 cordance with subsection (b)(6)”;

6 (2) in subsection (b)—

7 (A) in paragraph (1)(C), by striking
8 “paragraphs (2) and (5)” and inserting “para-
9 graphs (2), (5), and (6)”;

10 (B) by redesignating paragraph (6) as
11 paragraph (7);

12 (C) by inserting after paragraph (5) the
13 following:

14 “(6)(A) The Secretary, in accordance with sub-
15 paragraph (C), shall appoint to the North Pacific
16 Council 2 individuals to serve as representatives of
17 covered Indian tribes from a list submitted by the
18 tribal governments.

19 “(B) The Secretary, in consultation with the
20 Secretary of the Interior, tribal governments, and
21 the Alaska Federation of Natives, shall establish by
22 regulation the procedure for submitting a list under
23 subparagraph (A).

1 “(C) An individual is qualified for appointment
2 to the North Pacific Council under subparagraph
3 (A) if such individual—

4 “(i) possesses knowledge of—

5 “(I) the anadromous fish of the North
6 Pacific Council region;

7 “(II) the marine resources managed
8 by such Council;

9 “(III) the effects of the actions of
10 such Council on such resources;

11 “(IV) the subsistence uses, customs,
12 and traditions relating to such resources;
13 and

14 “(V) commercial and sport uses of the
15 fish described in subclause (I) and such re-
16 sources; or

17 “(ii) demonstrates leadership through in-
18 volvement in local, regional, or tribal fish and
19 wildlife management or conservation organiza-
20 tions.

21 “(D) Representation shall be rotated among af-
22 fected tribal regions, taking into consideration—

23 “(i) the qualifications of the individuals on
24 the list submitted under subparagraph (A);

1 “(ii) the degree to which the Indian tribes
2 located within the North Pacific Council region
3 are dependent on anadromous fish and marine
4 resources within such region and the effects of
5 the actions of such Council on such resources;
6 and

7 “(iii) the geographic area within which the
8 tribe of the representative is located.

9 “(E) An individual appointed under subpara-
10 graph (A) may designate as an alternate an indi-
11 vidual knowledgeable with respect to tribal rights
12 and fishing practices, Indigenous traditional knowl-
13 edge, tribal law, and the marine resources managed
14 by the North Pacific Council.

15 “(F) An individual appointed under subpara-
16 graph (A) shall serve on the North Pacific Council
17 until such time as a new appointment to the tribal
18 seat is made under that subparagraph.

19 “(G) In this paragraph, the term ‘covered In-
20 dian tribe’ means an Indian tribe in Alaska that is
21 identified (including parenthetically) on the most
22 current list published by the Secretary under section
23 104 of the Federally Recognized Indian Tribe List
24 Act of 1994 (25 U.S.C. 5131).”; and

1 (D) in paragraph (7), as so redesignated,
2 by striking “paragraphs (2) or (5)” and insert-
3 ing “paragraph (2), (5), or (6)”; and
4 (3) in subsection (j)(1)(A)(ii)(II), by striking
5 “subsection (b)(5)” and inserting “paragraph (5) or
6 (6) of subsection (b)”.

7 (b) WESTERN PACIFIC FISHERY MANAGEMENT
8 COUNCIL STUDY.—The Administrator shall conduct a
9 study regarding the feasibility and implications of adding
10 indigenous seats to the Western Pacific Fishery Manage-
11 ment Council established by section 302 of the Magnuson-
12 Stevens Fishery Conservation and Management Act (16
13 U.S.C. 1852) for the Western Pacific Fishery Manage-
14 ment Council region.

15 **SEC. 303. ATLANTIC COUNCILS.**

16 Section 302(a) (16 U.S.C. 1852(a)) is amended—

17 (1) in paragraph (1)—

18 (A) in subparagraph (A)—

19 (i) by striking “18” and inserting
20 “19”; and

21 (ii) by inserting before the period at
22 the end the following: “and 1 liaison ap-
23 pointed by the Secretary in accordance
24 with paragraph (4) who is a member of the
25 Mid-Atlantic Fishery Management Council

1 to represent the interests of fisheries under
2 the jurisdiction of such Council”; and

3 (B) in subparagraph (B)—

4 (i) by striking “21” and inserting
5 “22”; and

6 (ii) by inserting before the period at
7 the end the following: “and 1 liaison ap-
8 pointed by the Secretary in accordance
9 with paragraph (4) who is a member of the
10 New England Fishery Management Coun-
11 cil to represent the interests of fisheries
12 under the jurisdiction of such Council”;
13 and

14 (2) by adding at the end the following:

15 “(4) REQUIREMENTS FOR LIAISON.—The Sec-
16 retary shall appoint an individual to be a liaison be-
17 tween the Councils described in subparagraphs (A)
18 and (B) of paragraph (1) who has expertise in a
19 fishery that spans the geographical areas of both
20 such Councils.”.

21 **SEC. 304. COUNCIL PROCEDURES AND PARTICIPATION.**

22 (a) IN GENERAL.—Section 302(e) (16 U.S.C.
23 1852(e)) is amended—

24 (1) in paragraph (5), by striking “At the re-
25 quest of any voting member of a Council, the Coun-

1 cil shall hold a roll call vote on any matter before
2 the Council.” and inserting “Each Council shall hold
3 a roll call vote on all nonprocedural matters before
4 the Council. At the request of any voting member of
5 a Council, that Council shall hold a roll call vote on
6 any procedural matter before the Council.”; and

7 (2) by adding at the end the following:

8 “(6) To the extent possible, each Council
9 shall—

10 “(A) seek to hold meetings in person; and

11 “(B) ensure the availability of remote
12 meeting participation and voting.”.

13 (b) COUNCIL MEETINGS.—Section 302(i)(2) (16
14 U.S.C. 1852(i)(2)) is amended by adding at the end the
15 following:

16 “(G) Each Council shall make available on the
17 internet website of the Council—

18 “(i) with respect to each meeting of the
19 Council and of the Council Coordination Com-
20 mittee established under subsection (1) that is
21 not closed in accordance with paragraph (3), to
22 the extent possible, a webcast, live audio record-
23 ing, or live video broadcast of each such meet-
24 ing; and

1 “(ii) with respect to each meeting of the
2 Council and of the scientific and statistical
3 committee established by the Council under
4 subsection (g)(1)(A) that is not closed in ac-
5 cordance with paragraph (3), by not later than
6 30 days after the conclusion of each such meet-
7 ing, an audio or video recording (if the meeting
8 was in person or by video conference) or a
9 searchable audio recording or written transcript
10 of each such meeting.

11 “(H) The Secretary shall maintain and make
12 available to the public, for a period of not less than
13 5 years beginning on the date of a meeting, an ar-
14 chive of Council and scientific and statistical com-
15 mittee meeting audio and video recordings and tran-
16 scripts made available under subparagraph (G).”.

17 **SEC. 305. COUNCIL ACCOUNTABILITY AND MEMBERSHIP.**

18 (a) VOTING MEMBERS.—Section 302(b)(2) (16
19 U.S.C. 1852(b)(2)) is amended—

20 (1) by amending subparagraph (A) to read as
21 follows:

22 “(A) REQUIRED EXPERTISE.—In making
23 each appointment to a Council under this sec-
24 tion, the Secretary shall appoint an individual
25 who, by reason of occupational or other experi-

1 ence, scientific expertise, or training, is knowl-
2 edgeable regarding—

3 “(i) the conservation and manage-
4 ment, or the commercial, recreational, or
5 subsistence harvest, of the fishery re-
6 sources of the geographic area concerned;
7 or

8 “(ii) ecosystem-based fishery manage-
9 ment or climate science.”;

10 (2) by amending subparagraph (B) to read as
11 follows:

12 “(B) APPORTIONMENT.—

13 “(i) IN GENERAL.—In making each
14 appointment under this section, the Sec-
15 retary shall, to the extent practicable, en-
16 sure a fair and balanced apportionment, on
17 a rotating or other basis, of active partici-
18 pants (or the representatives of such partici-
19 pants) in the commercial, recreational,
20 and subsistence fisheries under the juris-
21 diction of the Council and of members of
22 the conservation community, scientists,
23 nonconsumptive users, and members of in-
24 digenous and tribal communities, as appli-
25 cable.

1 “(ii) REPORT.—The Secretary shall,
2 on an annual basis, submit to the Com-
3 mittee on Commerce, Science, and Trans-
4 portation of the Senate and the Committee
5 on Natural Resources of the House of Rep-
6 resentatives a report regarding the actions
7 taken by the Secretary to ensure that a
8 fair and balanced apportionment described
9 in clause (i) is achieved, including—

10 “(I) a list of the fisheries under
11 the jurisdiction of each Council, out-
12 lining for each fishery the type and
13 quantity of fish harvested, fishing and
14 processing methods employed, the
15 number of participants, the duration
16 and range of the fishery, and other
17 distinguishing characteristics;

18 “(II) an assessment of the mem-
19 bership of each Council in terms of
20 the apportionment of the active par-
21 ticipants in each such fishery and of
22 members of the conservation commu-
23 nity, scientists, nonconsumptive users,
24 and members of indigenous and tribal
25 communities; and

1 “(III) a statement of the plans
2 and schedule of the Secretary for ac-
3 tions to achieve a fair and balanced
4 apportionment on each Council for the
5 active participants in any such fishery
6 and for the categories of members
7 listed in subclause (II).”;

8 (3) by amending subparagraph (C) to read as
9 follows:

10 “(C) APPOINTMENTS.—

11 “(i) LIST FROM GOVERNOR.—

12 “(I) APPOINTMENT FROM
13 LIST.—The Secretary shall appoint
14 the members of each Council from a
15 list of individuals submitted by the
16 Governor of each applicable con-
17 stituent State.

18 “(II) REQUIREMENTS FOR
19 LIST.—In submitting a list under sub-
20 clause (I), a Governor—

21 “(aa) may only submit the
22 name of an individual if such
23 Governor has determined such in-
24 dividual is qualified under sub-
25 paragraph (A);

1 “(bb) shall include the
2 names and pertinent biographical
3 data of not less than 3 individ-
4 uals for each applicable vacancy;
5 and

6 “(cc) shall include a state-
7 ment explaining how each indi-
8 vidual included on the list meets
9 the requirements of subpara-
10 graph (A).

11 “(III) REVIEW.—The Secretary
12 shall review each list submitted under
13 this subparagraph.

14 “(IV) NOTIFICATION.—If the
15 Secretary determines that an indi-
16 vidual included on a list submitted
17 under this subparagraph does not
18 meet the requirements of this para-
19 graph, the Secretary shall notify the
20 appropriate Governor.

21 “(V) RESPONSE TO REVIEW.—If
22 a Governor receives notification under
23 subclause (IV), such Governor may
24 submit a revised list or resubmit the
25 original list with an additional expla-

1 nation of the qualifications of the in-
2 dividual for which such Governor re-
3 ceived such a notification.

4 “(ii) INDIVIDUALS WITHOUT FINAN-
5 CIAL INTEREST.—The Secretary shall ap-
6 point to each Council at least 1 individual
7 who does not have a financial interest in
8 matters before the Council.

9 “(iii) FINANCIAL DISCLOSURE RE-
10 QUIREMENTS.— An individual is not eligi-
11 ble for appointment by the Secretary until
12 that individual complies with the applicable
13 financial disclosure requirements under
14 subsection (j).”; and

15 (4) by adding at the end the following:

16 “(F) GEOGRAPHICAL REPRESENTATION.—In
17 appointing at-large members to the Western Pacific
18 Council, the Secretary shall ensure geographical rep-
19 resentation across each constituent State of such
20 Council.”.

21 (b) DISCLOSURE OF FINANCIAL INTEREST AND
22 RECUSAL.—Section 302(j) (16 U.S.C. 1852(j)) is amend-
23 ed—

24 (1) by amending paragraph (1)(B) to read as
25 follows:

1 “(B) the term ‘designated official’ means
2 an attorney employed in the Office of the Gen-
3 eral Counsel of the National Oceanic and At-
4 mospheric Administration who—

5 “(i) has expertise in Federal conflict-
6 of-interest requirements; and

7 “(ii) is designated by the Secretary, in
8 consultation with a Council, to attend the
9 meetings of such Council and make deter-
10 minations under paragraph (7)(B).”;

11 (2) in paragraph (2)(C), by inserting “con-
12 tractor,” after “partner,”; and

13 (3) in paragraph (5)(B), by striking “on the
14 Internet” and inserting “on the internet website of
15 the agency, on the internet website of the applicable
16 Council,”.

17 (c) LOBBYING.—Section 302 (16 U.S.C. 1852) is
18 amended by adding at the end the following:

19 “(m) LOBBYING.—

20 “(1) PROHIBITION ON COUNCIL LOBBYING.—

21 “(A) IN GENERAL.—Except as provided in
22 subparagraph (B), each member of a Council,
23 member of a Council advisory body, and em-
24 ployee or contractor of a Council, is prohibited

1 from using Federal funds to attempt to influ-
2 ence the—

3 “(i) introduction, advancement, enact-
4 ment, amendment, or repeal of Federal or
5 State legislation; or

6 “(ii) issuance, modification, or over-
7 turning of an Executive order, Presidential
8 proclamation, or similar Presidential direc-
9 tive or decree.

10 “(B) TECHNICAL AND FACTUAL PRESEN-
11 TATIONS.—An individual described in subpara-
12 graph (A) may provide a technical and factual
13 presentation directly related to the performance
14 of the duties of a Council, through hearing tes-
15 timony or written statements, if such presen-
16 tation is in response to a documented request
17 and is made available under paragraph (4).

18 “(2) ADJUDICATING VIOLATIONS.—

19 “(A) INITIATION BY SECRETARY.—The
20 Secretary may initiate an investigation of a po-
21 tential violation of paragraph (1).

22 “(B) COMPLAINT.—The Secretary shall in-
23 vestigate a complaint submitted by any person
24 or government entity regarding a potential vio-
25 lation of paragraph (1).

1 “(3) PENALTIES.—If the Secretary determines
2 that an individual violated paragraph (1), such indi-
3 vidual shall be subject to disciplinary action, includ-
4 ing suspension or expulsion from participation in,
5 membership of, or employment by a Council, Council
6 advisory body, or related entity or activity.

7 “(4) TRAINING.—The Secretary shall provide
8 training to individuals described in paragraph (1) re-
9 garding—

10 “(A) compliance with regulations issued to
11 implement this subsection; and

12 “(B) general limits of Federal grant recipi-
13 ents on contacts with members and staff of the
14 executive and legislative branches.

15 “(5) RESTRICTION ON EX-VOTING MEMBER
16 LOBBYING.—A voting member appointed to a Coun-
17 cil by the Secretary in accordance with paragraph
18 (2), (5), or (6) of subsection (b) may not lobby the
19 Council to which such member was appointed re-
20 garding any matter during the 1-year period begin-
21 ning on the date on which the term of such member
22 expires, if such member has not been appointed to
23 serve a subsequent term.

24 “(6) REPORT.—The Secretary shall annually
25 submit to the Committee on Natural Resources of

1 the House of Representatives and the Committee on
2 Commerce, Science, and Transportation of the Sen-
3 ate a report that describes—

4 “(A) the funding provided to implement
5 this subsection;

6 “(B) complaints received of and investiga-
7 tions into potential violations of paragraph (1);
8 and

9 “(C) barriers associated with and pro-
10 posals to improve implementation of this sub-
11 section.

12 “(n) WORKPLACE HARASSMENT PREVENTION.—

13 “(1) PROHIBITION.—The Secretary shall pro-
14 hibit any person from harassing a covered individual
15 during the conduct of duties by such covered indi-
16 vidual under this Act.

17 “(2) HARASSMENT PREVENT TRAINING.—Coun-
18 cil members and staff shall, as a condition of em-
19 ployment, not later than 1 year after the date of the
20 enactment of the Sustaining America’s Fisheries for
21 the Future Act of 2024 or the first day of employ-
22 ment by a Council of such individual, and not less
23 often than once every 2 years thereafter, complete 2
24 hours of workplace harassment prevention training
25 approved by the office authorized by section 3541 of

1 the National Defense Authorization Act for Fiscal
2 Year 2017.

3 “(3) DEFINITIONS.—In this subsection:

4 “(A) COVERED INDIVIDUAL.—The term
5 ‘covered individual’ means—

6 “(i) a Council member;

7 “(ii) Council staff;

8 “(iii) a Council advisory panel mem-
9 ber;

10 “(iv) a member of a committee associ-
11 ated with a Council or the National Oce-
12 anic and Atmospheric Administration;

13 “(v) a Federal fishery permit holder;
14 and

15 “(vi) a staff member, crew member,
16 employee, or contractor associated with a
17 federally permitted vessel or a facility pro-
18 viding services to such vessels.

19 “(B) HARASSMENT.—The term ‘harass-
20 ment’ means unwelcome verbal, visual, or phys-
21 ical conduct based on race, color, national ori-
22 gin, religion, age (40 and above), sex (including
23 gender identity, sexual orientation, and preg-
24 nancy), disability, genetic information, or prior
25 Equal Employment Opportunity activity.”.

1 (d) JUDICIAL REVIEW.—Section 305(f)(1) (16
2 U.S.C. 1855(f)(1)) is amended by striking “30” and in-
3 serting “60”.

4 (e) REGULATIONS.—Not later than 1 year after the
5 date of the enactment of this section, the Secretary shall
6 issue regulations to implement section 302(m) (16 U.S.C.
7 1852(m)), as added by this section.

8 **SEC. 306. WESTERN PACIFIC SUSTAINABLE FISHERY FUND.**

9 Section 204(e) (16 U.S.C. 1824(e)) is amended—

10 (1) in paragraph (1)—

11 (A) by striking “in consultation with any
12 appropriate Council,” and inserting “at the re-
13 quest and with the concurrence of the Governor
14 of the applicable Pacific Insular Area,”;

15 (B) by striking “a Pacific Insular Area—
16 ” and inserting “that Pacific Insular Area.”;

17 and

18 (C) by striking subparagraphs (A) and
19 (B);

20 (2) in paragraph (3)(A)—

21 (A) by inserting “and” before “the Gov-
22 ernor”;

23 (B) by striking “, and the appropriate
24 Council”; and

1 (C) by adding at the end the following:

2 “Such permits shall also be consistent with any
3 applicable fishery management plan.”;

4 (3) in paragraph (4)—

5 (A) in subparagraph (A)—

6 (i) by striking “the Western Pacific
7 Council and”;

8 (ii) by inserting “of the applicable Pa-
9 cific Insular Area” after “Governor”; and

10 (iii) by amending clause (v) to read as
11 follows—

12 “(v) western Pacific community-based
13 demonstration projects under section
14 112(b) of the Sustainable Fisheries Act
15 and other coastal improvement projects in
16 waters beyond the seaward boundary (as
17 such term is defined in section 4 of the
18 Submerged Lands Act) of any State to fos-
19 ter and promote the management, con-
20 servation, and economic enhancement of
21 the Pacific Insular Areas.”; and

22 (B) by amending subparagraph (B) to read
23 as follows:

24 “(B) In the case of American Samoa,
25 Guam, and the Northern Mariana Islands, the

1 appropriate Governor of the applicable Pacific
2 Insular Area shall develop the marine conserva-
3 tion plan described in subparagraph (A) and
4 submit such plan to the Secretary for approval.
5 In the case of other Pacific Insular Areas, the
6 Secretary and the appropriate Governor of the
7 applicable Pacific Insular Area shall jointly de-
8 velop the marine conservation plan described in
9 subparagraph (A).”;

10 (4) in paragraph (6)—

11 (A) in subparagraph (A), by inserting
12 “and” at the end;

13 (B) by striking subparagraph (B); and

14 (C) by redesignating subparagraph (C) as
15 subparagraph (B);

16 (5) in paragraph (7)—

17 (A) by striking “, who shall provide such
18 funds only to” and inserting “for the purposes
19 of”;

20 (B) in subparagraph (A)—

21 (i) by striking “the Western Pacific
22 Council for the purpose of”; and

23 (ii) by inserting “as determined by the
24 Secretary, in consultation with the Western
25 Pacific Sustainable Fishery Fund Advisory

1 Panel established under section
2 204(e)(9),” after “subsection,”;

3 (C) in subparagraph (B), by inserting
4 “providing such funds as are necessary to” be-
5 fore “the Secretary”;

6 (D) by amending subparagraph (C) to read
7 as follows:

8 “(C) providing such funds as remain in the
9 Western Pacific Sustainable Fisheries Fund
10 after the funding requirements of subpara-
11 graphs (A) and (B) have been satisfied to the
12 Governor of Hawaii to meet conservation and
13 management objectives in the State of Ha-
14 waii.”; and

15 (E) by striking “Amounts deposited in
16 such fund shall not diminish funding received
17 by the Western Pacific Council for the purpose
18 of carrying out other responsibilities under this
19 Act.”; and

20 (6) by adding at the end the following:

21 “(9) WESTERN PACIFIC SUSTAINABLE FISHERY
22 FUND ADVISORY PANEL.—

23 “(A) IN GENERAL.—To assist in carrying
24 out this subsection, the Secretary shall establish
25 and convene an advisory panel under section

1 302(g), to be known as the ‘Western Pacific
2 Sustainable Fishery Fund Advisory Panel’ (re-
3 ferred to in this paragraph as the ‘advisory
4 panel’), to evaluate, determine the relative mer-
5 its of, and annually rank applications for grants
6 for implementation of marine conservation
7 plans approved under paragraph (4).

8 “(B) MEMBERS.—The advisory panel shall
9 consist of members such that—

10 “(i) the Governor of each applicable
11 Pacific Insular Area selects 1 member; and

12 “(ii) no member may be a member or
13 employee of the Western Pacific Council.

14 “(C) AWARD NOT IN ACCORDANCE WITH
15 RANK.—If the Secretary awards a grant for a
16 project not in accordance with the rank given to
17 such project by the advisory panel, the Sec-
18 retary shall provide a detailed written expla-
19 nation of the reasons for such award.

20 “(D) NOTICE.—The Secretary shall pro-
21 vide to the public timely notice of each meeting
22 of the advisory panel.

23 “(E) MINUTES.—The Secretary shall keep
24 and make available to the public minutes of
25 each meeting of the advisory panel.

1 “(F) REPORTS.—The Secretary shall, with
2 the assistance of the advisory panel, annually
3 submit to Congress a report identifying any
4 projects that were funded in the previous year
5 and the status and progress of projects carried
6 out under this subsection.

7 “(G) EXEMPTION FROM FEDERAL ADVI-
8 SORY COMMITTEE ACT.—Chapter 10 of title 5,
9 United States Code (commonly known as the
10 ‘Federal Advisory Committee Act’), does not
11 apply to the advisory panel.”.

12 **SEC. 307. COUNCIL STAFF AND ADMINISTRATION.**

13 Section 302(f) (16 U.S.C. 1832(f)) is amended by
14 adding at the end the following:

15 “(8) Each Council shall, with the approval of
16 the Secretary, develop a code of conduct and ethics
17 for members and employees of each such Council
18 equivalent to those applicable to Federal personnel.

19 “(9) The Secretary may, in accordance with ap-
20 plicable law, take disciplinary action, up to and in-
21 cluding termination, against an executive director of
22 a Council. A Council may, in accordance with appli-
23 cable law, take disciplinary action, up to and includ-
24 ing termination, against the executive director or
25 any other employee of the Council.”.

1 **SEC. 308. NATIONAL OCEANIC AND ATMOSPHERIC ADMIN-**
2 **ISTRATION SEXUAL HARASSMENT AND AS-**
3 **SAULT PREVENTION.**

4 (a) POLICY ON THE PREVENTION OF AND RESPONSE
5 TO SEXUAL HARASSMENT INVOLVING NATIONAL OCE-
6 ANIC AND ATMOSPHERIC ADMINISTRATION PER-
7 SONNEL.—Section 3541(f) of the National Defense Au-
8 thorization Act for Fiscal Year 2017 (33 U.S.C. 894(f))
9 is amended—

10 (1) by inserting “and equal employment” after
11 “sexual harassment” each place it appears; and

12 (2) in paragraph (2)—

13 (A) by redesignating subparagraphs (C)
14 and (D) as subparagraphs (D) and (E), respec-
15 tively; and

16 (B) by inserting after subparagraph (B)
17 the following:

18 “(C) A synopsis of each case and the dis-
19 ciplinary action taken, if any, in each case.”.

20 (b) ANNUAL REPORT ON SEXUAL ASSAULTS, SEX-
21 UAL HARASSMENT, AND EQUAL EMPLOYMENT.—Section
22 3548 of the National Defense Authorization Act for Fiscal
23 Year 2017 (33 U.S.C. 894e) is amended—

24 (1) by striking the section heading and insert-
25 ing the following: “**ANNUAL REPORT ON SEXUAL**
26 **ASSAULTS, SEXUAL HARASSMENT, AND EQUAL**

1 **EMPLOYMENT IN THE NATIONAL OCEANIC AND**
2 **ATMOSPHERIC ADMINISTRATION.”;**

3 (2) in subsection (a), by striking “the sexual as-
4 saults involving” and inserting “sexual assault and
5 sexual harassment involving and the equal employ-
6 ment of”; and

7 (3) in subsection (b)—

8 (A) in paragraph (4), by inserting “, in-
9 cluding a synopsis of each case and the discipli-
10 nary action taken, if any, in each case” before
11 the period at the end; and

12 (B) by adding at the end the following:

13 “(5) A summary of the number of change of
14 station, unit transfer, and change of work location
15 requests submitted to the Under Secretary under
16 section 3544(a), including the number of such re-
17 quests that were denied.

18 “(6) A summary of the number of cases re-
19 ferred to the Coast Guard under this section.

20 “(7) The number of alleged sexual assaults and
21 sexual harassment cases involving fisheries observ-
22 ers, protected species observers, and endangered spe-
23 cies observers, including—

24 “(A) a synopsis of each case and the sta-
25 tus of such case;

1 “(B) the disposition of any investigation;
2 and

3 “(C) a description of the fishery manage-
4 ment region and fishery or the geographic re-
5 gion and type of permitted operation in which
6 the sexual assault or sexual harassment is al-
7 leged to have occurred, as appropriate.”.

8 (c) INVESTIGATION AND CRIMINAL REFERRAL RE-
9 QUIREMENTS.—

10 (1) TECHNICAL AMENDMENT.—Sections 3548
11 and 3549 of the National Defense Authorization Act
12 for Fiscal Year 2017 (33 U.S.C. 894e and 894f) are
13 redesignated as sections 3551 and 3552, respec-
14 tively.

15 (2) IN GENERAL.—Subtitle C of title XXXV of
16 the National Defense Authorization Act for Fiscal
17 Year 2017 (33 U.S.C. 894 et seq.) is amended by
18 inserting after section 3547 of that Act (33 U.S.C.
19 894d–2) the following:

20 **“SEC. 3548. EXCEPTIONS REGARDING ANONYMITY OF SUR-
21 VIVORS IN CERTAIN CASES.**

22 “(a) IN GENERAL.—In any case in which an em-
23 ployee, member of the commissioned officer corps of the
24 Administration, or covered personnel elects restricted or
25 unrestricted reporting under section 3541(b)(3)(B) or

1 3542(b)(5)(B), disclosure of the personally identifying in-
2 formation of such individual is authorized to the following
3 persons or organizations when disclosure would be for the
4 following reasons:

5 “(1) To Administration staff or law enforce-
6 ment personnel, if authorized by the survivor in
7 writing.

8 “(2) To Administration staff or law enforce-
9 ment personnel to prevent or lessen a serious or im-
10 minent threat to the health or safety of the survivor
11 or another person.

12 “(3) To a survivor advocate or healthcare pro-
13 vider, if required for the provision of survivor serv-
14 ices.

15 “(4) To a State or Federal court, if pursuant
16 to a court order or if disclosure is required by Fed-
17 eral or State statute.

18 “(b) NOTICE OF DISCLOSURE AND PRIVACY PROTEC-
19 TION.—In any case in which information is disclosed
20 under subsection (a), the Secretary shall—

21 “(1) make reasonable attempts to provide no-
22 tice to the individual whose personally identifying in-
23 formation is disclosed; and

24 “(2) take such action as is necessary to protect
25 the privacy and safety of the individual.

1 **“SEC. 3549. RESTRICTED REPORTING.**

2 “(a) IN GENERAL.—Not later than 3 years after the
3 date of the enactment of the National Oceanic and Atmos-
4 pheric Administration Sexual Harassment and Assault
5 Prevention Improvements Act of 2023, the Secretary of
6 Commerce, acting through the Under Secretary for
7 Oceans and Atmosphere, shall develop a mechanism to
8 provide a system of restricted reporting.

9 “(b) RESTRICTED REPORTING DEFINED.—In this
10 section the term ‘restricted reporting’ means a system of
11 reporting that allows employees of the Administration,
12 members of the commissioned officer corps of the Admin-
13 istration, and covered personnel who allege that they have
14 been sexually harassed or sexually assaulted to confiden-
15 tially disclose the details of such sexual harassment or sex-
16 ual assault to specified individuals and receive the services
17 outlined in this subtitle—

18 “(1) without the dissemination of the personally
19 identifying information of such individual except as
20 necessary for the provision of such services and as
21 provided by section 3548(a); and

22 “(2) without automatically triggering an inves-
23 tigative process.

24 **“SEC. 3550. MARINER REFERRAL.**

25 “The Under Secretary of Commerce for Oceans and
26 Atmosphere, acting through the Director of the Office of

1 Marine and Aviation Operations and in consultation with
2 the Commandant of the Coast Guard, shall, not later than
3 180 days after the date of the enactment of the National
4 Oceanic and Atmospheric Administration Sexual Harass-
5 ment and Assault Prevention Improvements Act of 2023,
6 develop and implement a policy to report to the Com-
7 mandant of the Coast Guard, in accordance with section
8 10104 of title 46, United States Code, the names of per-
9 sonnel of the Administration who—

10 “(1) are the subject of a claim of an act or of-
11 fense detrimental to good discipline and safety at
12 sea, such as sexual harassment or sexual assault
13 that is substantiated by an investigation under sec-
14 tion 3546, or any other substantiated claim of an
15 act or offense for which suspension or revocation of
16 a credential is either mandatory or sought pursuant
17 to part 5 of title 46, Code of Federal Regulations;
18 and

19 “(2) are—

20 “(A) employees or contractors of the Ad-
21 ministration required to hold a valid merchant
22 mariner credential as a condition of employ-
23 ment; or

1 “(B) crew of a vessel that, at the time of
2 such act or offense, was operating under a con-
3 tract with the Administration.”.

4 (d) DEFINITIONS.—Section 3552 of the National De-
5 fense Authorization Act for Fiscal Year 2017, as so reded-
6 ignated by subsection (c) of this section, is amended to
7 read as follows:

8 **“SEC. 3552. DEFINITIONS.**

9 “In this subtitle:

10 “(1) ADMINISTRATION.—The term ‘Administra-
11 tion’ means the National Oceanic and Atmospheric
12 Administration.

13 “(2) COVERED PERSONNEL.—The term ‘cov-
14 ered personnel’ means an individual who works with
15 or conducts business on behalf of the Administration
16 and includes—

17 “(A) observers, at-sea monitors, and catch
18 monitors required by the National Marine Fish-
19 eries Service to operate on or in commercial
20 fishing vessels, other privately owned vessels,
21 barges, or platforms, and shoreside processing
22 facilities for—

23 “(i) commercial fisheries observation
24 required by the Magnuson-Stevens Fishery

1 Conservation and Management Act (16
2 U.S.C. 1801 et seq.);

3 “(ii) protected species or endangered
4 species observation required by the Marine
5 Mammal Protection Act of 1972 (16
6 U.S.C. 1361 et seq.) or the Endangered
7 Species Act of 1973 (16 U.S.C. 1351 et
8 seq.); or

9 “(iii) platform removal observation;
10 and

11 “(B) voting members and executive and
12 administrative staff of each Regional Fishery
13 Management Council established under section
14 302 of the Magnuson-Stevens Fishery Con-
15 servation and Management Act (16 U.S.C.
16 1852).

17 “(3) SEXUAL ASSAULT.—The term ‘sexual as-
18 sault’ has the meaning given the term in section
19 40002(a) of the Violence Against Women Act of
20 1994 (42 U.S.C. 13925(a)).”.

21 (e) CONFORMING AND CLERICAL AMENDMENTS.—

22 (1) CONFORMING AMENDMENTS.—Subtitle C of
23 title XXXV of the National Defense Authorization
24 Act for Fiscal Year 2017 (33 U.S.C. 894 et seq.) is
25 amended—

1 (A) by striking “individuals who work with
2 or conduct business on behalf of the Adminis-
3 tration” each place it appears and inserting
4 “covered personnel”;

5 (B) by striking “National Oceanic and At-
6 mospheric” each place it appears, except—

7 (i) when it appears as “National Oce-
8 anic and Atmospheric Administration Sex-
9 ual Harassment and Assault Prevention
10 Improvements Act of 2023”;

11 (ii) in section 3551 of that Act, as so
12 redesignated by subsection (c) of this sec-
13 tion, in the section heading; and

14 (iii) in section 3552(1) of that Act, as
15 so redesignated by subsection (c) of this
16 section;

17 (C) by striking the term “victims” each
18 place it appears and inserting “survivors”;

19 (D) in section 3541(b)(2)(B) of that Act
20 (33 U.S.C. 894), by striking “victim” and in-
21 serting “target of sexual harassment”;

22 (E) in section 3542 of that Act (33 U.S.C.
23 894a)—

24 (i) in subsection (b)(9)—

1 (I) by striking “Victim” and in-
2 serring “Survivor”; and

3 (II) by striking “victim” and in-
4 serring “survivor”; and

5 (ii) in subsection (c)—

6 (I) in the heading, by striking
7 “VICTIM” and inserting “SURVIVOR”;

8 (II) in paragraph (2), in the
9 heading, by striking “VICTIM” and in-
10 serring “SURVIVOR”; and

11 (III) by striking the term “vie-
12 tim” each place it appears and insert-
13 ing “survivor”;

14 (F) in section 3543 of that Act (33 U.S.C.
15 894b)—

16 (i) in the heading, by striking “**VIC-**
17 **TIM**” and inserting “**SURVIVOR**”; and

18 (ii) by striking “victim” and inserting
19 “survivor”; and

20 (G) in section 3544 of that Act (33 U.S.C.
21 894c)—

22 (i) in subsection (a)—

23 (I) by striking “VICTIMS” and in-
24 serring “SURVIVORS”; and

1 (II) in paragraph (1), by striking
2 “was” each place it appears and in-
3 serting “is”; and
4 (ii) by striking “victim” each place it
5 appears and inserting “survivor”.

6 (2) CLERICAL AMENDMENT.—The table of con-
7 tents in section 2(b) of the National Defense Au-
8 thorization Act for Fiscal Year 2017 and the table
9 of contents preceding subtitle A of title XXXV of
10 the National Defense Authorization Act for Fiscal
11 Year 2017 are both amended—

12 (A) by striking the item relating to section
13 3543 of that Act and inserting the following:

“Sec. 3543. Rights of the survivor of a sexual assault.”; and

14 (B) by striking the items relating to sec-
15 tions 3548 and 3549 of that Act and inserting
16 the following:

“Sec. 3548. Exceptions regarding anonymity of survivors in certain cases.

“Sec. 3549. Restricted reporting.

“Sec. 3550. Mariner referral.

“Sec. 3551. Annual report on sexual assaults, sexual harassment, and equal
employment in the National Oceanic and Atmospheric Adminis-
tration.

“Sec. 3552. Definitions.”.

17 (f) PROHIBITED ACTS.—Section 307(1)(L) (16
18 U.S.C. 1857(1)(L)) is amended—

19 (1) by striking “forcibly”; and

20 (2) by striking “on a vessel”.

1 (g) PROHIBITION ON SERVICE IN THE COMMIS-
2 SIONED OFFICER CORPS OF THE NATIONAL OCEANIC AND
3 ATMOSPHERIC ADMINISTRATION BY INDIVIDUALS CON-
4 VICTED OF CERTAIN SEXUAL OFFENSES.—Section 261(a)
5 of the National Oceanic and Atmospheric Administration
6 Commissioned Officer Corps Act of 2002 (33 U.S.C.
7 3071(a)) is amended—

8 (1) by redesignating paragraph (26) as para-
9 graph (27); and

10 (2) by inserting after paragraph (25) the fol-
11 lowing:

12 “(26) Section 657, relating to prohibition on
13 service by individuals convicted of certain sexual of-
14 fenses.”.

15 (h) DEFINITION OF RESPONSIBLE ENTITY OF A VES-
16 SEL.—Section 10104(g) of title 46, United States Code,
17 is amended—

18 (1) in paragraph (1), by striking “or” at the
19 end;

20 (2) in paragraph (2), by striking the period at
21 the end and inserting “; or”; and

22 (3) by adding at the end the following:

23 “(3) the Director of the Office of Marine and
24 Aviation Operations, with respect to each vessel

1 owned or operated by the National Oceanic and At-
2 mospheric Administration.”.

3 **TITLE IV—MODERNIZING**
4 **FISHERIES SCIENCE AND DATA**

5 **SEC. 401. DATA MODERNIZATION.**

6 (a) IN GENERAL.—Not later than 180 days after the
7 date of the enactment of this section, the Secretary, acting
8 through the Assistant Administrator for Fisheries, shall
9 provide to Congress a national strategic plan for fisheries
10 data, including a description of—

11 (1) activities for the goals and objectives of the
12 plan;

13 (2) a schedule for implementation;

14 (3) an estimated budget;

15 (4) a plan for stakeholder engagement for de-
16 velopment of user-centric systems, processes, and
17 policies; and

18 (5) how the initiative will align with other Na-
19 tional Oceanic and Atmospheric Administration data
20 management efforts to provide for efficiency and
21 interoperability, including the Data Strategy, Cloud
22 Strategy, and Artificial Intelligence Strategy of the
23 National Oceanic and Atmospheric Administration.

24 (b) INFORMATION FROM EXPERTS.—In carrying out
25 this section, the Secretary shall solicit information, as

1 needed, from data management and technology experts in-
2 side and outside the government.

3 (c) REPORT.—The Secretary shall annually report to
4 Congress regarding progress in carrying out this section.

5 **SEC. 402. EXPANDING AND IMPROVING ELECTRONIC TECH-**
6 **NOLOGIES.**

7 (a) SENSE OF CONGRESS.—It is the sense of Con-
8 gress that—

9 (1) the use of electronic technologies such as
10 digital video cameras and monitors, digital recording
11 systems, and other forms of electronic technology as
12 a complement to, and in some cases a replacement
13 for, observers may maintain, increase, or improve
14 the amount and accuracy of observer and fishery de-
15 pendent information collected from fisheries while
16 reducing costs and logistical difficulties;

17 (2) to achieve optimum yields on a continuing
18 basis while conserving and maintaining fisheries and
19 integrating healthy ecosystem considerations, man-
20 agers require reliable, timely data across all regions
21 and fishing sectors for conservation, management,
22 and scientific purposes;

23 (3) to achieve management goals, especially in
24 the context of climate change, the National Oceanic
25 and Atmospheric Administration should work to

1 meet evolving management needs and, in collabora-
2 tion with industry stakeholders, identify appropriate
3 data collection technologies and strategies; and

4 (4) the National Oceanic and Atmospheric Ad-
5 ministration should also consider the use of innova-
6 tive technology in fishery independent data collection
7 including stock and habitat assessments and envi-
8 ronmental conditions.

9 (b) REGIONAL FISHERY MANAGEMENT COUNCILS.—
10 Section 303(b)(8) (16 U.S.C. 1853(b)(8)) is amended to
11 read as follows:

12 “(8) require the collection of data necessary for
13 the conservation and management of the fishery
14 from a vessel of the United States engaged in fish-
15 ing for species that are subject to the plan
16 through—

17 “(A) electronic monitoring or other elec-
18 tronic technology; or

19 “(B) observers carried onboard such a ves-
20 sel, except that such a vessel shall not be re-
21 quired to carry an observer on board if the fa-
22 cilities of the vessel for the quartering of an ob-
23 server, or for carrying out observer functions,
24 are so inadequate or unsafe that the health or

1 safety of the observer or the safe operation of
2 the vessel would be jeopardized;”.

3 (c) INFORMATION SYSTEMS.—Section 402(a) (16
4 U.S.C. 1881a(a)) is amended—

5 (1) in paragraph (1), by inserting “The Council
6 shall consider the use of electronic monitoring and
7 reporting or other electronic technology as part of an
8 information collection program implemented under
9 this paragraph.” after “request.”;

10 (2) in paragraph (2), by inserting “The Sec-
11 retary shall consider the use of electronic monitoring
12 and reporting or other electronic technology as part
13 of an information collection program implemented
14 under this paragraph.” after “fishery.”; and

15 (3) by adding at the end the following:

16 “(3) SECRETARIAL REVIEW.—

17 “(A) IN GENERAL.—Not less often than
18 once every 5 years, the Secretary shall review
19 the procedures and policies by which informa-
20 tion is collected, managed, and used to manage
21 fisheries and revise information collection pro-
22 grams and policies needed to integrate data col-
23 lection and management and improve the time-
24 liness, quality, usability, and cost-effectiveness

1 and reduce unnecessary duplication within and
2 across fishery management plans and regions.

3 “(B) REPORT.—Upon the completion of
4 each review carried out under subparagraph
5 (A), the Secretary shall publish a report for the
6 public describing the findings of each such re-
7 view and planned revisions to information col-
8 lection programs.”.

9 (d) ASSESSMENT OF ELECTRONIC TECHNOLOGIES IN
10 FISHERIES MANAGEMENT.—

11 (1) IN GENERAL.—The Comptroller General of
12 the United States shall, in consultation with the rel-
13 evant committees of Congress—

14 (A) conduct a review of the capabilities of
15 the National Marine Fisheries Service with re-
16 spect to developing, deploying, and using elec-
17 tronic monitoring and data collection tools to
18 monitor fisheries; and

19 (B) make recommendations to improve
20 such capabilities, taking into consideration cost,
21 efficiency, and collaboration with private enti-
22 ties.

23 (2) REPORT.—Not later than 18 months after
24 the date of the enactment of this section, the Comp-
25 troller General shall submit to Congress a report de-

1 scribing the results of the review required under
2 paragraph (1) and the recommendations made pur-
3 suant to such review.

4 (e) ELECTRONIC TECHNOLOGIES INNOVATION
5 PRIZE.—

6 (1) IN GENERAL.—The Administrator, in con-
7 sultation with the Secretary of Defense and the
8 heads of other relevant Federal agencies, and in con-
9 junction with such nongovernmental partners as the
10 Administrator determines appropriate, shall estab-
11 lish at least 1 electronic technologies innovation
12 prize competition to catalyze the rapid development
13 and deployment of electronic technology-based data
14 collection to be used in fisheries management.

15 (2) SUBJECT OF PRIZE.—Each prize competi-
16 tion established under paragraph (1) shall focus on
17 1 or more of the following subjects:

18 (A) Improved fish species recognition soft-
19 ware.

20 (B) Confidential data management.

21 (C) Cost-effective storage of electronic re-
22 ports, imagery, location information, and other
23 data.

24 (D) Data analysis and visualization.

1 (E) Artificial intelligence and machine
2 learning applications for data collection and
3 monitoring.

4 (F) Battery storage and energy supply
5 storage at sea.

6 (G) Improved internet connectivity onshore
7 and at sea in support of data uploads.

8 (H) Bycatch hotspot mapping and adaptive
9 use of protected areas.

10 (I) Such other subjects as the Adminis-
11 trator determines appropriate.

12 (f) ADVISORY PANEL FOR ELECTRONIC TECH-
13 NOLOGIES DEVELOPMENT AND DEPLOYMENT.—

14 (1) ESTABLISHMENT.—The Secretary shall es-
15 tablish an advisory panel (referred to in this sub-
16 section as the “Advisory Panel”) to inform the Ad-
17 ministrator, the Assistant Administrator for Fish-
18 eries, and the Councils regarding developments in
19 the advancement of electronic technologies that can
20 be used in fisheries monitoring, data collection, and
21 management.

22 (2) APPOINTMENTS.—In appointing individuals
23 to the Advisory Panel, the Secretary shall appoint at
24 least 2 individuals who are electronic technology de-
25 velopers, operators, or providers.

1 (3) SUMMARIES.—The Secretary shall publish,
2 on an annual basis, summaries of Advisory Panel
3 discussions, including a summary of best practices
4 and technical guidance to support the Councils.

5 (4) RECOMMENDATIONS.—Not later than 2
6 years after the date of the enactment of this section,
7 the Advisory Panel shall make a recommendation to
8 the Secretary regarding the potential value of na-
9 tional performance standards for electronic tech-
10 nologies used in fisheries data collection and man-
11 agement, including—

12 (A) an assessment of how the National
13 Marine Fisheries Service and electronic tech-
14 nology developers, operators, and providers
15 could benefit from such performance standards;

16 (B) if the Advisory Panel recommends es-
17 tablishing such performance standards, a rec-
18 ommendation for which factors should be in-
19 cluded in such performance standards and how
20 the Secretary should determine the appropriate
21 standards;

22 (C) an assessment of whether such per-
23 formance standards are likely to spur increased
24 use of electronic technologies by the Councils;

1 (D) an assessment of how such perform-
2 ance standards would impact existing regional
3 or fishery-specific technologies currently in use
4 and recommendations regarding ensuring con-
5 tinued use or improvement of these technologies
6 if such performance standards are established;

7 (E) a list of knowledge gaps or additional
8 questions the Secretary should consider before
9 publishing such performance standards;

10 (F) recommendations regarding ensuring
11 cost-effectiveness of electronic technologies for
12 fisheries data collection and management;

13 (G) recommendations to address data stor-
14 age problems of electronic technologies;

15 (H) recommendations regarding ownership
16 of data collected using electronic technology;
17 and

18 (I) recommendations regarding policies and
19 procedures to develop and implement electronic
20 technologies for fisheries data collection and
21 management.

22 (5) EXEMPTION FROM THE FEDERAL ADVISORY
23 COMMITTEE ACT.—Chapter 10 of title 5, United
24 States Code (commonly known as the “Federal Advi-

1 sory Committee Act”), does not apply to the Advi-
2 sory Panel.

3 (6) RULE OF CONSTRUCTION.—Nothing in this
4 subsection may be construed to preclude any Council
5 from independently developing electronic tech-
6 nologies to be used in fisheries data collection and
7 management.

8 **SEC. 403. STOCK ASSESSMENTS.**

9 Not later than 1 year after the date of the enactment
10 of this section, and annually thereafter, the Secretary shall
11 submit to the Committee on Natural Resources of the
12 House of Representatives and the Committee on Com-
13 merce, Science, and Transportation of the Senate a report
14 regarding the progress of the National Marine Fisheries
15 Service with respect to prioritizing and improving stock
16 assessments, including—

17 (1) a summary of the methods used for assess-
18 ments for all stocks of fish for which a fishery man-
19 agement plan is in effect under the Magnuson-Ste-
20 vens Fishery Conservation and Management Act (16
21 U.S.C. 1801 et seq.), and explain which stocks of
22 fish have not been assessed, and why;

23 (2) a summary of each stock assessment and
24 stock assessment update completed during the pre-
25 ceding year;

1 (3) an identification of each stock assessment
2 that was planned but not completed and explain why
3 such stock assessment was not completed;

4 (4) the schedule for all upcoming stock assess-
5 ments and stock assessment updates;

6 (5) a summary of data and analysis, that, if
7 available, would reduce uncertainty in and improve
8 the accuracy of future stock assessments, including
9 whether such data and analysis could be provided by
10 fishermen, fishing communities, universities, and re-
11 search institutions;

12 (6) a summary of the progress with respect to
13 autonomous surveys and an identification of oppor-
14 tunities to expand new technologies for stock assess-
15 ments data collection; and

16 (7) a summary of data gaps that may be a re-
17 sult of changing ocean and climate conditions, and
18 actions taken to address changing assessment needs.

19 **SEC. 404. COOPERATIVE RESEARCH AND MANAGEMENT.**

20 (a) IN GENERAL.—Section 318 (16 U.S.C. 1867) is
21 amended—

22 (1) in subsection (a), by inserting “fishing com-
23 munities,” after “data,”;

24 (2) by amending subsection (b) to read as fol-
25 lows:

1 “(b) ELIGIBLE PROJECTS.—

2 “(1) IN GENERAL.—The Secretary shall make
3 funds available under the program established under
4 subsection (a) on a competitive basis and based on
5 regional fishery management needs to support coop-
6 erative research and management projects to ad-
7 dress critical needs identified by the Councils.

8 “(2) SUBMISSION OF CRITICAL NEEDS LIST.—
9 Each Council shall annually submit a list of critical
10 needs to the Secretary that identifies and prioritizes
11 such needs.

12 “(3) USE OF DATA.—The program established
13 under subsection (a) shall promote and encourage
14 efforts to use sources of data maintained by other
15 Federal agencies, State agencies, local and tradi-
16 tional knowledge, or academia for use in such
17 projects.”;

18 (3) by amending subsection (c) to read as fol-
19 lows:—

20 “(c) PRIORITIES.—In making funds available under
21 subsection (b), the Secretary shall select projects that
22 form part of a coherent program of cooperative research
23 or management projects focused on addressing priority
24 issues identified by the Councils, and shall give priority
25 to the following types of projects:

1 “(1) Projects to collect data to improve, supple-
2 ment, or enhance stock assessments, including the
3 use of fishing vessels or acoustic or other marine
4 technology.

5 “(2) Projects to improve fishery-dependent data
6 collection, intake, use, and access including—

7 “(A) to assess the amount and type of by-
8 catch or post-release mortality occurring in a
9 fishery;

10 “(B) expanding the use of electronic tech-
11 nology and modernizing data management sys-
12 tems; and

13 “(C) improving monitoring coverage
14 through the expanded use of electronic tech-
15 nology.

16 “(3) Conservation engineering or management
17 projects designed to reduce bycatch, including avoid-
18 ance of post-release mortality, reduction of bycatch
19 in high seas fisheries, and transfer of such fishing
20 technologies and methods to other nations, or other
21 regional entities, including fishing communities, re-
22 gional fishery associations, and fishing sectors.

23 “(4) Projects for the identification of habitat
24 areas of particular concern and for habitat conserva-
25 tion.

1 “(5) Projects designed to collect and compile
2 economic and social data for which electronic tech-
3 nologies can be added.

4 “(6) Projects to test and expand electronic
5 technologies for monitoring, reporting, observer cov-
6 erage, and other functions.

7 “(7) Projects that use electronic technologies
8 to—

9 “(A) monitor changing ocean conditions;

10 “(B) improve methods;

11 “(C) support adaptive management; and

12 “(D) enhance climate resilience in fish-
13 eries.

14 “(8) Projects designed—

15 “(A) to identify the impacts of anticipated
16 changing ocean conditions, including climate
17 change, on stocks of fish, fisheries, and fishing
18 communities; or

19 “(B) to develop conservation and manage-
20 ment strategies to adapt to such impacts.

21 “(9) Cooperative management projects that
22 make use of data collected under this section.

23 “(10) Projects to better understand—

24 “(A) interactions between sharks and hu-
25 mans;

1 “(B) what causes increases in such inter-
2 actions;

3 “(C) the status of shark populations; and

4 “(D) how to best address such interactions
5 to benefit both sharks and humans.”;

6 (4) by redesignating subsections (e) and (f) as
7 subsections (f) and (g), respectively;

8 (5) by inserting after subsection (d) the fol-
9 lowing:

10 “(e) COOPERATIVE MANAGEMENT AGREEMENTS.—

11 “(1) IN GENERAL.—Not later than 1 year after
12 the date of the enactment of the Sustaining Amer-
13 ica’s Fisheries for the Future Act of 2024, the Sec-
14 retary, in consultation with the Councils and with
15 input from the public, shall issue guidance to facili-
16 tate a transparent, timely, uniform, and regionally
17 based process for the development, oversight, and
18 management of cooperative management agree-
19 ments.

20 “(2) PROCESS FOR APPROVAL.—The Secretary
21 may use the process developed pursuant to sub-
22 section (d) to approve cooperative management
23 agreements as if such agreements are cooperative
24 fishing agreements.

1 “(3) PERFORMANCE STANDARDS.—An agree-
2 ment authorized by this subsection shall be subject
3 to performance standards and accountability meas-
4 ures specified in a fishery management plan or oth-
5 erwise established by the Secretary, in consultation
6 with the Councils, and shall not allow catch in excess
7 of annual catch limits or bycatch in excess of by-
8 catch caps or limits.

9 “(4) PREEXISTING AGREEMENTS.—This sub-
10 section shall not apply to a cooperative management
11 agreement submitted to or proposed or approved by
12 the Secretary before the date of the enactment of
13 the Sustaining America’s Fisheries for the Future
14 Act of 2024.”; and

15 (6) by adding at the end the following:

16 “(h) PUBLIC REPORT OF DATA.—With respect to
17 any cooperative research project funded or experimental
18 fishing permit issued under this section, the appropriate
19 Council shall publish a report regarding results and data
20 generated by such project or under such permit.

21 “(i) PROGRESS REPORT.—Not later than 180 days
22 after the date of the enactment of the Sustaining Amer-
23 ica’s Fisheries for the Future Act of 2024, the Assistant
24 Administrator for Fisheries shall submit to Congress a re-
25 port regarding—

1 “(1) the progress made by the National Marine
2 Fisheries Service with respect to the implementation
3 of the recommendations of the Cooperative Research
4 and Cooperative Management Working Group report
5 titled ‘NOAA Technical Memorandum NMFS–F/
6 SPO–156’ (August 2015); and

7 “(2) the development and implementation of
8 any subsequent recommendations by such Working
9 Group.”.

10 (b) FINDINGS.—Section 2(a)(8) (16 U.S.C.
11 1801(a)(8)) is amended by inserting “Fisheries manage-
12 ment is most effective when it uses the best scientific in-
13 formation available, and incorporates such information
14 from governmental and nongovernmental sources, includ-
15 ing State and Federal agency staff, fishermen, fishing
16 communities, universities, nonprofit organizations, local
17 and traditional knowledge from Tribes, Indigenous com-
18 munities, and subsistence fishermen, and research institu-
19 tions. Scientific and statistical committees should consider
20 such information when seeking the best scientific informa-
21 tion available to form the basis of conservation and man-
22 agement.” after “States.”.

1 **SEC. 405. NORTHEAST REGIONAL PILOT RESEARCH TRAWL**
2 **SURVEY AND STUDY.**

3 (a) INDUSTRY-BASED PILOT STUDY.—Not later than
4 1 year after the date of the enactment of this section, the
5 Secretary shall, in coordination with the relevant Councils
6 as determined by the Secretary and the Northeast Area
7 Monitoring and Assessment Program, develop a fishing in-
8 dustry-based Northeast regional pilot research trawl sur-
9 vey and study to enhance and improve the current Na-
10 tional Oceanic and Atmospheric Administration vessel
11 trawl surveys.

12 (b) COMPONENTS.—Under the pilot survey and
13 study—

14 (1) the Secretary—

15 (A) may select fishing industry vessels to
16 participate in the study by issuing a request for
17 procurement;

18 (B) may use the Northeast Area Moni-
19 toring and Assessment Program Southern New
20 England/Mid-Atlantic Nearshore Trawl Survey
21 or another methodology selected in partnership
22 with the National Marine Fisheries Service
23 Northeast Fisheries Science Center and the Vir-
24 ginia Institute of Marine Science as a model for
25 the pilot survey;

1 (C) shall outfit participating vessels with a
2 peer-reviewed net configuration; and

3 (D) shall ensure the pilot study uses a sta-
4 tistically valid sampling method and spatial cov-
5 erage that allows for comparison with results
6 from the National Oceanic and Atmospheric
7 Administration vessel trawl surveys; and

8 (2) the National Marine Fisheries Service
9 Northeast Fisheries Science Center shall, in partner-
10 ship with the relevant Councils and the Virginia In-
11 stitute of Marine Science, collect data for 5 years.

12 (c) REPORT.—Upon completion of the pilot survey
13 and study, the Secretary and the relevant Councils shall
14 submit to the Committee on Natural Resources of the
15 House of Representatives and the Committee on Com-
16 merce, Science, and Transportation of the Senate a de-
17 tailed report regarding the results of the pilot survey and
18 study.

19 **SEC. 406. RECREATIONAL DATA CONSISTENCY.**

20 (a) IN GENERAL.—Section 305 (16 U.S.C. 1855) is
21 amended by adding at the end the following:

22 “(m) RECREATIONAL DATA IMPROVEMENT.—

23 “(1) IN GENERAL.—Not later than 2 years
24 after the date of the enactment of the Sustaining
25 America’s Fisheries for the Future Act of 2024, the

1 Secretary shall establish guidelines for recreational
2 catch data, which shall include the development of
3 data standards to improve timeliness, accuracy, pre-
4 cision, and validation of data produced by rec-
5 reational surveys in order to facilitate the use of
6 such data in stock assessments, for use in manage-
7 ment actions, and for other uses as applicable.

8 “(2) RECOMMENDATIONS CONSIDERED.—In es-
9 tablishing guidelines under paragraph (1), the Sec-
10 retary shall consider the relevant recommendations
11 developed under section 404(e), subsections
12 (g)(4)(C) and (h) of section 401, and section 201(b)
13 of the Modernizing Recreational Fisheries Manage-
14 ment Act of 2018 (16 U.S.C. 1881 note).

15 “(3) MULTIPLE DATA SOURCES.—If rec-
16 reational catch data for a stock of fish come from
17 more than 1 survey program, such as Federal and
18 non-Federal sources, including from States or Ma-
19 rine Fisheries Commissions, the Secretary shall im-
20 plement measures, which may include the use of
21 calibration methods, as needed for the timely inte-
22 gration of such data to ensure consistent methods
23 and approaches are used for monitoring of catch
24 against the relevant annual catch limits and for
25 other fishery science and management purposes.”.

1 (b) RECREATIONAL DATA IMPROVEMENT PRO-
2 GRAM.—Title IV (16 U.S.C. 1881 et seq.) is amended by
3 adding at the end the following:

4 **“SEC. 409. RECREATIONAL DATA IMPROVEMENT PROGRAM.**

5 “(a) IN GENERAL.—The Secretary shall establish
6 and carry out a comprehensive program to implement the
7 guidelines established under section 305(m).

8 “(b) COORDINATION AND COLLABORATION.—In car-
9 rying out the program established under subsection (a),
10 the Secretary shall coordinate with programs established
11 under subsection 401(g) and promote collaboration with
12 State and Federal partners.

13 “(c) STRATEGIC PLAN.—

14 “(1) IN GENERAL.—Not later than 1 year after
15 the date of the enactment of the Sustaining Amer-
16 ica’s Fisheries for the Future Act of 2024, and not
17 less frequently than once every 5 years thereafter,
18 the Secretary shall develop, publish in the Federal
19 Register, and submit to the Committee on Com-
20 merce, Science, and Transportation of the Senate
21 and the Committee on Natural Resources of the
22 House of Representatives a strategic plan for rec-
23 reational data improvements for the 5 years imme-
24 diately following such publication.

1 “(2) REQUIREMENTS.—Each plan published
2 under paragraph (1) shall—

3 “(A) improve coordination between Federal
4 programs that implement recreational fishing
5 surveys and other data from non-Federal
6 sources, including data from States or Marine
7 Fisheries Commissions;

8 “(B) improve the timeliness, accuracy, pre-
9 cision, and validation of data produced by sur-
10 veys;

11 “(C) describe processes to calibrate data
12 sources with historical time series data prior to
13 being used for management;

14 “(D) develop methods to integrate rec-
15 reational data collected from more than 1
16 source for use in stock assessments;

17 “(E) create goals, objectives, and time-
18 frames for achievement of subparagraphs (A)
19 through (D);

20 “(F) consider the use and effectiveness of
21 experimental fishing permits to carry out such
22 research; and

23 “(G) describe the role of fishery partici-
24 pants in the program.

1 “(3) COORDINATION.—In developing each stra-
2 tegic plan under paragraph (1), the Secretary shall
3 cooperate with the Councils and affected States, pro-
4 vide for coordination with the Councils, affected
5 States, and other research and data collection enti-
6 ties, and allow for public input.

7 “(4) PROPOSED PLAN.—Prior to publishing
8 each plan under paragraph (1), the Secretary shall
9 publish a proposed plan in the Federal Register for
10 the purpose of receiving public comment on the plan.

11 “(d) AREAS OF RESEARCH.—In carrying out the pro-
12 gram established under subsection (a), the Secretary shall
13 prioritize research and improvement in the following
14 areas:

15 “(1) Development of data standards and valida-
16 tion processes for survey programs collecting data on
17 recreational fishing catch and effort, including those
18 produced by State agencies and considered integral
19 or supplemental to Federal surveys.

20 “(2) Research to understand how surveys of
21 recreational fishing can more effectively account for
22 differences in fishing rate and effort, including
23 among fishermen who use private or public access
24 points, and fishermen who are State residents or
25 nonresidents.

1 “(3) Methods and policies to improve the esti-
2 mation of discards in recreational fisheries, including
3 estimation of discarded fish both during and outside
4 of fishing seasons.

5 “(4) To improve understanding of best prac-
6 tices for minimizing discard mortality as well as esti-
7 mation of adoption rates of such practices by fisher-
8 men.

9 “(5) To assess changes in discard mortality es-
10 timates when best fishing practices are adequately
11 and verifiably applied.

12 “(6) Research regarding how the use of elec-
13 tronic applications can be used to collect data in rec-
14 reational fisheries, including spatial information,
15 depth, discard rate and disposition, release method,
16 and socioeconomic information, while meeting data
17 and validation standards.

18 “(7) Research regarding how electronic tech-
19 nologies can most effectively be incorporated into
20 survey designs.

21 “(8) Research regarding methods to integrate
22 recreational catch data from more than 1 survey
23 source for use in assessments.

24 “(9) The use of approaches to improve rec-
25 reational data, including the use of tag and endorse-

1 (2) in subsection (a), by inserting “Zeke Grader”
2 er” before “Fisheries Conservation and Management
3 Fund”;

4 (3) in subsection (c), by striking “Fishery Con-
5 servation and Management Fund” each place such
6 term appears and inserting “Zeke Grader Fisheries
7 Conservation and Management Fund”;

8 (4) in subsection (b)—

9 (A) in paragraph (6), by striking “and” at
10 the end;

11 (B) in paragraph (7), by striking the pe-
12 riod at the end and inserting “; and”; and

13 (C) by adding at the end the following:

14 “(8) conducting research and analysis to pre-
15 pare and adapt fisheries and fishing communities to
16 the effects of climate change.”; and

17 (5) by amending subsection (d) to read as fol-
18 lows:

19 “(d) ALLOCATION.—

20 “(1) IN GENERAL.—Except as provided in para-
21 graphs (2) and (3), the Secretary shall, every 2
22 years, apportion amounts from the Fund among the
23 regions of each Council according to recommenda-
24 tions of such Councils, based on regional priorities
25 identified through the process of such Councils.

1 “(2) MINIMUM ALLOCATION.—In the case of
2 amounts deposited in the Fund pursuant to sub-
3 section (c)(2), unless specified otherwise, the Sec-
4 retary shall allocate not less than 5 percent of the
5 Fund in each allocation period to each region de-
6 scribed in paragraph (1).

7 “(3) SPECIFICALLY APPORTIONED FUNDS.—
8 The Secretary may apportion amounts from the
9 Fund to a specific project or region described in
10 paragraph (1) if such amounts were identified by the
11 Council that designated such amounts for inclusion
12 in the Fund under subsection (c)(1), or by the ap-
13 propriation Act, State, public source, or nonprofit or
14 organization from which they were received under
15 subsection (c)(2), as being deposited for that specific
16 project or region.”.

17 (b) REFERENCES.—Any reference in a law, map, reg-
18 ulation, document, paper, or other record of the United
19 States to the “Fisheries Conservation and Management
20 Fund” is deemed to be a reference to the “Zeke Grader
21 Fisheries Conservation and Management Fund”.

22 (c) CLERICAL AMENDMENT.—The table of contents
23 for the Magnuson-Stevens Fishery Conservation and Man-
24 agement Reauthorization Act of 2006 (Public Law 109–

1 479) is amended by striking the item relating to section
2 208 and inserting the following:

“Sec. 208. Zeke Grader Fisheries Conservation and Management Fund.”.

3 **SEC. 409. OFFSHORE WIND COLLABORATION.**

4 The Secretary and the Secretary of the Interior, act-
5 ing through the Director of the Bureau of Ocean Energy
6 Management, shall enter into a cooperative agreement to
7 fund such survey mitigation programs, additional stock as-
8 sessments, and fisheries and marine wildlife research as
9 may be necessary as a result of actions by such Bureau
10 related to the development of offshore wind energy.

11 **SEC. 410. SHARK POPULATIONS ANALYSIS.**

12 Not later than 1 year after the date of the enactment
13 of this section, the Secretary shall develop a strategy to
14 identify research priorities and funding opportunities to
15 update and improve shark research, shark population sur-
16 veys, and shark stock assessments, and incorporate, as ap-
17 plicable, new and emerging survey technology techniques
18 to integrate into the status of stock reports.

19 **TITLE V—SUSTAINING FISHERIES THROUGH HEALTHY**
20 **ECOSYSTEMS AND IMPROVED**
21 **MANAGEMENT**

22 **SEC. 501. SENSE OF CONGRESS.**

23 It is the sense of Congress that protection of essential
24 fish habitat ensures healthy and resilient fisheries and ma-
25

1 rine ecosystems, particularly as oceans conditions shift
2 due to climate change, and that impacts from both fishing
3 gear and nonfishing activities should be considered
4 through consistent application of essential fish habitat
5 provisions under the Magnuson-Stevens Fishery Conserva-
6 tion and Management Act (16 U.S.C. 1801 et seq.).

7 **SEC. 502. ESSENTIAL FISH HABITAT CONSULTATION.**

8 (a) PURPOSE.—Section 2(b)(7) (16 U.S.C.
9 1801(b)(7)) is amended by striking “in the review of
10 projects” and inserting “from adverse effects caused by
11 fishing and from projects”.

12 (b) HABITAT AREA OF PARTICULAR CONCERN.—Sec-
13 tion 3 (16 U.S.C. 1802) is amended—

14 (1) by redesignating paragraph (1) as para-
15 graph (1A);

16 (2) by inserting before paragraph (1A), as so
17 redesignated, the following:

18 “(1) The term ‘adverse effect’ means, with re-
19 spect to essential fish habitat, any impact that re-
20 duces the quality or quantity of essential fish habi-
21 tat.”; and

22 (3) by inserting after paragraph (19) the fol-
23 lowing:

1 “(19A) The term ‘habitat area of particular
2 concern’ means a specific type or area of habitat
3 that is part of or within essential fish habitat that—

4 “(A) provides an important ecological func-
5 tion, including maintaining and restoring the
6 biomass, demographic, spatial, or genetic char-
7 acteristics of fish populations;

8 “(B) is sensitive to human-induced envi-
9 ronmental degradation;

10 “(C) is or will be significantly stressed by
11 human activities;

12 “(D) due to prevailing or anticipated fu-
13 ture environmental conditions, is or may be-
14 come important to the health of a managed spe-
15 cies; or

16 “(E) is rare.”.

17 (c) CONTENTS OF FISHERY MANAGEMENT PLANS.—

18 Section 303(a)(7) (16 U.S.C. 1853(a)(7)) is amended to
19 read as follows:

20 “(7)(A) describe and identify essential fish
21 habitat for the fishery based on the guidelines estab-
22 lished by the Secretary under section 305(b)(1)(A),
23 minimize adverse effects on essential fish habitat
24 caused by fishing, and identify other actions to en-

1 courage the conservation and enhancement of essen-
2 tial fish habitat; and

3 “(B) describe and identify habitat areas of par-
4 ticular concern based on the guidelines established
5 by the Secretary under section 305(b)(1)(A), avoid
6 adverse effects on such habitat caused by fishing,
7 monitor efficacy of actions to avoid adverse effects,
8 and identify other actions to encourage the conserva-
9 tion and enhancement of such habitat;”.

10 (d) ESSENTIAL FISH HABITAT.—Section 305(b) (16
11 U.S.C. 1855(b)) is amended—

12 (1) in paragraph (1)(D)—

13 (A) by inserting “use existing programs
14 administered by the Secretary and” after
15 “shall”; and

16 (B) by inserting “and such agencies shall
17 take action” after “agencies”;

18 (2) by striking paragraphs (2) through (4); and

19 (3) by adding at the end the following:

20 “(2) REQUIREMENTS FOR FEDERAL AGENCY
21 ACTIONS WITH ADVERSE EFFECT.—Each Federal
22 agency shall—

23 “(A) with respect to an action authorized,
24 funded, or undertaken, or proposed to be au-
25 thorized, funded, or undertaken, by such agency

1 that may adversely affect essential fish habitat
2 identified under this Act, notify and consult
3 with the Secretary;

4 “(B) with respect to an action that may
5 adversely affect essential fish habitat, ensure
6 that any action authorized, funded, or under-
7 taken by such agency avoids the adverse effect
8 of such action on essential fish habitat or, to
9 the extent that the adverse effect cannot be
10 avoided, minimize and mitigate the adverse ef-
11 fect; and

12 “(C) with respect to an action that may
13 adversely affect a habitat area of particular
14 concern, in consultation with the Secretary—

15 “(i) monitor, or require monitoring
16 for, such adverse effect for the period dur-
17 ing which such adverse effect is likely to
18 occur; or

19 “(ii) take action to minimize and miti-
20 gate such adverse effect of the action on
21 the habitat area of particular concern and
22 the species with respect to which the habi-
23 tat area of particular concern is des-
24 ignated.

1 “(3) INFORMATION TO COUNCIL.—The Sec-
2 retary shall inform each Council that has authority
3 over an affected fishery of any consultation carried
4 out under this subsection, including information re-
5 garding the proposed action and the potential ad-
6 verse effects, and each such Council—

7 “(A) may comment on and make rec-
8 ommendations to the Secretary and any Federal
9 or State agency concerning any activity author-
10 ized, funded, or undertaken, or proposed to be
11 authorized, funded, or undertaken, by any Fed-
12 eral or State agency that, in the view of the
13 Council, may affect the habitat, including es-
14 sential fish habitat, of a fishery resource under
15 the authority of such Council; and

16 “(B) shall comment on and make rec-
17 ommendations to the Secretary and any Federal
18 or State agency concerning any such activity
19 that, in the view of the Council, is likely to sub-
20 stantially affect the habitat, including essential
21 fish habitat, of an anadromous fishery resource
22 under the authority of such Council.

23 “(4) INFORMATION FROM OTHER SOURCES.—

24 “(A) RECEIPT OF INFORMATION.—If the
25 Secretary determines based on information re-

1 ceived from a Council, Federal or State agency,
2 or other source that an action authorized, fund-
3 ed, or undertaken, or proposed to be author-
4 ized, funded, or undertaken, by a Federal or
5 State agency will adversely affect essential fish
6 habitat identified under this Act—

7 “(i) the Secretary shall recommend to
8 such agency measures for such agency to
9 take to avoid such adverse effects; and

10 “(ii) to the extent such adverse effects
11 cannot be avoided, such agency shall mini-
12 mize and mitigate such adverse effects.

13 “(B) REQUIRED RESPONSE.—

14 “(i) IN GENERAL.—The head of a
15 Federal agency that receives a rec-
16 ommendation from the Secretary under
17 subparagraph (A) regarding measures for
18 such agency to take to avoid the adverse
19 effects of an action described in that sub-
20 paragraph on essential fish habitat identi-
21 fied under this Act shall, not later than 30
22 days after the date on which such agency
23 head receives such recommendation, sub-
24 mit to the Secretary and each Council that
25 comments under paragraph (3) a detailed

1 response in writing regarding such rec-
2 ommendation, including—

3 “(I) a description of each meas-
4 ure such agency proposes to take to
5 avoid the adverse effects;

6 “(II) to the extent the adverse ef-
7 fects cannot be avoided, a description
8 of each measure such agency proposes
9 to take to minimize and mitigate the
10 adverse effects of the action on such
11 essential fish habitat; and

12 “(III) if such response is incon-
13 sistent with such recommendation an
14 explanation regarding—

15 “(aa) how each measure de-
16 scribed in subclause (I) will avoid
17 such adverse effects; and

18 “(bb) to the extent such ad-
19 verse effects cannot be avoided, a
20 description of each measure such
21 agency proposes to take to mini-
22 mize and mitigate such adverse
23 effects.

24 “(C) PUBLICATION.—The Secretary shall
25 make available to the public—

1 “(i) each recommendation made under
2 subparagraph (A) on the date on which
3 such recommendation is made; and

4 “(ii) each response made by an agency
5 under subparagraph (B) on the date on
6 which such response is received by the Sec-
7 retary.

8 “(D) MONITORING.—The Secretary shall
9 monitor each measure taken by each Federal
10 agency to meet the requirements of this sub-
11 section.

12 “(5) REGULATIONS.—The Secretary shall issue
13 regulations regarding the consultation process estab-
14 lished under this subsection, including—

15 “(A) ensuring that each recommendation
16 made by the Secretary under paragraph (4) re-
17 sults in the avoidance of adverse effects on es-
18 sential fish habitat and, to the extent adverse
19 effects cannot be avoided, the minimization and
20 mitigation of any such adverse effects;

21 “(B) measures to streamline such con-
22 sultation process with other environmental re-
23 view processes; and

24 “(C) procedures to develop programmatic
25 recommendations for measures that avoid, mini-

1 mize, and mitigate adverse impacts of actions
2 on essential fish habitat.

3 “(6) REQUIRED RESTRICTIONS.—A Federal
4 agency may not enter into a lease, easement, right-
5 of-way, or sale of any area designated as essential
6 fish habitat unless such agency attaches appropriate
7 covenants or restrictions on the use of the area to
8 require that parties avoid causing adverse effects to
9 the relevant essential fish habitat.

10 “(7) CONSIDERATIONS FOR RESTORATION
11 PROJECTS.—In consulting with a Federal agency
12 under this section for projects that seek to restore
13 and improve the long-term resilience of habitat, par-
14 ticularly in estuarine environments heavily affected
15 by sea level rise and other climate change factors,
16 the Secretary shall account for the consequences of
17 not pursuing such restoration and habitat resilience
18 projects and the long-term positive impacts on fish
19 populations of such activities.”.

20 **SEC. 503. REDUCING BYCATCH.**

21 (a) MINIMIZING BYCATCH.—

22 (1) NATIONAL STANDARDS FOR FISHERY CON-
23 SERVATION AND MANAGEMENT.—Section 301(a)(9)
24 (16 U.S.C. 1851(a)(9)) is amended to read as fol-
25 lows:

1 “(9) Conservation and management measures
2 shall—

3 “(A) minimize bycatch; and

4 “(B) to the extent bycatch cannot be
5 avoided, minimize the mortality of such by-
6 catch.”.

7 (2) CONTENTS OF FISHERY MANAGEMENT
8 PLANS.—Section 303 (16 U.S.C. 1853) is amend-
9 ed—

10 (A) in subsection (a)—

11 (i) in paragraph (5), by inserting
12 “quantification of bycatch,” after “hauls,”;
13 and

14 (ii) in paragraph (11), by striking “to
15 the extent practicable and”; and

16 (B) in subsection (b)—

17 (i) in paragraph (12), by striking
18 “and” at the end; and

19 (ii) by inserting after paragraph (12)
20 the following:

21 “(13) consider full retention requirements for
22 species with high catch mortality rates, provided
23 that an annual catch limit and accountability meas-
24 ures are in place for the species and constrain catch
25 in the fishery; and”.

1 (3) ACTION BY THE SECRETARY.—Section 304
2 (16 U.S.C. 1854) is amended—

3 (A) by redesignating the second subsection
4 (i) as subsection (j); and

5 (B) by adding at the end the following:

6 “(k) STANDARDIZED BYCATCH REPORTING PRO-
7 GRAM.—

8 “(1) ESTABLISHMENT.—Not later than 3 years
9 after the date of the enactment of the Sustaining
10 America’s Fisheries for the Future Act of 2024, the
11 Secretary shall establish a national standardized re-
12 porting program (referred to in this subsection as
13 ‘the program’)—

14 “(A) to assess the amount and type of by-
15 catch occurring in each fishery and across fish-
16 eries;

17 “(B) to determine the contribution of by-
18 catch to the total fishing-related mortality of
19 each fishery; and

20 “(C) to evaluate the effects of bycatch on
21 relevant fisheries and the ecosystem.

22 “(2) METHODOLOGY AND STANDARDS.—The
23 Secretary shall, in carrying out the program—

24 “(A) identify appropriate methodologies
25 and standards to collect and produce statis-

1 tically accurate and precise information regard-
2 ing bycatch; and

3 “(B) require consistent data reporting, col-
4 lection, and assessment for each fishery man-
5 aged under a fishery management plan.

6 “(3) MULTIPLE JURISDICTIONS.—If a species is
7 caught in areas under the jurisdiction of more than
8 1 Council or fishery management plan, the Secretary
9 shall require consistent reporting mechanisms across
10 each such jurisdiction to ensure that data with re-
11 spect to such species can be aggregated and com-
12 pared.

13 “(4) COORDINATION WITH STATES.—The Sec-
14 retary shall coordinate with State fishery managers
15 to carry out paragraph (3).”.

16 (b) BYCATCH REDUCTION ENGINEERING PRO-
17 GRAM.—Section 316 (16 U.S.C. 1865) is amended—

18 (1) in subsection (a)—

19 (A) by inserting “(in this section referred
20 to as the ‘program’)” after “bycatch reduction
21 program”; and

22 (B) by striking paragraphs (3) and (4) and
23 inserting the following:

24 “(3) provide information, outreach, technical
25 assistance, and training to Councils, tribes, and fish-

1 ery participants that will encourage adoption and
2 use of technologies and methods developed under the
3 program; and

4 “(4) provide for routine consultation with the
5 Councils to maximize opportunities to incorporate
6 results of the program in Council actions and pro-
7 vide incentives for adoption of technologies and
8 methods developed under the program in fishery
9 management plans, actions, and other measures de-
10 veloped by the Councils or the Secretary.”; and

11 (2) in subsection (d)—

12 (A) by striking “transmit an annual re-
13 port” and inserting “, not less frequently than
14 once every 3 years, transmit a report”;

15 (B) in paragraph (2), by striking “and” at
16 the end;

17 (C) in paragraph (3), by striking the pe-
18 riod at the end and inserting “; and”;

19 (D) by adding at the end the following:

20 “(4) includes a description of each bycatch re-
21 duction technology and method developed, tested, or
22 supported by the program, and a summary of how
23 each such technology and method have been imple-
24 mented into fishery management, or an explanation

1 for why each such technology and method has not
2 been implemented.”.

3 **SEC. 504. IMPROVING REBUILDING OUTCOMES.**

4 Section 304(e) (16 U.S.C. 1854(e)) is amended to
5 read as follows:—

6 “(e) REBUILDING OVERFISHED FISHERIES AND
7 ENDING OVERFISHING.—

8 “(1) DETERMINATION OF STATUS.—

9 “(A) IN GENERAL.—The Secretary shall
10 determine, at any time based on the best sci-
11 entific information available, for each stock of
12 fish within the geographic area of authority of
13 each Council (or the Secretary, for stocks of
14 fish managed under section 302(a)(3)), whether
15 each such stock of fish is—

16 “(i) subject to overfishing;

17 “(ii) overfished; or

18 “(iii) approaching a condition of being
19 overfished.

20 “(B) CRITERIA FOR DETERMINATION.—

21 “(i) CRITERIA PROVIDED BY MAN-
22 AGING DOCUMENT.—In making a deter-
23 mination under subparagraph (A), the Sec-
24 retary shall, with respect to a stock of fish
25 managed under a stock of fish manage-

1 ment plan or international agreement, use
2 the criteria specified in such plan or agree-
3 ment.

4 “(ii) APPROACHING A CONDITION OF
5 BEING OVERFISHED.—In making a deter-
6 mination under subparagraph (A), the Sec-
7 retary shall classify a stock of fish as ap-
8 proaching a condition of being overfished
9 if, based on trends in fishing effort, fishery
10 resource size, and other appropriate fac-
11 tors, the Secretary estimates that the stock
12 of fish will become overfished within 2
13 years.

14 “(iii) STOCKS OF FISH LACKING CRI-
15 TERIA.—For stocks of fish that lack cri-
16 teria as required under section 303(a)(10),
17 the Secretary shall determine whether the
18 stock of fish is subject to overfishing or
19 overfished using the best available sci-
20 entific information.

21 “(2) PUBLICATION.—

22 “(A) IN GENERAL.—The Secretary shall
23 publish each determination made under para-
24 graph (1) in the Federal Register.

1 “(B) NOTIFICATION OF COUNCIL.—If the
2 Secretary determines that a stock of fish is sub-
3 ject to overfishing, overfished, or approaching a
4 condition of being overfished under paragraph
5 (1), the Secretary shall immediately notify the
6 appropriate Council and request that action be
7 taken—

8 “(i) to end overfishing with respect to
9 the stock of fish immediately;

10 “(ii) for a stock of fish that is over-
11 fished, to end overfishing immediately and
12 to implement conservation and manage-
13 ment measures to rebuild the affected
14 stock of fish; or

15 “(iii) for a stock of fish that is ap-
16 proaching a condition of being overfished,
17 to end overfishing immediately and prevent
18 the stock of fish from reaching a over-
19 fished condition.

20 “(C) ANNUAL REPORT.—The Secretary
21 shall annually submit to Congress and each
22 Council a report regarding the status of each
23 stock of fish, including—

1 “(i) a list of each determination made
2 with respect to a stock of fish under para-
3 graph (1) during the preceding year;

4 “(ii) an identification of each stock of
5 fish managed under this Act that is under
6 a rebuilding plan or in need of a rebuilding
7 plan (as specified by this section), includ-
8 ing—

9 “(I) specifying the number of
10 years the stock of fish has been in a
11 rebuilding plan;

12 “(II) the anticipated length in
13 years of the current rebuilding plan of
14 the stock of fish;

15 “(III) the number of rebuilding
16 plans that have been implemented for
17 the stock of fish; and

18 “(IV) whether a lack of adequate
19 progress toward ending overfishing
20 and rebuilding has been found for the
21 stock of fish; and

22 “(iii) the use, as appropriate, of the
23 term ‘depleted’ to further describe an over-
24 fished stock of fish that has been signifi-
25 cantly impacted by environmental factors

1 in addition to (or in the absence of) fishing
2 pressure.

3 “(3) REQUIRED ACTION BY COUNCIL.—

4 “(A) DETERMINATION THAT REQUIRES AC-
5 TION.—Not later than 2 years after date on
6 which the Secretary makes any of the following
7 determinations, the appropriate Council (or the
8 Secretary, for a fishery managed under section
9 302(a)(3)) shall take an action described in
10 subparagraph (B):

11 “(i) A determination that a stock of
12 fish is subject to overfishing, overfished, or
13 approaching a condition of being over-
14 fished.

15 “(ii) A determination that a rebuild-
16 ing plan has failed under paragraph
17 (7)(C).

18 “(iii) A determination that a stock of
19 fish has reached the end of the time period
20 for a rebuilding plan under paragraph (8).

21 “(B) ACTIONS.—The actions described in
22 this subparagraph are—

23 “(i) with respect to a stock of fish
24 that is subject to overfishing, to end over-

1 fishing immediately and prevent over-
2 fishing of the stock;

3 “(ii) with respect to a stock of fish
4 that is overfished, to end overfishing imme-
5 diately and to rebuild the stock of fish; or

6 “(iii) with respect to a stock of fish
7 that is approaching a condition of being
8 overfished, to end overfishing immediately
9 and prevent the stock of fish from reaching
10 such condition.

11 “(4) REBUILDING PLAN REQUIRED.—For a
12 stock of fish that is overfished, any management
13 document prepared pursuant to paragraph (3) or (5)
14 for such fishery shall—

15 “(A) specify a time period for rebuilding
16 the stock of fish that shall—

17 “(i) be as short as possible, taking
18 into account the status and biology of over-
19 fished stocks of fish, the needs of fishing
20 communities, recommendations by inter-
21 national organizations in which the United
22 States participates, and the interaction of
23 the overfished stock of fish within the ma-
24 rine ecosystem; and

1 “(ii) not exceed the time the stock of
2 fish would be rebuilt in the absence of any
3 fishing mortality plus 1 mean generation;

4 “(B) allocate both overfishing restrictions
5 and recovery benefits fairly and equitably
6 among sectors of the fishery;

7 “(C) for a stock of fish managed under an
8 international agreement, reflect traditional par-
9 ticipation in the stock of fish, relative to other
10 nations, by fishermen of the United States; and

11 “(D) contain objective and measurable cri-
12 teria for evaluating rebuilding progress.

13 “(5) SECRETARIAL PLAN.—If a Council does
14 not meet the deadline described in paragraph (3)(A)
15 to submit a management document the Secretary
16 shall, not later than 9 months after the date on
17 which such deadline expires, prepare such manage-
18 ment document for the affected stock of fish under
19 subsection (c).

20 “(6) INTERIM MEASURES.—

21 “(A) IN GENERAL.—During the develop-
22 ment of a management document for a stock of
23 fish required by this subsection, a Council may
24 request that the Secretary implement interim
25 measures to reduce overfishing under section

1 305(c) until such measures can be replaced by
2 such management document.

3 “(B) MEASURES ALLOWED.—Interim
4 measures described in subparagraph (A), if oth-
5 erwise in compliance with the provisions of this
6 Act, may be implemented even if such measures
7 are not sufficient to stop overfishing of a fish-
8 ery.

9 “(7) ASSESSMENT OF REBUILDING PLAN.—

10 “(A) SECRETARIAL REVIEW.—

11 “(i) IN GENERAL.—The Secretary
12 shall review each management document
13 relating to a stock of fish required by this
14 subsection not less often than once every 2
15 years to determine whether such manage-
16 ment document has resulted in adequate
17 progress toward rebuilding affected stocks
18 of fish.

19 “(ii) LACK OF ADEQUATE
20 PROGRESS.—In carrying out a review
21 under clause (i), the Secretary shall find a
22 lack of adequate progress toward rebuild-
23 ing an affected stock of fish if—

24 “(I) the status of the stock of
25 fish is not improving sufficiently such

1 that it becomes unlikely that the stock
2 of fish will be rebuilt within the re-
3 building time period;

4 “(II) the applicable fishing mor-
5 tality rate or annual catch limits are
6 exceeded, and the causes and rebuild-
7 ing consequences of such exceedances
8 have not been corrected;

9 “(III) new scientific information
10 demonstrates that assumptions re-
11 garding the biology of the stock of
12 fish that formed the basis for the re-
13 building plan, such as the productivity
14 of the stock of fish, were fundamen-
15 tally inaccurate, and such inaccuracies
16 render the current rebuilding plan un-
17 able to address the rebuilding needs of
18 the stock of fish; or

19 “(IV) for such other reasons as
20 the Secretary determines appropriate.

21 “(B) FINDING OF INADEQUATE
22 PROGRESS.—

23 “(i) IN GENERAL.—Except as pro-
24 vided in subparagraph (C), if the Secretary
25 finds after a review under subparagraph

1 (A) that a management document has not
2 resulted in adequate progress toward re-
3 building affected stocks of fish, the Sec-
4 retary shall—

5 “(I) in the case of a stock of fish
6 to which section 302(a)(3) applies,
7 immediately make revisions necessary
8 to achieve adequate progress toward
9 rebuilding the stock of fish by the
10 deadline established under paragraph
11 (4); or

12 “(II) for all other stocks of fish,
13 immediately notify the appropriate
14 Council, which shall make revisions
15 necessary to achieve adequate
16 progress toward rebuilding the stock
17 of fish by not later than the deadline
18 established under paragraph (4).

19 “(ii) COUNCIL INACTION.—If a Coun-
20 cil fails to complete the action required
21 under subclause (II) by the date that is 9
22 months after the date of the Council re-
23 ceives a notification from the Secretary
24 under that subclause, the Secretary shall,
25 not later than 18 months after the date of

1 such notification, make such revisions as
2 are needed to ensure adequate progress to-
3 ward rebuilding the stock of fish by not
4 later than the rebuilding deadline estab-
5 lished under paragraph (4).

6 “(C) FAILED REBUILDING PLAN.—If the
7 Secretary finds that revisions pursuant to sub-
8 paragraph (B) cannot achieve adequate
9 progress within the time period set under para-
10 graph (4), the Secretary may find that the re-
11 building plan for the stock of fish has failed.

12 “(D) PUBLICATION.—The Secretary shall
13 publish the results of a review performed under
14 this paragraph in the Federal Register, includ-
15 ing a determination of adequate progress or in-
16 adequate progress, and the basis for such deter-
17 mination.

18 “(8) SUBSEQUENT REBUILDING PLAN.—

19 “(A) IN GENERAL.—If a rebuilding time
20 period established under paragraph (4) expires
21 and the relevant stock of fish has not been re-
22 built, or the Secretary determines that an exist-
23 ing rebuilding plan for a stock of fish has failed
24 under paragraph (7)(C), the Council (or Sec-
25 retary in the case of a stock of fish to which

1 section 302(a)(3) applies) shall prepare a new
2 rebuilding plan pursuant to paragraphs (3)
3 through (6), except that such plan shall have
4 not less than a 75-percent chance of rebuilding
5 the stock of fish by the end of the new rebuild-
6 ing time period set under paragraph (4).

7 “(B) MANAGEMENT MEASURES IN EF-
8 FECT.—Management measures intended to re-
9 build the stock of fish shall remain in effect
10 during the preparation of a rebuilding plan
11 under subparagraph (A).

12 “(9) MANAGEMENT DOCUMENT.—In this sub-
13 section, the term ‘management document’ means a
14 management plan, management plan amendment, or
15 proposed regulations for a stock of fish.”.

16 **SEC. 505. OVERFISHED FISHERIES AND PREVENTING OVER-**
17 **FISHING.**

18 (a) INFORMATION PROVIDED BY SCIENTIFIC AND
19 STATISTICAL COMMITTEES.—Section 302(g)(1) (16
20 U.S.C. 1852(g)(1)) is amended—

21 (1) in subparagraph (A), by inserting “ecologi-
22 cal,” after “social,”; and

23 (2) by amending subparagraph (B) to read as
24 follows:

1 “(B) Each scientific and statistical committee
2 shall provide its Council with ongoing scientific ad-
3 vice for fishery management decisions, including—

4 “(i) recommendations—

5 “(I) for accounting for all sources of
6 mortality in establishing management
7 measures;

8 “(II) for the acceptable biological
9 catch levels;

10 “(III) for preventing overfishing;

11 “(IV) for maximum sustainable yield;

12 and

13 “(V) for achieving rebuilding targets
14 and promoting resilience of stocks of fish
15 to climate change;

16 “(ii) objective and measurable criteria to
17 determine whether a stock of fish is overfished
18 or experiencing overfishing; and

19 “(iii) reports regarding stock status and
20 health, sources of mortality, bycatch, habitat
21 status, social, ecological, and economic impacts
22 of management measures, and sustainability of
23 fishing practices, and prevailing and anticipated
24 future impacts of climate change on stocks of
25 fish, fishing communities, and fishery sectors.”.

1 (b) MINIMUM REQUIRED PRECAUTIONARY STAND-
2 ARD.—Section 303(a)(10) (16 U.S.C. 1853(a)(10)) is
3 amended to read as follows:

4 “(10) specify objective and measurable criteria
5 for identifying when the stock of fish to which the
6 plan applies is overfished or subject to overfishing
7 (with an analysis of how such criteria were deter-
8 mined and the relationship of such criteria to the re-
9 productive potential of stocks of fish in that fishery),
10 which may not be less precautionary than the rec-
11 ommendation of the scientific and statistical commit-
12 tees for such fishery as required by section
13 302(g)(1)(B), and, in the case of a fishery which the
14 Council or the Secretary has determined is ap-
15 proaching a condition of being overfished or is over-
16 fished, contain conservation and management meas-
17 ures to prevent overfishing or end overfishing and
18 rebuild the fishery;”.

19 (c) TECHNICAL CORRECTION.—Section 301 of the
20 Modernizing Recreational Fisheries Management Act of
21 2018 (16 U.S.C. 1801 note) is amended to read as follows:

22 **“SEC. 301. RULE OF CONSTRUCTION.**

23 “Nothing in this Act, including the amendment made
24 by section 102(a)(3), may be construed to modify the re-
25 quirements of section 301(a), 302(h)(6), 303(a)(15), or

1 304(e) of the Magnuson-Stevens Fishery Conservation
2 and Management Act (16 U.S.C. 1851(a), 1852(h)(6),
3 1853(a)(15), or 1854(e)), or the equal application of such
4 requirements and other standards and requirements under
5 that Act (18 U.S.C. 1801 et seq.) to commercial, charter,
6 and recreational fisheries, including each component of
7 mixed-use fisheries.”.

8 **SEC. 506. PREPARATION AND REVIEW OF SECRETARIAL**
9 **PLANS.**

10 Section 304(c)(1) (16 U.S.C. 1854(c)) is amended—

11 (1) by striking “may” and inserting “shall”;

12 (2) in subparagraph (A), by inserting “not to
13 exceed 2 years, or 9 months in the case of a man-
14 agement plan or amendment subject to section
15 304(e)(7)(B)” after “time”;

16 (3) in subparagraph (B), by inserting “not later
17 than 180 days after the disapproval” before the
18 semicolon; and

19 (4) by adding at the end the following:

20 “Not later than 30 days before the date on which a time
21 period established in subparagraph (B) or (C) ends, the
22 Secretary shall provide written notification to the affected
23 Council that if such Council does not fulfill the require-
24 ments described in such subparagraph, the Secretary shall
25 issue a Secretarial plan.”.

1 **SEC. 507. COUNCILS.**

2 Section 302(h) (16 U.S.C. 1852(h)) is amended—

3 (1) in paragraph (5), by striking “and” at the
4 end;

5 (2) in paragraph (7)—

6 (A) by redesignating subparagraphs (B)
7 and (C) as subparagraphs (C) and (D), respec-
8 tively; and

9 (B) by inserting after subparagraph (A)
10 the following:

11 “(B) prioritize fisheries and habitats experi-
12 encing or expected to experience shifts in geo-
13 graphic range, spatial distribution, or produc-
14 tivity;”;

15 (3) by redesignating paragraphs (8) and (9) as
16 paragraphs (11) and (12), respectively; and

17 (4) by inserting after paragraph (7) the fol-
18 lowing:

19 “(8) approve, for each of its managed stocks of
20 fish, objective and measurable criteria for identifying
21 whether the stock of fish is overfished or experi-
22 encing overfishing, which may not be less pre-
23 cautionary than the recommendation of its scientific
24 and statistical committee;

25 “(9) develop and implement a habitat protec-
26 tion plan to protect essential fish habitat in the re-

1 gion of the Council from adverse effects caused by
2 fishing, including—

3 “(A) quantitative and measurable targets
4 and goals to increase quality, quantity, and rep-
5 resentativeness of essential fish habitat; and

6 “(B) conservation and management meas-
7 ures in a fishery management plan to imple-
8 ment the habitat protection plan;

9 “(10) at routine intervals not less frequently
10 than every 7 years and based on scientific evidence
11 or other relevant information, review habitat protec-
12 tion plans developed under paragraph (9) by such
13 Council and each designation of essential fish habi-
14 tat and habitat areas of particular concern under
15 section 303(a)(7) by such Council, and amend fish-
16 ery management plans of such Council as necessary
17 and appropriate;”.

18 **SEC. 508. FORAGE FISH CONSERVATION.**

19 (a) FINDINGS.—Section 2(a) (16 U.S.C. 1801(a)) is
20 amended by adding at the end the following:

21 “(17) Forage fish are generally small to inter-
22 mediate-sized species, occurring in schools or dense
23 aggregations, and function as a main pathway for
24 energy to flow from phyto- and zooplankton to high-
25 er trophic level predators, such as tuna, Alaska pol-

1 lock, and other wildlife, in marine ecosystems. While
2 most species function as prey of others at some life
3 stage, especially when small and young, forage fish
4 maintain this important trophic role throughout
5 their life. Further, fluctuations in their populations
6 can result in significant changes in marine commu-
7 nities and ecosystems. Therefore, particular atten-
8 tion to management of forage fish species, and ad-
9 dressing their unique role in marine ecosystems, is
10 critical to maintaining ecosystem function and sus-
11 tainable fisheries.”.

12 (b) DEFINITIONS.—

13 (1) SECRETARY TO DEFINE FORAGE FISH.—

14 Section 305 (16 U.S.C. 1855) is amended by adding
15 at the end the following:

16 “(n) FORAGE FISH.—Not later than 6 months after
17 the date of the enactment of the Sustaining America’s
18 Fisheries for the Future Act of 2024, the Secretary shall
19 issue a definition of the term ‘forage fish’ for the purposes
20 of this Act. In defining such term, the Secretary shall con-
21 sider factors including whether a species covered by such
22 definition, throughout such species’ lifecycle—

23 “(1) is at a low trophic level;

24 “(2) is generally small- to intermediate-sized;

1 “(3) occurs in schools or other dense aggrega-
2 tions;

3 “(4) contributes significantly to the diets of
4 other fish, marine mammals, or birds; and

5 “(5) serves as a conduit for energy transfer to
6 species at a higher trophic level.”.

7 (2) DEFINITIONS.—Section 3 (16 U.S.C. 1802)
8 is amended—

9 (A) by redesignating the second paragraph
10 (33) as paragraph (53);

11 (B) by redesignating paragraphs (28)
12 through (50) as paragraphs (30) through (52),
13 respectively;

14 (C) by redesignating paragraphs (19)
15 through (27) as paragraphs (20) through (28),
16 respectively;

17 (D) by inserting after paragraph (18) the
18 following:

19 “(19) The term ‘forage fish’—

20 “(A) has the meaning given the term by
21 the Secretary under section 305(n); and

22 “(B) with respect to a species in a fishery
23 managed pursuant to a fishery management
24 plan or plan amendment that is approved by
25 the Secretary under section 304(a), means any

1 species identified in such plan as a forage
2 fish.”;

3 (E) by inserting after paragraph (28), as
4 so redesignated by paragraph (3) of this sec-
5 tion, the following:

6 “(29) The term ‘low trophic level’ means a posi-
7 tion in the marine food web in which the fish gen-
8 erally consume plankton.”; and

9 (F) in paragraph (35), as so redesignated
10 by paragraph (2) of this subsection—

11 (i) in subparagraph (B), by striking
12 “and” at the end;

13 (ii) in subparagraph (C), by striking
14 the period at the end and inserting “;
15 and”; and

16 (iii) by adding at the end the fol-
17 lowing:

18 “(D) in the case of a forage fish, is re-
19 duced, pursuant to subparagraph (B), to pro-
20 vide for the diet needs of fish species and other
21 marine wildlife, including marine mammals and
22 birds, for which forage fish is a significant die-
23 tary component.”.

24 (c) SCIENTIFIC ADVICE.—Section 302(g)(1)(B) (16
25 U.S.C. 1852(g)(1)(B)) is amended to read as follows:

1 “(B) Each scientific and statistical com-
2 mittee shall provide its Council ongoing sci-
3 entific advice for fishery management decisions,
4 including recommendations for—

5 “(i) acceptable biological catch;

6 “(ii) preventing overfishing;

7 “(iii) maximum sustainable yield;

8 “(iv) achieving rebuilding targets;

9 “(v) maintaining a sufficient abun-
10 dance, diversity, and localized distribution
11 of forage fish populations to support their
12 role in marine ecosystems; and

13 “(vi) reports on stock status and
14 health, bycatch, habitat status, social and
15 economic impacts of management meas-
16 ures, and sustainability of fishing prac-
17 tices.”.

18 (d) COUNCIL FUNCTIONS.—

19 (1) RESEARCH PRIORITIES.—Section 302(h)(7)
20 (16 U.S.C. 1852(h)(7)) is amended, in the matter
21 preceding subparagraph (A), by inserting “forage
22 fish populations and distribution,” after “habitats,”.

23 (2) UNMANAGED FORAGE FISH.—Section
24 302(h) (16 U.S.C. 1852(h)) is amended—

1 (A) in paragraph (11), as so redesignated
2 by section 507 of this Act, by striking “and” at
3 the end;

4 (B) by redesignating paragraph (12), as so
5 redesignated by section 507 of this Act, as
6 paragraph (13); and

7 (C) by inserting after paragraph (11) the
8 following:

9 “(12) develop a list of unmanaged forage fish
10 occurring in the area under its authority and pro-
11 hibit the development of any new directed forage fish
12 fishery until the Council has—

13 “(A) considered the best scientific informa-
14 tion available and evaluated the potential im-
15 pacts of forage fish harvest on existing fish-
16 eries, fishing communities, and the marine eco-
17 system;

18 “(B) determined whether conservation and
19 management of the forage fish fishery is need-
20 ed;

21 “(C) if a determination is made that con-
22 servation and management is needed, prepared
23 and submitted to the Secretary a fishery man-
24 agement plan or amendment consistent with
25 section 303; and

1 “(D) received final, approved regulations
2 from the Secretary pursuant to section
3 304(b)(3); and”.

4 (3) EFFECTIVE DATE.—The amendments made
5 by paragraphs (1) and (2) shall take effect 2 years
6 after the date of the enactment of this section.

7 (e) CONTENTS OF FISHERY MANAGEMENT PLANS.—

8 (1) FORAGE FISH MANAGEMENT.—Section
9 303(a) (16 U.S.C. 1853(a)) is amended—

10 (A) in paragraph (16), as added by section
11 102 of this Act, by striking “and” at the end;

12 (B) in paragraph (17), as added by section
13 102 of this Act, by striking the period at the
14 end and inserting “; and”; and

15 (C) by adding at the end the following:

16 “(18) when setting annual catch limits for for-
17 age fish fisheries, assess, specify, and reduce such
18 limits by the diet needs of fish species and other ma-
19 rine wildlife, such as marine mammals and birds, for
20 which forage fish is a significant part of their diet.”.

21 (2) EFFECTIVE DATE.—The amendments made
22 by paragraph (1) shall take effect 5 years after the
23 date of the enactment of this section.

24 (f) ACTION BY SECRETARY.—Section 304 (16 U.S.C.
25 1854) is amended by adding at the end the following:

1 “(1) FORAGE FISH MANAGEMENT GUIDELINES.—

2 “(1) IN GENERAL.—Not later than 18 months
3 after the date of the enactment of the Sustaining
4 America’s Fisheries for the Future Act of 2024, the
5 Secretary shall establish by regulation guidelines to
6 assist the Councils in implementing sections 3(19),
7 302(h)(9), and 303(a)(16).

8 “(2) WORKSHOPS.—In developing the guide-
9 lines under paragraph (1), the Secretary shall con-
10 duct workshops with Councils and other scientific,
11 fisheries, and conservation interests.”

12 (g) RIVER HERRING AND SHAD.—

13 (1) DEFINITIONS.—In this section—

14 (A) RIVER HERRING.—The term “river
15 herring” means blueback herring (*Alosa*
16 *aestivalis*) and alewife (*Alosa pseudoharengus*).

17 (B) SHAD.—The term “shad” means
18 American shad (*Alosa sapidissima*) and hickory
19 shad (*Alosa mediocris*).

20 (2) AMENDMENTS OF PLANS.—Not later than
21 180 days after the date of the enactment of this sec-
22 tion, the Secretary shall—

23 (A) amend the fishery management plans
24 for the Atlantic Herring and Atlantic Mackerel,
25 Squid, and Butterfish fisheries for the New

1 England and Mid-Atlantic Regions to add shad
2 and river herring as managed stocks in such
3 plans consistent with section 302(h)(1) of the
4 Magnuson-Stevens Fishery Conservation and
5 Management Act (16 U.S.C. 1852(h)(1));

6 (B) initiate additional fishery management
7 plan amendments to be completed in not more
8 than 1 year from the date of the addition of the
9 species identified in paragraph (1) in order to
10 develop and implement all required conservation
11 and management measures for such stocks con-
12 sistent with the Magnuson-Stevens Fisheries
13 Conservation and Management Act (16 U.S.C.
14 1801 et seq.), and all other applicable law; and

15 (C) notwithstanding any other law, rule, or
16 fishery management plan provision, including
17 conservation and management measures under
18 section 303(a)(11) of the Magnuson-Stevens
19 Fishery Conservation and Management Act (16
20 U.S.C. 1853(a)(11)), reallocate existing re-
21 sources to provide, for not less than 50 percent
22 of all relevant fishing trips, not fewer than 1 at-
23 sea observer or an on-board electronic or video
24 means of producing equivalent at-sea moni-
25 toring information, for any vessel using

1 midwater trawl or paired midwater trawl fish-
2 ing gear in the Atlantic herring and Atlantic
3 mackerel fisheries.

4 (h) RULE OF CONSTRUCTION.—Nothing in this sec-
5 tion may be construed as—

6 (1) extending or diminishing the jurisdiction or
7 authority of any State within its boundaries; or

8 (2) affecting—

9 (A) section 306 of the Magnuson-Stevens
10 Fishery Conservation and Management Act (16
11 U.S.C. 1856); or

12 (B) the Atlantic Coastal Fisheries Cooper-
13 ative Management Act (16 U.S.C. 5101 et
14 seq.).

15 **SEC. 509. FUNDING FOR MONITORING IMPLEMENTATION**
16 **OF NORTHEAST MULTISPECIES FISHERY**
17 **MANAGEMENT PLAN.**

18 Section 311(f)(4) (16 U.S.C. 1861(f)(4)) is amended
19 by striking “pursuant to this section to enforce that Plan”
20 and inserting “to enforce and monitor (including elec-
21 tronic monitoring) implementation of such Plan”.

22 **SEC. 510. HIGHLY MIGRATORY SPECIES.**

23 Section 304(g)(1) (16 U.S.C. 1854(g)(1)) is amend-
24 ed—

1 (1) in subparagraph (B), by inserting “a sci-
2 entific and statistical committee and” after “estab-
3 lish”; and

4 (2) by amending subparagraph (C) to read as
5 follows:

6 “(C) for stocks of fish not managed pursuant to
7 the Atlantic Tunas Convention Act of 1975 (16
8 U.S.C. 971 et seq.), develop annual catch limits that
9 may not exceed the fishing level recommendations of
10 the scientific and statistical committee;”.

11 **TITLE VI—INTERNATIONAL**
12 **FISHERIES MANAGEMENT**

13 **SEC. 601. CONSERVATION COMMISSIONER OF ATLANTIC**
14 **TUNAS CONVENTION.**

15 (a) **APPOINTMENT AND PROCEDURE OF COMMIS-**
16 **SIONERS.**—Section 3(a) of the Atlantic Tunas Convention
17 Act of 1975 (16 U.S.C. 971a(a)) is amended to read as
18 follows:

19 “(a) **APPOINTMENT AND NUMBER; RULES OF PRO-**
20 **CEDURE; TERM.**—

21 “(1) **APPOINTMENT.**—The President shall ap-
22 point 4 Commissioners to serve as delegates of the
23 United States to the Commission as follows:

24 “(A) 1 Commissioner shall be a Federal
25 employee who shall serve as Chair.

1 “(B) 3 Commissioners shall not be Federal
2 employees, of whom—

3 “(i) 1 shall have knowledge and expe-
4 rience regarding commercial fishing in the
5 Atlantic Ocean, Gulf of Mexico, or Carib-
6 bean Sea;

7 “(ii) 1 shall have knowledge and expe-
8 rience regarding recreational fishing in the
9 Atlantic Ocean, Gulf of Mexico, or Carib-
10 bean Sea; and

11 “(iii) 1 shall have knowledge and ex-
12 perience in marine conservation and shall
13 represent the public interest in marine con-
14 servation and nonconsumptive uses of the
15 Atlantic Ocean, Gulf of Mexico, and
16 Carribbean Sea.

17 “(2) TERM OF APPOINTMENT.—

18 “(A) LENGTH OF TERM.—The term of a
19 Commissioner appointed under paragraph (1)
20 shall be 3 years.

21 “(B) CONSECUTIVE TERMS.—No indi-
22 vidual appointed under paragraph (1) shall
23 serve more than 2 consecutive terms as Com-
24 missioner.

1 “(C) PLEASURE OF PRESIDENT.—Each
2 Commissioner appointed under paragraph (1)
3 shall serve at the pleasure of the President.

4 “(3) REPRESENTATION OF THE UNITED
5 STATES.—

6 “(A) IN GENERAL.—At meetings of the
7 Commission, Council, any Panel, or any other
8 function as provided for in the Convention, the
9 United States shall be represented by the Com-
10 missioner described in paragraph (1)(A) and 2
11 Commissioners described in paragraph (1)(B).

12 “(B) PROCEDURES FOR ROTATION.— The
13 Secretary of State, in consultation with the Sec-
14 retary, shall establish procedures under which
15 the Commissioners appointed described in para-
16 graph (1)(B) rotate in representing the United
17 States to the Commission.

18 “(C) RIGHT TO PARTICIPATION.—Each
19 Commissioner appointed under paragraph (1)
20 may—

21 “(i) attend all meetings of the Com-
22 mission, Council, any Panel, or any other
23 function as provided for in the Convention;
24 and

1 “(ii) participate fully in all United
2 States preparatory activity for any activity
3 relating to the Convention.”.

4 (b) REGULATION MAY NOT DECREASE ALLOCATION
5 OR QUOTA.—Section 6(c)(3) of the Atlantic Tunas Con-
6 vention Act of 1975 (16 U.S.C. 971d(c)(3)) is amended
7 by striking “or decreasing”.

8 **SEC. 602. CONSERVATION COMMISSIONER OF WESTERN**
9 **AND CENTRAL PACIFIC FISHERIES CONVEN-**
10 **TION.**

11 Section 503(a) of the Western and Central Pacific
12 Fisheries Convention Implementation Act (16 U.S.C.
13 6902(a)) is amended to read as follows:

14 “(a) IN GENERAL.—

15 “(1) REPRESENTATION.—The United States
16 shall be represented on the Commission by 5 United
17 States Commissioners.

18 “(2) APPOINTMENT.—

19 “(A) IN GENERAL.—The President shall
20 appoint individuals to serve on the Commission.

21 “(B) QUALIFICATIONS OF COMMIS-
22 SIONERS.—In making appointments under this
23 paragraph, the President shall select Commis-
24 sioners from among individuals who are knowl-
25 edgeable or experienced concerning highly mi-

1 gratory fish stocks and commercial fishing in
2 the Western and Central Pacific Ocean—

3 “(i) 1 of whom shall be an officer or
4 employee of the Department of Commerce;

5 “(ii) 1 of whom shall be the chairman
6 or a member of the Western Pacific Fish-
7 ery Management Council;

8 “(iii) 1 of whom shall be the chairman
9 or a member of the Pacific Fishery Man-
10 agement Council; and

11 “(iv) 1 of whom shall be an individual
12 with knowledge and experience in marine
13 conservation who shall represent the public
14 interest in marine conservation and non-
15 consumptive uses of the Western and Cen-
16 tral Pacific Ocean.

17 “(3) PLEASURE OF PRESIDENT.—Each indi-
18 vidual appointed by the President to serve on the
19 Commission shall serve at the pleasure of the Presi-
20 dent.

21 “(4) RULES OF PROCEDURE.—The Commis-
22 sioners shall be entitled to adopt such rules of proce-
23 dures as they find necessary and to select a chair-
24 man from among members who are officers or em-
25 ployees of the United States Government.”.

1 **SEC. 603. CONSERVATION COMMISSIONER OF INTER-AMER-**
2 **ICAN TROPICAL TUNA COMMISSION.**

3 Section 3(a) of the Tuna Conventions Act of 1950
4 (16 U.S.C. 952) is amended to read as follows:

5 “(a) COMMISSIONERS.—

6 “(1) APPOINTMENT.—The President shall ap-
7 point 4 individuals to represent the United States on
8 the Commission.

9 “(2) REMOVAL.—The Commissioners appointed
10 under paragraph (1) shall be subject to supervision
11 and removal by the Secretary of State, in consulta-
12 tion with the Secretary.

13 “(3) QUALIFICATIONS.—In making an appoint-
14 ment under paragraph (1), the President shall select
15 Commissioners from among individuals who are
16 knowledgeable or experienced concerning highly mi-
17 gratory fish stocks in the eastern tropical Pacific
18 Ocean—

19 “(A) 1 of whom shall be an officer or em-
20 ployee of the Department of Commerce; and

21 “(B) 1 of whom shall be an individual with
22 knowledge and experience in marine conserva-
23 tion, and who shall represent the public interest
24 in marine conservation and nonconsumptive
25 uses of the eastern tropical Pacific Ocean.

1 “(4) LIMITATION ON APPOINTMENTS.—The
2 President may not appoint more than 2 Commis-
3 sioners under paragraph (1) who reside in a State
4 other than a State the vessels of which maintain a
5 substantial fishery in the area of the Convention.”.

6 **SEC. 604. APPLICATION OF ANNUAL CATCH LIMIT AND AC-**
7 **COUNTABILITY MEASURES REQUIREMENT.**

8 Section 104(b) of the Magnuson-Stevens Fishery
9 Conservation and Management Reauthorization Act of
10 2006 (16 U.S.C. 1853 note) is amended to read as follows:

11 “(b) EFFECTIVE DATES; APPLICATION TO CERTAIN
12 SPECIES.—The amendment made by subsection (a)(10)—

13 “(1) except as provided in paragraph (2), shall
14 apply to any management plan for a stock of fish
15 prepared by any Council or the Secretary, including
16 a management plan governing a stock of fish man-
17 aged under an international agreement in which the
18 United States participates; and

19 “(2) shall not apply to a management plan for
20 a stock of fish for a species that has a life cycle of
21 approximately 1 year unless the Secretary has deter-
22 mined such stock of fish is subject to overfishing
23 with respect to such species; and

24 “(3) shall not limit or otherwise affect the re-
25 quirements of section 301(a)(1) or 304(e) of the

1 Magnuson Stevens Fishery Conservation and Man-
2 agement Act.”.

3 **SEC. 605. AUTHORIZATION OF APPROPRIATIONS.**

4 There is authorized to be appropriated to the Sec-
5 retary the following amounts to carry out the provisions
6 of this Act:

- 7 (1) For fiscal year 2025, \$698,142,000.
- 8 (2) For fiscal year 2026, \$714,200,000.
- 9 (3) For fiscal year 2027, \$730,626,000.
- 10 (4) For fiscal year 2028, \$747,431,000.
- 11 (5) For fiscal year 2029, \$764,621,000.