

118TH CONGRESS
2D SESSION

S. 3889

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

IN THE SENATE OF THE UNITED STATES

MARCH 6, 2024

Mr. CRUZ (for himself and Mr. KING) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

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

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 “Modernizing Access
5 to Our Public Oceans Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **FEDERAL FISHING RESTRICTION AREA.**—

9 The term “Federal fishing restriction area” means

1 a defined area in which all or certain fishing activi-
2 ties are temporarily or permanently banned or re-
3 stricted by the National Oceanic and Atmospheric
4 Administration.

5 (2) FEDERAL WATERWAY.—The term “Federal
6 waterway” means any portion of a body of water
7 managed in part or in entirety by the Secretary.

8 (3) FEDERAL WATERWAY RESTRICTION.—The
9 term “Federal waterway restriction” means a re-
10 striction on access to or use of a Federal waterway
11 applied under applicable law by the Secretary.

12 (4) SECRETARY.—The term “Secretary” means
13 the Secretary of Commerce.

14 **SEC. 3. DATA STANDARDIZATION.**

15 Not later than 31 months after the date of the enact-
16 ment of this Act, the Secretary, in consultation with rel-
17 evant stakeholders, shall develop and adopt standards with
18 respect to the collection and dissemination of geospatial
19 data relating to public outdoor recreational use of Federal
20 waterways and Federal fishing restriction areas, including
21 such data made available under section 4.

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

23 (a) FEDERAL WATERWAY FISHING ACCESS DATA.—
24 Not later than 4 years after the date of the enactment
25 of this Act, the Secretary, to the maximum extent prac-

1 ticable, shall make available on a publicly accessible
2 website geographic information system data that—

3 (1) includes, with respect to Federal waterway
4 restrictions—

5 (A) information with respect to the condi-
6 tions under which Federal waterways are open
7 or closed to entry, watercraft, low-elevation air-
8 craft, or diving;

9 (B) the areas of Federal waterways with
10 restrictions on motorized propulsion, horse-
11 power, or gasoline fuel;

12 (C) the areas of Federal waterways with
13 anchoring restrictions, no-wake zones, or vessel
14 speed restrictions; and

15 (D) the types of watercraft that are re-
16 stricted on each area of a Federal waterway, in-
17 cluding the permissibility of—

18 (i) motorboats;

19 (ii) non-motorized watercraft;

20 (iii) personal watercraft;

21 (iv) airboats;

22 (v) amphibious aircraft; and

23 (vi) oceangoing ships; and

24 (2) describes—

1 (A) the location and geographic boundaries
 2 of Federal fishing restriction areas, including—

3 (i) any zones where, and periods
 4 when, fishing is limited under paragraphs
 5 (2), (3), and (4) of section 303(b)(2) of
 6 the Magnuson-Stevens Fishery Conserva-
 7 tion and Management Act (16 U.S.C.
 8 1853(b)(2));

9 (ii) full and partial closures, in terms
 10 of both area and duration, as well as sea-
 11 sonal closures;

12 (iii) no-catch zones; and

13 (iv) Federal fishing restrictions within
 14 or surrounding marine protected areas, in-
 15 cluding National Marine Sanctuaries; and

16 (B) to the maximum extent practicable, re-
 17 strictions imposed by the National Oceanic and
 18 Atmospheric Administration on method of
 19 catch, such as requirements relating to the use
 20 of circle hooks, descending devices, and trolling.

21 (b) FEDERAL WATERWAY ACCESS AND NAVIGATION

22 INFORMATION.—

23 (1) IN GENERAL.—The Secretary shall, to the
 24 maximum extent practicable, continue to make avail-
 25 able digitized geographic information system data

1 that includes, with respect to access to Federal wa-
2 terways—

3 (A) navigation information;

4 (B) bathymetric information; and

5 (C) depth charts.

6 (2) WEBSITE.—The Secretary shall make the
7 data described in paragraph (1) available on the
8 website on which the Secretary makes the data de-
9 scribed in subsection (a) available.

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

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

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

17 (d) PUBLIC COMMENT.—The Secretary shall develop
18 a process to allow members of the public to submit ques-
19 tions or comments regarding the data described in sub-
20 sections (a) and (b) and the accessibility of that data
21 under subsection (c).

22 (e) UPDATES.—The Secretary, to the maximum ex-
23 tent practicable, shall update—

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

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

1 (2) the data described in subsection (a)(2) in
2 real time as changes to Federal fishing restriction
3 areas take effect.

4 (f) NONDISCLOSURE OF CERTAIN INFORMATION.—

5 The Secretary may not disclose, in any geographic infor-
6 mation system data made publicly available under this sec-
7 tion, information regarding the nature, location, char-
8 acter, or ownership of historic, paleontological, cultural,
9 or archaeological resources, consistent with applicable law.

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) State agencies;

17 (B) interstate marine fisheries commis-
18 sions;

19 (C) Regional Ocean Partnerships;

20 (D) experts in data science, analytics, and
21 operations research;

22 (E) the private sector, including technology
23 or geospatial data industries; and

24 (F) nonprofit organizations; and

1 (2) enter into agreements with experts de-
2 scribed in subparagraph (D) of paragraph (1), or ex-
3 perts within entities described in subparagraph (A),
4 (B), (C), (E), or (F) of that paragraph, to carry out
5 any of the provisions of this Act.

6 (b) INTERAGENCY COORDINATION.—The Secretary
7 shall, to the maximum extent practicable, work with the
8 relevant offices of the Department of the Interior, the De-
9 partment of Agriculture, the Coast Guard, the Army
10 Corps of Engineers, and the Interagency Working Group
11 on Ocean and Coastal Mapping codified by section 12203
12 of the Ocean and Coastal Mapping Integration Act (33
13 U.S.C. 3502) to ensure compatibility and interoperability
14 among applicable Federal databases with respect to the
15 collection and dissemination of geospatial data relating to
16 public outdoor recreational use of Federal waterways and
17 Federal fishing restriction areas.

18 (c) APPLICABILITY OF FEDERAL, STATE, AND TRIB-
19 AL REGULATIONS.—The Secretary, in developing and dis-
20 tributing geospatial data under this Act, shall make clear
21 that the data are subject to—

22 (1) applicable Federal regulations; and

23 (2) applicable State and Tribal regulations.

24 **SEC. 6. RULE OF CONSTRUCTION.**

25 Nothing in this Act may be construed—

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

4 (2) to affect the jurisdiction or authority of
5 Federal or State agencies to regulate navigable
6 waters; or

7 (3) to increase or diminish the responsibility or
8 authority of Federal or State agencies to manage
9 fisheries.

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