

118TH CONGRESS
2D SESSION

H. R. 9821

To improve the management of forage fish.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 25, 2024

Mrs. DINGELL (for herself and Mr. MAST) introduced the following bill; which
was referred to the Committee on Natural Resources

A BILL

To improve the management of forage fish.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Forage Fish Conserva-
5 tion Act of 2024”.

6 **SEC. 2. FINDINGS.**

7 Section 2(a) of the Magnuson-Stevens Fishery Con-
8 servation and Management Act (16 U.S.C. 1801(a)) is
9 amended by adding at the end the following:

10 “(14) Forage fish are generally small to inter-
11 mediate-sized species, occurring in schools or dense
12 aggregations, and function as a main pathway for

1 energy to flow from phyto- and zooplankton to high-
2 er trophic level predators, including tuna, Alaska
3 pollock, and other wildlife, in marine ecosystems.
4 While most species function as prey of others at
5 some life stage, especially when small and young,
6 forage fish maintain this important trophic role
7 throughout their life. Further, fluctuations in their
8 populations can result in significant changes in ma-
9 rine communities and ecosystems. Therefore, par-
10 ticular attention to management of forage fish spe-
11 cies, and addressing their unique role in marine eco-
12 systems, is critical to maintaining ecosystem func-
13 tion and sustainable fisheries.”.

14 **SEC. 3. DEFINITIONS.**

15 (a) SECRETARY TO DEFINE FORAGE FISH.—Section
16 305 of the Magnuson-Stevens Fishery Conservation and
17 Management Act (16 U.S.C. 1855) is amended by adding
18 at the end the following:

19 “(1) FORAGE FISH.—Not later than 12 months after
20 the date of the enactment of the Forage Fish Conservation
21 Act of 2024, the Secretary, with advice from the Councils,
22 shall issue a definition of the term ‘forage fish’ for the
23 purposes of this Act, giving due consideration to defini-
24 tions of ‘forage fish’ included in approved fishery manage-
25 ment plans. In defining such term, the Secretary shall con-

1 sider factors including whether a species covered by such
 2 definition, throughout the lifecycle of such species—

3 “(1) is at a low trophic level;

4 “(2) is generally small- to intermediate-sized;

5 “(3) occurs in schools or other dense aggrega-
 6 tions;

7 “(4) contributes significantly to the diets of
 8 other fish, marine mammals, or birds; and

9 “(5) serves as a conduit for energy transfer to
 10 species at a higher trophic level.”.

11 (b) DEFINITIONS.—Section 3 of the Magnuson-Ste-
 12 vens Fishery Conservation and Management Act (16
 13 U.S.C. 1802) is amended—

14 (1) by redesignating the second paragraph (33)
 15 as paragraph (53);

16 (2) by redesignating paragraphs (28) through
 17 (50) as paragraphs (30) through (52), respectively;

18 (3) by redesignating paragraphs (19) through
 19 (27) as paragraphs (20) through (28), respectively;

20 (4) by inserting after paragraph (18) the fol-
 21 lowing:

22 “(19) The term ‘forage fish’—

23 “(A) has the meaning given the term by
 24 the Secretary under section 305(l); and

1 “(B) with respect to a species in a fishery
 2 managed pursuant to a fishery management
 3 plan or plan amendment that is approved by
 4 the Secretary, in coordination with the Coun-
 5 cils, under section 304(a), means any species
 6 identified in such plan as a forage fish.”; and

7 (5) by inserting after paragraph (28), as so re-
 8 designated by paragraph (3) of this section, the fol-
 9 lowing:

10 “(29) The term ‘low trophic level’ means a posi-
 11 tion in the marine food web in which the fish gen-
 12 erally consume plankton.”.

13 **SEC. 4. SCIENTIFIC ADVICE.**

14 Section 302(g)(1)(B) of the Magnuson-Stevens Fish-
 15 ery Conservation and Management Act (16 U.S.C.
 16 1852(g)(1)(B)) is amended to read as follows:

17 “(B) Each scientific and statistical committee
 18 shall provide its Council ongoing scientific advice for
 19 fishery management decisions, including rec-
 20 ommendations for—

21 “(i) acceptable biological catch;

22 “(ii) preventing overfishing;

23 “(iii) maximum sustainable yield;

24 “(iv) achieving rebuilding targets;

1 “(v) maintaining a sufficient abundance,
 2 diversity, and localized distribution of forage
 3 fish populations to support their role in marine
 4 ecosystems; and

5 “(vi) reports on stock status and health,
 6 bycatch, habitat status, social and economic im-
 7 pacts of management measures, and sustain-
 8 ability of fishing practices.”.

9 **SEC. 5. COUNCIL FUNCTIONS.**

10 (a) **RESEARCH PRIORITIES.**—Section 302(h)(7) of
 11 the Magnuson-Stevens Fishery Conservation and Manage-
 12 ment Act (16 U.S.C. 1852(h)(7)) is amended, in the mat-
 13 ter preceding subparagraph (A), by inserting “forage fish
 14 populations and distribution,” after “habitats,”.

15 (b) **UNMANAGED FORAGE FISH.**—Section 302(h) of
 16 the Magnuson-Stevens Fishery Conservation and Manage-
 17 ment Act (16 U.S.C. 1852(h)) is amended—

18 (1) in paragraph (8), by striking “and” at the
 19 end;

20 (2) by redesignating paragraph (9) as para-
 21 graph (10); and

22 (3) by inserting after paragraph (8) the fol-
 23 lowing:

24 “(9) develop a list of unmanaged forage fish oc-
 25 curring in the area under its authority and rec-

1 commend within fishery management plans the prohi-
2 bition of the development of any new directed forage
3 fish fishery until the Council has—

4 “(A) considered the best scientific informa-
5 tion available and evaluated the potential im-
6 pacts of forage fish harvest on existing fish-
7 eries, fishing communities, and the marine eco-
8 system;

9 “(B) determined whether conservation and
10 management of the forage fish fishery is need-
11 ed;

12 “(C) if a determination is made that con-
13 servation and management is needed, prepared
14 and submitted to the Secretary a fishery man-
15 agement plan or amendment consistent with
16 section 303; and

17 “(D) received final, approved regulations
18 from the Secretary pursuant to section
19 304(b)(3); and”.

20 (c) EFFECTIVE DATE.—The amendments made by
21 subsections (a) and (b) shall take effect 2 years after the
22 date of the enactment of this Act.

1 **SEC. 6. CONTENTS OF FISHERY MANAGEMENT PLANS.**

2 (a) FORAGE FISH MANAGEMENT.—Section 303(a) of
3 the Magnuson-Stevens Fishery Conservation and Manage-
4 ment Act (16 U.S.C. 1853(a)) is amended—

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

7 (2) in paragraph (15), by striking the period at
8 the end and inserting “; and”; and

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

10 “(16) when setting annual catch limits for for-
11 age fish fisheries, assess and specify such limits by
12 the diet needs of fish species and other marine wild-
13 life, such as marine mammals and birds, for which
14 forage fish is a significant part of their diet.”.

15 (b) EFFECTIVE DATE.—The amendments made by
16 subsection (a) shall take effect 5 years after the date of
17 the enactment of this Act.

18 **SEC. 7. ACTION BY SECRETARY OF COMMERCE.**

19 Section 304 of the Magnuson-Stevens Fishery Con-
20 servation and Management Act (16 U.S.C. 1854) is
21 amended—

22 (1) by redesignating the second subsection (i)
23 as subsection (j); and

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

25 “(k) FORAGE FISH MANAGEMENT GUIDELINES.—

1 “(1) IN GENERAL.—Not later than 18 months
 2 after the date of the enactment of the Forage Fish
 3 Conservation Act of 2024, the Secretary, in coordi-
 4 nation with the Councils, shall establish by regula-
 5 tion guidelines to assist the Councils in imple-
 6 menting sections 3(19), 302(h)(9), and 303(a)(16).

7 “(2) WORKSHOPS.—In developing the guide-
 8 lines under paragraph (1), the Secretary shall con-
 9 duct workshops with Councils and other scientific,
 10 fisheries, and conservation interests.”.

11 **SEC. 8. RIVER HERRING AND SHAD.**

12 (a) DEFINITIONS.—In this section:

13 (1) RIVER HERRING.—The term “river herring”
 14 means blueback herring (*Alosa aestivalis*) and ale-
 15 wife (*Alosa pseudoharengus*).

16 (2) SHAD.—The term “shad” means American
 17 shad (*Alosa sapidissima*) and hickory shad (*Alosa*
 18 *mediocris*).

19 (b) AMENDMENTS OF PLANS.—Not later than 180
 20 days after the date of the enactment of this Act, the Sec-
 21 retary of Commerce shall—

22 (1) amend the fishery management plans for
 23 the Atlantic Herring and Atlantic Mackerel, Squid,
 24 and Butterfish fisheries for the New England and
 25 Mid-Atlantic Regions to add shad and river herring

1 as managed stocks in such plans consistent with sec-
2 tion 302(h)(1) of the Magnuson-Stevens Fishery
3 Conservation and Management Act (16 U.S.C.
4 1852(h)(1));

5 (2) initiate additional fishery management plan
6 amendments to be completed in not more than 1
7 year from the date of the addition of the species
8 identified in paragraph (1) in order to develop and
9 implement all required conservation and manage-
10 ment measures for such stocks consistent with the
11 Magnuson-Stevens Fisheries Conservation and Man-
12 agement Act (16 U.S.C. 1801 et seq.) and all other
13 applicable law; and

14 (3) notwithstanding any other law, rule, or fish-
15 ery management plan provision, including conserva-
16 tion and management measures under section
17 303(a)(11) of the Magnuson-Stevens Fishery Con-
18 servation and Management Act (16 U.S.C.
19 1853(a)(11)), reallocate existing resources to pro-
20 vide, for not less than 50 percent of all relevant fish-
21 ing trips, not fewer than 1 at-sea observer or an on-
22 board electronic or video means of producing equiva-
23 lent at-sea monitoring information, for any vessel
24 using mid-water trawl or paired mid-water trawl

1 fishing gear in the Atlantic herring and Atlantic
2 mackerel fisheries.

3 **SEC. 9. RULE OF CONSTRUCTION.**

4 Nothing in this Act may be construed as—

5 (1) extending or diminishing the jurisdiction or
6 authority of any State within its boundaries; or

7 (2) affecting—

8 (A) section 306 of the Magnuson-Stevens
9 Fishery Conservation and Management Act (16
10 U.S.C. 1856); or

11 (B) the Atlantic Coastal Fisheries Cooper-
12 ative Management Act (16 U.S.C. 5101 et
13 seq.).

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