Atlantic States Marine Fisheries Commission

ISFMP Policy Board

August 3, 2023
9:15 -10:45 a.m.
Hybrid Meeting

Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

1.	Welcome/Call to Order *(S. Woodward)*	9:15 a.m.
2.	Board Consent *(S. Woodward)* • Approval of Agenda • Approval of Proceedings from May 2023	9:15 a.m.
3.	Public Comment	9:20 a.m.
4.	Executive Committee Report (*S. Woodward*)	9:30 a.m.
5.	Review and Consider Changes to Conservation Equivalency: Policy and Technical Guidance Document (*T. Kerns*) **Possible Action**	9:40 a.m.
6.	Update on the Risk and Uncertainty Policy Development (*J. Patel*)	10:15 a.m.
7.	Committeee Reports • Atlantic Coast Fish Habitat Partnership (*S. Kaalstad*) • Legislative (*A. Law*) **Action**	10:20 a.m.
8.	Update on the Recreational Sector Separation and Catch Accounting Amendment Timeline (*T. Kerns*)	10:35 a.m.
9.	Review Noncompliance Findings, if necessary **Action**	10:40 a.m.
10.	Other Business	10:40 a.m.
11.	Adjourn	10:45 a.m.

The meeting will be held at The Westin Crystal City (1800 Richmond Highway, Arlington, VA; 703.486.1111) and via webinar; click here for details

MEETING OVERVIEW

ISFMP Policy Board
Thursday August 3, 2023
9:15-10:45 a.m.
Hybrid Meeting

Chair: Spud Woodward (GA) Assumed Chairmanship: 10/21	Vice Chair: Joe Cimino (NJ)	Previous Board Meetings: May 3, 2023
Voting Members: ME, NH, MA, RI, CT, NY, NJ, PA, DE, MD, DC, PRFC, VA, NC, SC, GA, FL, NMFS, USFWS (19 votes)		

2. Board Consent

- Approval of Agenda
- Approval of Proceedings from May 3, 2023

3. Public Comment – At the beginning of the meeting public comment will be taken on items not on the agenda. Individuals that wish to speak at this time must sign-in at the beginning of the meeting. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Board Chair may determine that additional public comment will not provide additional information. In this circumstance the Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

4. Executive Committee Report (9:30- 9:40 a.m.)

Background

- The Executive Committee will meet on August 2, 2023

Presentations

- S. Woodward will provide an update of the Executive Committee's work

Board action for consideration at this meeting

- none

5. Review and Consider Changes to Conservation Equivalency: Policy and Technical Guidance Document (9:40-10:20 a.m.) Possible Action

Background

- The Executive Committee (EC) tasked the Management and Science Committee (MSC) to review the *Conservation Equivalency: Policy and Technical Guidance Document*. The Executive Committee requested a series of question regarding conservation equivalency. A sub group of the MSC members and others addressed the EC*'s questions. Based on these questions and guidance from the EC staff has revised the*

*guidance document (**supplemental materials**). The changes provide more structure and details to the document.*

Presentations

- T. Kerns will review changes to the *Conservation Equivalency: Policy and Technical Guidance Document*.

Board action for consideration at this meeting

- Approve changes to the *Conservation Equivalency: Policy and Technical Guidance Document*.

6. Update on the Risk and Uncertainty Policy Development (10:15-10:20 a.m.)

Background

- The Policy Board has supported the development of the Risk and Uncertainty Policy Decision Tool. The Risk and Uncertainty Policy Workgroup refined the criteria for the Risk and Uncertainty Decision Tool by testing it with both striped bass and tautog as examples.
- The was Board was not ready to approve a draft Risk and Uncertainty Policy and asked for an additional a test run. At the time, it was determined cobia would be the best species candidate. After review of the red drum stock assessment progress, the WG has found red drum could be a species candidate to test run the decision tool. The red drum assessment will be completed at least a year a head of cobia.

Presentations

- J. Patel will present an update on the policy development

Board action for consideration at this meeting

- None

7. Committee Reports (10:20-10:35 a.m.) Action

Background

- The Atlantic Coast Fish Habitat Partnership will meet the week of July 24, 2023.
- The Legislative Committee has drafted a letter of opposition (**supplemental 2 materials**) to Rep. Lucas's National Oceanic and Atmospheric Administration Act of 2023 (H.R. 3980). The Committee has also been made aware of a bill, the FISHES Act (**supplemental 2 materials**), that will address OMB's delays in the Fisheries Disaster Assistance approval process.

Presentations

- S. Kaalstad will provide an update of the ACFHP's work
- A. Law will provide an overview of the discussion on each bill.

Board action for consideration at this meeting

- Approval of the opposition letter to (H.R. 3980) and approval of a letter supporting the FISHES Act.

8. Update on the Recreational Sector Separation and Catch Accounting Amendment Timeline (10:35-10:40 a.m.)
Background • The MAFMC is proposing a change in the timeline of the Recreational Sector Separation and Catch Accounting Amendment due to staff workload. The approval of a scoping document would move from December 2023 to Spring 2024 and shifting scoping hearings from January/February 2024 to Spring/Summer 2024. This would shift the timeline back by a few months for each subsequent step.
Presentations • Staff will present the new Draft Amendment timeline.
Board discussion for consideration at this meeting • Provide comments on the new timeline

9. Review Non-Compliance Findings, if necessary Action

10. Other Business

11. Adjourn

Atlantic States Marine Fisheries Commission

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A.G. "Spud" Woodward (GA), Chair *Joseph Cimino (NJ), Vice-Chair* *Robert E. Beal, Executive Director*

Sustainable and Cooperative Management of Atlantic Coastal Fisheries

Month, day, year

The Honorable Frank Lucas
2405 Rayburn House Office Building
Washington, DC 20515

The Honorable Zoe Lofgren
1401 Longworth House Office Building
Washington, DC 20515

Dear Chair Lucas and Ranking Member Lofgren,

The Atlantic States Marine Fisheries Commission (Commission) is writing in opposition to H.R. 3980, the National Oceanic and Atmospheric Administration Act of 2023.

The Commission is a Compact of the 15 Atlantic coastal states that manages nearshore marine fisheries which occupy multiple states' waters. Congress approved the Compact in 1942, and granted the Commission management authority in 1984 and 1993 through the Atlantic Striped Bass Conservation Act and the Atlantic Coastal Fisheries Cooperative Management Act, respectively. Today, the Commission manages 27 of the coast's most productive and iconic fisheries, nine of which are cooperatively managed with our federal partners.

NOAA Fisheries plays an essential role, not just in the sustainable management of those nine fisheries, but many other species managed by the Commission by providing the states with dependable data. The Commission has partnered with NOAA for decades on surveys, data collection, and stock assessments. If NOAA was removed from the Department of Commerce, the Commission is concerned that these critical data collection programs may not continue to be funded. Failure to continue to collect this data will likely cause significant economic harm to the commercial and recreational fishing industries.

The Department of Commerce itself also plays a role in our management process. The Atlantic Coastal Fisheries Cooperative Management Act (16 USC Ch. 71) gave the Secretary of Commerce some regulatory responsibilities over our fisheries management process. If any one state is not following the requirements of an approved fishery management plan, the Secretary can declare a moratorium on the fishery in that state's waters until they have proper conservation measures in place. The law specifically calls upon the Secretary of Commerce to act as this backstop. Removing NOAA from under Commerce jeopardizes this process and could have drastic impacts on the sustainability of U.S. fisheries.

Oversight by the Department of Commerce also provides member states a pathway to appeal decisions made by the Commission and NOAA. NOAA having access to a cabinet-level position can provide the opportunity to elevate fisheries issues to a level that would otherwise be unattainable.

We understand there are frustrations with other departments within NOAA, however maintaining NOAA Fisheries within the Department of Commerce has many benefits to fisheries management along the Atlantic Coast and, by extension, benefits the states, coastal communities, commercial and recreational fishermen, and consumers of seafood nationwide. Because of the unique needs of the Commission in maintaining sustainable fisheries, we cannot support this bill.

Please let me or my staff know if you have any questions or if the Commission can provide any additional information.

Sincerely,

Robert E. Beal

cc:

L23-XX

..

(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R. _____

To formally establish within statute an independent scientific research and development agency known as the National Oceanic and Atmospheric Administration, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. LUCAS (for himself and [see ATTACHED LIST of cosponsors]) introduced the following bill; which was referred to the Committee on _____

A BILL

To formally establish within statute an independent scientific research and development agency known as the National Oceanic and Atmospheric Administration, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''National Oceanic and Atmospheric Administration Act of 2023''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purpose.

TITLE I—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Sec. 101. Establishment.
Sec. 102. Functions of the Administrator.
Sec. 103. Authority of the Administrator.
Sec. 104. Science advisory board.

TITLE II—GENERAL PROVISIONS

Sec. 201. Recommendations to Congress.
Sec. 202. Conforming repeals.
Sec. 203. Savings provision.
Sec. 204. Reorganization plan.
Sec. 205. National Weather Service.
Sec. 206. Office of Space Commerce.
Sec. 207. Study.
Sec. 208. Effective date.

SEC. 2. PURPOSE.

The purpose of this Act is to establish the National Oceanic and Atmospheric Administration as an independent scientific research and development agency with an overarching statutory framework that focuses on Earth system science, maintaining the Administration's core mission and functions while allowing it to restructure and prioritize under an organic statute.

TITLE I—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SEC. 101. ESTABLISHMENT.

(a) ESTABLISHMENT.—There is established in the executive branch an independent agency to be known as the

National Oceanic and Atmospheric Administration (in this Act referred to as the ''Administration'').

(b) ADMINISTRATOR.—

(1) IN GENERAL.—The Administration shall be headed by an Administrator (in this Act referred to as the ''Administrator''), who shall be appointed by the President with the advice and consent of the Senate. The Administrator shall carry out the functions described in section 102 and, in the performance of those functions, shall have the authorities described in section 103.

(2) AUTHORITY.—Any authority, power, or function vested by law in the National Oceanic and Atmospheric Administration, in the Under Secretary of Commerce for Oceans and Atmosphere, or in any officer, employee, or part of the National Oceanic and Atmospheric Administration, or vested by law in the Secretary of Commerce and delegated to the Under Secretary of Commerce for Oceans and Atmosphere, or their designee, is vested in, and may be exercised by, the Administrator or their designee, as appropriate.

(3) REFERENCES.—Any reference in law or regulation to the ''Under Secretary of Commerce for

Oceans and Atmosphere'' shall be deemed to be a reference to the Administrator.

(c) POSITIONS.—There shall be in the Administration the following:

(1) A Deputy Administrator, to be appointed by the President with the advice and consent of the Senate, who shall carry out such duties as the Administrator may prescribe.

(2) An Associate Administrator for Environmental Observation and Prediction, to be appointed by the President with the advice and consent of the Senate.

(3) A Chief Scientist, to be appointed by the Administrator.

(4) A General Counsel, to be appointed in accordance with section 5316 of title 5, United States Code.

SEC. 102. FUNCTIONS OF THE ADMINISTRATOR.

The Administrator shall—

(1) plan, direct, and conduct—

(A) atmospheric, oceanic, hydrologic, Great Lakes, coastal, geodetic, geomagnetic, biological, and social science and research, including monitoring, analyses, education, research to operations, and operations to research;

(B) Earth observations and space physics operations, which include space-based observations of the earth and sun;

(C) ocean exploration, mapping, and characterization;

(D) atmospheric, terrestrial and space weather, climate, oceanic, hydrologic, Great Lakes, and coastal forecasting;

(E) conservation, management, and protection of oceanic, hydrologic, Great Lakes, and coastal resources, and science, research, and analysis related to such resources;

(F) oceanic, hydrologic, Great Lakes, and coastal response and restoration;

(G) education, outreach, and associated activities;

(H) other areas of research related to the preceding items as determined appropriate by the Administrator; and

(I) enforcement of any other provision of Federal law that assigns enforcement authority to the Administration;

(2) support the widest practicable participation by the scientific community, including participants in the private sector, academia, Federal, State, local,

Tribal, and territorial governmental entities, Indigenous peoples, and other appropriate domestic and foreign governmental and non-governmental entities, in carrying out the activities described in paragraph (1), including through the acceptance by the Administration of private resources, which may include data, models, vessels, aircraft, satellites, buoys, and other related infrastructure, to carry out such activities;

(3) provide for full and open public dissemination of information regarding activities, initiatives, methods, data, and results of the Administration, as appropriate, and in compliance with applicable law, including the acquisition of commercially-sourced data; and

(4) establish and promote an inclusive culture of scientific excellence and integrity.

SEC. 103. AUTHORITY OF THE ADMINISTRATOR.

(a) OFFICERS AND EMPLOYEES.—The Administrator, in accordance with title 5, United States Code, may appoint and fix the compensation of such officers and employees as the Administrator determines appropriate, within the regulations and guidelines established by the Office of Personnel Management.

(b) PROPERTY.—The Administrator may—

(1) procure, acquire, construct, improve, repair, operate, and maintain such laboratories, research and testing sites and facilities, equipment, vessels, aircraft, buoys, satellites, surface observing sites, other similar infrastructure, autonomous or unmanned vehicles, and office and educational facilities as the Administrator deems necessary;

(2) lease real and personal property;

(3) sell and otherwise dispose of real and personal property and reinvest any proceeds from such sale or disposition of property into recapitalization of property; and

(4) provide by contract or otherwise for necessary amenities for the welfare of employees and maintenance of property of the Administration.

(c) GIFTS.—The Administrator may accept gifts or donations of services for the benefit of the agency, including money or property, whether real, personal, or mixed, and whether tangible or intangible.

(d) CONTRACTS, LEASES, AND AGREEMENTS.—The Administrator may enter into and perform such contracts, leases, agreements (including cooperative agreements), or other transactions as may be necessary in the conduct of the work of the Administration.

(e) COOPERATION WITH FEDERAL AGENCIES AND OTHERS.—The Administrator—

(1) may use the services, equipment, personnel, land, and facilities of Federal, State, local, Tribal, and territorial governmental entities, Indigenous peoples, and other appropriate domestic and foreign governmental and non-governmental entities, with consent and with or without reimbursement; and

(2) shall cooperate with such entities to permit their use of Administration services, equipment, land, and facilities in a manner consistent with the Administration's mission.

(f) INTERNATIONAL COOPERATION.—The Administration, under the foreign policy guidance of the President, may engage in a program of international cooperation in work done pursuant to the Act, and in the peaceful application of the results thereof, pursuant to agreements made by the President with the advice and consent of the Senate.

(g) ADVISORY COMMITTEES.—The Administrator may appoint such advisory committees as the Administrator considers appropriate to provide consultation and advice.

(h) OFFICES AND PROCEDURES.—The Administrator may establish within the Administration such offices and

procedures as may be appropriate to provide for the greatest possible coordination of its activities with related public and private agencies and entities.

SEC. 104. SCIENCE ADVISORY BOARD.

(a) IN GENERAL.—There shall be within the Administration a Science Advisory Board, which shall provide such scientific advice as may be requested by the Administrator, the Committee on Science, Space, and Technology of the House of Representatives, or the Committee on Commerce, Science, and Transportation of the Senate.

(b) PURPOSE.—The purpose of the Science Advisory Board is to advise the Administrator and Congress on long-range and short-range strategies for research, education, and the application of science to resource management and environmental assessment, observation, and prediction.

(c) MEMBERS.—

(1) IN GENERAL.—The Science Advisory Board shall be composed of at least 15 members appointed by the Administrator. Each member of the Board shall be qualified by education, training, and experience to evaluate scientific and technical information on matters referred to the Board under this section.

(2) TERMS OF SERVICE.—Members shall be appointed for 3-year terms, renewable once, and shall

serve at the discretion of the Administrator. An individual serving a term as a member of the Science Advisory Board on the date of enactment of this Act may complete that term, and may be reappointed once for another term of 3 years unless the term being served on such date of enactment is the second term served by that individual. Vacancy appointments shall be for the remainder of the unexpired term of the vacancy, and an individual so appointed may subsequently be appointed for 2 full 3-year terms if the remainder of the unexpired term is less than 1 year.

(3) CHAIRPERSON.—The Administrator shall designate a chairperson from among the members of the Board.

(4) APPOINTMENT.—Members of the Science Advisory Board shall be appointed as special Government employees, within the meaning given such term in section 202(a) of title 18, United States Code.

(d) ADMINISTRATIVE PROVISIONS.—

(1) ADMINISTRATIVE SUPPORT.—The Administrator shall provide administrative support to the Science Advisory Board.

(2) MEETINGS.—The Science Advisory Board shall meet at least twice each year, and at other times at the call of the Administrator or the Chairperson.

(3) COMPENSATION AND EXPENSES.—A member of the Science Advisory Board shall not be compensated for service on such board, but may be allowed travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(4) SUBCOMMITTEES.—The Science Advisory Board may establish such subcommittees of its members as may be necessary. The Science Advisory Board may establish task forces and working groups consisting of Board members and outside experts as may be necessary.

(e) EXPIRATION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Science Advisory Board.

(f) STRATEGIC PLAN FOR RESEARCH AND DEVELOPMENT.—Not later than 1 year after the date of enactment of this Act, and once every 5 years thereafter, the Administrator shall consult with the Science Advisory board to develop a strategic plan for research and development at the Administration. The plan shall include—

(1) an assessment of the science and technology needs of the Administration based on the Administration's operational requirements and on input provided by external stakeholders at the national, regional, State, and local levels; and

(2) a strategic plan that assigns specific programs within the Administration the responsibility to meet each need identified under paragraph (1) and that describes the extent to which each need identified in paragraph (1) will be addressed through—

(A) intramural research;

(B) extramural, peer-reviewed, competitive grant programs; and

(C) work done in cooperation with other Federal agencies.

(g) NATIONAL ACADEMY OF SCIENCES REVIEW.—The Administrator shall enter into an arrangement with the National Academy of Sciences for a review of the plan developed under subsection (f).

(h) TRANSMITTAL TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Administrator shall transmit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transpor-

tation of the Senate the initial strategic plan developed under subsection (f) and the review prepared pursuant to subsection (g). Subsequent strategic plans developed under subsection (f) shall also be transmitted to those committees upon completion.

TITLE II—GENERAL PROVISIONS

SEC. 201. RECOMMENDATIONS TO CONGRESS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and at any appropriate time thereafter, the Administrator shall provide to the Committee on Science, Space, and Technology of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Natural Resources of the House of Representatives recommendations for technical, conforming, or other amendments necessary—

(1) to assist the transition of the Administration to an independent agency; or

(2) to further the policy and purpose of this Act.

(b) CONSULTATION.—In developing any recommendations pursuant to subsection (a), the Administrator shall consult with the Office of the Law Revision Counsel of the House of Representatives.

SEC. 202. CONFORMING REPEALS.

(a) EFFECT OF REORGANIZATION PLAN.—Reorganization Plan No. 4 of 1970 shall have no further force and effect.

(b) NOAA OFFICERS.—Subsections (a) and (b) of section 407 of Public Law 99-659 (15 U.S.C. 1503b; 1507c) are hereby repealed.

SEC. 203. SAVINGS PROVISION.

(a) EXISTING REQUIREMENTS.—All rules and regulations, determinations, standards, policies, agreements, contracts, including collective bargaining agreements, certifications, authorizations, appointments, delegations of authority, results and findings of investigations, and other decisions or actions duly issued, made, or taken pursuant to or under the authority of any statute or executive order which resulted in the assignment of functions or activities to the National Oceanic and Atmospheric Administration, the Under Secretary of Commerce for Oceans and Atmosphere, or to any officer, employee, or part of the National Oceanic and Atmospheric Administration, or to the Secretary of Commerce and delegated to the Under Secretary of Commerce for Oceans and Atmosphere, or their designee, that are in effect immediately before the date of enactment of this Act shall continue in full force and effect after the effective date of this Act until modified or rescinded.

(b) SUITS, APPEALS, JUDGMENTS.—In the case of any action or proceeding relating to the functions or activities described in subsection (a) pending on the date of enactment of this Act, the rights of the parties at issue in such proceeding shall, to the maximum extent practicable, be undisturbed by this Act. For purposes of any such action or proceeding, the provisions of Reorganization Plan No. 4 of 1970 and subsections (a) and (b) of section 407 of Public Law 99-659 as in effect on the day before such date of enactment shall apply.

(c) DISCUSSION OF RESEARCH.—Nothing in this Act shall be construed to limit the ability of an Administration employee to discuss scientific research performed by that employee in accordance with the Administration's scientific integrity policies.

(d) EXISTING AUTHORITIES UNDER LAW.—Nothing in this Act shall be construed to modify any authority under law existing immediately before the date of enactment of this Act, except as explicitly provided herein, including by—

(1) altering the responsibilities or authorities of any other Federal agency;

(2) authorizing or prohibiting the transfer of any program, function, or project from other Federal agencies to the Administration; or

(3) expanding, modifying, or superseding any existing regulatory or other authority of the Administration.

(e) AUTHORITIES WITH RESPECT TO PUBLIC BUILDINGS.—

(1) IN GENERAL.—Nothing in this Act shall be construed to grant the Administrator any authority to construct, alter, repair, or acquire by any means a public building (as defined in section 3301 of title 40, United States Code) or to grant any authority to lease general purpose office or storage space in any building.

(2) INTERACTION WITH OTHER SIMILAR AUTHORITIES.—Nothing in this Act shall be construed to diminish any authority the Administrator has immediately before the date of enactment of this Act to construct, alter, repair, or acquire by any means a public building (as defined in section 3301 of title 40, United States Code) or to diminish any authority the Administrator has immediately before the date of enactment of this Act to lease general purpose office or storage space in any building (regardless of whether those authorities are derived from laws, executive orders, rules, regulations, or delegations of authority from the Secretary of Commerce).

SEC. 204. REORGANIZATION PLAN.

(a) SCHEDULE.—

(1) INITIAL PLAN.—Not later than 18 months after the date of enactment of this Act, the Administrator shall develop a reorganization plan for the Administration in accordance with this section and shall publish the plan in the Federal Register. The Federal Register notice shall solicit comments for a period of at least 60 days.

(2) REVISED PLAN.—Not later than 180 days after the expiration date of the comment period described in paragraph (1), the Administrator shall transmit to Congress a revised version of the plan that takes into account the comments received. The Administrator shall also publish the revised plan in the Federal Register. The Administrator shall transmit and publish, along with the plan, an explanation of how the Administrator dealt with significant issues raised by the comments received.

(3) IMPLEMENTATION.—The Administrator shall implement the plan not later than 180 days after the plan has been transmitted to the Congress.

(b) CONTENT.—The plan, to the greatest extent practicable, shall—

(1) consistent with the other provisions of this Act, maximize the efficiency with which the Administration carries out the core functions of—

(A) science and research;

(B) operations;

(C) predictions and forecasts;

(D) products and services;

(E) education and outreach;

(F) earth observations and space weather observations;

(G) resource management; and

(H) enforcement;

(2) improve the sharing of research and other information that is of use across programmatic themes; and

(3) minimize duplication of effort or overlapping efforts and promote coordination among offices.

(c) CONSULTATION.—In developing the plan, the Administrator shall consult with interested parties, including other Federal, State, local, Tribal, and territorial governmental entities, Indigenous peoples, and other appropriate domestic and foreign governmental and non-governmental entities, academia, industry, and Administration employees, contractors, and grantees.

SEC. 205. NATIONAL WEATHER SERVICE.

(a) IN GENERAL.—The Administrator shall maintain within the Administration the National Weather Service.

(b) MISSION.—The mission of the National Weather Service is to provide weather, water, climate, tsunami, and space weather forecasts and warnings for the United States, its territories, adjacent waters, and ocean areas for the protection of life and property and the enhancement of the national economy. In carrying out the mission of the National Weather Service, the Administrator shall ensure that the National Weather Service—

(1) provides timely and accurate weather, water, climate, tsunami, and space weather forecasts; and

(2) provides timely and accurate warnings of natural hazards related to weather, water, climate, and tsunamis, and of space weather hazards.

(c) FUNCTIONS.—The functions of the National Weather Service shall include—

(1) maintaining a network of local weather forecast offices, river forecast centers, and center weather service units;

(2) maintaining a network of observation systems to collect weather and climate data;

(3) operating national centers to deliver guidance, forecasts, warnings, and analysis about weath-

er, water, climate, tsunami, and space weather phenomena for the Administration and the public;

(4) providing information to Federal agencies and other organizations responsible for emergency preparedness and response as required by law;

(5) conducting and supporting applied research to facilitate the rapid incorporation of weather and climate science advances into operational tools; and

(6) other functions the Administrator determines to be necessary to serve the mission of the National Weather Service described in subsection (b).

SEC. 206. OFFICE OF SPACE COMMERCE.

Subsection (b) of section 50702 of title 51, United States Code, is amended—

(1) by striking ''The Office shall be headed'' and inserting the following:

''(1) IN GENERAL.—The Office shall be headed''; and

(2) by adding at the end the following:

''(2) DIRECT REPORT.—The Director shall report directly to the Secretary of Commerce.''.

SEC. 207. STUDY.

(a) IN GENERAL.—The Administrator shall contract with the National Academy of Public Administration to

conduct a study examining the feasibility and merits of transferring parts or all of the Endangered Species Act (ESA) and Marine Mammal Protection Act (MMPA) management functions into a single agency or department.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to Congress a report on the results of the study conducted under subsection (a).

SEC. 208. EFFECTIVE DATE.

The provisions of this Act shall take effect on the date that is 6 months after the date of the enactment of this Act.

U.S. CONGRESSMAN
BYRON DONALDS
SERVING FLORIDA'S 19TH CONGRESSIONAL DISTRICT

Cosponsor—The Fishery Improvement to Streamline untimely regulatory Hurdles post Emergency Situation Act (FISHES Act)

Background:

- This bill seeks to improve the federal regulatory processes associated with fishery disaster relief funding within the Office of Management and Budget (OMB).
- After Congress appropriates fishery disaster relief funding, funding may be dispersed IF:
    - 1. NOAA approves the state-submitted spend plan; and
    - 2. OMB approves the state-submitted spend plan.
- Currently, OMB has no incentive to approve the spend plan because OMB has no deadline to approve.
    - Disaster funding process: Congress appropriates funds → Within 14 days, NOAA coordinates with OMB to determine allocation of funds → Within 120 days, State creates and submits spending plan to NOAA → Within 90 days, NOAA approves spend plan and submits to OMB for approval → OMB approves spend plan (but no timeline to do so) → State receives approval to spend funds in accordance with their approved spend plan.
- The State of Florida alone has requested fishery disaster declarations on six different occasions since 2012—however for each occasion, over two years+ had lapsed from the time of approval to when the fishery disaster relief funds were ultimately made available.
- States apply for federal fishery disaster relief for a variety of reasons, including day-to-day extreme weather; water quality issues; hurricanes; etc.
    - Fishery specific impacts include: (1) boats and dockage can be damaged or destroyed; (2) fishing equipment can be lost or destroyed; (3) commercial fishermen and charter captains can lose revenue if they can't host and operate fishing trips; (4) for charter businesses, hotel and restaurant infrastructure may be impacted thus dissuading clients from fishing in the impacted area; (5) fish wholesale dealers lose business; (6) water quality issues impact fish health due to high levels of salinity/HABs in the water.
- If the federal fishery disaster relief funding process is not modernized and streamlined, many fishing businesses and associated small businesses could go out of business before the relief is made available.

Specifics of the FISHES Act:

- This bill seeks to expedite the federal fishery disaster relief funding process by enacting a 30-day decision requirement for OMB to deny/approve the State's spend plan.

*To cosponsor **the FISHES Act** or if you have any additional questions, please contact Chris Ploch at chris.ploch@mail.house.gov.*

.....

(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R. _____

To require the Director of the Office of Management and Budget to approve or deny spend plans within a certain amount of time, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. DONALDS introduced the following bill; which was referred to the Committee on _____

A BILL

To require the Director of the Office of Management and Budget to approve or deny spend plans within a certain amount of time, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fishery Improvement to Streamline untimely regulatory Hurdles post Emergency Situation Act'' or the ''FISHES Act''.

SEC. 2. APPROVAL OR DENIAL OF SPEND PLANS.

(a) IN GENERAL.—Notwithstanding any other provision of law, in the case of a spend plan submitted to the Director by the Secretary for approval by the Director pursuant to section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(a)), the Director shall approve or deny such spend plan not later than 30 days after the date on which the Secretary submits such spend plan to the Director for approval.

(b) DENIAL OF SPEND PLAN.—

(1) IN GENERAL.—If the Director denies a spend plan under subsection (a) or paragraph (3) of this subsection, the Director shall, not later than 15 days after the date of such denial, return such denied spend plan to the Secretary with a description of the changes to such denied spend plan that are necessary for the Director to approve such denied spend plan.

(2) RESUBMISSION OF SPEND PLAN.—Upon receipt of a denied spend plan under paragraph (1), the Secretary, in consultation with the relevant requester with an affirmative fishery resource disaster determination of the spend plan, shall make the necessary changes to such spend plan described by the

Director under paragraph (1) and resubmit such spend plan to the Director for approval.

(3) REVIEW OF RESUBMITTED SPEND PLAN.—Not later than 15 days after the date of the receipt of a spend plan under paragraph (2), the Director shall approve or deny such spend plan.

(c) APPROVAL OF SPEND PLAN.—If the Director approves a spend plan under subsection (a) or subsection (b)(3), the Director shall—

(1) make such approval publicly available on the website of the Office of Management and Budget; and

(2) include in such approval—

(A) the date on which communication regarding such spend plan was initiated between the Director and the Secretary;

(B) if applicable—

(i) the date of each denial of such spend plan under subsection (a) and subsection (b)(3); and

(ii) the date of each resubmission of such spend plan under subsection (b)(2); and

(C) the date on which the Director approved such spend plan.

(d) DEFINITIONS.—In this section:

(1) AFFIRMATIVE FISHERY RESOURCE DISASTER DETERMINATION.—The term ''affirmative fishery resource disaster determination'' means a determination by the Secretary under section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(a)) that a fishery resource disaster has occurred.

(2) FISHERY RESOURCE DISASTER.—The term ''fishery resource disaster'' has the meaning given the term in section 312(a)(1)(C) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(a)(1)(C)).

(3) DIRECTOR.—The term ''Director'' means the Director of the Office of Management and Budget.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(5) SPEND PLAN.—The term ''spend plan'' means a spend plan submitted to the Secretary under section 312(a)(6)(D) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(a)(6)(D)) by a requester with an affirmative fishery resource disaster determination.

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Michael P. Luisi, Chairman | P. Weston Townsend, Vice Chairman
Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

Date: July 26, 2023

To: Chris Moore, Executive Director

From: Kiley Dancy and Hannah Hart, Staff

Subject: Proposed Timeline Revisions for Recreational Sector Separation and Catch Accounting Amendment

Given our internal discussions regarding staff workload and the planned timeline for the Recreational Sector Separation and Catch Accounting Amendment, we have tentatively revised the amendment action plan for discussion with the Council. These revisions are provided below. We propose shifting the approval of a scoping document from December 2023 to Spring 2024 and shifting scoping hearings from January/February 2024 to Spring/Summer 2024. Depending on the anticipated joint meeting schedule over the next few years, this would shift the timeline back by a few months for each subsequent step. Commission staff are planning to share a similar update with the Policy Board.

Recreational Sector Separation and Catch Accounting Amendment to the Summer Flounder, Scup, and Black Sea Bass and Bluefish Fishery Management Plans

Draft Action Plan

~~April/2023~~Revised July 24, 2023

Amendment Goal: The purpose of this amendment is to review and consider options for managing for-hire recreational fisheries separately from other recreational modes (referred to as sector separation) as well as options related to recreational catch accounting, such as private angler reporting and enhanced vessel trip reporting (VTR) requirements for the summer flounder, scup, black sea bass, and bluefish fisheries. This action aims to address expressed interest in sector separation to make better use of for-hire VTR data, which some anglers perceive as being more accurate than the Marine Recreational Information Program (MRIP) data. In addition, this action considers options to improve recreational catch accounting with the intent to reduce uncertainty in the recreational data. This amendment is being developed by the Mid-Atlantic Fishery Management Council (Council) and Atlantic States Marine Fisheries Commission (Commission).

Types of Measures Expected to be Considered: The Council and the Commission's Interstate Fishery Management Program Policy Board (Policy Board) will review and consider options for managing for-hire recreational fisheries separately from other recreational modes (referred to as sector separation) as well as options related to recreational catch accounting for summer flounder, scup, black sea bass, and bluefish. In previous conversations on these issues, the types of measures for potential consideration included:

Sector separation

- No action/status quo
- Managing the recreational for-hire and private/rental fisheries with separate allocations of catch or harvest, including possible options for:
    - Separate Annual Catch Limits (ACLs) for each recreational sector
    - Separate Recreational Sub-ACLs for each recreational sector
    - Separate Recreational Harvest Limits (RHLs)
- Managing the recreational for-hire and private/rental fisheries with separate management measures (bag limits, size limit, seasons, or other measures). Although this is already done for some species/state/mode combinations, this amendment may consider a more uniform approach to separate measures. If the Council and Policy Board choose to prioritize separate measures over other types of sector separation, an amendment may not be necessary depending on the options considered.

Recreational catch accounting

- No action/status quo
- Mandatory private angler reporting
- Tagging programs (i.e., anglers or groups of anglers are issued tags for specific number of fish each year)
- Mandatory tournament reporting

- Enhanced VTR requirements
- Voluntary angler reporting programs to supplement or enhance recreational survey programs

Fishery Management Action Team (FMAT)/Plan Development Team (PDT)

An FMAT/PDT has been partially formed to assist with development and analysis of potential alternatives. Additional state representatives are expected to be identified by the Board. FMAT/PDT members are listed in the table below. Other Council, Commission, and NOAA Fisheries staff, as well as other experts, will be consulted as needed.

Name	Agency	Role/Expertise
Tracey Bauer	Atlantic States Marine Fisheries Commission	FMAT/PDT Co-Chair
Kiley Dancy	Mid-Atlantic Fishery Management Council	FMAT/PDT Co-Chair
Hannah Hart	Mid-Atlantic Fishery Management Council	FMAT/PDT Co-Chair
Emily Keiley	NMFS Greater Atlantic Regional Fisheries Office	Fisheries policy and legal requirements
Marianne Randall	NMFS Greater Atlantic Regional Fisheries Office	National Environmental Policy Act requirements
Sara Turner	NMFS Greater Atlantic Regional Fisheries Office	Scientific and technical analysis of federal fisheries management
Scott Steinback	NOAA Fisheries Northeast Fisheries Science Center	Recreational fisheries economist
TBD	TBD	Additional state/Technical Committee representatives to be identified by the Policy Board

Expected Amendment Timeline:

This amendment was initiated in October 2020 along with several other Recreational Reform Initiative Topics. However, in February 2021, work on this amendment was put on hold to prioritize development of the Recreational Harvest Control Rule Framework/Addenda. In December 2022 the Council and Policy Board agreed to continue to develop the Recreational Sector Separation and Catch Accounting Amendment.

The expected amendment timeline (as of ~~January~~ July 2023; assuming an environmental assessment; subject to change) is as follows:

Summer/Fall~~Spring/Summer~~ **2023**	Form Fishery Management Action Team (FMAT)/ Plan Development Team (PDT)
~~Summer-Fall 2023~~Early 2024	FMAT/PDT develops issues for consideration and draft scoping document. Possible Advisory Panel (AP) and Monitoring Committee discussion.
~~December 2023~~Spring 2024	Council and Policy Board approve a scoping and public information document for public comment
~~January-February 2024~~Spring/Summer 2024	Scoping hearings and comment period
~~Spring 2024~~Summer 2024	APs review scoping comments and provide input to Council and Policy Board on scope of amendment and possible approaches
~~Spring 2024~~Summer 2024	FMAT/PDT reviews scoping comments and AP input and provides recommendations to Council and Policy Board on scope of amendment and possible approaches
~~Spring 2024~~August 2024	Council and Policy Board review scoping comments and FMAT and AP recommendations; define scope of action
~~Summer 2024~~Fall 2024	FMAT/PDT begins to develop draft alternatives
~~August 2024~~December 2024	Council and Policy Board review preliminary alternatives
~~Fall 2024~~Winter/Spring 2025	Continued FMAT/PDT development and analysis of alternatives; AP input on draft alternatives
~~December 2024~~Spring/Summer 2025	Council and Policy Board approve final range of alternatives for inclusion in a public hearing document/Commission draft amendment document
~~Winter 2025~~Fall 2025	FMAT/PDT develops public hearing document/Commission draft amendment document
~~Spring~~ December **2025**	Council and Policy Board approve public hearing document; Policy Board approves draft amendment document for public comment
~~Spring/Summer 2025~~Winter 2026	Public hearings and comment period
~~Spring/Summer 2025~~Winter/Spring 2026	AP meeting to provide input on preferred alternatives; FMAT/PDT meeting to provide recommendations to Council/Board
~~August 2025~~Spring 2026	Final action
Summer 2026~~Fall 2025~~	Staff develop and submit draft environmental assessment (EA)
~~Winter~~ Fall **2026**	NMFS and other agencies review EA; final edits completed; Rulemaking and comment periods (4-7 months after EA finalized)
TBD	Target effective date (may or may not need to line up with start of fishing year depending on measures approved)