

DRAFT List of Tasks linked to MSA Reauthorization - revision date:
The following tasks are those that must be implemented by some date after reauthorization of MSA

1/10/2007

Using file: H.R.5946_enrolled bill 1-3-07.pdf

Topic	Sub-Topic	Provision	Bill Citation	Bill Page #	MSA Cite	Deadline (mos)	Required Outcome	Specific product
New England Groundfish Fishery	Framework 42 study	The Secretary of Commerce shall conduct a unique, thorough examination of the potential impact on all affected and interested parties of Framework 42 to the Northeast Multispecies FMP and report the Secretary's findings. The report shall include a detailed discussion of the provisions specified in the section.	215(b)	46	n/a	1	Report in 30 days	Report
International Fisheries	Certification	The Secretary shall certify to the Congress by January 31, 2007, and biennially thereafter whether each such nation has provided the documentary evidence described in paragraph 610(1)(A) and established a management plan described in paragraph 610(1)(B).	403	57	n/a	1	Certification	
Groundfish	Secretarial Action on State Groundfish Fishing	The Secretary of Commerce shall determine whether fishing in State waters— (A) 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; or (B) without a Federal bottomfish and seamount groundfish permit in the Hawaiian archipelago on regulated species within the complex is not consistent with the applicable Federal fishery management plan or State data are not sufficient to make such a determination. 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 pursuant to section 306(b).	110	22	305	2	Determination (letter to states?); remedy (if needed) in 60 days	Determination
FMP Req'ts	BSAI King and Tanner Crabs	Sec. Comm shall amend the FMP for the BSAI King and Tanner Crabs for the Northern Region (as that term is used in the plan) to authorize—(A) an eligible entity holding processor quota shares to elect on an annual basis to work together with other entities holding processor quota shares and affiliated with such eligible entity through common ownership to combine any catcher vessel quota shares for the Northern Region with their processor quota shares and to exchange them for newly created catcher/processor owner quota shares for the Northern Region; and (B) an eligible entity holding catcher vessel quota shares to elect on an annual basis to work together with other entities holding catcher vessel quota shares and affiliated with such eligible entity through common ownership to combine any processor quota shares for the Northern Region with their catcher vessel quota shares and to exchange them for newly created catcher/processor owner quota shares for the Northern Region.	122(a)	35	n/a	3	Plan amendment in 90 days	FMP Amendment
International fisheries	IUUF	The Secretary shall publish a definition of the term 'illegal, unreported, or unregulated fishing' for purposes of this Act, including in the definition, at a minimum—(A) fishing activities that violate conservation and management measures required under an international fishery management agreement to which the United States is a party, including catch limits or quotas, capacity restrictions, and bycatch reduction requirements; (B) overfishing of fish stocks shared by the United States, for which there are no applicable international conservation or management measures or in areas with no applicable international fishery management organization or agreement, that has adverse impacts on such stocks; and (C) fishing activity that has an adverse impact on seamounts, hydrothermal vents, and cold water corals located beyond national jurisdiction, for which there are no applicable conservation or management measures or in areas with no applicable international fishery management organization or agreement.	403	55	n/a	3	Regulations	Regulations
Miscellaneous	Tsunami	The Administrator shall establish a process for monitoring and certifying contractor performance in carrying out the requirements of any contract to construct or deploy tsunami detection equipment, including procedures and penalties to be imposed in cases of significant contractor failure or negligence.	804	83	n/a	3	Process	Process
Regional Fisheries Management Councils	Training	Requires the Sec., in consultation with the Councils and the National Sea Grant College Program, develop a training course for new Council members. Training course shall be made available to new and existing Council members and staff from the RO's and RSC's of NMFS, and may be made available to committee or advisory panel members as resources permit.	103(g)	7	302	6	Training Course	Training Course

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Environmental Review Process	NEPA	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 (42 U.S.C. 4231 et seq.). Specifies requirements of the procedures. First part of schedule specifies when revised procedures are to be proposed. Proposed rule shall provide 90 days for public comment.	107	20	304	6	Proposed procedures	Proposed procedures published
Salmon Plan and Study	Recovery Plan	The Secretary of Commerce shall complete a recovery plan for Klamath River Coho salmon and make it available to the public.	113(b)	28	Title III	6	Recovery plan	Recovery plan
Cooperative Research and Management Program	Experimental Fishing Permits	Requires Sec., in consultation with the Councils, to promulgate regulations that establish an expedited, uniform, and regionally-based process for issuance of experimental fishing permits.	204	40	Title III	6	Regulations (180 days)	Final rule published
Regional Ecosystem Research	Ecosystem-Based Management and Research	Requires Sec., in consultation with the Councils, to undertake and complete a study on the state of science for integration of ecosystem considerations in regional 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.	210	43	406	6	Study (180 days)	Study
Hurricane Effects on Shrimp and Oyster Fisheries and Habitats	Fisheries	The Secretary of Commerce shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources on the impact of Hurricane Katrina, Hurricane Rita, and Hurricane Wilma on— (1) commercial and recreational fisheries in the States of Alabama, Louisiana, Florida, Mississippi, and Texas; (2) shrimp fishing vessels in those States; and (3) the oyster industry in those States.	213	45	n/a	6	Report (180 days)	Report
Hurricane Effects on Shrimp and Oyster Fisheries and Habitats	Habitat	The Secretary of Commerce shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources on the impact of Hurricane Katrina, Hurricane Rita, and Hurricane Wilma on habitat, including the habitat of shrimp and oysters in those States.	213	45	n/a	6	Report (180 days)	Report
Fishery Science	Study	Secretaries of Commerce and Education shall collaborate to study if there is a shortage of individuals with post-baccalaureate degrees in fisheries science and shall submit a report to congress detailing the findings and recommendations of the study.	217	47	n/a	8	Report	Report
Council Management Coordination	Liaison's Role	The MA Council, in consultation with the NE Council, shall submit a report to the Senate Committee on Commerce, Science, and Transportation - (abbr.) (1) describing the role of council liaisons between the MA and NE Councils; (2) describing how management actions are taken regarding the operational aspects of current joint FMPs; (3) evaluating the role of the NE and the MA Council liaisons in the development and approval of management plans; (4) evaluating the effectiveness of the various approaches developed by the Councils to improve representation for affected members of the non-controlling Council in decision-making, such as use of liaisons, joint management plans, and other policies, taking into account both the procedural and conservation requirements of the MSA; and (5) analyzing characteristics of NC and FL that supported their inclusion as voting members of more than one Council and the extent to which those characteristics support RI's inclusion on (the MA Council).	216	46	n/a	9	Report	Report
Regional Fisheries Management Councils	Conflicts of Interest	On January 1, 2008, and annually thereafter, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources on action taken by the Secretary and the Councils to implement the disclosure of financial interest and recusal requirements of this subsection, including identification of any conflict of interest problems with respect to the Councils and scientific and statistical committees and recommendations for addressing any such problems.	103(i)(4)	9	302(j)	12	Report - due 1/08 - annually thereafter	Annual report

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Limited Access Privilege Programs	Referendum Requirements	Within 1 year after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary shall publish guidelines and procedures to determine procedures and voting eligibility requirements for referenda and to conduct such referenda in a fair and equitable manner.	106(a)	17	New 303A	12	Procedures	Final procedures published
Environmental Review Process	NEPA	Requires that the Secretary promulgate final procedures for compliance with the National Environmental Policy Act (42 U.S.C. 4231 et seq.) no later than 12 months after the date of enactment.	107	20	304	12	Final procedures	Final procedures published
Transitioning to Sustainable Fisheries	Overcapitalization	Subject to the availability of funds, the Secretary shall, within 12 months after the date of the enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 submit to the Congress a report— (i) identifying and describing the 20 fisheries in United States waters with the most severe examples of excess harvesting capacity in the fisheries, based on value of each fishery and the amount of excess harvesting capacity as determined by the Secretary; (ii) recommending measures for reducing such excess harvesting capacity, including the retirement of any latent fishing permits that could contribute to further excess harvesting capacity in those fisheries; and (iii) potential sources of funding for such measures.	112(a)(8)	25	312	12	Report	Report
Bycatch	Bycatch Reduction Engineering Program	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, including grants, to develop technological devices and other conservation engineering changes designed to minimize bycatch, seabird interactions, bycatch mortality, and post-release mortality in Federally managed fisheries. The section specifies program requirements.	116(a)	31	Title III	12	Program	Program
Deep Sea Coral	Deep Sea Coral Research and Technology Program	The Secretary, in consultation with the Councils, shall submit biennial reports to Congress and the public on steps taken by the Secretary to identify, monitor, and protect deep sea coral areas, including summaries of the results of mapping, research, and data collection performed under the program.	211	44	Title IV	12	Biennial Report	Biennial Report
Miscellaneous	Tsunami	The National Weather Service, in consultation with other relevant Administration offices, shall transmit to Congress a report on how the tsunami forecast system under this section will be integrated with other United States and global ocean and coastal observation systems, the global earth observing system of systems, global seismic networks, and the Advanced National Seismic System.	804	82	n/a	12	Report	
Joint Enforcement Agreements	Report	Requires NMFS and Coast Guard to transmit a joint report to Congress on feasibility, value, and cost of using GMDSS (or other similar data system) for fishery management, conservation, enforcement, and safety purposes with the Federal government bearing the capital costs of any such system; the cumulative impact of existing requirements for commercial vessels; whether such data systems would overlap existing requirements or render them redundant; how data from systems could be integrated; how to maximize data-sharing opportunities between State and Federal agencies; and an assessment of the development, purchase, and distribution of systems to regulated vessels.	111(b)	23	311	15	Report	Report

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Joint Enforcement Agreements	Data sharing	The Secretary shall implement data-sharing measures to make any data required to be provided by this Act from satellite-based maritime distress and safety systems, vessel monitoring systems, or similar systems— (A) Directly accessible by State enforcement officers authorized under subsection (a) of this section; and (B) Available to a State management agency involved in, or affected by, management of a fishery if the State has entered into an agreement with the Secretary under section 402(b)(1)(B) of this Act.	111(a)(5)	23	311	21	"As soon as practicable, no later than 21 months"	MOU or regulations?
Regional Fisheries Management Councils	Training	Council members appointed after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 shall complete a training course that meets the requirements of this section not later than 1 year after the date on which they were appointed. Any Council member who has completed a training course within 24 months before the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 shall be considered to have met the training requirement of this paragraph.	103(g)	8	302	24	Training Course	Training Course
Salmon Plan and Study	Recovery Plan	Within 2 years of enactment, and annually thereafter, the Sec. is required to submit a report to Congress on the actions taken under the recovery plan and other law relating to the recovery of Klamath River Coho salmon and how these actions are contributing to its recovery, progress on restoration of salmon spawning habitat, including water conditions that relate to salmon health and recovery (with emphasis on the Klamath River and its tributaries below Iron Gate Dam); the status of other Klamath River anadromous fish populations, and actions taken by the Sec. to address the 2003 National Research Council's recommendations regarding monitoring and research on Klamath River salmon stocks.	113(b)	28	Title III	24	Report; then annually	Annual report
MRFSS	Program	Sec. Comm, in consultation with reps of the rec fishing industry and experts in statistics, technology, and other appropriate fields, shall establish a program to improve the quality and accuracy of information generated by MRFS. The program must take into account the 2006 NRC report "Review of Recreational Fisheries Survey Methods." The goal of the program shall be to achieve acceptable accuracy and utility for each individual fishery. The Sec. must complete the program and implement the improved MRFS by January 1, 2009.	201	37	401	24	Program	Program
Pacific Groundfish and Whiting Fishery	Rationalization Proposal for Pacific Groundfish and Whiting Fishery	Requires the Pacific Fishery Management Council to develop a proposal for an appropriate rationalization program for the Pacific trawl groundfish and whiting fisheries, including the shore-based sector of the Pacific whiting fishery. In developing the rationalization proposal, the Pacific Council must fully analyze alternative program designs, assess the proposal's impact on conservation and economies of the communities, fishermen, and processors participating in the groundfish trawl fisheries, including the shore-based sector of the Pacific whiting fishery. Requires the Pacific Council to submit the proposal and related analysis to Congress within 24 months of enactment.	302(f)	50	n/a	24	Proposal and related analysis	Report
High Seas Driftnet Fishing Moratorium Protection Act	Action to End IUU Fishing and Reduce Bycatch of Protected Marine Species	Amends the High Seas Driftnet Fishing Moratorium Protection Act to require the Secretary, in consultation with the Sec of State, to provide to Congress, a biennial report that includes— (1) the state of knowledge on the status of international living marine resources shared by the U.S. or subject to treaties or agreements to which the U.S. is a party, (stocks classified as overfished, overexploited, depleted, endangered, or threatened with extinction); (2) a list of nations whose vessels have been identified, including the specific offending activities and any subsequent actions taken; (3) a description of efforts taken by nations on those lists to comply take appropriate corrective action, and an evaluation of the progress of those efforts, including steps taken by the U.S. to implement those sections and to improve international compliance; (4) progress at the international level to strengthen the efforts of international fishery management organizations to end IUU fishing; and (5) steps taken by the Sec. at international level to adopt international measures comparable to those of the U.S.	403	52	n/a	24	Biennial Report	Biennial Report

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International Fisheries	Secretarial Representative for International Fisheries	The Secretary, in consultation with the Under Secretary of Commerce for Oceans and Atmosphere, shall designate a Senate-confirmed, senior official within the National Oceanic and Atmospheric Administration to perform the duties of the Secretary with respect to international agreements involving fisheries and other living marine resources, including policy development and representation as a U.S. Commissioner, under any such international agreements.	408	60	n/a	24	Appointment	
FMP Req'ts	Annual Catch Limits and Overage Deductions	Establish a mechanism for specifying annual catch limits in the plan (including a multiyear plan), implementing regulations, or annual specifications, at a level such that overfishing does not occur in the fishery, including measures to ensure accountability. The amendment made by subsection (a)(10)—(1) shall, unless otherwise provided for under an international agreement in which the United States participates, take effect— (A) in fishing year 2010 for fisheries determined by the Secretary to be subject to over fishing; and (B) in fishing year 2011 for all other fisheries; and (2) shall not apply to a fishery for species that have a life cycle of approximately 1 year unless the Secretary has determined the fishery is subject to overfishing of that species; and (3) shall not limit or otherwise affect the requirements of section 301(a)(1) or 304(e) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1851(a)(1) or 1854(e), respectively).	104(a)(7)	10	303(a)	36	Guidance for plan amendments	Mechanism due for fishing year 2010 or 2011 (see Provision column) Deadline assumes "fishing year" starts Jan 1 Regulations implementing guidance
Miscellaneous	Tsunami	The National Weather Service, in consultation with other relevant Administration offices, shall transmit a report to Congress on how technology developed under section 806 is being transferred into the program under this section.	804	82	n/a	36	Report	
Miscellaneous	Tsunami	Comptroller General of the U.S. shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives that (1) evaluates the current status of the tsunami detection, forecasting, and warning system and the tsunami hazard mitigation program established under this title, including progress toward tsunami inundation mapping of all coastal areas vulnerable to tsunami and whether there has been any degradation of services as a result of the expansion of the program; (2) evaluates the NWS's ability to achieve continued improvements in the delivery of tsunami detection, forecasting, and warning services by assessing policies and plans for the evolution of modernization systems, models, and computational abilities (including the adoption of new technologies); and (3) lists the contributions of funding or other resources to the program by other Federal agencies, particularly agencies participating in the program.	804	83	n/a	36	Report - Due 31 January 2010	Report
MRFS	Report	Within 24 months of establishment of the revised MRFS program, requires Sec. to submit a report to Congress describing progress toward achieving the program goals and objectives.	201	38	401	48	Report	Report

