



AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—119th Cong., 1st Sess.

S. 759

To provide for the standardization, publication, and accessibility of data relating to public outdoor recreational use of Federal waterways, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. CRUZ

Viz:

1 Strike all after the enacting clause and insert the fol-

2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Modernizing Access

5 to Our Public Oceans Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **EXCLUSIVE ECONOMIC ZONE.**—The term

9 “exclusive economic zone” has the meaning given

10 that term in section 107 of title 46, United States

11 Code.

1 (2) FISHING RESTRICTION.—The term “fishing
2 restriction” means a restriction on fishing in a fed-
3 erally managed fishery established under section
4 303(b)(2) of the Magnuson-Stevens Fishery Con-
5 servation and Management Act (16 U.S.C.
6 1853(b)(2)), including—

7 (A) a full or partial fishing closure, in
8 terms of both area and duration, or a seasonal
9 closure;

10 (B) a no-catch zone in the fishery;

11 (C) a restriction on the method of catch
12 for the fishery; and

13 (D) another restriction on fishing, as de-
14 termined by the Secretary.

15 (3) INDIAN TRIBE; TRIBAL ORGANIZATION.—

16 The terms “Indian Tribe” and “Tribal organiza-
17 tion” have the meanings given those terms in section
18 4 of the Indian Self-Determination and Education
19 Assistance Act (25 U.S.C. 5304).

20 (4) NATIVE HAWAIIAN ORGANIZATION.—The

21 term “Native Hawaiian organization” has the mean-
22 ing given the term in section 6207 of the Elemen-
23 tary and Secondary Education Act of 1965 (20
24 U.S.C. 7517), except that the term includes the De-

1 partment of Hawaiian Home Lands and the Office
2 of Hawaiian Affairs of the State of Hawaii.

3 (5) NONPROFIT ORGANIZATION.—The term
4 “nonprofit organization” means an organization that
5 is described in section 501(c) of the Internal Rev-
6 enue Code of 1986 and exempt from taxation under
7 section 501(a) of such Code.

8 (6) RECREATIONAL VESSEL.—The term “rec-
9 reational vessel” has the meaning given that term in
10 section 2101 of title 46, United States Code.

11 (7) SECRETARY.—The term “Secretary” means
12 the Secretary of Commerce.

13 **SEC. 3. DATA STANDARDIZATION.**

14 Not later than 31 months after the date of the enact-
15 ment of this Act, the Secretary, in consultation with rel-
16 evant stakeholders, including State and local governments,
17 Indian Tribes, and Native Hawaiian organizations, shall
18 develop and adopt standards with respect to the coordina-
19 tion and dissemination of geospatial data relating to fish-
20 ing restrictions, use of the exclusive economic zone by rec-
21 reational vessels, and access to Federal waters by such
22 vessels, including such data made available under section
23 4.

1 **SEC. 4. DATA PUBLICATION AND ACCESSIBILITY.**

2 (a) DATA ON FISHING AND RECREATIONAL VESSELS
3 IN EXCLUSIVE ECONOMIC ZONE.—Not later than 4 years
4 after the date of the enactment of this Act, the Secretary,
5 acting through the Director of the Office of Science and
6 Technology of the National Marine Fisheries Service, and
7 to the maximum extent practicable, shall make available
8 on a publicly accessible website geographic information
9 system data that—

10 (1) includes, with respect to the exclusive eco-
11 nomic zone—

12 (A) information with respect to the condi-
13 tions under which fishing restrictions are im-
14 posed and the areas within the exclusive eco-
15 nomic zone that are open or closed to rec-
16 reational boating, diving, and related rec-
17 reational activities (as determined by the Sec-
18 retary), including for safety reasons such as be-
19 cause of the presence of harmful algal blooms;

20 (B) the areas of the exclusive economic
21 zone with restrictions on the use of motorized
22 propulsion, horsepower, or fuel by or of rec-
23 reational vessels; and

24 (C) the types of recreational vessels that
25 are restricted on each area of the exclusive eco-
26 nomic zone;

1 (2) describes the geographic boundaries of
2 areas where fishing restrictions occur; and

3 (3)(A) identifies Federal marine protected
4 areas, including National Marine Sanctuaries, na-
5 tional marine monuments, and other federally pro-
6 tected waters; and

7 (B) includes information on what fishing, rec-
8 reational boating, and other related recreational ac-
9 tivities are authorized in each such area.

10 (b) DATA ON NAVIGATION WITHIN EXCLUSIVE ECO-
11 NOMIC ZONE.—

12 (1) IN GENERAL.—The Secretary shall continue
13 to make available digitized geographic information
14 system data that includes, with respect to access to
15 the exclusive economic zone—

16 (A) navigation information;

17 (B) bathymetric information;

18 (C) depth charts; and

19 (D) other information, consistent with law
20 and policy.

21 (2) WEBSITE.—The Secretary shall, to the ex-
22 tent practicable, make the data described in para-
23 graph (1) available on the website on which the Sec-
24 retary makes the data described in subsection (a)
25 available.

1 (c) DATA ACCESSIBILITY.—The Secretary shall en-
2 sure that the website on which the Secretary makes the
3 data described in subsections (a) and (b) available—

4 (1) organizes that data so that the data is
5 findable, accessible, interoperable, and reusable; and

6 (2) includes a mechanism by which users can be
7 easily updated when new data becomes available.

8 (d) PUBLIC COMMENT.—The Secretary shall de-
9 velop—

10 (1) a process to allow members of the public to
11 submit questions or comments regarding the data
12 described in subsections (a) and (b) and the accessi-
13 bility of that data under subsection (c); and

14 (2) methods to improve the accessibility of data.

15 (e) UPDATES.—The Secretary shall update—

16 (1) the data described in subsections (a)(1) and

17 (b) not less frequently than 2 times each year; and

18 (2) the data described in paragraphs (2) and

19 (3) of subsection (a) in real time.

20 (f) NONDISCLOSURE OF CERTAIN INFORMATION.—

21 The Secretary may not, consistent with applicable law and
22 policy, disclose, in any geographic information system data
23 made publicly available under this section—

1 (1) information regarding the nature, location,
2 character, or ownership of historic, paleontological,
3 cultural, or archaeological resources; or

4 (2) commercial fishing information, including
5 proprietary information.

6 (g) TREATMENT OF TRIBAL WATERS AND FISHING
7 AREAS.—The authorities granted by this section shall not
8 apply with respect to any usual or accustomed fishing
9 areas or Tribal waters.

10 **SEC. 5. COOPERATION AND COORDINATION.**

11 (a) COMMUNITY PARTNERS AND THIRD-PARTY PRO-
12 VIDERS.—For purposes of carrying out this Act, the Sec-
13 retary may—

14 (1) coordinate and partner with non-Federal
15 entities, including—

16 (A) States;

17 (B) Indian Tribes, Native Hawaiian orga-
18 nizations, and Tribal organizations;

19 (C) interstate commissions (as defined in
20 section 303 of the Interjurisdictional Fisheries
21 Act of 1986 (16 U.S.C. 4102));

22 (D) Regional Ocean Partnerships (as de-
23 fined in section 10202 of the James M. Inhofe
24 National Defense Authorization Act for Fiscal
25 Year 2023 (16 U.S.C. 1468));

1 (E) experts in data science, analytics, and
2 operations research;

3 (F) the private sector, including technology
4 or geospatial data industries;

5 (G) nonprofit organizations; and

6 (H) institutions of higher education (as de-
7 fined in section 201 of the Higher Education
8 Act of 1965 (20 U.S.C. 1001)); and

9 (2) enter into agreements with experts within
10 entities described in any of subparagraphs (A)
11 through (H) of paragraph (1) to carry out any of
12 the provisions of this Act.

13 (b) INTERAGENCY COORDINATION.—The Secretary
14 shall, to the maximum extent practicable, work with the
15 relevant offices of the Department of the Interior, the De-
16 partment of Agriculture, the Department of Defense, the
17 Department of Energy, the Environmental Protection
18 Agency, the Coast Guard, the Army Corps of Engineers,
19 and the Interagency Working Group on Ocean and Coastal
20 Mapping codified by section 12203 of the Ocean and
21 Coastal Mapping Integration Act (33 U.S.C. 3502), to en-
22 sure compatibility and interoperability among applicable
23 Federal databases with respect to the collection and dis-
24 semination of geospatial data relating to public outdoor
25 recreational use of the exclusive economic zone.

1 (c) APPLICABILITY OF FEDERAL, STATE, AND TRIB-
2 AL LAW AND REGULATIONS.—The Secretary, in devel-
3 oping and distributing geospatial data under this Act,
4 shall make clear that the data are subject to applicable
5 laws and regulations of the Federal Government, States,
6 and Indian Tribes.

7 **SEC. 6. RULE OF CONSTRUCTION.**

8 Nothing in this Act may be construed—

9 (1) to modify or alter the definition of the term
10 “navigable waters” under any provision of Federal
11 law;

12 (2) to affect the jurisdiction or authority of
13 Federal or State agencies to regulate navigable
14 waters;

15 (3) to increase or diminish the responsibility or
16 authority of Federal or State agencies or Indian
17 Tribes to manage fisheries under existing law;

18 (4) to satisfy any requirement for government-
19 to-government consultation with Indian Tribes or
20 Native Hawaiian organizations; or

21 (5) to affect or modify any treaty or other right
22 of any Indian Tribe.