Dan Sullivan

AMENDMENT NO.________ Calendar No.______

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—119th Cong., 2d Sess.

S. 4938

To reduce trawl gear impacts on bycatch and seafloor habitat in the Bering Sea, Aleutian Islands, and Gulf of Alaska, to establish gear performance standards, seafloor contact detection, and salmon excluder requirements, to improve Council transparency and participation, to prioritize ecosystem analyses, to modernize electronic monitoring, to prohibit unsustainable foreign seafood imports, and to establish a Bycatch Mitigation and Habitat Protection Assistance Fund.

Referred to the Committee on ____________________ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by ______________

Viz:

Amend the title so as to read: "To reduce trawl gear impacts on bycatch and seafloor habitat in the Bering Sea, Aleutian Islands, and Gulf of Alaska, to establish gear performance standards, seafloor contact detection, and salmon excluder requirements, to improve Council transparency and participation, to prioritize ecosystem analyses, to modernize electronic monitoring, and to establish a Bycatch Mitigation and Habitat Protection Assistance Fund.".

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bycatch Reduction Act".

SEC. 2. ENSURING MID-WATER NETS DO NOT OPERATE LIKE BOTTOM TRAWL GEAR.

(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration (referred to in this Act as the "Administrator"), in consultation with the North Pacific Fishery Management Council shall—

(1) establish a pelagic (mid-water) trawl gear performance standard to reduce gear impacts on benthic habitat and reduce unobserved mortality on important subsistence, commercial, or recreational species during fishing operations for vessels using pelagic (mid-water) trawl gear in fisheries managed under the Bering Sea and Aleutian Islands Groundfish Fishery Management Plan and Gulf of Alaska Groundfish Fishery Management Plan (referred to in this section as "applicable vessels"); and

(2) promulgate regulations to manage gear impacts from such applicable vessels on benthic habitat and reduce unobserved mortality on important subsistence, commercial, or recreational species during fishing operations, based on best available science and community input.

(b) ESTABLISH A PELAGIC TRAWL GEAR BASELINE.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with the North Pacific Fishery Management Council shall use methods, such as gear design standards, model and field testing verification, sensors, or technology, to identify the current baseline of the effects of pelagic trawl gear on marine benthic habitat in areas managed under the Bering Sea and Aleutian Islands Groundfish Fishery Management Plan and Gulf of Alaska Groundfish Fishery Management Plan.

(2) INDEPENDENT REVIEW.—The Administrator shall enter into an agreement with the National Academies of Sciences, Engineering, and Medicine to review the methodology, data, and findings used to identify the baseline under paragraph (1).

The results of the review shall be made publicly available.

(c) REGULATIONS.—Following the actions described in subsection (b), the Administrator, in consultation with the North Pacific Fishery Management Council, shall promulgate regulations relevant to the area managed by the North Pacific Fishery Management Council to reduce impacts relative to such baseline from pelagic trawl gear, including through—

(1) requiring gear modifications to pelagic trawl gear, including requiring applicable vessels to be equipped with a commercially available seafloor contact detection system capable of monitoring and verifying the net position and clearance of pelagic trawl gear in relation to the seafloor;

(2) reductions in pelagic trawl gear making contact with the marine benthic habitat in areas that are closed to nonpelagic trawl gear;

(3) prohibitions on fishing by pelagic trawl gear in areas closed to nonpelagic trawl gear; or

(4) prohibitions on fishing by pelagic trawl gear if there are any areas identified in section 6(c)(4) that support juvenile recruitment of important subsistence, commercial, or recreational species.

(d) MONITORING; DATA RETENTION AND ACCESS.—In providing consultation to the Administrator for the promulgation of regulations under subsection (c)(1), the North Pacific Fishery Management Council shall consider—

(1) establishing protocols for the collection, storage, and submission of data related to the use of pelagic trawl gear;

(2) requiring real-time or near-real-time monitoring of such data, with transmission of such data each week to support compliance monitoring and enforcement;

(3) ensuring seafloor contact detection systems are compatible with existing electronic monitoring or observer programs implemented by the National Marine Fisheries Service; and

(4) establishing requirements for the retention, submission, and confidentiality of data collected under this section consistent with section 402 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881a).

(e) ENFORCEMENT.—Any person who fails to comply with the regulations promulgated under this section shall be deemed to have violated the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) and shall be subject to the penalties and sanctions, including civil penalties, permit sanctions, or other enforcement actions, provided under such Act.

(f) CONSULTATION.—In implementing this section, the Administrator and the North Pacific Fishery Management Council shall individually consult with affected subsistence, commercial, and recreational participants, including harvesters, processors, communities, and community development quota groups.

SEC. 3. GETTING TRAWL NETS OFF THE SEAFLOOR TO REDUCE UNOBSERVED FISHING MORTALITY AND HABITAT IMPACTS.

(a) IN GENERAL.—

(1) GEAR PERFORMANCE STANDARDS.—The Administrator, in consultation with the North Pacific Fishery Management Council, shall establish a gear performance standard system for applicable vessels using nonpelagic (bottom) trawl gear in fisheries managed under the Bering Sea and Aleutian Islands Groundfish Fishery Management Plan and Gulf of Alaska Groundfish Fishery Management Plan to reduce gear impacts on benthic habitat and reduce unobserved mortality on important subsistence, commercial, or recreational species during fishing operations.

(2) APPLICABLE VESSEL.—In this section, the term "applicable vessel" means a trawl catcher/processor vessel that is not eligible to harvest pollock under section 208 of the American Fisheries Act (16 U.S.C. 1851 note).

(b) PERFORMANCE REVIEW AND STANDARDS.—Not later than 1 year after the date of enactment of this Act, the Administrator shall—

(1) deliver a report to the North Pacific Fishery Management Council that—

(A) identifies, using methods such as gear design standards, model and field testing verification, sensors, or technology, the current baseline of the effects of nonpelagic trawl gear on marine benthic habitat in areas managed under the Bering Sea and Aleutian Islands Groundfish Fishery Management Plan and Gulf of Alaska Groundfish Fishery Management Plan; and

(B) describes nonpelagic trawl gear regulations for applicable vessels and analyzes the potential impacts to marine benthic habitat and bycatch from modifying nonpelagic trawl gear; and

(2) establish a 1-year phase in period that requires each applicable vessel to be equipped with a modified footrope and modified trawl sweeps, as applicable, to reduce seafloor contact and maximize seafloor clearance relative to such baseline from applicable vessels using nonpelagic trawl gear.

(c) INDEPENDENT REVIEW.—The Administrator shall enter into an agreement with the National Academies of Sciences, Engineering, and Medicine to review the methodology, data, and findings used to identify the baseline under subsection (b)(1)(A). The results of the review shall be made publicly available.

(d) FULL COMPLIANCE.—The Administrator shall require full compliance with the requirements of this section not later than 2 years after the date of enactment of this Act.

(e) ENFORCEMENT.—Any person that fails to comply with the requirements of this section or regulations issued under this section shall be deemed to have violated the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) and shall be subject to the penalties and sanctions, including civil penalties, permit sanctions, or other enforcement actions, provided under such Act.

(f) CONSULTATION.—In implementing this section, the Administrator and the North Pacific Fishery Management Council shall individually consult with affected subsistence, commercial, and recreational participants, including harvesters, processors, communities, and community development quota groups.

SEC. 4. IMPROVING PUBLIC TRANSPARENCY AND INCREASING PARTICIPATION IN THE FISHERY MANAGEMENT COUNCIL PROCESS.

(a) REGIONAL FISHERY MANAGEMENT COUNCILS.—Section 302 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852) is amended—

(1) in subsection (e), by striking paragraph (5) and inserting the following:

"(5) Each Council shall hold a recorded vote on all matters regarding the final approval of any fishery management plan and any amendments to be submitted to the Secretary. The official minutes and other appropriate records of any Council meeting shall identify all roll call votes held, the name of each voting member present during each roll call vote, and how each member voted on each roll call vote.";

(2) in subsection (i)(2), by adding at the end the following:

"(G) Each Council shall, to the extent practicable, make available on the website of the Council—

"(i) a webcast, an audio recording, or a live broadcast of each meeting of the Council that is not closed in accordance with paragraph (3); and

"(ii) audio, video (if the meeting was in person or by video conference), or a searchable audio or written transcript of each meeting of the Council and of the meetings of advisory bodies of the Council, by not later than 30 days after the conclusion of the meeting.

"(H) The Secretary shall make available on its website—

"(i) to the extent practicable, a webcast, an audio recording, or a live broadcast of each meeting of a Council Coordination Committee established under subsection (l), that is not closed in accordance with paragraph (3);

"(ii) audio, video (if the meeting was in person or by video conference), or a searchable audio or written transcript of each meeting of a Council Coordination Committee, by not later than 30 days after the conclusion of the meeting; and

"(iii) a permanent online archive of each webcast, audio, broadcast, video, and transcript made available under clauses (i) and (ii) of subparagraph (G).";

(3) in subsection (j)—

(A) in paragraph (1), by striking subparagraph (B) and inserting the following:

"(B) the term 'designated official' means an attorney employed in the Office of the General Counsel of the National Oceanic and Atmospheric Administration who—

"(i) has expertise in Federal conflict-of-interest requirements; and

"(ii) is designated by the Secretary, in consultation with a Council, to attend the meetings of such Council and make determinations under paragraph (7)(B).";

(B) in paragraph (2)(C), by inserting "contractor," after "partner,"; and

(C) in paragraph (5)(B), by striking "on the Internet" and inserting "on the website of National Oceanic and Atmospheric Administration, on the website of the applicable Council,".

(b) NORTH PACIFIC FISHERY MANAGEMENT COUNCIL WRITTEN PUBLIC COMMENT PROCEDURE.—Not later than 180 days after the date of enactment of this Act, the North Pacific Fishery Management Council shall update its Public Comment Policy and provide a minimum comment period of 4 weeks before the start of the Council meeting. The requirements of this subsection shall not apply to the timing of posting documents to the meeting agenda.

(c) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION RECUSAL REVIEW PROCESS.—The Administrator shall include, as part of the annual report to be submitted in 2027, in accordance with section 302(j)(9) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(j)(9)), the following sections:

(1) COMPREHENSIVE REVIEW.—A comprehensive review of the financial interest and recusal procedures under section 302(j) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(j)) and the regulations promulgated to carry out such section, including section 600.235 of title 50, Code of Federal Regulations (or successor regulations).

(2) COMPLIANCE.—The review under paragraph (1) shall evaluate whether there has been compliance with regulatory requirements promulgated to carry out section 302(j) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(j)), including timely submission of disclosures and the effectiveness and consistency of recusal determinations.

(3) IDENTIFICATION OF GAPS AND WEAKNESSES.—A section identifying any problems with the timeliness or effectiveness in the current disclosure and recusal process and providing recommendations on defining or clarifying the recusal standards.

SEC. 5. REQUIRING SALMON EXCLUDERS IN THE NORTH PACIFIC.

(a) IN GENERAL.—The Administrator, in consultation with the North Pacific Fishery Management Council, shall require all vessels using pelagic trawl gear in fisheries managed under the Bering Sea and Aleutian Islands Groundfish Fishery Management Plan and Gulf of Alaska Groundfish Fishery Management Plan (referred to in this section as "applicable vessels") to be equipped with a salmon excluder device.

(b) GEAR REQUIREMENTS.—Not later than 1 year after the date of enactment of this Act, the Administrator shall require each applicable vessel to be equipped with a salmon excluder device that is operational and has been field tested, scientifically reviewed, and verified to reduce salmon bycatch effectively.

(c) SALMON EXCLUDER DEVICES.—The Administrator shall—

(1) conduct field testing and scientific review of salmon excluder designs; and

(2) implement an outreach strategy to facilitate applicable vessel compliance with the requirement under subsection (b).

(d) TECHNICAL ASSISTANCE AND GUIDANCE.—The Administrator shall provide technical assistance and guidance to applicable vessel operators to facilitate installation and use of approved salmon excluder devices.

(e) FULL COMPLIANCE.—The Administrator shall require full compliance with the requirements of this section not later than 1 year after the date of enactment of this Act.

(f) ENFORCEMENT.—Any person that fails to comply with the requirements of this section or regulations issued under this section shall be deemed to have violated the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) and shall be subject to the penalties and sanctions, including civil penalties, permit sanctions, or other enforcement actions, provided under such Act.

(g) CONSULTATION.—In developing regulations to implement this section, the Administrator and the North Pacific Fishery Management Council shall individually consult with affected fishing industry participants, including harvesters, processors, communities, and community development quota groups.

SEC. 6. PRIORITIZING FOUNDATIONAL INVESTIGATIONS AND ECOSYSTEM ANALYSES TO REDUCE BYCATCH AND SEAFLOOR IMPACTS.

(a) RECONSTITUTION OF THE ALASKA SALMON RESEARCH TASK FORCE.—

(1) IN GENERAL.—The Administrator shall reconstitute the membership of the Alaska Salmon Research Task Force, as described in the Alaska Salmon Research Task Force Act (Public Law 117–328; 136 Stat. 5271).

(2) BYCATCH REDUCTION TASK FORCE.—The reconstituted membership described in paragraph (1) shall be referred to as the "Bycatch Reduction Task Force".

(3) MEMBERS.—The Secretary of Commerce shall appoint an additional 7 representatives to the Bycatch Reduction Task Force as follows:

(A) 3 members who are academic experts, of which 1 member shall be an expert in salmon ecology, 1 member shall be an expert in groundfish ecology, and 1 member shall be an expert in invertebrate ecology.

(B) 2 members who are residents of Alaska, of which 1 member is a resident of the Bering Sea or Aleutian Islands region and 1 member is a resident of the Gulf of Alaska region.

(C) 2 members who are subject matter experts with trawl fishing gear technology and its operations.

(4) DUTIES.—The Bycatch Reduction Task Force shall—

(A) review all research conducted and reports published under this section; and

(B) in consultation with the Administrator, provide priority recommendations for future work as described in subsection (d)(2).

(5) INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—Chapter 10 of title 5, United States Code (commonly known as the "Federal Advisory Committee Act"), shall not apply to the Bycatch Reduction Task Force. Notwithstanding the inapplicability of chapter 10 of title 5, United States

Code, the Administrator shall, to the maximum extent practicable and consistent with protection of confidential and proprietary information, make publicly available on a website—

(A) the membership of the Bycatch Reduction Task Force;

(B) meeting dates and agendas of the Bycatch Reduction Task Force;

(C) non-proprietary materials provided to or produced by the Bycatch Reduction Task Force; and

(D) a mechanism for the public to submit written statements for consideration by the Bycatch Reduction Task Force.

(b) SALMON LIFE HISTORY RESEARCH.—

(1) SALMON TAGGING.—

(A) IN GENERAL.—The Administrator shall enter into public-private partnerships with State agencies, nonprofit organizations, institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), Indian Tribes or Tribal organizations (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)), and research institutions to research the marine life history of Alaska origin salmon species in the Bering Sea, Aleutian Islands, and Gulf of Alaska.

(B) PARTNERSHIPS.—In entering into partnerships described in subparagraph (A), the Administrator—

(i) shall involve a diverse group of Alaska salmon experts, including Alaska Natives, fishing industry representatives, commercial fishermen, and individuals who possess personal knowledge of, and direct experience with, subsistence uses in Alaska; and

(ii) may include cooperative research efforts with privately owned commercial or charter fishing vessel owners.

(C) RESEARCH.—

(i) IN GENERAL.—At a minimum, the research required under subparagraph (A) shall include satellite tagging or other intelligent tagging methodologies to better understand migration and distributions of Alaska origin salmon during their marine life history in the Bering Sea, Aleutian Islands, or Gulf of Alaska.

(ii) SATELLITE TAGGING STUDIES.—The satellite tagging or other intelligent tagging described in clause (i) shall aim to achieve the recommendations from the Alaska Salmon Research Task Force, as described in section 304 of the Alaska Salmon Research Task Force Act (Public Law 117–328; 136 Stat. 5272), to conduct—

(I) genetic determination of stock-of-origin on all tagged salmon;

(II) an analysis of movement, behavior, and habitat use for different genetic stocks;

(III) systematic sampling across different ages, sizes, run timings, and cohorts rather than opportunistic tagging; and

(IV) research on depth occupancy patterns, vertical migration behavior, and 3-dimensional habitat associations.

(iii) DATA STEWARDSHIP AND ANALYSES.—

(I) IN GENERAL.—The Administrator, consistent with protection of confidential and proprietary information, shall ensure the results and analyses under this subsection are publicly accessible, usable, and directly applicable to better understanding Alaska origin salmon migrations and distributions, and to reduce bycatch in the Bering Sea, Aleutian Islands, and Gulf of Alaska.

(II) METHODS.—In carrying out all analyses under this subsection, the Administrator, in consultation with the Bycatch Reduction Task Force and applicable public-private partnerships described under subparagraph (A), shall use modern analytical methods that may include machine learning or artificial intelligence for predictive modeling, to the extent practicable.

(III) PUBLIC AVAILABILITY.—All—

(aa) methods and models used to carry out this subsection shall be publicly available and accessible for use in peer-reviewed venues or technical reports and shall include all algorithms and analytical code; and

(bb) developed or produced tools, guides, visualizations, or decision-support products used to carry out this subsection shall be made publicly available and usable.

(IV) OPEN STANDARDS.—All satellite tagging data collected under this subsection shall abide by open data standards and be deposited in publicly accessible repositories (such as the Ocean Tracking Network or the Animal Telemetry Network) using standardized formats.

(D) INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—Chapter 10 of title 5, United States Code (commonly known as the "Federal Advisory Committee Act"), shall not apply to the partnerships described in subparagraph (A), groups composed of partners from such partnerships, or groups composed of partners from such partnerships and members of the Bycatch Reduction Task Force.

(2) GENETIC SAMPLING GRANT PROGRAM.—The Administrator shall conduct a competitive grant program to support improving the turnaround time of genetic analyses of biological samples collected at-sea or shoreside to provide real-time or near-real-time, in-season genetic stock identification, and age composition estimates of Alaska origin salmon caught incidentally in commercial fisheries conducted in the exclusive economic zone (as defined in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802) off Alaska).

(3) REPORTING.—Not later than 3 years after the date of enactment of this Act, the Administrator shall publish a report—

(A) on the findings of the salmon tagging research conducted under paragraph (1) and the findings of the genetic analyses grant program conducted under paragraph (2) that details how the salmon tagging research and genetic analyses can better inform Alaska origin salmon stock status and distributions; and

(B) that includes potential uses of artificial intelligence or machine learning technology to perform predictive modeling to inform potential Alaska salmon bycatch avoidance areas.

(c) ECOSYSTEM ANALYSES.—

(1) IN GENERAL.—The Administrator shall conduct—

(A) research, through studies and models that incorporate existing data, literature, and ongoing research, including relevant international data and research from comparable marine ecosystems, how contact from non-pelagic trawl and pelagic trawl gear impacts shallow shelves or other marine benthic habitats in the Bering Sea, Aleutian Islands, and Gulf of Alaska;

(B) a review of existing data, literature, and ongoing research efforts on fluctuations in Bering Sea, Aleutian Islands, and Gulf of Alaska marine ecosystems that may affect the survivability or energetic condition of commercially or culturally important wild marine and anadromous species, including examining—

(i) harmful algal blooms;

(ii) marine heatwaves;

(iii) in-river temperatures;

(iv) sea ice extent and thickness;

(v) ocean acidification;

(vi) diseases;

(vii) nutrient or prey availability;

(viii) density dependence;

(ix) shifting stock distributions;

(x) carrying capacity;

(xi) impacts from hatchery released species, with particular attention to foreign hatchery releases; and

(xii) predator-prey interactions; and

(C) new research, using the review of data, literature, and ongoing research efforts under subparagraph (B), to prioritize data collection that support conservation of commercially or culturally important wild marine and anadromous species.

(2) DIVERSE GROUP INVOLVEMENT.—In conducting research under paragraph (1), the Administrator shall—

(A) enter into public-private partnerships with relevant entities, such as State agencies, nonprofit organizations, institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), and Indian Tribes or Tribal organizations (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)); and

(B) involve a diverse group of experts in commercially or culturally important wild marine and anadromous species, including Alaska Natives, fishing industry representatives, commercial fishermen, and individuals who possess personal knowledge of, and direct experience with, subsistence uses in Alaska.

(3) DATA STEWARDSHIP AND ANALYSES.—

(A) IN GENERAL.—The Administrator shall ensure the results and literature review analyses under this subsection are publicly accessible, usable, and directly applicable to the research conducted under this subsection.

(B) METHODS.—In carrying out all analyses under this subsection, the Administrator, in consultation with the Bycatch Reduction Task Force and applicable public-private partnerships described under subparagraph (2) shall use modern analytical methods that may include machine learning or artificial intelligence for predictive modeling, to the extent practicable.

(C) PUBLIC AVAILABILITY.—All—

(i) methods and models used to carry out this subsection shall be publicly available and accessible for use in peer-reviewed venues or technical reports and shall include all algorithms and analytical code; and

(ii) developed or produced tools, guides, visualizations, or decision-support products used to carry out this subsection shall be made publicly available and usable.

(D) OPEN STANDARDS.—All newly produced ecosystem data collected under this subsection shall abide by open data standards and be deposited in publicly accessible repositories using standardized formats.

(4) JUVENILE RECRUITMENT OF SPECIES.—As part of any review of essential fish habitat (EFH) components of fishery management plans conducted pursuant to section 305(b)(1)(A) of the Magnuson-Stevens Fishery Conservation and Management Act

(16 U.S.C. 1855(b)(1)(A)), the North Pacific Fishery Management Council shall analyze areas closed to 1 or more commercial fishing gear types that overlap with habitats that support juvenile recruitment of important commercial, subsistence, or recreational species. The review shall include an evaluation of the potential benefits associated with such closures, and whether these habitat closure areas should be expanded to other commercial fishing gear types.

(d) REPORTS.—

(1) IN GENERAL.—The Administrator shall publish interim annual reports and a final report (not later than 3 years after the date of enactment of this Act)—

(A) on findings and results of the research and literature review analyses conducted under subsection (c)(1) and the status of milestones reached for all research initiatives under this section;

(B) on the results from the salmon tagging and genetic sampling research under subsection (b), including modeled Alaska origin salmon migration routes and potential applications to inform how best to minimize Alaska salmon bycatch; and

(C) that includes results from the ecosystem analyses under subsection (c).

(2) RECOMMENDATIONS; FINDINGS.—The reports described under paragraph (1) shall include—

(A) descriptions of explicit mechanisms to connect research outputs to management processes through research products that document specific examples of how research findings are being incorporated into management decisions, fishery regulations, or industry practices;

(B) recommendations to the North Pacific Fishery Management Council on creating feedback loops that ensure collaboration through establishing regular workshops or working groups that bring together researchers, managers, industry representatives, and fishermen to coordinate research efforts and share findings related to bycatch reduction;

(C) recommendations for applying the results from the ecosystem analyses review to model potential impacts on commercially or culturally important wild marine and anadromous species in the Bering Sea, Aleutian Islands, and

Gulf of Alaska to support informed management actions; and

(D) other findings and recommendations for future work under this section.

SEC. 7. BUILDING INFRASTRUCTURE TO SUPPORT CLEANER FISHING GEAR AND INNOVATIVE TECHNOLOGY.

(a) IN GENERAL.—The Administrator shall enter into a public-private partnership to build a flume tank for the National Oceanic and Atmospheric Administration, the fishing industry, and other researchers to test technology and improved fishing gear aimed at reducing bycatch and contact with Bering Sea, Aleutian Islands, and Gulf of Alaska marine benthic habitats.

(b) FLUME TANK ASSISTANCE FUND.—The Administrator shall establish a Flume Tank Assistance Fund to provide grants or other financial assistance to support entities that wish to test their innovative technology, including approaches that support prototype development and associated devices, instruments, sensors, or fishing gear designs aimed at reducing bycatch in fisheries and contact with Bering Sea, Aleutian Islands, and Gulf of Alaska marine benthic habitat from mobile or fixed fishing gear, including workforce and training programs on such technology or gear.

SEC. 8. MODERNIZING FISHERIES MONITORING AND IMPROVING OBSERVER PROGRAM TRANSPARENCY.

(a) ELECTRONIC MONITORING AND REPORTING.—The Administrator shall—

(1) create a timeline and process for reviewing and approving exempted fishing permits in Federally managed North Pacific fisheries to support innovative fishing gear types and technology for reducing bycatch, unobserved fishing mortality, and reducing marine habitat disturbances, including streamlining exempted fishing permits for fishermen and owners and operators of commercial fishing vessels who purchase or modify fishing gear, equipment, or technology with financial assistance provided under the Bycatch Mitigation and Habitat Protection Assistance Fund, established under section 322 of the Magnuson-Stevens Fishery Conservation and Management Act, if approving such permits does not interfere with fishery conservation and management objectives;

(2) streamline the approval process for experimental or exempted fishing permits used in Federally managed North Pacific fisheries for electronic monitoring pilot projects, including owners and operators of commercial fishing vessels who purchase or

utilize low-cost commercially available electronic monitoring solutions, if approving such permits does not interfere with fishery conservation and management objectives;

(3) facilitate cooperative research programs and regional pilot frameworks;

(4) conduct a public stakeholder consultation process not less often than once every 3 years, which shall include public notice, listening sessions, a written comment period of not less than 60 days, and solicit input from stakeholders, including service providers, regional fishery management councils, fishery industry participants, and data scientists, on—

(A) revisions to electronic monitoring and electronic reporting technical standards or operational guidance;

(B) improvements to cost-effectiveness or usability; and

(C) barriers to electronic monitoring adoption, particularly among small-scale fleets; and

(5) provide a data integration strategy that—

(A) incorporates electronic monitoring data directly into regional science center workflows and stock assessment models;

(B) reduces latency between data collection and management application; and

(C) supports the development of interoperable databases that facilitate real-time or near-real-time analysis and decision-making.

(b) TRANSPARENCY.—The Administrator shall—

(1) require the National Marine Fisheries Service to publish, online and in layman's terms, up-to-date observer coverage category requirements for Federal trawl fisheries specifying the Federal fishery under their jurisdiction, including bycatch and prohibited species catch for each observer program category; and

(2) ensure that the National Marine Fisheries Service develops and disseminates, in print and for online distribution, public communications materials that clearly explain bycatch in Federal fisheries under its jurisdiction, using accessible, layman's terminology and graphics.

(c) REPORTING.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Administrator shall publish a report on how the National Oceanic and Atmospheric Administration and Regional Fishery Management Councils can improve and integrate

the use of observer and electronic monitoring data to better inform spatio-temporal fishing activity and impacts to harvested and incidentally harvested populations, while ensuring the protection of confidential information.

(2) REPORT TO CONGRESS.—The Administrator shall submit a report to Congress and publish the report on the National Oceanic and Atmospheric Administration's website that includes the data integration strategy for increasing data review efficiency and uniformity described in subsection (a)(5). The report shall include a summary of the feedback received during public stakeholder consultation described in subsection (a)(4).

(3) RECOMMENDATIONS.—The reports required under paragraphs (1) and (2) shall include recommendations—

(A) for the use of any technologies identified as effective for sharing real-time, or near-real-time, catch information to identify bycatch hotspots and bycatch avoidance areas; and

(B) to minimize bycatch and unobserved fishing mortality of commercially or culturally important wild marine and anadromous species in the Bering Sea, Aleutian Islands, and Gulf of Alaska, such as Pacific halibut, Alaska crab species, and Alaska-origin salmon.

SEC. 9. INVESTING IN CLEANER FISHING GEAR AND HEALTHY SEAFLOOR HABITATS.

(a) REAUTHORIZATION OF THE NOAA NATIONAL MARINE FISHERIES SERVICE BYCATCH REDUCTION ENGINEERING PROGRAM.—Section 316 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1865) is amended—

(1) by redesignating subsections (a), (b), (c), and (d), as subsections (b), (c), (d), and (e), respectively;

(2) by inserting before subsection (b), as so redesignated, the following:

"(a) PURPOSE.—The purpose of the bycatch reduction engineering program established under subsection (b) is to develop technological devices and other conservation engineering changes to improve fishing practices and minimize bycatch, seabird interactions, bycatch mortality, unobserved fishing mortality, and post-release mortality in Federally managed fisheries."; and

(3) by adding at the end the following:

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $10,000,000 for each of fiscal years 2027 through 2031.".

(b) BYCATCH MITIGATION AND HABITAT PROTECTION ASSISTANCE FUND.—Title III of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1851 et seq.) is amended by adding at the end the following:

"SEC. 322. BYCATCH MITIGATION AND HABITAT PROTECTION ASSISTANCE FUND.

"(a) IN GENERAL.—There is established in the general fund of the Treasury of the United States an account to be known as the 'Bycatch Mitigation and Habitat Protection Assistance Fund', which shall—

"(1) be administered by the National Fish and Wildlife Foundation (referred to in this section as the 'Foundation'); and

"(2) consist of donations of amounts accepted pursuant to subsection (c).

"(b) USE.—The Foundation shall use the amounts in the Fund to reduce or mitigate bycatch, and reduce marine benthic habitat contact from mobile or fixed fishing gear, including by providing financial assistance to fishing industry organizations, associations, fishermen and owners and operators of commercial fishing vessels to purchase or modify fishing gear, equipment, and technology, including innovative technology, prototypes, instruments, or sensors.

"(c) DONATIONS.—The Foundation may solicit and accept donations of amounts for deposit into the Fund.

"(d) CONSULTATION.—In administering the Fund, the Foundation shall consult with the Secretary, acting through the Administrator of the National Oceanic and Atmospheric Administration, each Council, and each of the regional offices and science centers of the National Marine Fisheries Service to ensure that, to the maximum extent practicable, amounts in the Fund are used in an efficient and cost-effective manner.

"(e) REPORT.—Not later than 3 years after the date of enactment of this section, and biennially thereafter, the Foundation shall publish and post online in a manner available to the public information regarding the use of the Fund during—

"(1) with respect to the first publication of information, the preceding 3 years; and

"(2) with respect to each subsequent publication of information, the preceding 2 years.".

SEC. 10. PROTECTION OF REGIONAL FISHERIES RESOURCES.

Nothing in this Act, or an amendment made by this Act, shall be construed to require or authorize the transfer, reprogramming, detailing, or other diversion of funds, personnel, or other resources made available to a regional office or science center of the National Marine Fisheries Service, a Regional Fishery Management Council, or an interstate fisheries commission outside the geographic area of authority of the North Pacific Fishery Management Council to carry out a provision of this Act, or an amendment made by this Act, that applies specifically to fisheries or activities within the geographic area of authority of the North Pacific Fishery Management Council.