

# THE MAGNUSON-STEVENS ACT REAUTHORIZATION DRAFT

## Title I: Climate-Ready Fisheries

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

**Sec. 102. Promoting climate resilience in fisheries management.** Requires fishery management plans to promote stock resilience, identify data needs due to climate change, examine the vulnerability of a fishery and its participants, and assess the anticipated impacts of climate change.

**Sec. 103. Incorporating climate science.** Requires that new Council members receive training on climate change and its impact on fisheries and adds climate to fisheries research priorities.

**Sec. 104. Climate-ready fisheries innovation program (H.R.8632).** Establishes a program to develop innovative tools and approaches to increase the adaptive capacity of fishery management to the impacts of climate change.

**Sec. 105. Managing shifting stocks.** Establishes a framework for designating Council jurisdiction for cross-jurisdictional stocks, establishes a task force to review allocation challenges for shifting stocks (H.R.8632), and requires developing a strategy for coordinated research and management for international stocks impacted by climate change.

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

## Title II: Supporting Fishing Communities

**Sec. 201. Fishery resource disaster relief (H.R.5548/S.2346).** Sets a timeline for the federal government to respond to a fishery disaster request and for disbursement of appropriated funds and clarifies the disaster request process, including by allowing direct payments to be made to affected members of fishing communities as an eligible use of relief funds.

**Sec. 202. Subsistence fishing.** Acknowledges and defines subsistence fishing.

**Sec. 203. Working Waterfronts Grant Program (H.R.3596).** Establishes a Working Waterfront Grant Program to provide matching grants to coastal states to preserve and expand access to coastal waters for dependent businesses; creates a 5 year pilot loan fund for waterfront preservation; and establishes a Working Waterfront Task Force at the Department of Commerce to identify and prioritize critical needs for working waterfronts.

**Sec. 204. Seafood marketing.** Re-establishes the National Seafood Council to support education, research, promotion, and marketing. Directs USDA and NOAA to work together to increase and support seafood industry participation in USDA Agricultural Marketing Service programs and directs NOAA to study the possibility of establishing similar marketing support programs housed within the agency.

**Sec. 205. Community participation in limited access privilege programs.** Adds the participation of fishing communities as a requirement for limited access privilege programs; updates requirements for community sustainability plans; and adds provisions for Councils to identify eligible fishing communities and provide a process for communities to participate in new programs.

**Sec. 206. Miscellaneous amendments.** Clarifies the definition of "fishing" and a technical amendment to findings.

### **Title III. Strengthening Public Process and Transparency**

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

**Sec. 302. Atlantic Councils.** Adds a seat for a Mid-Atlantic Council member on the New England Council, a seat for a New England Council member and a South Atlantic Council member on the Mid-Atlantic Council, and a seat for a Mid-Atlantic Council member on the South Atlantic Council. These liaisons would represent the interests of the fisheries under their jurisdictions on neighboring Councils, which is particularly important as stocks shift with climate change.

**Sec. 303. Council procedures and participation.** Requires greater access to Council meetings, recorded Council votes, and directs Councils to allow for remote participation in meetings.

**Sec. 304. Council accountability and membership.** Establishes stricter ethics, lobbying, and financial recusal requirements for Council members. Expands the criteria for Council member nominations to ensure a balance of viewpoints and stakeholders are represented. Extends the statute of limitations on agency actions to 60 days.

**Sec. 305. Amendments to the Western Pacific Sustainable Fisheries Fund.** Adds public notice requirements for marine conservation plans. Establishes an advisory panel for the Fund, directs the panel to provide public notice and minutes of meetings, requires the Secretary to submit an annual report to Congress on funded projects, and requires the Secretary to provide written explanation for funded projects that are not ranked by the advisory panel.

**Sec. 306. NOAA Sexual Harassment and Assault Prevention (H.R.6636/S.2782).** Expands coverage of NOAA's sexual assault and sexual harassment policies, including for fishery observers and Council staff, and strengthens resources and reporting.

**Sec. 307. Saltonstall-Kennedy Act reform.** Creates an Advisory Committee to assist in the awarding of fisheries marketing, research, and development grants through Saltonstall-Kennedy funding (H.R.1218/S.494). Returns funding intended for the Saltonstall-Kennedy Act grants, which has been used to backfill NOAA's budget, to its original purpose.

**Sec. 308. Sport Fishing and Boating Partnership Council.** Makes the Sport Fishing and Boating Partnership Council a federal advisory committee of the Department of Commerce, in addition to its current role advising the Department of the Interior.

### **Title IV: Modernizing Fisheries Science and Data**

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

**Sec. 402. Expanding and improving electronic technologies.** Sense of Congress that expresses the importance of electronic technologies and adapting to management needs, especially in the context of climate change. Facilitates implementation of electronic technologies for monitoring and reporting, requires a review of existing electronic technology capabilities in NMFS, establishes an electronic technologies innovation prize, and establishes an advisory panel on electronic technologies.

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

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

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

**Sec. 406. Recreational data consistency.** Requires the Secretary to establish guidelines to improve recreational data and requires calibration of data from multiple sources. Creates a program to research and improve recreational data survey methods.

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

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

**Sec. 409. Offshore wind collaboration.** Requires the Departments of Commerce and Interior to enter into a cooperative agreement to fund additional stock assessments and fisheries research if traditional survey areas are inaccessible due to offshore wind energy development.

## **Title V: Sustaining Fisheries Through Healthy Ecosystems and Improved Management**

**Sec. 501. Essential fish habitat consultation.** Strengthens essential fish habitat (EFH) consultation and requires federal agency actions to avoid adverse effects to EFH or minimize and mitigate the adverse effects; requires federal agency actions to avoid adverse effects to Habitat Areas of Particular Concern (HAPC) (*H.R.8632*). Requires Councils to identify HAPC, develop plans to protect EFH, and periodically review habitat protection plans and EFH and HAPC designations.

**Sec. 502. Atlantic Highly Migratory Species.** Establishes a science and statistical committee for Atlantic Highly Migratory Species.

**Sec. 503. Reducing bycatch.** Clarifies the definition of bycatch, removes loopholes that prevent effective bycatch management, and creates a nation-wide standardized bycatch reporting system.

**Sec. 504. Improving rebuilding outcomes.** Requires more detailed information in NOAA's annual status of stocks report to identify stocks subject to overfishing and in need of rebuilding plans; specifies that conservation and management measures are required to improve stock status for stocks approaching an overfished condition; amends the rebuilding timeline to be specific to stock biology; requires adequate and measurable criteria and progress in rebuilding plans; and strengthens requirements for responding to rebuilding failures.

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

promoting resilience to climate change, and objective and measurable criteria for overfishing and depleted stocks.

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

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

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

**Sec. 509. Direct Enhancement of Snapper Conservation and the Economy through Novel Devices (H.R.5126).** Requires commercial and recreational fishers in the Gulf of Mexico EEZ to possess a venting tool or descending device while fishing. Requires the Secretary of Commerce and National Academy of Sciences to study and report on discard mortality in Gulf of Mexico reef fish fisheries, develop guidance for reporting discards and associated mortality, and develop a plan to assess the effectiveness and usage of barotrauma-reducing devices.

**Sec. 510. Funding for monitoring implementation of Northeast Multispecies fishery management plan.** Amends the use of fines and penalties related to violations of the Northeast Multispecies Fishery Management plan to fund monitoring implementation.

**Sec. 511. Authorization of appropriations.** Reauthorization with a stepwise funding increase through FY26.

