

	H.R. 2023	S. 1520	H.R. 200	Notes	SAFMC Comments (for committee consideration)
<p><b>Section 101</b>            - Process for Allocation Review for South Atlantic and Gulf of Mexico Mixed-Use Fisheries.</p>	<p>This section would require the Secretary of Commerce, within 60 days after the date of the enactment of this legislation, to enter into an agreement with the National Academy of Sciences to conduct a study of the South Atlantic and Gulf of Mexico mixed-use fisheries. Under the study, the National Academy of Sciences would be required to do the following things: (1) provide guidance to the South Atlantic and Gulf of Mexico Fishery Management Councils on criteria that could be used for allocating fishing privileges in the preparation of a fishery management plan under the MSA. This guidance must include consideration of the conservation and socioeconomic benefits of the commercial, recreational, and charter components of a fishery; (2) identify sources of information that could reasonably support the use of such criteria in allocation decisions; and (3) develop procedures for allocations based on the guidelines and requirements established by this section.</p>	<p>(a) STUDY OF ALLOCATIONS IN MIXED-USE FISHERIES.—Not later than 60 days after the date of enactment of this Act, the Secretary of Commerce shall enter into an arrangement with the National Academy of Sciences to conduct a study of South Atlantic and Gulf of Mexico mixed-use fisheries— (1) to provide guidance to each applicable Council on criteria that could be used for allocating fishing privileges, including consideration of the conservation and socioeconomic benefits of the commercial, recreational, and charter components of a fishery, in the preparation of a fishery management plan; (2) to identify sources of information that could reasonably support the use of such criteria in allocation decisions; and (3) to develop procedures for allocation reviews and potential adjustments in allocations.</p>	<p>No similar provision in H.R. 200.</p>	<p>A similar provision to section 101 of H.R. 2023 and S. 1520 had been in House-passed version of H.R. 1335 in the 114<sup>th</sup> Congress; however, it is not included in H.R. 200 in the 115<sup>th</sup> Congress.</p>	<p>The Council established an allocation formula and made allocation decisions in a Comprehensive ACL Amendment to meet the MSA requirement for ACLs. The Council has updated allocations using the original formula and updated landings data. The MSA mentions allocations in several places and NMFS has developed guidelines and an allocation policy. Information is available at: <a href="http://www.fisheries.noaa.gov/sfa/management/allocation/index.html">http://www.fisheries.noaa.gov/sfa/management/allocation/index.html</a></p> <p>The Council Coordination Committee developed a procedural directive that outlines three triggers for evaluating allocations. The Council is scheduled to evaluate allocations in 2018.</p> <p>Do we feel the NAS study would be beneficial? (FWC on HR2023) They generally cost about \$1 million and that comes out of the NMFS budget.</p> <p><b>OK with the NAS study.</b>  <b>Not in favor of NAS study – impacts on funding and don't need a prescribed timeframe.</b></p> <p><b>Reviews in 5 years could impact the Council's workload.</b>  <b>Concern about duplication with CCC procedural directive.</b>  <b>Concerned about \$1M and impacts on other work.</b>  <b>Can we coordinate reviews the same time assessments are being conducted?</b>  <b>May be to often if we get stock assessment frequency where we want it.</b></p> <p><b>NAS study could aid the Councils in discussing allocation reviews and could trigger periodic reviews.</b></p> <p><b>Distribute CCC documents – in Background Documents folder</b>  <b>Refine position at September committee meeting</b></p>

					<p>Do we feel legislation is needed to specify a timeframe for review when we have the Allocation Policy?</p> <p>If yes, do we want to provide input on 3 (HR2023) versus 5 (S1520) years?</p>
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	<b>H.R. 2023</b>	<b>S. 1520</b>	<b>H.R. 200</b>	<b>Notes</b>	<b>SAFMC Comments (for committee consideration)</b>
	This section would require the National Academy of Sciences (NAS), within one year of the date an arrangement is entered into between the Secretary of Commerce and the NAS, to submit a report on the study to the Senate Commerce, Science, and Transportation Committee and the House Natural Resources Committee.	(b) REPORT.—Not later than 1 year after the date an arrangement is entered into under subsection (a), the National Academy of Sciences shall submit to the appropriate committees of Congress a report on the study conducted under that subsection.	No similar provision.		
	This section would require both the Gulf of Mexico Fishery Management Council and South Atlantic Fishery Management Council, within 2 years of the enactment of this legislation and notwithstanding the NAS report or any other provision of law, to perform an initial review of the allocations to the commercial fishing sector and the recreational fishing sector of all applicable fisheries within each of the respective Council's jurisdiction.	(c) PROCESS FOR ALLOCATION REVIEW AND ESTABLISHMENT.— (1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and every 5 years thereafter, an applicable Council shall perform a review of the allocations to the commercial fishing sector and the recreational fishing sector of all applicable fisheries in its jurisdiction.	No similar provision.	<b>HR2023 vs. S1520:</b> Slight wording changes but basically the same with the exception of the following: 1. S1520 changes review of allocations from 3 years to 5 years.	
	The bill would require that both the Gulf of Mexico Council and the South Atlantic Council perform a review of the allocations to the commercial fishing sector and the recreational fishing sector of all applicable fisheries within each of the respective Council's jurisdiction every three years following the initial review.	See above section.	No similar provision.		

	<b>H.R. 2023</b>	<b>S. 1520</b>	<b>H.R. 200</b>	<b>Notes</b>	<b>SAFMC Comments (for committee consideration)</b>
	<p>The bill would require that each of the reviews conducted by the two Councils consider the conservation and socioeconomic benefits of each of the commercial fishing sector and the recreational fishing sector in any allocation decisions.</p>	<p>(2) CONSIDERATIONS.—In conducting a review under paragraph (1), an applicable Council shall consider, in each allocation decision, the conservation and socioeconomic benefits of—            (A) the commercial fishing sector; and (B) the recreational fishing sector.</p>	<p>No similar provision.</p>		

	<b>H.R. 2023</b>	<b>S. 1520</b>	<b>H.R. 200</b>	<b>Notes</b>	<b>SAFMC Comments (for committee consideration)</b>
<b>Section 102 – Alternative Fishery Management</b>	This section would repeal section 407(d) of the MSA.	No similar provision.	Section 12 of H.R. 200 would repeal all of section 407.		Do we want to comment on the benefits of repealing Section 407 Gulf of Mexico Red Snapper Research? (FWC on HR2023 & HR200) <b>No comment; let GMFMC comment.</b>
	This section would add an additional authority under section 302(h) (Functions of the Councils) to allow Councils to use alternative fishery management measures in a recreational fishery (or the recreational component of a mixed-use fishery) in developing a fishery management plan, plan amendment, or proposed regulations. This authority would include the ability to use extraction rates, fishing mortality targets, harvest control rules, or traditional or cultural practices of native communities.	This section would add an additional authority under section 302(h): (8) have the authority to use alternative fishery management measures in a recreational fishery (or the recreational component of a mixed-use fishery) in developing a fishery management plan, plan amendment, or proposed regulations, including extraction rates, fishing mortality targets, harvest control rules, or traditional or cultural practices of native communities;	Section 29 – Authority to Use Alternative Fishery Management Measures. The bill would allow Councils to use alternative fishery management measures in a recreational fishery or for the recreational component of a mixed-use fishery including the use of extraction rates, fishing mortality targets, and harvest control rules in developing fishery management plans, plan amendments, or proposed regulations.	The language in the two House bills is similar; however, H.R. 2023 includes the use of “traditional or cultural practices of native communities” in the list of authorized alternative fishery management measures. <b>HR2023 vs. S1520:</b> Slight wording changes but basically the same.	Prior to the ACL requirement, the Council managed with an ABC and a Total Allowable Catch (TAC). The ABC came from an annual stock assessment (e.g., king and Spanish mackerel) and the Council set the TAC each year via framework. The TAC was allocated using a specified allocation percentage to the recreational and commercial sectors. The commercial sector was managed with size limits, quotas, and trip limits; the quota was tracked and the commercial fishery closed when the commercial quota was met or projected to be met. The recreational sector was managed using size limits, bag limits, and seasons to approximate the recreational allocation. The bag/size limits were modified as needed through the annual framework process.  Do we feel this type of management is more appropriate for the recreational sector? (FWC on HR2023 & HR200) <b>Support use of alternative management program for the recreational fishery</b>
	The bill would require that the Secretary of Commerce report to Congress within 180 days of the enactment of this legislation to describe the actions taken to implement this new authority.	Not later than 180 days after the date of enactment of this Act, the Secretary of Commerce shall submit to the appropriate committees of Congress a report summarizing the alternative fishery management measures each mixed-use fishery plans to implement.	No similar provision.	<b>HR2023 vs. S1520:</b> Slight wording changes but basically the same.	For such an approach to work, the Council would need to set the bag/size limits such that the recreational allocation was not exceeded. If there were overages, the bag/size limit could be adjusted through the framework process.

	H.R. 2023	S. 1520	H.R. 200	Notes	SAFMC Comments (for committee consideration)
<p><b>Section 103 –</b> Moratorium on Limited Access Privilege Programs for Mixed-Use Fisheries.</p>	<p>This section would impose a moratorium on the development or consideration of any new limited access privilege program for any mixed-use fishery consisting of both commercial and recreational fishing sectors. The moratorium would apply to fisheries under the jurisdiction of the Gulf of Mexico Council and the South Atlantic Council.</p>	<p>(a) STUDY ON LIMITED ACCESS PRIVILEGE PROGRAMS.—          (1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Ocean Studies Board of the National Academies of Sciences, Engineering, and Medicine shall—A) study the use of limited access privilege programs in mixed-use fisheries, including—(i) identifying any inequities caused by a limited access privilege program; (ii) recommending policies to address the inequities identified in clause (i), such as—(I) referenda that cover all participants and sectors in the fishery before establishment, not just the commercial sector participants; (II) auctions or lotteries for quota assignment in lieu of free quota transfers; (III) limited duration of access privileges with periodic auction to assign quota ownership; (IV) mandatory sector allocation analyses prior to quota assignment; and (V) compensated reallocation plans to allow allocations to shift as demand and demographics shift; and (iii)</p>	<p>Section 8 - Limitation on Future Catch Share Programs.          The bill would define the term “catch share” and create a pilot program for four Councils - the New England, Mid-Atlantic, South Atlantic, and Gulf of Mexico Councils - which would prohibit those Councils from submitting and prohibit the Secretary from approving or implementing any new catch share program from those Councils or under a secretarial plan or amendment unless the final program has been approved in a referendum by a majority of the permit holders eligible to participate in the fishery.          The bill would clarify that for multispecies</p>	<p>H.R. 2023 would impose a limitation on any limited access privilege program for any mixed-use fishery and this limitation would apply to two Councils.</p> <p>This language would imply that new limited access privilege programs could be developed and implemented by either of those Councils if the fishery was only commercial in nature.</p> <p>The prohibition in H.R. 200 is broader and would apply to 4 Councils and would apply to “catch share programs” rather than limit access privilege programs (the bill defines “catch share program”).</p> <p>The prohibition in H.R. 200 would only apply until a referendum was held.</p> <p>The prohibition in H.R. 200 would also apply to the Secretary as well as the four Councils.</p>	<p>The Wreckfish fishery is managed with Individual Transferable Quotas (ITQs) and a review of that program is beginning this year.</p> <p>The commercial Snapper Grouper fishery is under a limited entry program with a 2 for 1 provision for new entrants.</p> <p>The Council is evaluating a moratorium on new permits in the Snapper Grouper For-Hire fishery.</p> <p>Do we feel the NAS study would be helpful and cost effective? They generally cost about \$1 million and that comes out of the NMFS budget.  <b>There is lots of information available and don’t support NAS study; resources are better used in other areas. Does the cost have to come from NMFS or are there other sources?</b></p>

		<p>identifying and recommending the different factors and information a mixed use fishery should consider when designing, establishing, or maintaining a limited access privilege program to mitigate any inequities identified in clause (i); and (B) submit to the appropriate committees of Congress a report on the study under subparagraph (A), including the recommendations under clauses (ii) and (iii) of subparagraph (A).</p> <p>(2) CONSIDERATIONS.—In conducting the study under paragraph (1), the Ocean Studies Board shall consider, at a minimum—(A) the community impacts of assignment of quota to only one sector; (B) the disenfranchisement in the management process of a sector not assigned quota; and (C) the loss of public resource rent.</p> <p>(b) TEMPORARY MORATORIUM.—</p> <p>(1) IN GENERAL.—Except as provided in paragraph (2), there shall be a moratorium on the submission and approval of a limited access privilege program for a mixed-used fishery until the date that the report is submitted</p>	<p>permits in the Gulf of Mexico, any permit holder with landings within the last five years from within the sector being considered for the catch share program and who is still active in the fishery shall be eligible to participate in the referendum. The bill would clarify that if a referendum fails, it may be revised and submitted in a subsequent referendum. The bill would allow the Secretary, at the request of the New England Council, to include crew members who derive a significant portion of their livelihood from fishing to participate in a referendum for any fishery within that Council’s jurisdiction. The bill would also require that prior to the referendum, the Secretary must provide</p>	<p><b>HR2023 vs. S1520:</b> HR2023 imposes a moratorium versus S1520 that requires a National Academy of Science study and imposes a temporary moratorium until the report is submitted with one exception for programs that were pending before this Act is implemented.</p>	<p><b>Two NAS studies done by NAS.</b></p> <p>Do we feel Limited Access Privilege Programs should be a tool available to the Council?  <b>Yes. Each Council and each species could be done differently.</b></p> <p>Do we feel a moratorium on LAPP programs for mixed-use fisheries in the Gulf of Mexico and South Atlantic would be beneficial? (FWC on HR2023)  <b>Moratorium is not needed now. If there is a moratorium, should not be permanent (need end date of 3-5 years).</b></p> <p>Do we support requiring a referendum for South Atlantic Council LAPP programs? (FWC on HR200)  <b>See language in CCC working paper.</b>  <b>Should have a referendum before a catch share is established.</b></p>
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		<p>under subsection (a)(1)(B).                  (2) EXCEPTION.—Subject to paragraph (3), a Council may submit, and the Secretary of Commerce may approve, for a mixed-use fishery that is managed under a limited access system, a limited access privilege program if such program was part of a pending fishery management plan or plan amendment before the date of enactment of this Act.</p> <p>(3) MANDATORY REVIEW.—A Council that approves a limited access privilege program under paragraph (2) shall, upon issuance of the report required under subparagraph (a), review and, to the extent practicable, revise the limited access privilege program to be consistent with the recommendations of the report or any subsequent statutory or regulatory requirements designed to implement the recommendations of the report.</p> <p>(4) RULE OF CONSTRUCTION.— Nothing in this section may be construed to affect a limited access privilege program approved by the Secretary of Commerce before the date of enactment of</p>	<p>all eligible permit holders with a copy of the proposed program, an estimate of the costs of the program (including the costs to participants), an estimate of the amount of fish or percentage of the quota each permit holder would be allocated, and information on the schedule, procedures and eligibility criteria for the referendum.</p> <p>The bill defines “permit holder eligible to participate” in a referendum as a permit holder who has fished in at least 3 of the 5 years preceding the referendum unless sickness, injury or other unavoidable hardship prevented the permit holder from fishing.</p> <p>The bill would clarify that the Secretary may</p>		<p><b>Don’t support a requirement in MSA but it should be something that the SAFMC would consider.</b></p> <p>See Topic 8: Future Catch Share/IFQ Programs section (pages 32-34) of the CCC Working Paper (Attachment 1a). We can pull the language from that document to help with our comments.</p> <p>If a referendum is held, do we feel only participants who have landings of the proposed species should be eligible to participate in the referendum to establish a catch share for that species? (FWC on HR200)  <b>For-hire – would the referendum just include for-hire permit holders or all recreational fishermen. Don’t want it defined in MSA; should be up to the Council. Support requiring a referendum &amp; who can vote in MSA for SA similar to GM. For example: Yellowtail – would all reef fish permit</b></p>
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		<p>this Act.</p>	<p>not implement any catch share program for any fishery managed exclusively by the Secretary unless first petitioned by a majority of the permit holders eligible to participate in the fishery.</p> <p>The bill clarifies that the requirement for the referendum does not apply to any catch share program that is submitted to or proposed by the Secretary before the date of enactment of the bill.</p> <p>The bill would require the Secretary to issue regulations and provide for public comment on the referendum prior to conducting any referendum.</p>		<p><b>holders vote or just those with yellowtail landings.</b></p> <p>Do we want to request a complete accounting of the disbursements, including how much of cost recovery money from LAPPs is used for program administration, law enforcement, etc.? (FWC on HR200)</p> <p><b>Yes, participants would like to know where the money is going.</b></p> <p>Do we feel an end date for LAPPs is needed to be consistent with MSA? (FWC on HR2023)</p> <p><b>We should not add an end date.</b></p> <p><b>NMFS Policy directive – add link. In Background Documents folder.</b></p> <p><b>This refers to a moratorium and such moratorium should not be permanent, it should have an end date.</b></p>
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	H.R. 2023	S. 1520	H.R. 200	Notes	SAFMC Comments (for committee consideration)
<p><b>Section 104 – Rebuilding Overfished and Depleted Fisheries.</b></p>	<p>This section would slightly rewrite the time period requirements for rebuilding overfished fisheries.</p> <p>The bill would maintain the 10-year rebuilding requirement with exceptions for those overfished fisheries where management measures under an international agree in which the U.S. participates dictate otherwise and exceptions for those cases in which the biology of the stock of fish or other environmental conditions dictate otherwise.</p> <p>This section would also add an alternative to the 10-year rebuilding requirement requiring that the rebuilding timeframe not exceed the sum of the time in which the affected stock of fish is expected to surpass its maximum sustainable yield biomass level in the absence of fishing mortality and the mean generation of time of the affected stock of fish.</p>	<p><b>Section 104 – Rebuilding Overfished Fisheries.</b></p> <p>(A) specify a time period for rebuilding the fishery that—(i) shall be as short as possible, taking into account the status and biology of any overfished stock of fish, the needs of fishing communities, recommendations by international organizations in which the United States participates, and the interaction of the overfished stock of fish within the marine ecosystem; and (ii) except where management measures under an international agreement in which the United States participates dictate otherwise, shall not exceed— (I) 10 years; or (II) the sum of the time in which the affected stock of fish is expected to surpass its maximum sustainable yield biomass level in the absence of fishing mortality, and the mean generation of time of the affected stock of fish;.</p>	<p>Section 4 - Flexibility in Rebuilding Fish Stocks. The bill would remove the term “possible” and replace it with “practicable” in the requirement in section 304 of the Act that a rebuilding period “be as short as possible”.</p> <p>The bill would remove the language requiring a 10-year time frame for rebuilding overfished/depleted fisheries and replace it with a requirement that the rebuilding timeframe be the time it would take for the fishery to rebuild without any fishing occurring plus one mean generation time except in the case that: the biology of the stock, other environmental conditions, or management measures</p>	<p>The provisions in H.R. 200 provide more flexibility in establishing rebuilding timeframes.</p> <p>In addition, it appears that (I think unintentionally), H.R. 2023 could provide <i>less</i> flexibility for those short-lived fisheries that could reach MSY in under ten years with no fishing mortality.</p> <p><b>HR2023 vs. S1520:</b> S1520 drops (1) “Depleted” in title, (2) changes practicable back to possible, and (3) removes “except in cases where the</p>	<p>See Topic 1: Stock Rebuilding section (pages 9-14) of the CCC Working Paper (Attachment 1a). We can pull the language from that document to help with our comments.</p> <p>Do we feel adding a depleted definition and requesting NOAA to indicate in an annual report on why a species is depleted, which might not be related to fishing would be beneficial? (FWC on HR200)</p> <p><b>Add definition of depleted using the CCC language. (in addition to existing overfishing/overfished definitions) Include explanation of why the stock is depleted.</b></p> <p>Do we feel basing rebuilding timeframes on biology, stock status, and the needs of fishing communities rather than on an arbitrary, one-size-fits-all deadline would be beneficial? (FWC on HR2023 &amp; HR200)</p> <p><b>The 10-year deadline is somewhat arbitrary and should be replaced with consideration of the biology of the stock, economics and needs of the fishing community.</b></p> <p><b>If not a biological reason for the stock status, then the Council should have</b></p>

			<p>under an international agreement dictate otherwise; the Secretary determines that the cause of the stock being overfished/depleted is outside the jurisdiction of the Council or the rebuilding program cannot be effective only by limiting fishing activities; the Secretary determines that one or more components of a mixed-stock fishery is depleted but cannot be rebuilt within the timeframe without significant economic harm to the fishery or cannot be rebuilt without causing another component of the mixed-stock fishery to approach a depleted status; the Secretary determines that recruitment, distribution, or life history of or fishing activities for are affected by informal transboundary</p>	<p>biology of the stock of fish or other environmental conditions dictate otherwise.</p>	<p><b>more time to rebuild stock (e.g., golden tilefish).</b>  <b>Main impact is from ending overfishing immediately versus a phase-out of overfishing. Could just apply to the Gulf and South Atlantic Councils.</b></p> <p>Do we feel providing flexibility in ceasing a rebuilding plan when it is determined to no longer be necessary would be beneficial? (FWC on HR200)  <b>Yes need to be able to remove rebuilding program when no longer necessary.</b></p>
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			<p>agreements under which management activities outside the EEZ by another country may hinder conservation and management efforts by the US; and the Secretary determines that the stock has been affected by unusual events that make rebuilding within the specified time period improbable without significant economic harm to fishing communities.</p> <p>The bill would allow Councils to take into account environmental conditions and predator/prey relationships when developing rebuilding plans.</p> <p>The bill would also require that the fishery management plan for any fishery that is considered overfished/depleted</p>		
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			<p>must specify a schedule for reviewing the rebuilding targets, evaluating environmental impacts on rebuilding progress, and evaluating the progress that is being made toward reaching the rebuilding targets.</p> <p>The bill would allow a fishery management plan for any fishery that is considered overfished/depleted to use alternative rebuilding strategies including harvest control rules and fishing mortality rate targets.</p> <p>The bill would allow a Council to terminate any rebuilding plan for a fishery that was initially determined to be overfished/depleted and then found not to be overfished/depleted within two years or within 90 days after the completion of the</p>		
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			<p>next stock assessment.</p> <p>Finally, current law allows the Secretary to implement emergency interim measures for fisheries in which overfishing is taking place. If the action is taken for a fishery that is under a fishery management plan, the interim measure may only remain in place for 180 days; however, the measures may then be extended for an additional 186 days (with the extension, this allows the Secretary to implement interim measures for a year and a day). The bill would modify this authority to allow the Secretary to implement the interim measures for one year with the ability to extend for a second year. Current law allows a Council to take up to two years to</p>		
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			<p>prepare and implement a fishery management plan or plan amendment to address a fishery that is overfished yet current law only allows interim measure to be implemented for one year (assuming the extension is granted). This provision would allow the interim measure authority to be consistent with the time period allowed for a Council to prepare and implement a rebuilding plan for a fishery identified overfished.</p>		
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	H.R. 2023	S. 1520	H.R. 200	Notes	SAFMC Comments (for committee consideration)
<b>Section 105 – Modifications to the Annual Catch Limit Requirement.</b>	<p>This section would amend section 302 to add a new provision titled “Considerations for Modifications to Annual Catch Limit Requirements.”</p> <p>This new provision would allow Councils, in establishing annual catch limits, to consider changes in an ecosystem and the economic needs of fishing communities as long as the decision was consistent with section 302(h)(6) which requires that annual catch limits not exceed the fishing level recommendations of the scientific and statistical committee or the peer review process.</p>	<p>This section would amend section 302 to add a new provision titled “Considerations for Modifications to Annual Catch Limit Requirements.”</p> <p>(1) ANNUAL CATCH LIMIT REQUIREMENT FOR CERTAIN DATA-POOR FISHERIES.—                      Notwithstanding subsection (h)(6), in the case of a stock of fish for which the total annual catch limit is 25 percent or more below the overfishing limit, a peer-reviewed stock survey and stock assessment have not been performed during the preceding 5 fishing years, and the stock is not subject to overfishing, a Council may, after notifying the Secretary, maintain the current annual catch limit for the stock until a peer-reviewed stock survey and stock assessment are conducted and the results can be considered by the Council and its scientific and statistical committee.</p>	<p>Section 5 - Modifications to the Annual Catch Limit Requirement.</p> <p>The bill would allow Councils to consider changes in the ecosystem and the economic needs of the fishing communities when setting Annual Catch Limits (ACLs). This allows flexibility but does not allow Councils to set an ACL at a level that allows overfishing.</p> <p>The bill would also allow Councils, when setting ACLs, take into account management measures under international agreements in which the U.S. participates and, in the case of an annual catch limit developed by a Council for a species, may take</p>	<p>The ACL flexibility sections in the two House bills are similar; however, H.R. 2023 would exempt a Council from setting an ACL for fisheries which have a fishing mortality below the fishing mortality target and the fishery has not had a peer-reviewed stock survey and stock assessment within the preceding five years. It has been pointed out that if there has not been a survey or assessment, a Council might have a difficult time determining if the fishery is below the fishing mortality target.</p> <p>H.R. 2023 does not appear to allow any</p>	<p>See Topic 3: Annual Catch Limit Requirements and Exceptions section (pages 17-20) of the CCC Working Paper (Attachment 1a). We can pull the language from that document to help with our comments.</p> <p>Do we feel allowing the Secretary, when determining ACLs, to consider that overfishing is not occurring or that an inadequate data collection system is being used? (FWC on HR2023)  <b>Yes.</b></p> <p>Do we feel removing ACL requirements for a species that has a life cycle of approximately 1 year (unless the Secretary has determined the fishery is subject to overfishing) would be beneficial? (FWC on HR2023)  <b>If all animals have moved out of the fishery before you get an assessment and implement management, should exempt. For example,</b></p>



			<p>into account fishing activities for that species outside the U.S. EEZ and the life-history characteristics of the species that are not subject to the jurisdiction of the Council.</p> <p>The bill would also provide an exemption to the ACL requirement if fishery management activities by another country outside the US EEZ may hinder conservation efforts by US fishermen for a fish species for which recruitment, distribution, life history, of fishing activities are transboundary and for which no informal transboundary agreements are in effect. In this case, if an annual catch limit is developed by a Council for the species, the ACL shall take into account fishing for the species</p>	<p>flexibility in setting ACLs for those fisheries impacted that are transboundary or are affected by international fishing pressure.</p> <p><b>HR2023 vs. S1520:</b> S1520 is more restrictive in removing consideration of ecosystem and economic impacts, removing ecosystem-component species, species with approximately 1 year life cycle. S1520 also limits use of this exemption to when the total ACL is 25% or more below the overfishing limit and then allows the ACL to be maintained. S1520 requires and assessment not later than 2 years after this exception is</p>	<p><b>dolphin, spiny lobster. Change from 1 year to 3 years.</b></p> <p><b>May not address needs in South Atlantic given the ABC from the SSC. Pull info from other Councils (e.g., NPFMC).</b></p> <p><b>Pull info from CCC Working paper and get with Dave Whaley about flexibility but still not exceeding OFL.</b></p> <p><b>Check whether better in Section 303 rather than 302?</b></p> <p>Do we feel removing ACL requirements for a stock of fish where mortality is below the mortality target and a peer-reviewed stock survey and stock assessment have not been performed during the preceding 5-year period? (FWC on HR2023)</p> <p><b>Would get stock assessments in more timely manner. If don't have assessment, how would you know you are below the mortality target.</b></p>
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			<p>outside the U.S. EEZ that is not subject to the jurisdiction of the Council.</p>	<p>used.</p>	<p>Do we feel flexibility to consider changes in ecosystem and economic needs of communities when setting ACLs would be beneficial? (FWC on HR2023 &amp; HR200)  <b>Yes, need to be able to phase-out overfishing.</b></p> <p>Do we feel removing ACL requirements for an ecosystem-component species would be beneficial? (FWC on HR2023)  <b>Yes and could apply resources to other species.</b></p> <p>Do we feel exempting certain stocks where ACLs may not be appropriate such as spiny lobster would be beneficial? (FWC on HR200)  <b>Yes, remove ACL requirement for species with 3 year or shorter life cycle.</b></p>
	<p>The section would not require a Council to develop annual catch limits for: ecosystem-component species; a fishery for a species that has a life cycle of approximately 1 year unless the</p>	<p>No similar provision.</p>	<p>The bill would provide an exception to the requirement that Councils set an ACL for “ecosystem</p>		

	<p>Secretary has determined the fishery is subject to overfishing; a stock of fish for which the fishing mortality is below the fishing mortality target and a peer-reviewed stock survey and stock assessment have not been performed during the preceding 5-year period and the Secretary determines overfishing is not occurring; or for a sector of a fishery that is not monitored by a data collection system determined by the Secretary to be adequate for the development, implementation, and enforcement of annual catch limits specific to that sector (the determination of whether the data collection system is adequate by the Secretary is to be based on the evaluation recommended by the National Academy of Sciences 2017 report titled "Review of Marine Recreational Information Program").</p>		<p>component species".</p> <p>The bill would also provide an exemption to the ACL requirement for those stocks of fish with a life cycle of approximately 1 year as long as the Secretary has determine the fishery is not subject to overfishing. The bill would also provide an exemption to the ACL requirement for a stock for which more than half of a single year class will complete their life cycle in less than 18 months and for which fishing mortality will have little impact on the stock.</p>		
	<p>This section would also allow Councils to establish an annual catch limit for a stock complex or to establish annual catch limits for each year in any continuous period that is not more than three years in duration.</p>	<p>(2) AUTHORIZATION FOR MULTISPECIES COMPLEXES AND MULTIYEAR ANNUAL CATCH LIMITS.—For purposes of subsection (h)(6), a Council may establish—(A) an annual catch limit for a stock complex; or (B) annual catch limits for each year in any</p>	<p>The bill would allow Councils to establish ACLs for multi-species stock complexes and allow Councils to set ACLs for up to a three year period.</p>		

		continuous period that is not more than 3 years in duration.			
	This section would define ecosystem-component species (for this section of the bill) as a stock of fish that is a non-target, incidentally harvested stock of fish in a fishery or is a non-target incidentally harvested stock of fish that a Council or the Secretary has determined is not subject to overfishing, is not approaching a depleted condition, is not depleted, or is not likely to become subject to overfishing or to become depleted in the absence of conservation and management measures.	No similar provision	Ecosystem component species are defined in the bill to mean those stocks of fish that are not targeted and are caught incidentally in a fishery as long as that stock of fish is not subject to overfishing, is not approaching a condition of being overfished, and is not likely to become subject to overfishing in the absence of conservation and management measures.		
		(3) RULE OF CONSTRUCTION.— Nothing in this subsection shall be construed as providing an exemption from the requirements of section 301(a) of this Act.”  (b) ACTION BY THE SECRETARY.— Section 304 (16 U.S.C. 1854) is amended— (1) by striking “(i) INTERNATIONAL OVERFISHING.—” and inserting “(j) INTERNATIONAL OVERFISHING.—”; (2) in subsection (j)(1), as			

		redesignated, by inserting “shall” before “immediately”; and (3) by adding at the end the following: “(k) STOCK SURVEYS AND ASSESSMENTS.— Not later than 2 years after the date that the Secretary receives notice from a Council under section 302(m), the Secretary shall complete a peer-reviewed stock survey and stock assessment of the applicable stock of fish and transmit the results of the survey and assessment to the Council.”			
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	H.R. 2023	S. 1520	H.R. 200	Notes	SAFMC Comments (for committee consideration)
Section 106 – Exempted Fishing Permits.	<p>This section would not amend the MSA, but would require that the Secretary of Commerce follow new procedures before approving or issuing any new exempted fishing permits (EFP) under section 600.745 of title 50, Code of Federal Regulations.</p> <p>The new procedures would include the requirement for a joint peer review of the proposed EFP by the appropriate regional fisheries science center and the appropriate State marine fisheries commission and a requirement that the Secretary certify that the regional fishery management council or Federal agency with jurisdiction over the affected fishery has determined that: the fishing activity to be conducted under the proposed EFP would be consistent with any conservation and management objectives under the existing fishery management plan or amendments; the social and economic impacts (in both dollar amounts and the loss of fishing opportunities on all participants in each sector of the fishery) expected to occur as a result of the proposed EFP; the information collected through the fishing activities conducted under the proposed EFP will have a positive and direct impact on the conservation, assessment or</p>	<p>This section would not amend the MSA, but would require that the Secretary of Commerce follow new procedures before approving or issuing any new exempted fishing permits (EFP) under section 600.745 of title 50, Code of Federal Regulations:</p> <p>(a) IN GENERAL.—Before the approval and issuance of an exempted fishing permit under section 600.745 of title 50, Code of Federal Regulations, or any successor regulation, the Secretary of Commerce shall—</p> <p>(1) direct a joint peer review of the application for the exempted fishing permit by the appropriate regional fisheries science center and State marine fisheries commission; and</p> <p>(2) certify that the Council or Federal agency with jurisdiction over the affected fishery has determined that—</p> <p>(A) the fishing activity to be conducted under the proposed exempted fishing permit would not negatively impact any management measures or conservation objectives included within existing fishery management plans or plan amendments;</p> <p>(B) the social and economic impacts in both dollar amounts and loss of fishing opportunities on all participants in each sector of the fishery expected to occur</p>	There is no similar provision in H.R. 200.	<p>Several Councils have raised concerns with this provision.</p> <p>It appears that this provision was targeted at those Councils that have used the EFP process for implementing catch share-type management programs.</p> <p><b>HR2023 vs. S1520:</b> basically the same except S1520 drops the 100 nmile requirement and added a Savings Provision.</p>	<p>See Topic 13: Proposed Changes to Exempted Fishing Permit (EFP) Authority section (pages 48-50) of the CCC Working Paper (Attachment 1a). We can pull the language from that document to help with our comments.</p> <p>Do we feel including affected states in the review of proposed exempted fishing permits to ensure the proposed activity is consistent with management and conservation objectives, and that social and economic impacts are minimal would be beneficial? (FWC on HR2023)</p> <p><b>Do not include in bill.</b></p> <p><b>Include the Council’s process.</b></p> <p><b>Each state can comment through the official public comment period (CZM process also) and so not necessary to include in bill.</b></p> <p><b>Leave current process as is.</b></p>

	<p>management of the fishery; and the Governor of each of the States – of which any part of that State is within 100 nautical miles of the proposed activity under the proposed EFP – has been consulted on the proposed EFP.</p>	<p>as a result of the proposed exempted fishing permit would be minimal;                  (C) the information that would be collected through the fishing activity to be conducted under the proposed exempted fishing permit will have a positive and direct impact on the conservation, assessment, or management of the fishery; and                  (D) the Governor of each coastal State potentially impacted by the proposed exempted fishing permit, as determined by the Secretary, has been consulted on the fishing activity to be conducted.</p>			
	<p>This section would require that any EFP shall expire at the end of the 12-month period beginning on the date that the permit was issued and that any EFP that is renewed be consistent with the new requirements listed above.</p>	<p>(b) DURATION AND RENEWAL.— Beginning on the date of enactment of this Act, each exempted fishing permit issued under section 600.745 of title 50, Code of Federal Regulations, or any successor regulation—                  (1) shall expire at the end of the 12-month period beginning on the date the exempted fishing permit is issued; and                  (2) may be renewed in accordance with this section.</p>		<p>Several Councils have raised concerns with this limitation.</p>	
		<p>(c) SAVINGS PROVISION.— Except for subsection (b)(2), nothing in this section may be construed to affect an exempted fishing permit approved under section 600.745 of title 50, Code of Federal Regulations, before the date of enactment of this Act.</p>			<p>Do we feel including this Savings Provision would be beneficial?</p>

	H.R. 2023	S. 1520	H.R. 200	Notes	SAFMC Comments (for committee consideration)
<b>Section 201 – Cooperative Data Collection</b>	<p>This section would amend section 404 by adding a new provision at the end. This new provision would require the Secretary of Commerce, in consultation with the science and statistical committees (SSCs) of the Councils and the Marine Fisheries Commissions, to develop and submit a report on facilitating greater incorporation of data, analysis, stock assessments and surveys from State agencies and non-governmental sources.</p> <p>This report is to be submitted to the Senate Commerce, Science, and Transportation Committee and the House Natural Resources Committee and is required to be submitted no later than one year after the date of enactment of this legislation. The report is required to: identify types of data and analysis – especially concerning recreational fishing – that can be reliably used for the purposes of the Act and as the basis for establishing conservation and management measures as required by section 303(a)(1) and to include the setting of standards for the collection and use of</p>	<p>(a) IMPROVING DATA COLLECTION AND ANALYSIS.—Section 404 (16 U.S.C. 1881c) is amended by adding at the end the following: “(e) IMPROVING DATA COLLECTION AND ANALYSIS.— “(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Modernizing Recreational Fisheries Management Act of 2017, the Secretary shall develop, in consultation with the science and statistical committees of the Councils established under section 302(g) and the Marine Fisheries Commissions, and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives a report on facilitating greater incorporation of data, analysis, stock assessments, and surveys from State agencies and nongovernmental sources described in paragraph (2) into fisheries management decisions.</p>	<p>The bill would require the Secretary within one year, in consultation with the scientific and statistical committees (SSC) of the Councils, develop guidelines that will facilitate greater incorporation of data, analysis and stock assessments from non-governmental sources for the use in fisheries management decisions.</p> <p>The bill lists a number of sources of such data including fishermen, fishing communities, universities, and research institutions. The bill would require that the guidelines: identify the types of data (especially recreational fishing)</p>	<p>H.R. 2023 appears to address concerns with similar provisions regarding the use of outside information that were included in H.R. 200.</p> <p>H.R. 2023 would only require the Secretary to report to Congress on the incorporation of data, analysis, stock assessments and surveys while H.R. 200 would require the Secretary to develop and publish guidelines.</p>	<p>See Topic 11: Recreational Data (pages 40-44) and Topic 12: Commercial Data (pages 45-47) of the CCC Working Paper (Attachment 1a). We can pull the language from that document to help with our comments.</p> <p><b>Yes on all the questions: Data would go through a review.</b></p> <p>Do we feel a process to facilitate greater incorporation of data, analysis, stock assessments, and surveys from state agencies and non-governmental sources would be beneficial? (FWC on HR2023)</p> <p>Do we feel increasing public involvement and transparency when scientific data is developed would be beneficial? (FWC on HR200)</p> <p>Do we feel prioritizing improvements to data collection and stock assessment, particularly in the southeast would be beneficial? (FWC on HR200)</p> <p>Do we feel forming a federal-state partnership program to improve data collection for recreational anglers would be beneficial? (FWC on HR200)</p>



	<p>that data and analysis in stock assessments and surveys; provide specific recommendations for collecting data and performing analyses which have been identified as necessary to reduce uncertainty and improve the accuracy of future stock assessments and whether data and analyses could be provided by the listed non-governmental sources; consider the extent to which it would be possible to establish a registry of persons who provide such information; and consider the extent to which the acceptance and use of data and analysis identified in the report is practicable in fishery management decisions.</p>	<p>“(2) NONGOVERNMENTAL SOURCES.—Nongovernmental sources referred to in paragraph (1) include the following:                  “(A) Fishermen.                  “(B) Fishing communities.                  “(C) Universities.                  “(D) Research and philanthropic institutions.                  “(3) CONTENT.—In developing the report under paragraph (1), the Secretary shall—                  “(A) identify types of data and analysis, especially concerning recreational fishing, that can be reliably used for purposes of this Act as the basis for establishing conservation and management measures as required by section 303(a)(1), including setting standards for the collection and use of that data and analysis in stock assessments and surveys and for other purposes;                  “(B) provide specific recommendations for collecting data and performing analyses identified as necessary to reduce uncertainty in and improve the accuracy of future stock assessments, including whether such data and analysis could be provided by nongovernmental</p>	<p>that can reliably be used as best scientific information available; set standards for the collection and use of such data; provide specific guidance for the collection of the data and for performing analyses to reduce uncertainty.</p> <p>The bill would require that the Secretary and the Councils use all of the data and analysis that meet the new guidelines in their fisheries management decisions unless the Council’s SSC determines otherwise. The bill would require that the Secretary and the Councils explain in each fishery management decision how the data and analysis that had been provided by these non-governmental sources had been used to establish conservation and management</p>	<p>H.R. 2023 would include the “Marine Fisheries Commissions” in the review process. (However, it is unclear whether the legislation means the “Commissions” to be the Gulf, Pacific and Atlantic Marine Fisheries Commissions or the State Marine Fisheries Commissions.)</p> <p>H.R. 200 would require the Councils and the Secretary to use any information - which met the guidelines required by the bill - that was provided by any non-</p>	<p><b>NEW TEXT: Do we want to reference the Council’s Citizen Science Program? Yes add how the Council is trying to address some of these gaps.</b></p>
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		<p>sources, including fishermen, fishing communities, universities, and research institutions;          “(C) consider the extent to which it is possible to establish a registry of persons collecting or submitting the data and performing the analyses identified under subparagraphs (A) and (B); and          “(D) consider the extent to which the acceptance and use of data and analyses identified in the report in fishery management decisions is practicable.”.</p>	<p>measures and publish the explanation in the Federal Register. If any of the data and analysis provided by these non-governmental sources is not used in a fishery conservation or management decision, the Federal Register notice announcing the decision must include an explanation – developed by the SSC – why the data or analysis was not used. The bill would require the Secretary to issue the guidelines within one year.</p> <p>The bill would require the Secretary of Commerce, in consultation with the Councils and within one year, to submit a report to Congress with respect to each fishery governed by a fishery management plan that identifies the goals the monitoring</p>	<p>governmental source or the Council would be required to provide an explanation as to why the information was not used. Several Councils noted that this would be time consuming and could potentially lead to litigation by those whose information was not used by the Council.</p> <p><b>HR2023 vs. S1520:</b> slight wording changes but essentially the same; S1520 add “Philanthropic” under NGO Sources and expanded the registry of persons under</p>	
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			and enforcement programs, identifies the methods for accomplishing those goals, certify which methods are most cost-effective, and explains why the most cost-effective methods are not required.	(C).	
	This section lists the non-governmental sources that are to be used as sources of data to include: fishermen; fishing communities; universities; and research institutions.			The list of non-governmental sources appears to be narrower in H.R. 2023 than the list in H.R. 200. H.R. 2023 lists the universe of non-governmental sources while H.R. 200 includes examples of non-governmental sources but does not limit the scope.	
	This section would require the Secretary of Commerce to take into consideration and, to the extent feasible, implement those recommendations of the National Academy of Sciences in the 2017 report	(b) NAS REPORT RECOMMENDATIONS.—The Secretary of Commerce shall take into consideration and, to the extent feasible, implement the	No similar provision.		<b>Pull from Recreational data section of CCC Working Paper (Attachment 1a; pages 40-44). Add information about our pilot programs. Support this section.</b>

	<p>titled “Review of the Marine Recreational Information Program”. Included in the requirement to consider and implement the NAS recommendations would be to: prioritize the evaluation of electronic data collection of the Fishing Effort Survey including smartphone apps, electronic diaries, and an internet website option; evaluate whether the design of the Marine Recreational Information Program for the purposes of stock assessment and the determination of stock management reference points is compatible with the needs of in-season management of annual catch limits and, if the program is not compatible with such needs, determine an alternative for in-season management.</p>	<p>recommendations of the National Academy of Sciences in the report entitled “Review of the Marine Recreational Information Program (2017)”, including—(1) prioritizing the evaluation of electronic data collection, including smartphone applications, electronic diaries for prospective data collection, and an Internet website option for panel members or for the public; (2) evaluating whether the design of the Marine Recreational Information Program for the purposes of stock assessment and the determination of stock management reference points is compatible with the needs of in-season management of annual catch limits; and (3) if the Marine Recreational Information Program is incompatible with the needs of in-season management of annual catch limits, determining an alternative method for in-season management.</p>			
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	H.R. 2023	S. 1520	H.R. 200	Notes	SAFMC Comments (for committee consideration)
<b>Section 202 – Recreational Data Collection.</b>	<p>This section would amend section 401(g) to add a new provision. The new provision would require the Secretary of Commerce to establish partnerships with States to develop best practices for the implementation of State registry programs.</p> <p>The provision would require the Secretary, in cooperation with the States, to develop guidance that details the best practices for administering State registry programs and to provide the guidance to the States.</p>	<p>This section would amend section 401(g) to add a new provision.</p> <p>“(4) FEDERAL-STATE PARTNERSHIPS.—</p> <p>“(A) ESTABLISHMENT.—The Secretary shall establish a partnership with a State to develop best practices for implementing the State program established under paragraph (2).</p> <p>“(B) GUIDANCE.—The Secretary shall develop guidance, in cooperation with the States, that details best practices for administering State programs pursuant to paragraph (2), and provide such guidance to the States.</p>	<p>The bill would require the Secretary to establish partnerships with States to develop best practices for implementing State recreational fisheries programs.</p> <p>The bill would require the Secretary to develop guidance, in cooperation with the States, that detail best practices for administering State programs and to provide the guidance to the States.</p>	<p>The language in H.R. 2023 and H.R. 200 is almost identical.</p> <p><b>HR2023 vs. S1520:</b> same wording.</p>	<p>See Topic 11: Recreational Data (pages 40-44) of the CCC Working Paper (Attachment 1a). We can pull the language from that document to help with our comments.</p> <p><b>Support State-Federal partnership. Concerned about moving money from MRIP and reducing the accuracy of MRIP estimates. Do not support removing any money from MRIP. Support additional funding for state-federal program but not money from MRIP or SK. Need additional funding for recreational data collection. September – consider prioritizing where resources are targeted.</b></p> <p>Do we feel forming a federal-state partnership program to improve data collection for recreational anglers would be beneficial? (FWC on HR200)</p> <p>Do we feel creating best practices for state-administered recreational data collection programs and providing funding for improvement of state data collection programs would be beneficial? (FWC on HR2023)</p> <p><b>Yes this would be beneficial to help states. Yes additional funding to states would be beneficial.</b></p>

					<b>Look for existing requirements that could form the basis of best management practices (e.g., ACCSP).</b>
	The provision would require the Secretary to submit biennial reports to Congress that include: the estimated accuracy of the Federal registry program and the existing State registry programs; priorities for improving recreational fishing data collection; and an explanation of any use of information collected by State registry programs and by the Secretary including a description of the consideration given to the information collected by the Federal program.	“(C) BIENNIAL REPORT.—The Secretary shall submit to the appropriate committees of Congress and publish biennial reports that include— “(i) the estimated accuracy of— “(I) the information provided under subparagraphs (A) and (B) of paragraph (1) for each registry program established under that paragraph; and “(II) the information from each State program that is used to assist in completing surveys or evaluating effects of conservation and management measures under paragraph (2); “(ii) priorities for improving recreational fishing data collection; and “(iii) an explanation of any use of information collected by such State programs and by the Secretary.	The bill would require the Secretary to submit a biennial report to Congress the estimated accuracy of the Federal recreational registry program, priorities for improving recreational fishing data collection programs, and explain the use of information collected by State programs and by the Secretary.	The language in H.R. 2023 and H.R. 200 is almost identical.  <b>HR2023 vs. S1520:</b> slight wording changes but essentially the same.	Do we feel requiring the Secretary of Commerce, within 90 days of enactment, must enter into an agreement with NAS (generally costs about \$1M and NMFS pays for study) to review if MRIP is compatible with the needs of in-season management of ACLs, including whether in-season management of ACLs is appropriate for all recreational fisheries would be beneficial? (FWC on HR2023 & HR200) <b>Addressed in the 2017 NAS review of MRIP so additional study is not needed.</b> <b>Note: After review of the 2017 NAS report (page 104), the NAS did address this issue and they recommended that the appropriateness of the MRIP design for in-season ACL management be evaluated but did not make a determination. NAS 2017 Report in Background Documents folder.</b>  <b>NEW TEXT: Do we want to reference the Council’s Citizen Science Program? Yes add.</b>
	This section would require the Secretary of Commerce to make grants to States to improve the implementation of State registry programs and requires the Secretary to prioritize the grants based	“(D) STATES GRANT PROGRAM.— The Secretary shall make grants to States to improve implementation of State programs consistent with this subsection. The Secretary	The bill would require a grant program to States to improve implementation of State recreational data	The language in H.R. 2023 and H.R. 200 is almost identical.  <b>HR2023 vs. S1520:</b>	

	on the ability of the grant to improve the quality and accuracy of the programs.	shall prioritize such grants based on the ability of the grant to improve the quality and accuracy of such programs.	collection programs and requires the Secretary to prioritize the grants based on the ability of the grant to improve the quality and accuracy of the data collection programs.	same wording.	
	This section would require that a portion of the funds appropriated to the Marine Recreational Information Program (MRIP) be used for the grant program to States.	“(E) FUNDING.—A portion of the funds made available through the Saltonstall–Kennedy Grant Program under section 2 of the Saltonstall–Kennedy Act (15 U.S.C. 713c–3) shall be provided for implementation of this section.”.		No requirement in H.R. 200 to use funds from the MRIP program to fund the new grant program.  <b>HR2023 vs. S1520:</b> changes funding from MRIP to SK.	
	This section would require the Secretary of Commerce, within 90 days of the enactment of this legislation, to enter into an agreement with the National Academy of Sciences to evaluate whether the design of MRIP, for the purposes of stock assessment and the determination of stock management reference points, is compatible with the needs of in-season management of annual catch limits and whether in-season management of annual catch limits is appropriate for all recreational fisheries. The NAS would be required to report back to the Secretary.	(b) ACTION BY SECRETARY OF COMMERCE.—The Secretary of Commerce shall— (1) not later than 90 days after the date of enactment of this Act, enter into an agreement with the National Academy of Sciences to evaluate, in the form of a report, whether the design of the Marine Recreational Information Program, for the purposes of stock assessment and the determination of stock management reference points, is compatible with the needs of in-season management of annual catch limits under	The bill would require the Secretary, within 60 days, to enter into an agreement with the National Research Council (NRC) of the National Academy of Sciences to study the implementation of the existing recreational data collection programs. The study must provide an updated assessment of recreational survey methods, an evaluation	The language in H.R. 2023 is slightly more detailed than that in H.R. 200 and, in particular, the language in HR. 2023 would ask the NAS/NRC to evaluate whether the MRIP program is compatible with the needs of in-season management and ACLs as well as whether in-season management of	

		section 303(a)(15) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1853(a)(1)), including whether in-season management of annual catch limits is appropriate for all recreational fisheries; and	of the extent to which the 2006 NRC's recommendations have been implemented, and an examination of any limitations to the previous and current NOAA recreational data collection programs.	ACLs is appropriate for recreational fisheries.	
	The Secretary would then be required, within 6 months of receiving the report from the NAS, to submit to Congress recommendations for changes that could be made to MRIP to make the program more compatible with in-season management of annual catch limits and other requirements under the MSA for recreational fisheries for which in-season management of annual catch limits is appropriate.	(2) not later than 180 days after the date the Secretary receives the report under paragraph (1), submit to the appropriate committees of Congress recommendations regarding— (A) changes that could be made to the Marine Recreational Information Program to make the program compatible with in-season management of annual catch limits and other requirements under section 303(a)(15) of that Act for those recreational fisheries for which in-season management of annual catch limits is appropriate; and	The bill would require the Secretary to submit a report to Congress on the result of the NRC study within one year of entering into the agreement with the NRC.		Do we feel following through with recommendations of the NAS for evaluation of whether MRIP use is compatible with current management (ACLs) would be beneficial? (FWC on HR2023 & HR200) <b>Yes, now need some follow thru on what changes are made to address the report's findings so they are useful for management.</b>  <b>We know MRIP is not compatible with in-season management and it would be very expensive to make it compatible. Solution is not to have in-season ACLs/AMs for the recreational sector.</b>
		(B) alternative management approaches that could be applied to recreational fisheries for which the Marine Recreational		<b>HR2023 vs. S1520:</b> slight wording changes but essentially the same	



		Information Program is incapable of providing data at the level of accuracy and timeliness necessary for in-season management of annual catch limits, consistent with other requirements of this Act.		except this new item (B) was added.	
	This legislation would amend the MSA but would not reauthorize the Act.	This legislation would amend the MSA but would not reauthorize the Act.	This legislation would reauthorize the MSA through FY 2022 and would also amend the Act.	H.R. 2023 does not provide an authorization of appropriations except it does provide that the grant to states program authorized in section 202 would be at least partially funded by redirecting MRIP funds.	
General Note	H.R. 2023 was written primarily to address concerns raised by the recreational fisheries sector and was not intended to address concerns raised by other sectors with the Act.	S. 1520 was written primarily to address concerns raised by the recreational fisheries sector and was not intended to address concerns raised by other sections with the Act.	H.R. 200 was written to address a larger set of concerns from all sectors of the fisheries.		