



HOUSE COMMITTEE ON  
**NATURAL RESOURCES**  
CHAIRMAN BRUCE WESTERMAN

**To:** Subcommittee on Water, Wildlife and Fisheries Republican Members  
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**Date:** Monday, July 21, 2025  
**Subject:** Legislative Hearing on 7 Bills

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The Subcommittee on Water, Wildlife and Fisheries will hold a legislative hearing on seven bills: Discussion Draft of H.R. \_\_\_\_ (Rep. Begich), To amend the Marine Mammal Protection Act of 1972.; H.R. 180 (Rep. McClintock), “*Endangered Species Transparency and Reasonableness Act of 2025*”; H.R. 3706 (Rep. Babin) H.R. 3706 (Rep. Babin), “*Standards for Understanding Source and Habitat Identification Act*” or “*SUSHI Act*”; H.R. 3831 (Rep. Webster), “*Florida Safe Seas Act of 2025*”; H.R. 4033 (Rep. Fine), “*Sturgeon Conservation and Sustainability Act of 2025*”; H.R. 4293 (Rep. Ciscomani), To amend the Sikes Act to increase flexibility with respect to cooperative and interagency agreements for land management off of installations.; and H.R. 4294 (Rep. Elfreth), “*Mitigation Action and Watermen Support Act of 2025*” or “*MAWS Act of 2025*”.

The hearing will take place on **Tuesday, July 22, 2025, at 2:15 p.m.** in room 1324 Longworth House Office Building.

Member offices are requested to notify Jackson Renfro ([jackson.renfro@mail.house.gov](mailto:jackson.renfro@mail.house.gov)) by 4:30 p.m. on Monday, July 21, 2025, if their Member intends to participate in the hearing.

## **I. KEY MESSAGES**

- The Discussion Draft to amend the Marine Mammal Protection Act makes long-overdue reforms to a key statute governing Tribal activities, state fish and wildlife agencies, commercial fishing, offshore energy, the maritime sector, and more. The Discussion Draft reduces regulatory uncertainty and ensures more effective implementation, advancing the goals of the Trump administration and the House Committee on Natural Resources.
- The Discussion Draft’s reforms to the regulatory process are crucial to building on the success of the One Big Beautiful Bill Act, advancing the Trump administration’s goal to unleash America’s energy resources.
- H.R. 3831 would enable safer recreational uses of our public beaches and provide relief to commercial and recreational fishermen in Florida by aligning federal and state laws regarding shark feeding.

- H.R. 4293 provides needed flexibility to ensure the long-term viability of critical military assets.
- H.R. 4294 provides economic incentives to commercial watermen of the Chesapeake Bay watershed for the removal of invasive blue catfish.

## II. WITNESSES

### Panel I (Members of Congress)

- *To Be Announced*

### Panel II (Administration Witnesses)

- **Mr. Justin “J” Shirley**, Principal Deputy Director, U.S. Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. [H.R. 180, H.R. 4033, H.R. 4293, and Discussion Draft]

### Panel III (Outside Experts)

- **Mr. Geno Evans**, President, Evans Farm, Pierson, Florida [H.R. 4033]
- **Mr. Forrest Burkholder**, President and CEO, SAExploration, Calgary, Alberta, Canada [Discussion Draft]
- **Mr. William Holcomb**, Major, Division of Law Enforcement, Florida Fish and Wildlife Conservation Commission, Tallahassee, Florida [H.R. 3706 and H.R. 3831]
- **Mr. Jeff Corwin**, Wildlife Biologist, Marshfield, Massachusetts [Discussion Draft, H.R. 180, and H.R. 4033 *[Minority Witness]*]

## III. BACKGROUND

### Discussion Draft of H.R. (Rep. Begich), To Amend the Marine Mammal Protection Act of 1972.

#### *Background of the Marine Mammal Protection Act*

The Marine Mammal Protection Act of 1972 (P.L. 92-522) (MMPA or Act) was enacted “to conserve marine mammal populations and protect them from extinction or depletion as a result of human activities.”<sup>1</sup> Title I of the MMPA contains most of the Act’s provisions, including the moratorium on the taking of marine mammals, the process for performing and developing stock assessments, the development of regulations, and provisions addressing commercial fishing.<sup>2</sup> The Act is primarily administered by the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (FWS) (collectively, the Services).<sup>3</sup>

The MMPA comprehensively regulates the “take” of marine mammals incidental to commercial fishing operations. It also allows for the development of regulations to authorize the incidental “take” of “small numbers” of marine mammals for non-fishing activities. The Act defines “take”

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<sup>1</sup> Congressional Research Service, The Marine Mammal Protection Act (P.L. 92 -522): Primer and Issues for Congress, January 2024. <https://sgp.fas.org/crs/misc/R47892.pdf>.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

as meaning “to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal.”<sup>4</sup>

On February 26, 2025, the Subcommittee on Water, Wildlife and Fisheries held an oversight hearing to examine the implementation of both MMPA and the Endangered Species Act (ESA). More information on the hearing can be found [here](#), and the hearing memo can be found [here](#).

The House Committee on Natural Resources has heard from numerous stakeholders—including Tribal leaders, state fish and wildlife agencies, commercial fisheries, offshore energy developers, maritime sectors, and many others—that the MMPA is in desperate need of reform. The diversity of these voices reveals that concern with the Act’s implementation is not confined solely to regulated industries. Further, the inefficiencies of the current statutory framework produce damage that is similarly widespread. When states struggle to obtain MMPA authorizations, for example, critical projects are needlessly delayed, causing coastal communities and ecosystems to suffer.

In February 2025, a bipartisan group of Washington state legislators introduced House Joint Memorial 4004, in which they “respectfully pray[ed] that Congress modify the [MMPA] to allow greater flexibility for states and tribes to use adaptive management tools, including the use of lethal removal, for pinniped predators of endangered salmon stocks across all marine shorelines and the Puget Sound.”<sup>5</sup> At the federal level, even the U.S. Navy has faced challenges obtaining MMPA authorizations.

These dynamics illustrate the pressing need to update and reform the MMPA. Following the Supreme Court’s *Loper Bright* decision, which overturned *Chevron* deference, Congress must provide greater specificity when directing the executive branch to implement major statutes, like the MMPA. This includes carefully defining important terms, clearly identifying the factors agencies should consider when developing regulations, and diligently working to prevent ambiguity. By adopting this approach, the House Committee on Natural Resources can meaningfully improve implementation of the MMPA.

Reforming the MMPA aligns with the shared goals of House Republicans and the Trump administration of reducing regulatory burdens, unleashing American energy, upholding the multiple uses of our marine resources, and sufficiently protecting marine mammals. This effort complements many of President Trump’s executive orders (EOs), including Restoring American Seafood Competitiveness,<sup>6</sup> Restoring Gold Standard Science,<sup>7</sup> Unleashing America’s Offshore

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<sup>4</sup> *Id.*

<sup>5</sup> House Memorial 4004. Washington State Legislature. <https://lawfilesexternal.leg.wa.gov/biennium/2025-26/Pdf/Bills/House%20Joint%20Memorials/4004-Marine%20mammal%20protection%20act.pdf?q=20250714145731>.

<sup>6</sup> White House. Executive Order 14276. Restoring American Seafood Competitiveness. <https://www.whitehouse.gov/presidential-actions/2025/04/restoring-american-seafood-competitiveness/>.

<sup>7</sup> White House. Executive Order 14303. Restoring Gold Standard Science. <https://www.whitehouse.gov/presidential-actions/2025/05/restoring-gold-standard-science/>.

Critical Minerals and Resources,<sup>8</sup> Reducing Anti-Competitive Regulatory Barriers,<sup>9</sup> Unleashing American Energy,<sup>10</sup> and Unleashing Alaska's Extraordinary Resources Potential.<sup>11</sup>

### ***Provisions of the Discussion Draft***

#### *Best Available Scientific Information and Stock Assessments*

Numerous MMPA debates have centered on the scientific information that NMFS uses to inform its regulatory actions under the Act. Questions have also swirled around the completeness and accuracy of NMFS' stock assessments, population estimates, and methodologies. The Services have also disregarded Congressional intent by overzealously applying the "precautionary principle," which biases agency decisions via a disproportionate focus on worst-case scenarios. The Discussion Draft would add a new section to Title I of the Act, directing the agencies to base all decisions and determinations "solely upon the objective application of the best scientific and commercial data available and without application of precautionary factors or assumptions."

This directive would apply to all MMPA decisions, including the estimated number of marine mammals in a species or stock, the likely presence of a marine mammal, the estimated population trend or status of a species or stock, the estimated geographic range of a species or stock, and the likelihood and extent of exposure of marine mammals to human impacts. These decisions and determinations are central to the development of regulations under MMPA and the management of marine mammals.

Additionally, the Discussion Draft includes a provision that allows for the minimum population estimate—which is an element of the formula to calculate a marine species' potential biological removal—to be designated as unknown "until the minimum population estimate for the stock is not designated as unknown under that paragraph." It also allows the minimum population estimate to be designated as unknown "until abundance survey data adequate to make such estimate are available and such estimate is made." This language is also incorporated into Section 117, with respect to stock assessments, by providing the minimum population estimate and potential biological removal, only if known.

Ultimately, these changes will ground regulations in the most up-to-date science and data. Historically, the Services have relied on speculative modeling lacking sufficient data to make informed decisions about marine mammal populations, which in turn drive the regulation of essential activities, such as commercial fishing.

Regulatory decisions that impact livelihoods and industries essential to the nation's well-being should be based on actual data, not speculation. These provisions will incentivize the Services to

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<sup>8</sup> White House. Executive Order 14285. Unleashing America's Offshore Critical Minerals and Resources. <https://www.whitehouse.gov/presidential-actions/2025/04/unleashing-americas-offshore-critical-minerals-and-resources/>

<sup>9</sup> White House. Executive Order 14267. Reducing Anti-Competitive Regulatory Barriers. <https://www.whitehouse.gov/presidential-actions/2025/04/reducing-anti-competitive-regulatory-barriers/>.

<sup>10</sup> White House. Executive Order 14154. Unleashing American Energy. <https://www.whitehouse.gov/presidential-actions/2025/01/unleashing-american-energy/>.

<sup>11</sup> White House. Executive Order 14153. Unleashing Alaska's Extraordinary Resource Potential. <https://www.whitehouse.gov/presidential-actions/2025/01/unleashing-alaskas-extraordinary-resource-potential/>.

collect new data, rather than rely on data-deficient models, and encourage opportunities for more cooperative research.

### *Definitions and Findings*

The Discussion Draft includes findings that the MMPA’s implementation has “unduly and unnecessarily constrained government, tribes, and the regulated community as the result of the application by the Secretary [of Commerce] of subjective factors,” has “hindered some efforts to restore threatened species and endangered species, such as salmon,” and has “resulted in disruptions to ecosystem balance.” The findings help make the case for reforming the MPAA to work more effectively.

The Discussion Draft also updates important terms in the Act and defines previously undefined terms. The Discussion Draft amends the definition of “optimum sustainable population,” which is the threshold that the MMPA directs the agencies to manage marine species stocks to, and “strategic stock,” which are the stocks that are experiencing human-caused mortality that exceeds the potential biological removal level. For optimum sustainable population, the Discussion Draft shifts the focus from the population to “result in maximum productivity,” to “necessary to support the continued survival” of a stock. For decades, the term “maximum productivity” has been viewed as difficult to quantify, which further complicates the MMPA’s regulatory process.<sup>12</sup> Narrowing this definition to focus on continued species survival is critical to ensure that marine mammal species and stocks are most effectively protected.

Similarly, the Discussion Draft seeks to refocus the definition of “strategic stock.” First, by removing references to threatened or endangered species under the ESA, it focuses solely on stocks subject to the MMPA. This is an important effort to decrease duplication between the MMPA and the ESA, which was a major topic of the Subcommittee on Water, Wildlife and Fisheries’ oversight hearing in February 2025. The Discussion Draft also amends the definition of “strategic stock” to define it as a stock that is depleted, and those where human-caused annual mortality exceeds the potential biological removal. Strategic stocks are those for which Take Reduction Teams (TRTs) are convened. Clarifying this definition will allow that process to work more effectively to prioritize the stocks that are most in need of additional protection.

The Discussion Draft also defines the term “negligible impact” for the first time. This term is key to the authorization of take under the MMPA. The NMFS’s Office of Protected Resources (OPR) authorizes take of small numbers of marine mammals as long as it has no more than “negligible impact” on marine mammal species or stocks.<sup>13</sup> This occurs through an Incidental Harassment Authorization (IHA), which is issued for “small-scale activities or activities expected to result only in harassment of marine mammals,”<sup>14</sup> or through Incidental Take Regulations (ITRs) for

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<sup>12</sup> Congressional Research Service. The Marine Mammal Protection Act: Reauthorization Issues. June 11, 2007. [https://www.everycrsreport.com/files/20070611\\_RL30120\\_1fb80d72ac66b1c08ea4dc52805fb1593a768773.pdf](https://www.everycrsreport.com/files/20070611_RL30120_1fb80d72ac66b1c08ea4dc52805fb1593a768773.pdf).

<sup>13</sup> NOAA Fisheries. Incidental Take Authorizations Under the Marine Mammal Protection Act. Last Updated July 3, 2025. <https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act>.

<sup>14</sup> Congressional Research Service. The Marine Mammal Protection Act (P.L. 92 -522): Primer and Issues for Congress. January 5, 2024. <https://sgp.fas.org/crs/misc/R47892.pdf>

“larger-scale activities or activities that may cause serious injury or mortality to marine mammals.”<sup>15</sup>

Both IHAs and ITRs require a comment period, while ITRs are promulgated through formal rulemaking.<sup>16</sup> Although “negligible impact” has been defined in various ways through regulation and in the courts, the lack of a clear definition in the statute has resulted in inconsistent agency decisions. Defining these terms would provide more clarity and certainty in the rulemaking process.

The Discussion Draft also clarifies the definition of harassment by removing the “potential” to harass, thereby refocusing the Act on actions that result in actual harassment of marine mammals. This eliminates an open-ended ambiguity in the Act that has been almost impossible for agencies to consistently or reliably apply.

Another important provision included in the Discussion Draft is an added definition of “necessary and appropriate,” specifically in Sections 103 and 112 of the MMPA. These two sections give NMFS the authority to promulgate regulations under the Act. Defining this term is crucial in providing guardrails around the regulatory process. For example, this term was cited as justification for the controversial and contentious proposal to expand vessel speed restrictions to protect the North Atlantic right whale. However, NMFS’s authority to do so was questioned throughout the rulemaking process by many concerned stakeholders.<sup>17</sup> This new definition will add certainty to the regulatory process and provide NMFS with a clearer sense of which factors to consider when developing regulations.

#### *Changes to Take Authorization Process and U.S Navy Provision*

The Discussion Draft also makes important reforms to the take authorization process. First, it removes the term “small numbers” throughout the Act. This undefined term has been inconsistently applied by the Services and the courts. Additionally, the Discussion Draft removes the five-year cap for ITRs, which will provide long-term certainty for projects. Project developers who have completed an ITR authorization process often must renew the authorization shortly thereafter. Removing the five-year limit for these regulations is an important step in reforming the permitting process, particularly for energy projects.

The Discussion Draft removes all references to the goal of “zero mortality,” which is an undefined term that has been viewed as a particular challenge for commercial fishing. It changes the goal to achieving “negligible impact.” Setting a goal that includes a defined term will allow for a more consistent application of the Act and its subsequent regulations.

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<sup>15</sup> *Id.*

<sup>16</sup> NOAA Fisheries. Incidental Take Authorizations Under the Marine Mammal Protection Act. Last Updated July 3, 2025. <https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act>

<sup>17</sup> Center for Sportfishing Policy. Vessel Speed Restrictions Will Cripple Coastal Communities, Fail to Protect Right Whales. October 4, 2022. <https://sportfishingpolicy.com/vessel-speed-restrictions-will-cripple-coastal-communities-fail-to-protect-right-whales/>.



The Discussion Draft sets clear deadlines for processing and responding to applications. While the Secretary of Commerce or Secretary of the Interior may seek more information from applicants, authorization requests are deemed approved if the Secretaries do not make a decision within 165 days of receiving an ITR request or within 135 days of receiving an IHA request. Project applicants are often required to provide additional information to NMFS when undergoing the regulatory process. Ensuring that communications between an applicant and NMFS are conducted in a timely and efficient manner is another important reform to the permitting process.

The Discussion Draft also helps to reduce regulatory inefficiency by eliminating agencies' obligations to conduct duplicative reviews and consultations under the National Environmental Policy Act (NEPA) and Section 7 of the ESA when issuing IHAs and ITRs, which must already be supported by rigorous evaluations under the MMPA.

Finally, the Discussion Draft improves military readiness by removing the two-year time limit on exemptions that are granted to the Secretary of Defense under Section 102 of the MMPA.

#### *Extension of Atlantic Large Whale Take Reduction Plan Regulations for American Lobster and Jonah Crab Fisheries*

The Maine Lobster fishery is one of the oldest in the United States, harvesting more than 100 million pounds of lobster and contributing more than \$1 billion to the state's economy each year.<sup>18</sup> However, in recent years, this vital fishery has experienced crippling regulatory uncertainty. As a representative of the New England Fishermen's Stewardship Alliance recently explained, the Atlantic Large Whale Take Reduction Team's (ALWTRT) timeline for implementing new regulations conflicts with the work that the State of Maine is conducting to collect better data.<sup>19</sup> The Discussion Draft aims to address this issue by extending the deadline for implementing ALWTRT's regulations until 2035.

#### **H.R. 180 (Rep. McClintock), "Endangered Species Transparency and Reasonableness Act of 2025"**

H.R. 180 amends the ESA to require the Services to publish the "best scientific and commercial data available that are the basis for each" listing and critical habitat decision. The publication requirement ensures that such information will be readily available and accessible online. ESA-related regulations are often controversial since they can restrict land use, limit access to natural resources, and reduce property values. Yet, all too often, the public is not informed on how such decisions are made. This bill brings needed transparency by revealing to the public what the Services identified as the "best scientific and commercial data available."

Additionally, H.R. 180 directs the Services to coordinate with states when making listing and critical habitat decisions. Before finalizing an ESA regulation, the Services must provide each

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<sup>18</sup> Maine Lobster Fact Sheet. <https://lobsterfrommaine.com/article/maine-lobster-fact-sheet/>.

<sup>19</sup> Statement of Dustin Delano on behalf of the New England Fishermen's Stewardship Alliance, Subcommittee on Water, Wildlife and Fisheries Hearing on "Restoring American Seafood Competitiveness," June 4, 2025, <https://docs.house.gov/meetings/II/II13/20250604/118330/HHRG-119-II13-Wstate-DelanoD-20250604.pdf>.

affected state with the data used as the basis of a regulation. The bill defines “best scientific and commercial data available” to include all such data submitted to the Services by state, tribal, and local governments.

The Services are also required to disclose to Congress and make publicly available all federal government expenditures on ESA-related lawsuits for each fiscal year. The ESA has become a magnet for lawsuits designed to frustrate the process laid out in the underlying statute, with the Services often settling with litigious environmental groups.

### **H.R. 3706 (Rep. Babin), “Standards for Understanding Source and Habitat Identification Act” or “SUSHI Act”**

Illegal, unreported, and unregulated (IUU) fishing is a serious threat to ocean ecosystems.<sup>20</sup> Entities that engage in IUU fishing “circumvent conservation and management measures” and “avoid the operational costs associated with sustainable fishing practices.”<sup>21</sup> These practices can threaten the United States’ sustainable fisheries, damage fishing communities and coastal economies, and pose a grave threat to our national security.<sup>22</sup> The threat of fish caught using these practices entering the United States’ markets undermines the competitiveness of the domestic seafood sector, which was highlighted in President Trump’s recent EO, “Restoring American Seafood Competitiveness.”<sup>23</sup>

H.R. 3706 directs the Under Secretary of Commerce for Standards and Technology (Under Secretary) and the National Oceanic and Atmospheric Administration (NOAA) Administrator to “jointly develop a standard methodology, based on chemical analysis, for identifying the country of origin of seafood to support enforcement against unlawful, unreported, and unregulated fishing.”<sup>24</sup> The bill also requires NOAA to conduct pilot studies on red snapper, as an example of a stationary stock, and tuna, as an example of a highly migratory stock.

Additionally, H.R. 3706 directs the Under Secretary to submit to Congress a report summarizing the methodology developed to identify seafood’s country of origin, as well as a plan to operationalize that methodology. If the Under Secretary determines that a methodology is impractical, the bill requires the Under Secretary to explain that determination and indicate whether additional research or an alternate approach would make developing and executing such a methodology practicable.

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<sup>20</sup> NOAA Fisheries. Understanding Illegal, Unreported, and Unregulated Fishing. <https://www.fisheries.noaa.gov/insight/understanding-illegal-unreported-and-unregulated-fishing>.

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> White House. Executive Order 13921. “Promoting American Seafood Competitiveness and Economic Growth.” May 12, 2020. <https://www.federalregister.gov/documents/2020/05/12/2020-10315/promoting-american-seafood-competitiveness-and-economic-growth>.

<sup>24</sup> Representative Brian Babin. H.R. 3706, “Standards for Understanding Source and Habitat Identification Act.” <https://www.congress.gov/119/bills/hr3706/BILLS-119hr3706ih.pdf>.



H.R. 3706 mirrors legislation introduced by Senate Commerce, Science, and Transportation Committee Chairman Senator Ted Cruz (R-TX), the “Illegal Red Snapper and Tuna Enforcement Act,” which passed the Senate by unanimous consent on July 15, 2025.<sup>25</sup>

### H.R. 3831 (Rep. Webster), “Florida Safe Seas Act of 2025”

H.R. 3831 would amend the Magnuson-Stevens Fishery Conservation and Management Act (MSA) to prohibit shark feeding in the exclusive economic zone off the State of Florida. This legislation aligns federal law with Florida’s state regulations, which state that “feeding fish, sharks, or other marine species while diving or snorkeling is prohibited.”<sup>26</sup> Florida developed these regulations to protect divers, surfers, and swimmers; to prevent the feeding of marine species in multiple-use areas; and to avoid training sharks to associate human activities with food.<sup>27</sup> This legislation provides needed relief to Florida’s commercial and recreational fisherman, who have seen an increase in shark depredation.

In recent years, shark populations have risen in Florida and much of the United States.<sup>28</sup> This is in part due to the Shark Fin Sales Elimination Act of 2021 (PL 117-263), which prohibited the buying, selling, or transportation of any product containing shark fins.<sup>29</sup> While not an outright ban, this statute created significant difficulties for commercial fishermen, as the fins are often the most commercially valuable part of a shark.

H.R. 3831 amends Section 317 of the MSA, which states that it is unlawful to use any substance to attract sharks for any purpose other than to harvest them. As currently written, this applies only “within the Exclusive Economic Zone seaward of the State of Hawaii and the Commonwealths, territories, and possessions of the United States in the Pacific Ocean Area.”<sup>30</sup> If enacted, the legislation would apply these restrictions to the Exclusive Economic Zone of the state of Florida, enabling safer recreational use of our coastal resources and providing relief from shark depredation to commercial and recreational anglers in Florida.

### H.R. 4033 (Rep. Fine), “Sturgeon Conservation and Sustainability Act of 2025”

In 2004, the FWS listed the beluga sturgeon as a threatened species under the ESA due to “habitat modification and degradation, over-exploitation for trade, limited natural reproduction, and agricultural and industrial pollution.”<sup>31</sup> The species, however, is not native to the United States. Its historical range includes 18 countries in Eastern Europe and Central Asia.<sup>32</sup> Beluga

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<sup>25</sup> E&E Daily. “Senate OKs bill against illegal red snapper, tuna imports.” July 15, 2025.

<https://subscriber.politicopro.com/article/eenews/2025/07/15/senate-oks-bill-against-illegal-red-snapper-tuna-imports-00452696>.

<sup>26</sup> “Feeding sharks and other fish.” Florida Fish and Wildlife Commission. <https://myfwc.com/fishing/saltwater/recreational/fish-feeding/>.

<sup>27</sup> *Id.*

<sup>28</sup> Laurie Mermet. “Hooked and stolen: How rebounding shark populations are changing Florida’s fishing.” University Press. Florida Atlantic University. April 25, 2025. <https://www.upressonline.com/2025/04/hooked-and-stolen-how-rebounding-shark-populations-are-changing-floridas-fishing/>.

<sup>29</sup> H.R. 2811. Shark Fin Sales Elimination Act of 2021. <https://www.congress.gov/bill/117th-congress/house-bill/2811>.

<sup>30</sup> 16 U.S.C. 1866.

<sup>31</sup> 69 FR 21425.

<sup>32</sup> *Id.*

sturgeon can be found in the United States in commercial aquaculture facilities, which have historically harvested caviar and meat from these fish.

The listing of the species is problematic for both domestic and foreign commercial aquaculture facilities because of the ESA's prohibition on the "take" of a listed species. "Take" in the ESA is defined as meaning "to harass, harm, pursue, hunt, shoot, would, kill, trap, capture, or collect, or to attempt to engage in any such conduct."<sup>33</sup> In an effort to ease these prohibitions, the FWS issued a so-called "4(d) rule," which allows for some "take" of threatened species. However, this rule gave meaningful relief only to countries within the species range that submitted a conservation and management plan within six months of the rule's proposal.<sup>34</sup> In those countries, transfer of beluga sturgeon caviar and meat into and out of the United States would be exempted from the "take" prohibition in the ESA.

The FWS did not give the same "take" exemptions to aquaculture facilities in non-range countries, including the United States, because "the expansion of aquaculture in non-range countries could diminish the importance of beluga sturgeon conservation by reducing incentives to protect the species in the wild."<sup>35</sup> However, the FWS stated that it would consider granting such exemption if facilities meet the criteria for (1) enhancing the survival of populations of wild beluga sturgeon and (2) not threatening native aquatic fauna in the country in which the facility is located.<sup>36</sup> These criteria have proven difficult for domestic aquaculture to meet, especially the requirement to enhance the survival of wild beluga sturgeon populations. Many of the countries within the species range, such as Russia and Ukraine, have been beset by political instability and military conflict, making conservation work on the ground more difficult.

Apart from the beluga sturgeon, there are 14 other listed sturgeon species.<sup>37</sup> According to the Small Business Administration (SBA), these listings produce severe economic impacts, with one small business losing up to \$2.1 million in revenue per year due to the listing of the beluga sturgeon.<sup>38</sup> Moreover, on May 25, 2022, the FWS proposed to list four additional sturgeon species.<sup>39</sup> If these listings were finalized, one small business told the SBA that it could lose \$1.8 million in annual revenue.<sup>40</sup>

H.R. 4033 would exempt from the ESA's "take" prohibition farm-raised sturgeon that are legally held in captivity or in a controlled environment as of the bill's enactment date. Through this exemption, the bill would allow American sturgeon farmers to continue their operations without fear of financial ruin.

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<sup>33</sup> [16 U.S.C. 1532 \(19\)](#).

<sup>34</sup> [69 FR 62415](#).

<sup>35</sup> *Id.*

<sup>36</sup> [70 FR 10493](#).

<sup>37</sup> "Listed Animals." Environmental Conservation Online System. U.S. Fish and Wildlife Service. <https://ecos.fws.gov/ecp0/reports/ad-hoc-species-report?kingdom=V&kingdom=I&status=E&status=T&status=EmE&status=EmT&status=EXPE&status=EXPN&status=SAE&status=SAT&mapstatus=3&fcritab=on&fstatus=on&fspecrule=on&finvpop=on&fgroup=on&header=Listed+Animalsd+Animals>.

<sup>38</sup> Comments on Request for Information on Regulatory Reform. U.S. Small Business Administration Office of Advocacy. June 20, 2025. [https://naturalresources.house.gov/uploadedfiles/office\\_of\\_advocacy\\_comments\\_docket\\_no\\_doi-2025-0005.pdf](https://naturalresources.house.gov/uploadedfiles/office_of_advocacy_comments_docket_no_doi-2025-0005.pdf)

<sup>39</sup> [87 FR 43233](#).

<sup>40</sup> Comments on Request for Information on Regulatory Reform. U.S. Small Business Administration Office of Advocacy. June 20, 2025. [https://naturalresources.house.gov/uploadedfiles/office\\_of\\_advocacy\\_comments\\_docket\\_no\\_doi-2025-0005.pdf](https://naturalresources.house.gov/uploadedfiles/office_of_advocacy_comments_docket_no_doi-2025-0005.pdf).

**H.R. 4293 (Rep. Ciscomani), To amend the Sikes Act to increase flexibility with respect to cooperative and interagency agreements for land management off of installations.**

Passed in 1960, the Sikes Act “provide[s] for cooperation by the Departments of the Interior and Defense, along with state fish and wildlife agencies, in planning, development, and maintenance of fish and wildlife resources on military installations throughout the United States.”<sup>41</sup> This cooperation includes protecting military installations from the impacts of critical habitat designations for ESA-listed species on lands controlled by the Department of Defense (DOD).

The Sikes Act incentivizes species conservation on DOD lands by shielding these lands from critical habitat designations if they are covered by an Integrated Natural Resources Management Plan (INRMP).<sup>42</sup> DOD develops an INRMP for each military installation in the United States to cover conservation activities for the natural resources on the installation. This includes fish and wildlife management, as well as fish and wildlife habitat enhancement.<sup>43</sup> For off-DOD lands, the Sikes Act grants military installations the ability to enter into cooperative agreements with non-DOD entities to conserve natural resources while minimizing interference with “current or anticipated military activities.”<sup>44</sup>

Decades long litigation between Fort Huachuca and various environmental groups, however, demonstrates that the Sikes Act’s promised benefits are not always fully realized. Fort Huachuca is a U.S. Army Base in southern Arizona that houses many important assets, such as the U.S. Army Intelligence Center of Excellence and U.S. Army Network Enterprise Technology Command. To maintain an adequate water supply for base operations, Fort Huachuca pumps water from the San Pedro River Basin, which is located off DOD lands and is home to four ESA-listed species.<sup>45</sup>

To permit this water pumping, the FWS published a biological opinion (BiOp) in 2014 that relied upon Fort Huachuca’s 480-acre easement to mitigate the impact on the listed species in the area.<sup>46</sup> However, the Center for Biological Diversity (CBD), the Sierra Club, and the Maricopa Audubon Society subsequently sued Fort Huachuca and the FWS regarding the BiOp. In 2023, the Ninth Circuit Court of Appeals ruled against the defendants, holding that the FWS incorrectly determined that the easement sufficiently mitigated the impacts of water pumping on listed species.<sup>47</sup> In response to the ruling, a representative of CBD advocated for a drastic downsizing or even the closure of Fort Huachuca.<sup>48</sup>

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<sup>41</sup> “Sikes Act.” U.S. Fish and Wildlife Service. [Sikes Act | U.S. Fish & Wildlife Service](#).

<sup>42</sup> [16 U.S.C. 1533\(a\)\(3\)\(B\)](#).

<sup>43</sup> [16 U.S.C. 670a](#).

<sup>44</sup> [16 U.S.C. 670c-1](#).

<sup>45</sup> “Appeals court orders U.S. Fish and Wildlife to revisit Fort Huachuca water ruling.” Howard Fischer. Daily Independent. December 4, 2023. <https://www.yourvalley.net/stories/appeals-court-orders-us-fish-and-wildlife-to-revisit-fort-huachuca-water-ruling.464971>.

<sup>46</sup> United States Court of Appeals for the Ninth Circuit Decision No. 22-15809. <https://www.courthousenews.com/wp-content/uploads/2023/12/center-for-biodiversity-v-fish-and-wildlife-ninth-circuit-ruling.pdf>.

<sup>47</sup> *Id.*

<sup>48</sup> “Appeals court orders U.S. Fish and Wildlife to revisit Fort Huachuca water ruling.” Howard Fischer. Daily Independent. December 4, 2023. [Appeals court orders U.S. Fish and Wildlife to revisit Fort Huachuca water ruling - Daily Independent](https://www.yourvalley.net/stories/appeals-court-orders-us-fish-and-wildlife-to-revisit-fort-huachuca-water-ruling.464971).

H.R. 4293, introduced by Representative Juan Ciscomani (R-AZ-06), amends the Sikes Act to give military installations additional flexibility to enter into cooperative agreements to conserve natural resources and protect integral base operations. By granting military installations this ability, future situations similar to the litigation at Fort Huachuca could be avoided. Instead, the cooperative agreements process would facilitate greater conservation of listed species, lessening the risk of litigation.

**H.R. 4294, (Rep. Elfreth), “Mitigation Action and Watermen Support Act of 2025” or “MAWS Act of 2025”**

Blue catfish were introduced into Virginia river systems decades ago with the presumption that they would remain in freshwater ecosystems.<sup>49</sup> However, the catfish were able to tolerate higher salinity levels than anticipated and have since spread aggressively throughout the Chesapeake Bay (Bay) watershed.<sup>50</sup> Blue catfish have no natural predators in the Bay and consume several native species, including blue crabs, American shad, and striped bass.<sup>51</sup> Researchers at the U.S. Geological Survey have documented the blue catfish’s ability to thrive in various conditions and their explosive population growth in the Bay, leading to increased competition and predation of native fish.<sup>52</sup>

H.R. 4294 would establish a three-year pilot program, from January 1, 2027, through December 31, 2029, within the Department of Commerce to support the commercial removal of invasive blue catfish in the Bay. Under the program, the Secretary of Commerce (Secretary) would be authorized to purchase blue catfish from Bay watermen, with the goals of reducing blue catfish populations in the Bay and creating an incentive-driven conservation opportunity for the watermen. The Secretary would determine a minimum price per pound for fish purchased through the program, using market conditions and feedback from watermen. To further support watermen, the Secretary may use up to 15 percent of appropriated funds to offset the cost of transportation of harvested catfish.

Within 180 days of the program’s conclusion, the Secretary must submit a report to Congress analyzing the number of blue catfish harvested, the diet and impact of blue catfish on native populations, the market impacts of the program, and recommendations for future policy. Policy recommendations would include whether the program should continue and be considered for expansion to other watersheds, including removal of Asian carp from the Mississippi rivershed.

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<sup>49</sup> “Blue Catfish: Invasive and Delicious.” NOAA Fisheries. October 20, 2020. <https://www.fisheries.noaa.gov/feature-story/blue-catfish-invasive-and-delicious>.

<sup>50</sup> *Id.*

<sup>51</sup> “Blue Catfish.” NOAA Fisheries. <https://www.fisheries.noaa.gov/species/blue-catfish>.

<sup>52</sup> “Management strategy evaluation to assess trade-offs associated with invasive Blue Catfish fisheries and predation impacts.” USGS. April 1, 2025. <https://www.usgs.gov/publications/management-strategy-evaluation-assess-trade-offs-associated-invasive-blue-catfish>.

## **IV. MAJOR PROVISIONS & ANALYSIS**

### **Discussion Draft of H.R. (Rep. Begich), To Amend the Marine Mammal Protection Act of 1972.**

#### **Section 2. Findings and Declaration of Policy.**

- Establishes new findings related to the challenges that tribes, the government, and the regulated community have faced with the implementation of the MMPA.

#### **Section 3. Definitions.**

- Amends the definition of “optimum sustainable population” and “strategic stock” and adds a definition of “negligible impact,” which is currently not defined in the statute.
- Amends the definition of “harassment” to focus the Act on activities that will actually lead to harassment.

#### **Section 4. Moratorium of Taking and Importing Marine Mammals and Marine Mammal Products.**

- Makes several changes to the process to obtain IHAs and ITRs under the Act. Removes the references to “small numbers” and removes the five-year cap for ITRs. Also establishes timelines for NOAA and FWS to process and respond to applications as they are submitted. Seeks to deconflict the MMPA from NEPA and ESA. Removes a two-year time limit for exemptions granted for military activities.

#### **Section 5. Regulations on Taking of Marine Mammals.**

- Codifies a definition of “necessary and appropriate” as the term is used in developing regulations under MMPA.

#### **Section 6. International Program.**

- Amends Section 108 of the MMPA by shifting the focus of achieving the goal of “zero mortality” to “levels that have no more than a negligible impact on the species or stock.”

#### **Section 7. Regulations and Administration.**

- Codifies a definition of “necessary and appropriate” as the term is used in developing regulations under MMPA.

#### **Section 8. Stock Assessments.**

- Allows for greater certainty in the development of stock assessments by providing the minimum population estimate and potential biological removal, only if known, and directs NOAA to consider the entire geographic range of the stock.

#### **Section 9. Taking of Marine Mammals Incidental to Commercial Fishing Operations.**

- Changes the goal from “approaching zero mortality rate” to “negligible impact.” Also states that if a stock’s potential biological removal is unknown, a take reduction team and plan cannot be instituted.

### **Section 10. Objective Application of Best Available Scientific and Commercial Data.**

- Adds an additional section to Title I of the Act to direct both NOAA and FWS to use “the best scientific and commercial data available” when making determinations and decisions under the Act.

### **Section 11. North Atlantic Right Whales and Regulations.**

- Extends the timeline to implement regulations for North Atlantic right whales for the American lobster and Jonah crab fisheries in Maine from 2028 to 2035.

### **Section 12. Conforming Amendments.**

- Technical amendments to the underlying statute to ensure that the other sections of the Discussion Draft execute properly.

## **H.R. 180 (Rep. McClintock), “Endangered Species Transparency and Reasonableness Act of 2025”**

### **Section 2. Requirement to Publish on the Internet the Basis for Listings.**

- Requires that the best scientific and commercial data available that are the basis for an ESA listing be published on the internet.

### **Section 3. Decisional Transparency and use of State, Tribal, and Local Information.**

- Requires all data that is the basis of a listing decision to be shared with all states impacted before the listing is made.

### **Section 4. Disclosure of Expenditures Under Endangered Species Act of 1973.**

- Amends Section 13 of the ESA to require the Department of the Interior and Department of Commerce to disclose all costs associated with ESA-related litigation annually.

### **Section 5. Award of Litigation Costs to Prevailing Parties in Accordance with Existing Law.**

- Amends the attorney’s fees section of the ESA to be in line with the Equal Access to Justice Act. This section also requires attorney’s fees from ESA-related lawsuits to be paid out of agency appropriations, not the Judgement Fund.

## **H.R. 3706 (Rep. Babin), “Standards for Understanding Source and Habitat Identification Act” or “SUSHI Act”**

### **Section 2. Methodology for Identifying the Country of Origin of Seafood.**

- Directs the NOAA Administrator and the Under Secretary to establish a joint methodology to identify the country of origin of red snapper and tuna to help prevent unlawful, unreported, unregulated, and illegal fishing activities.



## [H.R. 4033 \(Rep. Fine\), “Sturgeon Conservation and Sustainability Act of 2025”](#)

### **Section 2. Sturgeon Held in Captivity or Controlled Environments.**

- Exempts from ESA Section 9 take prohibitions and ESA Section 7 consultation requirements farmed-raised sturgeon held in captivity as of the date of enactment, and their progeny, unless they are released into the wild.
- Individuals holding any sturgeon or progeny must be able to demonstrate that these fish were held in captivity on the date of enactment.

## [H.R. 4293 \(Rep. Ciscomani\), To amend the Sikes Act to increase flexibility with respect to cooperative and interagency agreements for land management off of installations.](#)

### **Section 1. Cooperative and Interagency Agreements for Land Management Off of Installations.**

- Grants additional flexibility for military installations to enter into cooperative agreements to manage natural resources off-base when those resources may impact base operations.

## [H.R. 4294, \(Rep. Elfreth\), “Mitigation Action and Watermen Support Act of 2025” or “MAWS Act of 2025”](#)

### **Section 2. Blue Catfish Pilot Program.**

- Creates a three-year pilot program to study the benefits of incentivized removal of blue catfish from the Chesapeake Bay watershed. Requires a report to Congress on the benefits of the program and potential expansion to other watersheds.

## **V. COST**

A formal cost estimate from the Congressional Budget Office (CBO) is not yet available for any of the bills.

## **VI. ADMINISTRATION POSITION**

The Trump administration’s position on any of the bills is unknown at this time.

## **VII. EFFECT ON CURRENT LAW**

### [Discussion Draft of H.R. \(Rep. Begich\), To amend the Marine Mammal Protection Act of 1972.](#)

[H.R. 180](#)

[H.R. 4294](#)

[H.R. 3831](#)

[H.R. 4033](#)

[H.R. 4293](#)