

Side-by-Side of Senate MSA Bill (S. 2012),
as Approved by the Senate Commerce Committee (MGR.6),
and the Administration MSA Bill

NOTE: The appropriate version of S. 2012 can be found at: <http://commerce.senate.gov/pdf/s2012mgr6.pdf>
Not all of the elements of the Administration Bill that are absent from S. 2012 are identified in this table.
These are listed in Appendix A. Report and implementation deadlines in S. 2012 are listed in Appendix D.

SENATE BILL SECTION or TITLE	ISSUE	SENATE MSA BILL	ADMINISTRATION MSA BILL
Section 3	Findings and Definitions	Adds finding that several Councils have demonstrated significant progress in integrating ecosystem considerations in fisheries management using existing authorities. Defines the terms “confidential information”, “regional fishery association”, “import”, “limited access privilege”, and “observer information”.	Administration MSA bill has similar definitions for “confidential information”. “Import” and “observer information”, but it also defines a number of other terms that the Senate bill does not (<i>See Appendix A</i>). (Section 3)
Section 4	Highly Migratory Species	Requires that for fisheries being managed under an international fisheries agreement to which the United States is a party, Council or Secretarial actions shall reflect traditional participation in the fishery, relative to other Nations, by fishermen of the United States on fishing vessels of the United States. This section also directs that Magnuson-Stevens Act rebuilding provisions be “communicated” and “promoted” when we participate in an RFMO that does not have a process for developing formal rebuilding plans.	Administration bill requires that fisheries managed under an international fisheries agreement reflect traditional U.S. fishing participation. (Section 5(e))

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Section 5	Total Allowable Level of Foreign Fishing	Makes allocations of total allowable foreign fishing discretionary.	Administration MSA bill does not have similar provision. <u>NOTE:</u> The Law of the Sea (Article 62) obligates signatories to provide surpluses to foreign fleets. Although U.S. is not a signatory, the Administration follows support for the Law of the Sea as customary international law.
Section 6	Western Pacific Sustainable Fisheries Fund	Requires that fines and penalties for violations occurring within the exclusive economic zones off Midway Atoll, Johnston Atoll, Kingman Reef, Palmyra Atoll, Jarvis, Howland, Baker, and Wake Islands be deposited into the Western Pacific Sustainable Fisheries Fund.	Administration bill does not have similar provision.
Section 7	Authorization of Appropriations	<p>Authorizes \$350,999,000* in FY 2006 (excluding authorization in Section 115 of up to \$15,000,000 for each eligible holder of a fishery finance program loan). Authorizes such sums as may be necessary in FY2007-2012. Authorizations for specific activities vary by fiscal year (<i>see Appendix B</i>).</p> <p>Includes numerous provisions with unaccounted implementation costs (<i>see Appendix C</i>).</p> <p>* Represents summary of authorizations in S. 2012 for FY 2006.</p>	Administration bill authorizes \$328,004,000 in FY2006, and such sums as may be necessary for FY2007-2010. (Section 24)

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Section 101	Cumulative Impacts	<p>Amends National Standard (NS) 8 to require use of economic and social data and assessment methods that are “based on the best economic and social information available.”</p> <p>Requires analysis of the likely effects, including any cumulative economic and social impacts, of any conservation and management measures in a fishery management plan or amendment.</p>	<p>Administration bill does not have similar provision.</p> <p>Administration bill does not have similar provision; however, similar requirements are in existing mandates for regulatory analysis.</p>
Section 102	Caribbean Council Jurisdiction	Amends Caribbean Council’s jurisdiction to include commonwealths, territories, and possessions of the U.S.	Administration bill has similar provision amending Caribbean Council’s jurisdiction to include possessions of the U.S. (Section 10)
Section 103	Regional Fisheries Management Councils	<p>Expands responsibilities of scientific and statistical committees (SSCs) to require:</p> <ul style="list-style-type: none"> - recommendations for acceptable biological catch or optimum yield; and - reports on stock status and health, bycatch, habitat status, socioeconomic impacts of management measures, and sustainability of fishing practices. <p>Requires that members appointed by the Councils be Federal employees, State employees, academics, or independent experts with strong scientific or technical credentials and experience.</p>	Administration bill does not have similar provisions.

		<p>Requires Councils adopt annual catch limits for each of its managed fisheries.</p> <p>Authorizes the tribal representative on the Pacific Council to designate an alternate who is knowledgeable in tribal rights, tribal law, and the fisheries resources of the concerned geographic area.</p> <p>Authorizes, but does not require, the Secretary of Commerce and each Council to formalize a peer review process for scientific information. (The review process would be deemed to satisfy requirements of Data Quality Act.)</p> <p>Authorizes the payment of stipends to SSC members not employed by the Federal government or a State marine fisheries agency.</p> <p>Modifies rules on notifying public about meetings, authorizes Council coordination committee, and modifies financial disclosure rules. (Beginning in 2008, an annual report must be submitted to Congress on actions taken by the Secretary of Commerce and Councils to implement financial disclosure and recusal requirements.)</p>	<p>Administration bill does not have similar provision.</p> <p>Administration bill does not have similar provision.</p> <p>Administration bill would require the Secretary and Councils to formalize a peer review process for scientific information. (Section 6(c))</p> <p>Administration bill also authorizes payment of stipends to these SSC members. (Section 6(c))</p> <p>Administration bill modifies rules on public notification of meetings and authorizes Council coordination committee. (Section 8, Section 11)</p>
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		<p>Mandates training of new Council members.</p> <p>Requires Secretary of Commerce to appoint to the Gulf of Mexico Fisheries Management Council:</p> <ul style="list-style-type: none"> - 5 commercial fishing representatives; - 5 recreational/charter fishing representatives; and - 1 person that is knowledgeable on fisheries conservation and management. <p>Within the list of Gulf Council nominees that is submitted to the Secretary of Commerce, Governors are required to include at least one nominee each from the commercial, recreational, and charter fishing sectors, and one nominee who is knowledgeable on fisheries conservation and management. States that an individual who owns or operates a fish farm outside of the U.S. shall not be considered to be a representative of the commercial fishing sector.</p>	<p>Although Administration bill has no similar training requirement for new Council members, regular training/orientation is currently conducted.</p> <p>Administration bill does not have similar provision.</p> <p>Administration bill does not have similar provision.</p>
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		Requires Secretary of Commerce, in consultation with the Gulf Council, to produce a report to Congress on impacts of the appointment requirements and determine if they resulted in a “fair and balanced apportionment of the active participants” in the commercial and recreational fisheries under the jurisdiction of the Gulf Council.	Administration bill does not have similar provision.
Section 104	Fishery Management Plan Requirements	<p>Adds section 303(a) requirement that Fishery Management Plans (FMPs) specify fish processing data and economic information to be submitted to the Secretary of Commerce.</p> <p>Mandates specification of annual catch limits at a level that does not exceed optimum yield. Harvests in excess of catch limits will either be deducted from the subsequent year’s catch limit (including the annual catch limit for that sector), or the fishing mortality rate must be reduced to account for the overage by adjusting other management measures and input controls.</p>	<p>Administration bill expands the social and economic information that may be required to be submitted to the Secretary, allowing access to processors’ economic data. (Section 6(e), Section 6(g))</p> <p>Administration bill does not have similar provision.</p>
Section 105	Fishery Management Plan Discretionary Provisions	Authorizes designation of restricted or no-fishing zones in areas where deep sea corals are identified under section 408 (i.e., the new Deep Sea Coral Research and	Administration bill does not have similar provision, but the bill authorizes FMPs to identify habitat areas of particular concern (HAPCs) as discrete

		<p>Technology Program), to protect deep sea corals from physical damage from fishing gear or to prevent loss or damage to such fishing gear from interactions with deep sea corals, after considering long-term sustainable uses of fishery resources in these areas.</p> <p>Requires that any area closures that apply to all fisheries managed under the MSA:</p> <ul style="list-style-type: none"> - are based on the best scientific information available; - include criteria to assess the conservation benefit of the closed area; - establish a timetable for review of the closed area’s performance; and - be based on an assessment of the benefits and impacts of the closure. <p>FMPs may account for the differential impacts of management measures on different states and ports, such as proximity to fishing grounds and time and area closures. FMPs may also include management measures to conserve target and non-target species and habitats, considering the ecological factors affecting fishery populations.</p>	<p>subunits of essential fish habitat. (Section 4(c))</p> <p>Administration bill does not have similar provision.</p> <p>Administration bill does not have similar provision.</p>
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		Authorizes establishment of Limited Access Privileges programs (LAPPs).	Administration bill authorizes Dedicated Access Privileges (DAP) programs. (Section 12)
Section 106	Limited Access Privilege Programs	<p>Sets requirements for LAPPs. A Council may initiate an FMP or amendment to establish a LAPP on its own initiative or if the Secretary of Commerce certifies an appropriate petition.</p> <p>Identifies a process permit holders may use to petition for the initiation of development of a LAPP.</p> <p>Identifies permit holder referendum requirements (approval by more than 2/3 of those voting in a referendum among eligible permit holders with respect to the New England Council, and by a majority of those voting in the referendum among eligible permit holders with respect to the Gulf Council) before the New England or Gulf of Mexico Council may submit and the Secretary may approve or implement an IFQ program. An exception is provided for the commercial red snapper fishery in the Gulf. Within one year of enactment, the Secretary must publish guidelines, procedures, and voting eligibility requirements for conducting referenda in a fair and equitable manner.</p>	<p>Councils are authorized to choose among and craft (DAP) programs that meet the unique needs and circumstances of the fisheries in question.</p> <p>Administration bill authorizes allocations of harvest privileges to individuals (IFQs), communities, fishing cooperatives, and area-based programs. There are no petition or referendum requirements prior to establishment of DAP programs. (Section 12)</p>

		<p>Authorizes limited access privileges to harvest fish to be held, acquired, used by, or issued under the system to persons who substantially participate in the fishery, as specified by the Council, including, as appropriate, fishing vessel owners, vessel captains, vessel crew members, fishing communities, and regional fishery associations. Allows U.S. citizens, permanent resident aliens, fishing communities, regional fishery associations, corporations, partnerships, or other entities established under U.S. or state laws to acquire harvest privileges.</p> <p>In order to participate in a LAPP, a fishing community must develop and submit a community sustainability plan to the Council and Secretary of Commerce for approval. A regional fishery association must develop and submit a regional fishery association plan to the Council and Secretary in order to participate in a LAPP. Each plan must be based on criteria developed by the Council, approved by the Secretary, and published in the Federal Register. Failure to comply with approved plans will result in denial of harvest privileges.</p>	<p>Administration bill allows a U.S. citizen, permanent resident alien, fishing community, or fishing cooperative to acquire harvest privileges. It defines “U.S. citizen” broadly to include any entity that meets the United States fishing vessel ownership requirements contained in Section 12102(c)(1) and (2) of title 46, United States Code. Unlike the Senate bill, the Administration bill prohibits foreign ownership of harvest privileges. (Section 12)</p> <p>One of the eligibility requirements for a community to participate in a community sustainability program is to develop and submit a community sustainability plan to the Council and the Secretary for approval. (Section 12(f))</p>
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		<p>Authorizes auctions or other program to collect royalties for the distribution of harvest privilege allocations. Revenues from royalty programs are deposited into the Limited Access System Administration Fund.</p> <p>Mandates that Councils create a program of fees, paid by limited access privilege holders, to recover costs of management, data collection and analysis, and enforcement activities. Limit of 3% of the ex-vessel value of fish harvested is set for cost recovery (same as current law).</p> <p>Requires a Council or the Secretary to ensure that limited access privilege holders do not acquire an excessive share of the total limited access privileges in the program.</p>	<p>Administration bill also authorizes auctions for cost recovery. (Section 12(d))</p> <p>Administration bill would require cost recovery for same activities, as well as for science and observer program activities. Authorizes cost recovery for non-DAP fisheries. The Secretary is authorized to collect between 2-15% of the ex vessel value of landings for DAP fisheries and non-DAP fisheries. There is an exception that allows the Secretary not to recover costs in a given year due to temporary financial conditions in the fishery. (Section 12(d))</p> <p>Administration bill has similar restriction on excessive shares. (Section 12(b))</p>
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		<p>Mandates that Councils establish a policy on transferability of limited access privilege shares. Allows Councils to establish:</p> <ul style="list-style-type: none"> - a set term after which any initial or subsequent allocation of a limited access privilege shall expire; - a different set terms within a fishery; and - a mechanism under which participants in and entrants to the program may acquire or reacquire allocations. <p>Authorizes the Councils to submit for Secretarial approval a program to reserve up to 25% of any fees collected to help small-boat fishermen and entry level fishermen acquire harvest privileges. The Council must recommend qualifying criteria for eligible fishermen and the portion of funds to be allocated.</p> <p>Requires the Secretary of Commerce to work with the Small Business Administration and other Federal agencies to develop financial (and other) mechanisms to encourage U.S. investment in seafood processing facilities in the U.S. for fisheries that lack processing capacity.</p>	<p>Administration bill requires establishment of a policy on transferability of harvest shares with minimal restrictions. (Section 12(b))</p> <p>Administration bill authorizes Councils to provide economic assistance to entry-level and small-scale fishermen and crew when necessary and appropriate. (Section 12(b))</p> <p>Administration bill does not have similar provision.</p>
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Section 107	Environmental Review Process	Requires the Secretary of Commerce, in consultation with the Councils and CEQ, to involve the public in the development of revised agency procedures that integrate environmental review processes and timelines of NEPA and MSA. The updated agency procedures must be the sole environmental impact assessment procedure for FMPs, amendments, regulations, or other actions taken or approved under the Act.	Administration bill has similar provision. (Section 15)
Section 108	Emergency Regulations	Extends the second emergency period from 180 days to 186 days.	Administration bill has same provision. (Section 13(f))
Section 109	Western Pacific Community Development	Establishes regionally-based pilot program for marine education and training in the Western Pacific to foster understanding, use of local knowledge (including knowledge of native Hawaiians and other Pacific Islanders), and technical expertise relative to living marine resource stewardship.	Administration bill does not have similar provision.
Section 110	Western Alaska Community Development Quota Program	Authorizes certain communities (listed in table 7 of 50 CFR 679 or approved by NMFS in 1999) to participate in the western Alaska community development program.	Administration bill has similar provision. (Section 12(e))
Section 111	Secretarial Action on State Groundfish Fishing	Requires the Secretary of Commerce to determine whether fishing in State waters in New England	Administration bill does not have similar provision.

		without a multispecies fishery permit is inconsistent with the applicable Federal multispecies fishery management plan. If so, the Secretary is required to develop and implement corrective management measures in consultation with the Council.	
Section 112	Joint Enforcement Agreements	<p>Grants law enforcement officers access to data or information from the Global Maritime Distress and Safety Systems (GMDSS), vessel monitoring systems (VMS), or any similar system to be used for enforcement purposes. Within 21 months of enactment, the Secretary of Commerce must implement data-sharing measures to make any data provided by GMDSS or similar systems accessible to state enforcement officers and state management agencies working under a cooperative enforcement agreement.</p> <p>Authorizes Governors of eligible coastal states to apply to the Secretary of Commerce for establishment of joint enforcement agreements. Requires Secretary to include allocation of funds in each joint enforcement agreement. Allocation of funds must be fairly distributed among eligible states based on enforcement needs and</p>	<p>Administration bill would allow VMS data to be shared with enforcement officials of other agencies. (Section 6(h))</p> <p>Administration bill does not have similar provisions.</p>

		<p>capacity.</p> <p>Requires Secretary of Commerce to promptly enter into a confidentiality agreement with a State if a written opinion or certification is provided allowing State to maintain confidentiality of information, or “reasonable assurance” is provided that the State will protect confidential information.</p> <p>Requires the National Marine Fisheries Service (NMFS) and Coast Guard to transmit a joint report to Congress on GMDSS (or other similar data system).</p>	<p>Administration bill does not have similar provision.</p> <p>Administration bill does not have similar provision.</p>
Section 113	Transition to Sustainable Fisheries	<p>Allows Secretary of Commerce to make determination, at Governor’s request, that a commercial fishery failure has occurred as a result of regulatory or judicial harvest restrictions imposed to protect human health or the marine environment.</p> <p>Fishing vessel owners that participate in a fishing capacity reduction program must permanently surrender their vessel and relinquish any associated permit or claim.</p>	<p>Administration bill does not have similar provision.</p> <p>Administration bill has similar provision. (Section 18(c))</p>

		<p>Requires Secretary of Commerce to propose and adopt framework regulations for implementation of a fishing capacity reduction program.</p> <p>Prior to establishment of an industry fee system, the harvester proponents of the capacity reduction program must provide the Secretary with a proposed implementation plan. Requires Secretary to contract with each program participant. Sets up requirements for auctions and bids if program does not involve a fair market assessment.</p> <p>Requires that 50% of permit holders, or 50% of permitted allocation, vote in favor of establishing an industry fee system for a fishing capacity reduction program. (Currently, 2/3 of voters must cast vote in favor of establishing industry fee system.) Eliminates requirement that Secretary consult with Councils before holding a referendum on establishment of an industry fee system.</p>	<p>Administration bill has similar provision. (Section 18(c))</p> <p>Administration bill has similar provision. (Section 18(c))</p> <p>Administration bill has similar provisions. (Section 18(c))</p>
Section 114	Regional Coastal Disaster Assistance, Transition, and Recovery Program	Authorizes Secretary of Commerce, upon request and consultation with the Governors of affected states, to establish a regional economic transition program	Administration bill does not have similar provision.

		<p>to provide immediate disaster relief assistance and job training to fishermen, charter fishing operations, processors, and related fishery infrastructure affected by a “catastrophic regional fishery disaster.”</p> <p>Allows waiver of matching requirements if Secretary determines no reasonable means are available for applicants to meet a matching requirement and the “probable benefit” of 100 percent Federal financing outweighs the public interest of imposing a matching requirement.</p> <p>Within 2 months after a catastrophic regional fishery disaster, the Secretary of Commerce shall provide the Governor of each State participating in the program a comprehensive economic and socio-economic evaluation of the affected region’s fisheries to assist the Governor in assessing the current and future economic viability of affected fisheries, including the economic impact of foreign fish imports and the direct, indirect, or environmental impact of the disaster on the fishery and coastal communities.</p>	<p>Administration bill does not have similar provision.</p> <p>Administration bill does not have similar provision.</p>
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<p>Section 115</p>	<p>Fishery Finance Program Hurricane Assistance</p>	<p>Requires Secretary of Commerce, if appropriations are provided, to assist “eligible holders” of fishery finance program loans (based upon their outstanding balances as of December 2, 2005). The Secretary may:</p> <ul style="list-style-type: none"> - defer principal payments on the debt for 1 year and re-amortize the debt over the remaining term of the loan; - allow an extension of the loan for up to 1 year beyond the remaining term of the loan, or September 20, 2013, whichever is later; - pay the loan interest costs (amount cannot exceed \$15 million per eligible holder); <p>or</p> <ul style="list-style-type: none"> - provide opportunities for loan forgiveness for expenditures to repair, replace, or invest in fisheries infrastructure within a declared fisheries disaster area. For FY 2006-2012, \$15,000,000 is authorized to be appropriated to the Secretary of Commerce for each eligible holder of a fishery finance program loan. 	<p>Administration bill does not have similar provisions.</p>
<p>Section 116</p>	<p>Shrimp Fisheries Hurricane Assistance Program</p>	<p>Requires Secretary of Commerce to establish an assistance program for the Gulf of Mexico shrimp fishing industry, and stipulates permissible expenditures. Appropriated funds must be allocated among the Gulf states in proportion to the percentage of shrimp landed by each state. (Funds allocated to</p>	<p>Administration bill does not have similar provision.</p>

		Florida must be based exclusively on the proportion of catch landed by the Florida Gulf Coast fishery.) For FY 2006-2011, \$17.5 million is authorized to be appropriated to the Secretary for this program.	
Section 117	Bycatch Reduction Engineering Program	Requires Secretary of Commerce, in cooperation with the Councils and other affected interests, to establish a bycatch reduction program. Under the program, the Secretary shall develop devices and engineering changes to minimize bycatch, including seabird bycatch. FMPs may establish incentives for bycatch reduction, including establishment of bycatch quotas.	The Administration bill modifies the definition of “bycatch” to include seabirds. (Section 3) NOAA acknowledges that bycatch is an important problem and currently has regional bycatch plans to help address it.
Section 118	Community-Based Restoration Program for Fishery and Coastal Habitats	Requires Secretary of Commerce to establish a community-based fishery and coastal habitat restoration program to implement and support the restoration of fishery and coastal habitats. (NOTE: Although funding has been provided for this program in past fiscal years, it has not been authorized.)	Administration bill does not have similar provision.
Section 119	Prohibited Acts	Prohibits the importation, exportation, transport, sale, receipt, acquisition or purchase of fish illegally taken, possessed, transported, or sold under foreign law or regulation. Also prohibits the use of any fishing vessel after the Secretary of Commerce	Administration bill has similar provisions. (Section 16(b))

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		has paid the vessel owner under a fishing capacity reduction program.	
Section 120	Enforcement	Strengthens enforcement provisions of the Act by increasing civil penalties and increasing criminal penalties.	Administration bill has similar provisions. (Section 16(c)-(h))
Section 201	Recreational Fisheries Information	<p>Requires Secretary to establish and implement a regionally based registry program for recreational fishermen and vessels. The Secretary may exempt recreational fishermen and vessels registered under existing state programs.</p> <p>Requires Secretary of Commerce to establish a program to improve the quality and accuracy of information generated by the Marine Recreational Fishery Statistics Survey (MRFSS), with a target of achieving “acceptable accuracy and utility” for each individual fishery. The Secretary must submit a report to Congress describing progress toward achieving the program goals and objectives.</p>	<p>Administration bill requires the Secretary of Commerce to establish and implement a uniform national program for registration of recreational fishermen. This system will be based on, and harmonized with, State-administered registration programs already in place. The bill also proposes a mandatory national commercial fish permit program. (Section 17)</p> <p>Administration bill does not have similar provisions.</p>
Section 202	Collection of Information	Allows access to proprietary and economic information.	Administration bill has similar provisions. (Section 6(e), Section 6(g))

		<p>Authorizes Secretary of Commerce to implement an information collection or observer program to obtain additional information for fisheries management.</p> <p>Does not authorize Secretary of Commerce to collect information (e.g., date of birth, social security numbers, and tax identification information) for a national permit identification system.</p>	<p>Administration bill authorizes Councils to request that the Secretary implement an information collection program to provide information as specified by the Councils. Bill also directs the Secretary of Commerce to establish a “national data collection system”. (Section 6(g))</p> <p>Administration bill also gives the Secretary authority to exercise broad discretion in developing a funding mechanism to cover the cost of an observer program. (Section 19)</p> <p>Administration bill authorizes Secretary of Commerce to collect information for a national permit identification system. It includes the explicit authority both to collect unique identifiers (e.g., date of birth, social security numbers, and tax identification information) and to use them for a variety of management purposes. (Section 6(g))</p>
Section 203	Access to Certain Information	Specifies exceptions to sharing confidential information.	Administration bill has similar provisions. (Section 6(h), Section 6(i))

<p>Section 204</p>	<p>Cooperative Research and Management Program</p>	<p>Requires Secretary of Commerce, in consultation with the Councils, to establish a regional cooperative research and management program. Funds would be provided on a competitive basis for projects that address critical needs identified by the Councils in consultation with the Secretary. Require funds be competitively awarded for projects that are part of a coherent research program based on priorities outlined in the bill. Priority is given to projects that:</p> <ul style="list-style-type: none"> - collect data to improve, supplement, or enhance stock assessments; - assess the amount and type of bycatch or post-release mortality; - use conservation engineering designed to reduce bycatch, including avoidance of post-release mortality and transfer of such fishing technologies to other nations; - identify habitat areas of particular concern and habitat conservation methods; and - collect and compile economic and social data. <p>Requires Secretary of Commerce, in consultation with the Councils, to promulgate regulations that establish an expedited, uniform, and regionally-based process for issuance of experimental fishing permits.</p>	<p>Administration MSA bill requires establishment of a national data collection program to assist in effective implementation of FMPs. (Section 6(g))</p> <p>Administration bill does not have similar provisions.</p>
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Section 205	Herring Study	Authorizes Secretary of Commerce to conduct a cooperative research program to study distribution, abundance, and the role of herring as forage fish in the Northwest Atlantic. Authorizes \$2 million for study during FY 2007-2009.	Administration bill does not have similar provision.
Section 206	Restoration Study	Authorizes \$500,000 in FY 2007 for a study to update scientific information and protocols needed to improve restoration techniques for coastal habitat.	Administration bill does not have similar provisions.
Section 207	Western Pacific Fishery Demonstration Projects	Eliminates requirement that Secretary of Interior provide funding for Western Pacific fishery demonstration projects and clarifies which fishery communities are eligible to receive grants for these projects.	Administration bill clarifies which fishery communities are eligible to receive grants for Western Pacific fishery demonstration projects. (Section 20)
Section 208	Fisheries Conservation and Management Fund	Establishes a “Fishery Conservation and Management Fund.” Authorizes Councils to deposit monies generated through quota set-asides into the fund. Authorizes states, private/public entities, or non-profit organizations to deposit additional monies into the Fisheries Conservation and Management Fund. Additional appropriations may also be deposited into this fund. Monies in the Fishery Conservation and Management Fund shall be available to the Secretary of	Administration bill does not have similar provisions.

		<p>Commerce (without appropriation or fiscal year limitation) to disburse to the Councils. Apportionment must be conducted according to consensus recommendations of the Councils and based on regional priorities, except no region can receive less than 5 percent of the fund in each allocation period. Monies in the Fisheries Conservation and Management Fund shall be used for:</p> <ul style="list-style-type: none"> - improving harvest data collection; - cooperative fishery research and analysis; - development of technologies to improve seafood quality; - analysis of the benefits and risks of seafood consumption; - marketing of sustainable U.S. fishery products; and - providing financial assistance to fishermen for the modification of fishing practices and gear to meet MSA requirements. Monies from the fund may not be used to defray the costs of complying with MSA requirements. 	
Section 209	Use of Fishery Finance Program and Capital Construction Fund for Sustainable Purposes	<p>Amends the Merchant Marine Act to authorize the Secretary of Commerce to pay principal and interest on an obligation that aids in financing:</p> <ul style="list-style-type: none"> - the reimbursement of obligors for purchase of IFQs; 	Administration bill does not have similar provisions.

		<p>- fishing capacity reduction; or - technologies or upgrades to improve data collection or reporting, reduce bycatch, reduce adverse gear impacts, or improve safety.</p> <p>Amends qualified withdrawals under the Merchant Marine Act.</p>	Administration bill does not have similar provision.
Section 210	Regional Ecosystem Research	<p>Requires Secretary of Commerce, in consultation with the Councils, to undertake and complete a study on the state of science for advancing integration of ecosystem considerations in fisheries management. The study should build upon the recommendations of the advisory panel (established under Section 406 of MSA). Stipulates what must be included in study.</p> <p>Authorizes the Secretary to provide necessary technical and financial assistance to the Councils for development of regional pilot programs that build upon the recommendations of the advisory panel and the study (upon completion).</p>	Administration bill authorizes FMPs to incorporate conservation and management measures to protect and enhance the health and productivity of fishery ecosystems. The Secretary is required, in consultation with the Councils, to establish guidelines for the Councils to integrate ecosystem considerations in fisheries management. Councils (or the Secretary) are authorized to create fishery ecosystem plans to assist in implementing an ecosystem approach to fisheries management. (Section 4)
Section 211	Deep Sea Coral Research and Technology Program	Requires the Secretary of Commerce, in consultation with appropriate Councils and in coordination with other Federal agencies and educational institutions, to establish a Deep Sea Coral Research and Technology	Administration bill does not have similar provision.

		Program.	
Section 212	Impact of Turtle Excluder Devices on Shrimping	Requires the Undersecretary of Commerce to execute an agreement with the National Academy of Sciences to jointly conduct a multi-year, comprehensive study to measure utilization of turtle excluder devices (TEDs), analyze their impacts on sea turtle mortality, and evaluate innovative technologies to increase shrimp retention in TEDs while ensuring sea turtle protection.	Administration bill does not have similar provision.
Section 213	Hurricane Effects on Shrimp and Oyster Fisheries and Habitats	Requires Secretary of Commerce to transmit a report to Congress on the impacts of Hurricane Katrina, Hurricane Rita, and Hurricane Wilma on commercial and recreational fisheries, shrimp fishing vessels, and the oyster industry in the Gulf states. Requires Secretary of Commerce to transmit a report to Congress on the impacts of Hurricane Katrina, Hurricane Rita, and Hurricane Wilma on habitat, including the habitat of shrimp and oysters. Requires the Secretary to restore fishery habitats, including shrimp and oyster habitats in Louisiana and Mississippi.	Administration bill does not have similar provision. Administration bill does not have similar provisions.
Section 301	Amendments to Northern Pacific Halibut Act	Amends the Northern Pacific Halibut Act to strengthen penalties.	Administration bill has similar provisions. (Section 21)

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Section 401	International Monitoring and Compliance	Authorizes the Secretary of Commerce to conduct specified activities that promote improved monitoring and compliance for high seas fisheries or fisheries governed by international or regional fishery management agreements.	Administrative bill does not have similar provisions.
Section 402	Finding with Respect to Illegal, Unreported, and Unregulated Fishing	Adds a finding that international cooperation is necessary to address illegal, unreported, and unregulated (IUU) fishing.	Administration bill does not have similar provision.
Section 403	Action to End Illegal, Unreported, or Unregulated Fishing and Reduce Bycatch of Protected Marine Species	<p>Amends the High Seas Driftnet Fishing Moratorium Protection Act to require the Secretary of Commerce, in consultation with the Secretary of State, to provide Congress with a biennial report. The report must include:</p> <ul style="list-style-type: none"> - status of international living marine resources, including a list of all fish stocks classified as overfished, overexploited, depleted, endangered, or threatened; - a list of nations whose vessels have been engaging in IUU fishing, engaged in fishing activities that result in bycatch of protected living marine resources, and any action taken against these nations; - if the relevant international organization has failed to implement effective measures to end IUU fishing or reduce bycatch of 	Administration bill does not have similar provisions.

		<p>protected living marine resources by these nations;</p> <ul style="list-style-type: none"> - if the pertinent nations are not party to (or do not maintain cooperating status with) the relevant international organization, or if no international fishery management organization exists; - if the pertinent nations have not adopted a regulatory program governing fishing activities that result in bycatch of protected living marine resources; - a description of efforts taken by the pertinent nations to comply with new requirements of MSA (Sections 609 and 610), and an evaluation of progress on implementation; - progress at the international level to strengthen efforts of international and regional fishery management organizations to end IUU fishing; and - a plan of action for ensuring that international measures will be put in place to reduce impacts of fishing and other practices on protected living marine species. <p>Requires Secretary of Commerce to notify the President of any nations listed in the report above. Within 60 days of submitting the report to Congress, the Secretary of Commerce, in consultation with the Secretary of State, would be</p>	<p>Administration bill does not have similar provisions.</p>
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		<p>required to initiate consultations to encourage these nations to take appropriate corrective action against fishing vessels that are identified in the report. If nations have fishing vessels engaging in bycatch of protected marine species, the Secretary of Commerce, acting through the Secretary of State, shall initiate discussions with the nations' governments to enter into bilateral and multilateral treaties to protect these species; seek agreements calling for international restrictions; and initiate amendment of any existing international treaty to make consistent with the purposes and policies of this section of the Act.</p> <p>Requires the Secretary of Commerce to establish a procedure to determine if governments have taken appropriate corrective action against IUU fishing. Once the procedure is promulgated, the Secretary must determine whether nations with vessels involved in IUU fishing have taken corrective action, or whether the pertinent regional fishery management organization has implemented measures to end the IUU fishing. The Secretary's determination must be certified to the Congress. Any nation identified as having vessels</p>	<p>Administration bill does not have similar provisions.</p>
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		<p>that are participating in IUU fishing that received a negative certification from the Secretary must be denied port privileges.</p> <p>Requires the Secretary of Commerce, in consultation with the Secretary of State and in cooperation with the relevant fishery management councils, to take actions to improve the effectiveness of international fishery management organizations in conserving and managing fish stocks.</p> <p>Requires the Secretary of Commerce to define the term “illegal, unreported, or unregulated fishing” for purposes of the Act.</p> <p>Requires the Secretary of Commerce to annually certify to Congress if governments have adopted a regulatory program and management plan governing the conservation of protected living marine resources.</p> <p>Requires the Secretary of Commerce, to the greatest extent possible and based on the availability of funds, to assist nations (whose fishing activities have resulted in bycatch of protected marine resources) in qualifying for certification.</p>	<p>Administration bill does not have similar provision.</p> <p>Administration bill does not have similar provision.</p> <p>Administration bill does not have similar provisions.</p> <p>Administration bill does not have similar provision.</p>
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		<p>This Section of the Senate bill links the determination that a nation’s flag vessels have engaged in IUU fishing with the sanctions of the Driftnet Enforcement Act (denial of port privileges; embargo of fish, fish products, and sport fishing equipment; and, potentially, embargo of all imports). <u>(NOTE:</u> This section would lead to punitive sanctions for legal fishing activities where there are no applicable conservation or management measures or in areas with no applicable international fishery management organization or agreement.)</p> <p>Authorizes to be appropriated to the Secretary of Commerce such sums as necessary for FY 2006-2012.</p>	<p>Administration bill does not have similar provisions.</p> <p>Administration bill does not have similar provisions.</p>
Section 404	Monitoring of Pacific Insular Area Fisheries	Revises bycatch monitoring program requirements. The Secretary of Commerce determines adequate monitoring methods for harvest, bycatch, and compliance with U.S. law by foreign vessels that fish in the Pacific Insular Area.	Administration has similar provision. (Section 9)
Section 405	Reauthorization of Atlantic Tunas Convention Act	<p>Reauthorizes the Atlantic Tunas Convention Act as follows:</p> <ul style="list-style-type: none"> - \$5,495,000 for FY 2006; - \$5,770,000 annually for FY 2007-2008; - \$6,058,000 annually for FY 2009-2010; and 	Administration bill does not have similar provisions.

		<p>- \$6,631,000 annually for FY 2011-2012.</p> <p>Of these funds: - \$160,000 are authorized for advisory committee and species working groups; and - \$7,500,000 are authorized for research activities (\$3,000,000 of these monies must be used for cooperative research).</p> <p>Amends Atlantic Tunas Convention Act to include a cooperative research program on Atlantic billfish based on the Southeast Fisheries Science Center Atlantic Billfish Research Plan of 2002.</p>	<p>Administration bill does not have similar provisions.</p> <p>Administration bill does not have similar provision.</p>
Section 406	International Overfishing and Domestic Equity	<p>If the Secretary of Commerce determines a fishery is overfished, or approaching a condition of being overfished due to excessive international pressure, and there are no management measures to end overfishing under an international agreement, the Secretary, in cooperation with the State Department, must immediately take appropriate action at the international level to end overfishing. Within a year of the Secretary's determination, the appropriate Council (or Secretary) must:</p> <ul style="list-style-type: none"> - develop recommendations for domestic regulations to address the relative impact of 	Administration bill does not have similar provisions.

		<p>U.S. fishing vessels on the stock, and if developed by a Council, the Council must submit these recommendations to the Secretary; and</p> <ul style="list-style-type: none"> - develop and submit recommendations to the State Department for international actions that will end overfishing and rebuild affected stocks. <p>Revises Section 304(g)(2) to extend the exception to the MSA definition of bycatch to highly migratory species harvested in a commercial fishery managed by a Council under this Act, or the Western and Central Pacific Fisheries Convention Implementation Act, that are not regulatory discards and that are tagged and released alive under a scientific tagging and release program established by the Secretary. (NOTE: Currently, the exception is only provided for fish harvested in a commercial fishery managed by the Secretary under this subsection or the Atlantic Tunas Convention Act of 1975.)</p>	<p>Administration bill does not have similar provisions.</p>
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<p>Title V</p>	<p>Implementation of Western and Central Pacific Fisheries Convention</p>	<p>Implements the Convention on the Conservation and Management of Highly Migratory Stocks in the Western and Central Pacific Ocean. Requires the President to appoint 5 U.S. Commissioners to the Convention. One U.S. Commissioner must be an officer or employee of the Department of Commerce, and one U.S. Commissioner must be the chairman or a member of the Western Pacific Fishery Management Council.</p> <p>Requires establishment of a permanent advisory committee, comprised of between 15-20 individuals appointed by the U.S. Commissioners, that (to the maximum extent practicable) provide “equitable balance” among the groups concerned with fisheries covered by the Convention. The advisory committee must include the chair of the Western Pacific Fishery Management Council’s Advisory Committee (or their designee), and officials of the fisheries management authorities of American Samoa, Guam, and the Northern Mariana Islands (or their designees). The advisory committee must determine and publish its organization, practices, and procedures for carrying out its functions. The advisory</p>	<p>Administration bill does not have similar provisions.</p> <p>Administration bill does not have similar provisions.</p>
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		<p>committee shall not be subject to FACA, and all meetings, except when in executive session, must be open to the public.</p> <p>Requires Secretary of Commerce, in coordination with the State Department, to develop a memorandum of understanding (MOU) with the Western Pacific, Pacific, and North Pacific Fishery Management Councils to:</p> <ul style="list-style-type: none"> - specify the role of the relevant Council(s) in U.S. delegations to international fishery organizations in the Pacific Ocean (including government-to-government consultations); - provide formal recommendations regarding necessary measures for domestic and foreign vessels fishing for highly migratory species; - coordinating positions with the U.S. delegation for presentation to international fishery organizations; and - recommending domestic fishing regulations that are consistent with the actions of the international fishery organization for approval and implementation under MSA. <p>Authorizes the State Department to receive, transmit, and act upon Commission communications on behalf of the U.S. The State Department is also</p>	<p>Administration bill does not have similar provisions.</p> <p>Administration bill does not have similar provisions.</p>
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		<p>authorized, in consultation with the Secretary of Commerce and U.S. Commissioners, to take actions on bylaws, rules, or amendments adopted by the Commission.</p> <p>Requires Secretary of Commerce, in consultation with Coast Guard and appropriate Regional Fishery Management Council(s), to promulgate regulations needed to carry out its obligations under the Convention, in accordance with procedures in MSA.</p> <p>Authorizes Secretary of Commerce to:</p> <ul style="list-style-type: none"> - administer and enforce the Convention; - request and utilize other Federal services, personnel, equipment, and facilities for administration, enforcement and research under the Convention; - conduct fishing operations and scientific experiments necessary to implement the Convention; - collect, utilize, and disclose information needed to implement the Convention (subject to confidentiality restrictions); - assess and collect fees to recover implementation and enforcement costs; and - issue permits for U.S. vessel owners and operations in the convention area seaward of the EEZ. 	<p>Administration bill does not have similar provisions.</p>
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		<p>Requires Secretary of Commerce to prevent violations of the Convention using the same authority and means authorized under section 307 of MSA. Authorizes the State Department to seek cooperation from Federal agencies, and state and private organizations in carrying out responsibilities under the Convention.</p>	<p>Administration bill does not have similar provisions.</p>
		<p>Requires State Department to ensure participation in the Commission by American Samoa, Guam, and the Northern Mariana Islands, to the same extent provided to territories of other nations.</p>	<p>Administration bill does not have similar provisions.</p>
		<p>Authorizes to be appropriated to the Secretary of Commerce such sums as may be necessary to carry out its obligations and pay the U.S. contribution to the Commission.</p>	<p>Administration bill does not have similar provisions.</p>
Title VI	Pacific Whiting	<p>Implements the Agreement Between the U.S. and the Government of Canada on Pacific Hake/Whiting signed in Nov. 2003.</p>	<p>Administration bill does not have similar provisions.</p>
		<p>Requires the Secretary of Commerce, in consultation with the State Department, to appoint 4 individuals to represent the U.S. on the Joint Management Committee. Appointees must</p>	<p>Administration bill does not have similar provisions.</p>

		<p>include a NOAA official, a member of the Pacific Fishery Management Council, an individual from a list submitted by treaty Indian tribes (with treaty rights to Pacific whiting), and a representative of the commercial whiting fishing industry.</p> <p>Requires Secretary of Commerce, in consultation with the State Department, to appoint:</p> <ul style="list-style-type: none"> - up to 2 experts to serve on the Scientific Review Group; - between 6-12 experts to serve on the Joint Technical Committee (at least one expert must be a NOAA official); and - between 6-12 individuals knowledgeable in the Pacific whiting fishery to serve as U.S. representatives to the Advisory Panel (that are not employees of the U.S.). <p>Requires Secretary of Commerce to establish the U.S. catch limit for Pacific whiting according to standards and procedures of the Agreement – not according to standards and procedures of MSA, except as necessary to address the rebuilding needs of other species. All other aspects of Pacific whiting management shall be subject to MSA.</p>	<p>Administration bill does not have similar provisions.</p> <p>Administration bill does not have similar provisions.</p>
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		<p>Requires Secretary of Commerce to implement catch limit recommendations made by the Joint Management Committee if approved by both parties to the Agreement. If parties to the Agreement do not approve the Committee’s catch limit recommendations, the Secretary must establish a TAC for Pacific whiting.</p> <p>Authorizes Secretary of Commerce to:</p> <ul style="list-style-type: none"> - administer and enforce the Agreement and implementing regulations; - request and utilize other Federal services, personnel, equipment, and facilities for administration and enforcement of the Agreement; and - collect, utilize, and disclose information needed to implement the Convention (subject to confidentiality restrictions). <p>Requires Secretary of Commerce to prevent violations of the Agreement using the same authority and means authorized under section 307 of MSA.</p> <p>Authorizes to be appropriated to the Secretary of Commerce such sums as may be necessary to carry out its obligations.</p>	<p>Administration bill does not have similar provisions.</p> <p>Administration bill does not have similar provisions.</p> <p>Administration bill does not have similar provisions.</p> <p>Administration bill does not have similar provisions.</p>
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Appendix A

List of Provisions in Administration MSA Reauthorization Bill that were not included in S. 2012, as Approved by the Senate Commerce Committee

Sec. 3 Definitions

- Bycatch – definition amended to include seabirds
- Continental shelf fishery resources
- Depleted – “overfished” changed to depleted
- Ecosystem
- Exclusive Economic Zone
- Foreign law or regulation.
- Habitat Areas of Particular Concern (HAPCs)
- Optimum
- Overfishing
- U.S. Citizen

Sec. 4 Fisheries Ecosystems

- Findings
- Purpose
- Authorization of HAPCs
- Authorization of fishery ecosystem plans

Sec. 5 Rebuilding Fisheries

- Findings
- Change in timeframe for ending overfishing
- Change in timeframe for rebuilding

Sec. 6 Scientific Support for Fisheries Conservation and Management

- Standardized bycatch reporting methodology
- Creation of a national data collection program
- Collection of information, including unique identifiers (e.g., date of birth, social security numbers and tax identification information) to implement a national permit identification system

Sec. 7 Appointments of Regional Fishery Council Members

- Changes in membership
- Requirement that Governor publish a list of candidates (except for Gulf Council)

- Elimination of requirement that Secretary consult with commercial & recreational fishing interests before making decision on Council members
- Change in qualifications of Council members

Sec. 12 Dedicated Access Privileges

- Authorization of cooperatives and area-based quotas
- Cost recovery authorized for DAPs; unlike Senate bill, there is not a cap of 3% of the ex-vessel value of landings
- Recoverable costs clearly are not limited to the additional costs due to the DAP program, and the costs of science and observer program activities are included as recoverable costs
- Cost recovery authorized for management, science, data collection and analysis, observer coverage, and enforcement activities in non-DAP fisheries; Senate bill does not include a cost recovery program for non-DAP (i.e., non-LAP) fisheries
- Prohibition on foreign ownership of harvest shares; in addition to allowing a U.S. citizen, resident permanent alien, fishing community, or regional fishery association to acquire harvest privileges, the Senate bill allows a U.S. corporation, a partnership, or other entity established under the laws of the U.S. or any State, to acquire harvest privileges
- Establishes a policy on the transferability of privileges (through sale or lease), with the minimal conditions necessary to ensure that provisions of this section are upheld

Sec. 13 Action by the Secretary

- Authorization of frameworks (Senate bill only authorizes frameworks under Section 312 of MSA)
- Exemptions of FMPs and amendments from APA requirements
- Requires that FMPs be cost-effective

Sec. 14 Judicial Review of Certain Actions of the Secretary

- Authorization for court to allow the prevailing party a reasonable attorney's fee

Sec. 17 Fishery Permitting and Registration

- Establishment of a national permitting program for commercial fishermen
- Authorization of fees from anglers for a saltwater angler registry

Sec. 19 Funding for Fishery Observer Programs

- Provides the Secretary the authority to exercise broad discretion in developing a funding mechanism to cover the cost of an observer program

Appendix B

S. 2012 Authorizations of Funding

Sec. 7 Authorization of Appropriations

- Authorizes \$328,004,000 for FY 2006
- Authorizes such sums as may be necessary for FY 2007-2012

Sec. 115 Fishery Finance Program Hurricane Assistance

- Authorizes up to \$15,000,000 for each eligible holder for FY 2006-2012

Sec. 116 Shrimp Fisheries Hurricane Assistance Program

- Authorizes \$17,500,000 for FY 2006-2011

Sec. 205 Herring Study

- Authorizes \$2,000,000 for FY 2007-2009

Sec. 206 Restoration Study

- Authorizes \$500,000 for FY 2007

Sec. 405 Reauthorization of Atlantic Tunas Convention Act

- Authorizes \$5,495,000 for FY 2006
- Authorizes \$5,770,000 for FY 2007-2008
- Authorizes \$6,058,000 for FY 2009-2010
- Authorizes \$6,631,000 for FY 2011-2012

Title V Implementation of Western and Central Pacific Fisheries Convention

- Authorizes to be appropriated to the Secretary of Commerce such sums as may be necessary to carry out its obligations and pay the U.S. contribution to the Commission.

Title VI Implements the Agreement Between the U.S. and the Government of Canada on Pacific Hake/Whiting

- Authorizes to be appropriated to the Secretary of Commerce such sums as may be necessary to carry out its obligations.

Appendix C

S. 2012 Provisions with Unaccounted Implementation Costs

Sec. 106 Limited Access Privilege Programs

- Financial and other mechanisms to promote investments in seafood processing

Sec. 109 Western Pacific Community Development

- Western Pacific pilot marine education and training program

Sec. 114 Regional Coastal Disaster Assistance, Transition, and Recovery Program

- Regional coastal disaster assistance
- Comprehensive economic and socio-economic evaluation of the affected region's fisheries

Sec. 115 Fishery Finance Program Hurricane Assistance

- Fishery finance program assistance

Sec. 116 Shrimp Fisheries Hurricane Assistance Program

- Assistance for shrimp fisheries

Sec. 117 Bycatch Reduction Engineering Program

- Bycatch reduction engineering program

Sec. 118 Community-Based Restoration Program for Fishery and Coastal Habitats

- Community-based restoration of fishery and coastal habitats

Sec. 201 Recreational fisheries

- Requires improvement of MRFSS

Sec. 204 Cooperative Research and Management Program

- Cooperative research and management program

Sec. 206 Restoration Study

- Habitat restoration study

Sec. 208 Fisheries Conservation and Management Fund

- Fisheries Conservation and Management Fund

Sec. 209 Use of Fishery Finance Program and Capital Construction Fund for Sustainable Purposes

- Financing of IFQ purchases
- Expanded list of qualified Capital Construction Fund withdrawals

Sec. 210 Regional Ecosystem Research

- Regional ecosystem study and implementation of regional pilot programs

Sec. 211 Deep Sea Coral Research and Technology Program

- Deep sea coral research and technology

Sec. 212 Impact of Turtle Excluder Devices on Shrimping

- Study on impact of turtle excluder devices (TEDs) on shrimping

Sec. 213 Shrimp and Oyster Fisheries and Habitats

- Assessing impacts of hurricanes on habitat, including shrimp and oyster habitat
- Habitat restoration

Title V Implementation of Western and Central Pacific Fisheries Convention

Title VI Implements the Agreement Between the U.S. and the Government of Canada on Pacific Hake/Whiting

Appendix D
Report and Implementation Deadlines
Established by S.2012

SEC. 103. REGIONAL FISHERY MANAGEMENT COUNCILS.

- Within 6 months after the date of enactment, the Secretary, in consultation with the Councils and the National Sea Grant College Program, shall develop a training course for newly appointed Council members.
- On January 1, 2008, and annually thereafter, the Secretary shall submit a report to the Senate Commerce Committee and the House Resources Committee on action taken by the Secretary and the Councils to implement the disclosure of financial interest and recusal requirements of this section.
- Before August, 2011, the Secretary, in consultation with the Gulf Council, shall analyze the impact of the amendment to member apportionment requirements and determine whether MSA §302(b)(2)(D) has resulted in a fair and balanced apportionment of the active participants in the commercial and recreational fisheries under the jurisdiction of the Council.
- By no later than August, 2011, the Secretary shall transmit a report to the Senate Commerce Committee and the House Resources Committee setting forth the Secretary's findings and determination, including any recommendations for legislative or other changes that may be necessary to achieve such a fair and balanced apportionment, including whether to renew the authority.

SEC. 104. FISHERY MANAGEMENT PLAN REQUIREMENTS.

- The amendments made to MSA §303(a)(14) – requiring the consideration of economic impact of harvest restrictions or recovery benefits on the fishery participants in each sector – shall take effect 2 years after the date of enactment.

SEC. 106. LIMITED ACCESS PRIVILEGE PROGRAMS

- Within 1 year after the date of enactment, the Secretary shall publish guidelines and procedures to determine procedures and voting eligibility requirements for referenda for establishing LAPPs under the New England and Gulf Councils and to conduct such referenda in a fair and equitable manner.

SEC. 107. ENVIRONMENTAL REVIEW PROCESS.

- The Secretary shall, in consultation with the Councils and the Council on Environmental Quality, revise and update agency procedures for compliance with the National Environmental Policy Act. The Secretary shall propose revised procedures within 12

months after the date of enactment; provide 90 days for public review and comments; and promulgate final procedures no later than 18 months after the date of enactment of that Act.

SEC. 111. SECRETARIAL ACTION ON STATE GROUND FISH FISHING.

- Within 60 days after the date of enactment, the Secretary shall determine whether fishing in State waters without a New England multispecies groundfish fishery permit on regulated species within the multispecies complex is not consistent with the applicable Federal fishery management plan. If the Secretary makes a determination that such actions are not consistent with the plan, the Secretary shall, in consultation with the Council, and after notifying the affected State, develop and implement measures to cure the inconsistency.

SEC. 112. JOINT ENFORCEMENT AGREEMENTS

- As soon as practicable but no later than 21 months after the date of enactment, the Secretary shall implement data-sharing measures to make any data required to be provided by this Act from GMDSS, VMS, or similar system directly accessible by State enforcement officers and available to State fishery management agencies.
- Within 15 months after the date of enactment of this Act, NMFS and the USCG shall transmit a joint report to the Senate Commerce Committee and the House Resources Committee on cost-to-benefit analysis of the feasibility, value, and cost of using the GMDSS, VMS, or similar systems for fishery management, conservation, enforcement, and safety purposes with the Federal government bearing the capital costs of any such system.

SEC. 117. BYCATCH REDUCTION ENGINEERING PROGRAM

- Not later than 1 year after the date of enactment, the Secretary, in cooperation with the Councils and other affected interests, and based upon the best scientific information available, shall establish a bycatch reduction program to develop technological devices and other conservation engineering changes designed to minimize bycatch, seabird bycatch, bycatch mortality, and post-release mortality in Federally managed fisheries.

SEC. 201. RECREATIONAL FISHERIES INFORMATION

- Within 24 months after the date of enactment, the Secretary shall establish a program to improve the quality and accuracy of information generated by the Marine Recreational Fishery Statistics Survey, with a goal of achieving acceptable accuracy and utility for each individual fishery.
- Within 24 months after establishment of the program, the Secretary shall submit a report to Congress that describes the progress made toward achieving the goals and objectives of the program.

SEC. 205. HERRING STUDY

- The Secretary shall present the final results of the NW Atlantic herring study to Congress within 3 months following the completion of the study, and an interim report at the end of fiscal year 2008.

SEC. 210. REGIONAL ECOSYSTEM RESEARCH

- Within 180 days after the date of enactment, the Secretary, in consultation with the Councils, shall undertake and complete a study on the state of the science for advancing the concepts and integration of ecosystem considerations in regional fishery management.

SEC. 211. DEEP SEA CORAL RESEARCH AND TECHNOLOGY PROGRAM

- Beginning 1 year after the date of enactment, the Secretary, in consultation with the Councils, shall submit biennial reports to Congress and the public on steps taken by the Secretary to identify and monitor, and the Councils to protect, deep sea coral areas, including summaries of the results of mapping, research, and data collection performed under the program.

SEC. 213. HURRICANE EFFECTS ON SHRIMP AND OYSTER FISHERIES AND HABITATS

- Within 180 days after the date of enactment, the Secretary shall transmit a report to the Senate Commerce Committee and the House Resources Committee on the impact of Hurricane Katrina, Hurricane Rita, and Hurricane Wilma on commercial and recreational fisheries (including the shrimp fishing vessels and the oyster industry) in Alabama, Louisiana, Florida, Mississippi, and Texas.
- Within 180 days after the date of enactment of this Act, the Secretary shall transmit a report to the Senate Commerce Committee and the House Resources Committee on the impact of Hurricane Katrina, Hurricane Rita, and Hurricane Wilma on habitat, including the habitat of shrimp and oysters in those States.

SEC. 317. COOPERATIVE RESEARCH AND MANAGEMENT PROGRAM

- Not later than 180 days after the date of enactment, the Secretary, in consultation with the Councils, shall promulgate regulations that create an expedited, uniform, and regionally-based process to promote issuance, where practicable, of experimental fishing permits.

SEC. 401. INTERNATIONAL MONITORING AND COMPLIANCE

- The Secretary may undertake activities to promote improved monitoring and compliance for high seas fisheries, or fisheries governed by international fishery management agreements. Specifically the Secretary may support coordinated international efforts to ensure that all large-scale fishing vessels operating on the high seas are required by their flag State to be fitted with vessel monitoring systems no later than December 31, 2008, or earlier if so

decided by the relevant flag State or any relevant international fishery management organization.

SEC. 403. ACTION TO END IUU AND REDUCE BYCATCH OF PROTECTED MARINE SPECIES

- The Secretary, in consultation with the Secretary of State, shall provide to Congress, by not later than 2 years after the date of enactment, and every 2 years thereafter, a report on international living marine resources, a list of nations whose vessels have engaged in IUU fishing, the effectiveness of compliance measures, and a plan of action for ensuring that international measures will be implemented to reduce impacts of fishing and other practices on protected living marine species.
- Within 3 months after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2005, the Secretary shall publish a definition of the term ‘illegal, unreported, or unregulated fishing’ for purposes of this Act.
- The Secretary shall certify to the Congress by January 31, 2007, and annually thereafter whether the government of each harvesting nation (A) has provided documentary evidence of the adoption of a regulatory program governing the conservation of protected living marine resources; and (B) has established a management plan containing requirements that will assist in gathering species-specific data to support international stock assessments and conservation enforcement efforts for protected living marine resources.