

**WRITTEN STATEMENT FROM THE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
U.S. DEPARTMENT OF COMMERCE**

**SUBMITTED FOR THE RECORD FOR THE LEGISLATIVE HEARING
ON**

**[H.R. 180](#), [H.R.3706](#), [H.R.3831](#), [H.R.4033](#), [H.R. 4294](#) and Discussion Draft of H.R. ____, To
amend the Marine Mammal Protection Act of 1972**

**BEFORE THE
SUBCOMMITTEE ON WATER, WILDLIFE, AND FISHERIES
HOUSE COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES**

JULY 22, 2025

Introduction

The Department and NOAA acknowledge and appreciate the ongoing work with this Subcommittee on:

1. H.R. 180, Endangered Species Transparency and Reasonableness Act of 2025;
2. H.R.3706, SUSHI Act;
3. H.R.3831, To amend the Magnuson-Stevens Fishery Conservation and Management Act to prohibit feeding sharks in the exclusive economic zone off the State of Florida;
4. H.R.4033, Sturgeon ESA Bill;
5. H.R. 4294, Mitigation Action and Watermen Support (MAWS) Act; and,
6. Discussion Draft of H.R. ____, To amend the Marine Mammal Protection Act of 1972.

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) has been instrumental for successful fisheries management and has demonstrated that dynamic, regionally-tailored, science-based management processes are fundamental for managing fisheries to achieve optimum yield.

Under the Marine Mammal Protection Act (MMPA), NOAA Fisheries is responsible for protecting certain marine mammals, namely cetaceans and pinnipeds, excluding walruses. The MMPA established a national policy to prevent marine mammal species and population stocks from declining beyond the point where they cease to be significant functioning elements of their ecosystems.

Under the Endangered Species Act (ESA), NOAA Fisheries works to conserve and recover marine and anadromous species while preserving robust economic and recreational opportunities. There are more than 160 endangered and threatened marine and anadromous species under NOAA's jurisdiction. Our work includes listing species under the ESA; monitoring species status; designating critical habitat; developing and implementing actions to recover endangered and threatened species; consulting with Federal agencies to ensure their activities are

not likely to jeopardize the continued existence of listed species or destroy or adversely modify critical habitat; and working with states, tribes, and other partners to conserve and recover listed species. By statute, NOAA Fisheries shares the responsibility of implementing the ESA with the Department of Interior's U.S. Fish and Wildlife Service (FWS), which has jurisdiction over terrestrial and other aquatic species.

H.R. 180, Endangered Species Transparency and Reasonableness Act of 2025

This bill would modify requirements concerning determinations on whether a species is threatened or endangered under the ESA, cap attorney's fees to prevailing parties in ESA citizen suits, and require disclosure of information on ESA-related litigation and associated expenditures. It would require FWS and NOAA Fisheries to publish online, subject to privacy or administrative limitations, the best scientific and commercial data available that are the basis for each determination. The bill states that the term "best scientific and commercial data available" includes all data submitted by a state, tribal, or county government. The bill allows for several exceptions to the online publishing requirement: (1) the provision allowing State governors, legislature, or agencies to request that data not be made publicly available if disclosure of the data is prohibited by state law or regulation; and (2) the provision allowing for the safeguarding of classified information. Under this bill, the Department of the Interior would also be required to publish and maintain an online searchable database that discloses federal expenditures related to litigation under the ESA.

H.R.3706, Standards for Understanding Source and Habitat Identification Act (SUSHI) Act

H.R.3706 would require the Under Secretary of Commerce for Standards and Technology and the Administrator of NOAA to develop a standard methodology for identifying the country of origin of seafood to support enforcement against illegal, unreported, and unregulated (IUU) fishing, and for other purposes. NOAA is unaware of any existing technologies that would allow for the identification of country of origin based on chemical analysis. Present understanding suggests it may be possible, with more research, to develop genetic markers to distinguish between the two different species of red snapper (northern red snapper, *Lutjanus campechanus*, vs. southern red snapper *Lutjanus purpureus*). However, this in and of itself would not allow us to distinguish country of origin, since samples identified as southern red snapper may be more likely to have originated outside of the U.S. exclusive economic zone (EEZ).

H.R.3831, To amend the Magnuson-Stevens Fishery Conservation and Management Act to prohibit feeding sharks in the exclusive economic zone off the State of Florida

H.R. 3831 would amend the MSA to prohibit feeding sharks in the EEZ off the State of Florida by adding the waters surrounding Florida to an existing provision in the MSA that prohibits feeding sharks in the Pacific. The State of Florida has implemented a similar ban in state waters and, in the past, has asked NOAA Fisheries to extend its ban into federal waters because many shark feeding operations now operate on the state/federal marine border. Additionally, a number of fishermen believe that shark feeding operations are contributing to the problem of increasing instances of shark depredation in that area.

H.R.4033, Sturgeon Endangered Species Act Bill

H.R. 4033 would amend the ESA to exempt ESA-listed sturgeon held in captivity or in a controlled environment from the provisions of section 9(a)(1) and section 7(a)(2). Trade in

sturgeon specimens would still also be regulated under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

H.R. 4294, Mitigation Action and Watermen Support (MAWS) Act

H.R. 4294, Mitigation Action and Waterman Support Act of 2025, directs the Secretary of Commerce to establish a pilot program to purchase blue catfish caught within the Chesapeake Bay Watershed from watermen. Introduced for sport fishing, blue catfish have become a significant ecological concern due to their rapid population growth and predation on native species, which threaten local fisheries and disrupt ecosystem balance. NOAA plays a role in addressing the spread and impact of invasive blue catfish in the Chesapeake Bay. The NOAA Chesapeake Bay Office (NCBO) was formally established by Congress in 1992 to assess the processes that shape the Chesapeake Bay system and affect its living resources, and to identify technical and management alternatives for protection of living resources and the habitats they depend upon.

In partnership with local and state agencies, NCBO helps coordinate the Invasive Catfish Workgroup (ICW). The ICW convenes state managers, seafood industry and academic partners to control blue catfish populations through a broad variety of measures. NCBO has historically supported our partners' scientific research to better understand blue catfish behavior, distribution, and ecological effects in portions of the Bay.

Discussion Draft of H.R. ___, To amend the Marine Mammal Protection Act of 1972

H.R. XX, Marine Mammal Protection Act Reauthorization, makes changes to multiple provisions of the MMPA, most notably definitions, scientific standards, and incidental take authorizations for commercial and non-commercial fishing activities; and exempts non-commercial fishery incidental take authorizations from National Environmental Policy Act and Endangered Species Act section 7 consultation requirements; and removes the specified period for national defense exemptions. The bill also amends the Consolidated Appropriations Act of 2023, specifically the Atlantic Large Whale Take Reduction Plan section, by changing the deadline to promulgate new regulations for the American lobster and Jonah crab fisheries consistent with the MMPA and ESA from 2028 to 2035.

The bill amends the definitions of harassment, potential biological removal (PBR) level, and strategic stock and adds definitions of negligible impact and serious injury. The bill adds a new section that details requirements with respect to the use of the best scientific and commercial data available and prohibits use of assumptions that bias the objective application of the best available information. The bill also adds language that establishes and defines what is “necessary and appropriate” when establishing a regulation related to the taking of marine mammals from certain activities, including regulations issued under section 103 that must be made on the record after an agency hearing to waive the MMPA’s moratorium. With respect to non-commercial fishery incidental take authorizations, the bill removes the small numbers requirement, specified geographical region language, and, for incidental take regulations, the 5-year limitation. Further, it modifies the standards for mitigation and monitoring, establishes new timeline requirements for the agency to process authorizations, creates automatic authorization if the agency does not issue authorization within statutory timeframes, and permits applicants to direct the agency to proceed on the basis of the application even if the agency requests additional information. The

bill modifies the factors that go into the calculation of PBR, removes the zero-mortality rate goal framework for commercial fisheries, and modifies the goals, timelines, and considerations for commercial fishery take reduction plans. For permitting the incidental take of ESA-listed marine mammals during commercial fishing operations, the bill clarifies what is meant by the term "negligible impact."

Conclusion

We appreciate the Subcommittee's support for NOAA's mission and look forward to working with you on these bills and future legislation. Thank you for the opportunity to testify on this legislation. I look forward to answering any questions you may have.