

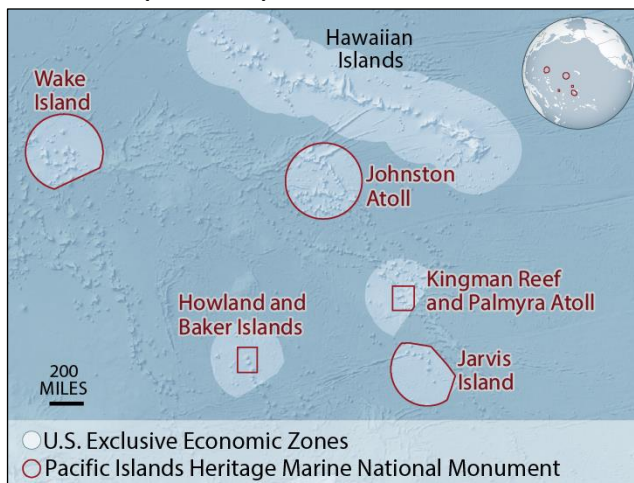
August 25, 2025

The Pacific Islands Heritage Marine National Monument: Commercial Fishing Interests and Considerations for Congress

Introduction

The Pacific Islands Heritage Marine National Monument (PIHMNM; **Figure 1**), known as the Pacific Remote Islands Marine National Monument until January 2, 2025, is an area in the Central Pacific Ocean that encompasses over 495,000 square miles (nearly twice the size of Texas). It contains seven U.S. Pacific Island territories (Howland and Baker Islands; Jarvis Island; Johnston Atoll; Kingman Reef and Palmyra Atoll; and Wake Island), most of which are uninhabited, and their surrounding marine environments. On January 6, 2009, President George W. Bush used his authority under the Antiquities Act of 1906 (54 U.S.C. §§320301-320303) to establish the PIHMNM under its previous name. On September 25, 2014, President Obama expanded the monument to its present size under the same authority. The PIHMNM is one of five U.S. marine national monuments (MNM) that was designated to protect and conserve historic structures, ocean ecosystems, and other objects of historic or scientific interest. The PIHMNM is the second-largest of the MNMs after the nearby Papahānaumokuākea MNM (geographically, the Northwest Hawaiian Islands).

Figure 1. The Pacific Islands Heritage Marine National Monument (PIHMNM)



Sources: Created by CRS using data from the National Oceanic and Atmospheric Administration; Sovereign Limits international boundaries database, accessed April 29, 2025; Department of State; and Environmental Systems Research Institute. See also Presidential Proclamation 5030 of March 10, 1983, “Exclusive Economic Zone of the United States of America,” 48 *Federal Register* 10605-10606, March 14, 1983 (PP 5030).

Notes: The extent of the PIHMNM is shown in red, along with its proximity to the Hawaiian Islands and with global reference (upper right corner) to the western Pacific region. The *Exclusive Economic Zone (EEZ)* of the United States, as defined in PP 5030, refers to “a

distance of up to 200 nautical miles from the baseline from which the breadth of the territorial sea is measured.”

The National Oceanic and Atmospheric Administration (NOAA; Department of Commerce) and the U.S. Fish and Wildlife Service (FWS; Department of the Interior) cooperatively manage the PIHMNM except for Wake Island and Johnston Atoll, which are managed by the Department of Defense. Each territory in the monument contains a National Wildlife Refuge (NWR). Until April 17, 2025, commercial fishing had been prohibited within the PIHMNM; noncommercial fishing by permit has been allowed since the PIHMNM’s designation in 2009 and in accordance with NOAA National Marine Fisheries Service (NMFS) regulations.

Congress and the President have shown interest in the PIHMNM and other MNMs in various ways. Some Members of Congress proposed related legislation in past Congresses, and Congress provided appropriations to FWS and NOAA for MNM management. Members have expressed different views on fishing within the PIHMNM. Some have raised concerns about fishing prohibitions and called for potential opening of most of the area to commercial tuna fishing; others have expressed support for fishing prohibitions. Additionally, a House committee held a hearing in September 2023 that included discussion about the PIHMNM and its proposed designation as a national marine sanctuary. On April 17, 2025, President Trump issued Presidential Proclamation (PP) 10918, “Unleashing American Commercial Fishing in the Pacific,” preventing the Secretary of Commerce (the Secretary) from prohibiting commercial fishing within 50-200 nautical miles of the PIHMNM’s landward boundaries. In an executive order also issued on that date, President Trump directed the Secretary, in consultation with the Secretary of the Interior, to review the five MNMs and provide recommendations to the President regarding the opening of any to commercial fishing.

Fishing Regulations and Other Management

As included in presidential proclamations and reflected in the Western Pacific Regional Fishery Management Council (WPRFMC) *Fishery Ecosystem Plan for Pacific Remote Island Areas* (the federal fishery management document for the seven U.S. Pacific Remote Island territories), the PIHMNM contains some of the most geographically isolated ecosystems in the world. These ecosystems include coral reef-associated habitats and their living marine resources (LMRs).

Federal regulations for the PIHMNM primarily focus on managing fishing practices within its boundaries. As of

August 21, 2025, NMFS regulations explicitly prohibit commercial fishing and unauthorized (i.e., except authorized under permit) noncommercial fishing in the PIHMNM. FWS prohibits unauthorized fishing within the boundaries of the NWRs. Within the Pacific Remote Island Area (PRIA) fishery management area, NMFS—for multiple fishery species—regulates permitted fishing in areas open to fishing in the vicinity of the PIHMNM. The U.S. Environmental Protection Agency regulates vessel discharges, including within federally protected waters such as the PIHMNM and other MNMs. Since December 2021, a joint NMFS-FWS monument management plan for the PIHMNM has been in development and is pending completion, according to NOAA. In addition, the PIHMNM was proposed for designation as a national marine sanctuary in April 2023; there has been no further notice on its status.

Fishing Near the PIHMNM

In recent decades, fishing in the PRIA fishery management area surrounding the PIHMNM primarily has been limited to *pelagic* fisheries. According to the WPRFMC 2023 annual stock assessment and fishery evaluation (SAFE) report for the PRIA, no PRIA bottomfish permits were issued from 2020 to 2023 (down from four issued in 2018–2019 and a maximum of six in 2007). Further, no lobster or deepwater shrimp permits are recorded as having been issued since 2009. Additionally, the 2023 annual SAFE report for U.S. Pacific Island pelagic fisheries notes that since 2017, no hooks have been set by the Hawaiian seasonal longline tuna fleet that seasonally fishes in waters around Johnston and Palmyra Atolls. The U.S. *purse seine* fleet similarly targets pelagic species (primarily Skipjack tuna) in equatorial areas of Howland, Baker, and Jarvis Islands. According to the WPRFMC, the combined amount of fish harvested from these areas is on average less than 5% of the total U.S. purse seine harvest. Further, data from the Sea Around Us database indicate that most fishing in PRIAs from 1950 to 2019 was by U.S. fisheries for Skipjack tuna (primarily off Howland and Baker Islands).

Presidential Proclamation 10918 (April 2025)

PP 10918 states that with respect to commercial fishing operations in the PIHMNM (referred to under the monument’s previous name), “appropriately managed commercial fishing would not put objects of scientific and historic interest within the [monument] at risk.” PP 10918 also states that NMFS and the WPRFMC “effectively” manage fisheries in the region and that management of the PIHMNM is not guarding against *overfishing* of fish populations that do not permanently reside within the PIHMNM boundaries (e.g., tunas, sharks, and other migratory pelagic species). It additionally states that U.S. commercial fishing fleets have lost access to much of the U.S. Exclusive Economic Zone in the Western Pacific as a result of the PIHMNM’s protections. PP 10918 requires the Secretary to coordinate with the Secretary of Defense in regulating commercial fishing. The proclamation states that only U.S. flagged vessels are allowed to commercially fish within the PIHMNM boundaries and that permits may be issued to foreign flagged vessels to *transship* U.S. fish harvests. It also directs the Secretary and the Secretary of the Interior to take appropriate action pursuant to their authorities to regulate fisheries (e.g., under the Magnuson-

Stevens Fishery Conservation and Management Act [MSA]) and to ensure care and management of the PIHMNM. NOAA also is to “expeditiously publish” new proposed rules regarding commercial fishing in the PIHMNM. (Publication is pending as of August 21, 2025.)

Pursuant to PP 10918, in April 2025, NMFS issued a letter informing commercial fishing permit holders (Pacific Islands Region) that commercial fishing was no longer prohibited in certain areas of the PIHMNM. Several environmental groups challenged the issuance of the letter and the underlying policy shift, arguing that NMFS violated the MSA and the Administrative Procedure Act when it “failed to engage in notice-and-comment rulemaking before issuing the letter.” The U.S. District Court for the District of Hawaii agreed, granting injunctive relief to the plaintiffs and vacating the April 2025 NMFS letter in August 2025.

Some stakeholders, such as the WPRFMC, have welcomed the changes in PP 10918 that allow for commercial fishing in the PIHMNM. They cite economic and other potential benefits of expanded fishing in the area. Others, such as Earthjustice, have expressed concern about potential environmental effects from commercial fishing operations. Some focus has been on potential overfishing of certain populations, including those that have been recently rebuilt (i.e., Pacific Bluefin tuna). According to NMFS, as of June 2025, some Western Pacific highly migratory stocks continue to be listed as *overfished* (Oceanic Whitetip shark) or as experiencing overfishing (e.g., Striped marlin).

Considerations for Congress

Some stakeholders assert that primary fishery management authorities in the MSA may be effective for limiting overfishing and that activities such as potential commercial fishing in the PIHMNM and other MNMs already are regulated by federal laws. Others raise concerns about the vulnerability to commercial fishing practices of species protected by the PIHMNM. Others contend that the WPRFMC’s ecosystem-based approaches may allow for effective fisheries management in this data-limited region.

Congress may consider how directives in PP 10918 may align with MSA provisions, such as achieving *optimum yield* while preventing overfishing and regarding certain protections (e.g., *essential fish habitat*). Congress also may consider alignments between authorities for MNMs and mandates regarding LMRs. Further, Congress may assess whether to retain, enhance, or lessen commercial fishing protections or restrictions within the PIHMNM or PRIAs. In considering this issue, Congress may evaluate perspectives in favor of and against the proposed national marine sanctuary and the degree to which current law provides protections to MNMs. Additionally, Congress may consider how future ocean conditions may affect MNM resources, including potential compounding effects from fishing, and if refinements to management prescriptions are warranted. Broader issues may include the type and extent of executive authorities for addressing and altering commercial fishing in MNMs.

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