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Subject: NOAA Fisheries Announces Proposed Rule to Update Regulations Associated with the Magnuson-Stevens Fishery Conservation and Management Act's Confidentiality Requirements

Good morning/Good afternoon,

Today, NOAA Fisheries published a proposed rule that would bring our implementing regulations for managing confidential information into compliance with the 2007 statutory amendments to the Magnuson-Stevens Fishery Conservation and Management Act (MSA). When Congress originally passed the MSA in 1977, it for the first time created new federally mandated requirements that fishermen report things like when and where they catch fish. In exchange, however, Congress also required that this information be kept confidential. Throughout the years, Congress has occasionally tweaked these confidentiality requirements. NOAA Fisheries has implemented regulations to meet the statutory requirements in the MSA, but the regulations have not been updated for some time and specifically have not fully incorporated the requirements of the 1996 Sustainable Fisheries Act or the most recent MSA amendments in 2007.

The proposed rule aims to streamline access for the fishing industry as well as Regional Fishery Management Councils, states, commissions, and other entities that need such information for fishery conservation and management purposes. It would bring our implementing regulations into compliance with the Congressional amendments and address their application to some of our more recent issues, such as applying the MSA confidentiality provisions to camera-based electronic monitoring programs and uncertainty associated with sharing data across international partnerships. The rule would also prohibit unauthorized disclosure of confidential information, clarify exceptions to the MSA that allows for the release of confidential information, and provide a general framework for the handling of confidential information under the MSA. A core component of the MSA confidentiality requirements is for NOAA Fisheries to establish and publish internal control procedures for the maintenance of, and access to, any confidential information. As part of updating our internal control procedures after the final rule is published, NOAA Fisheries will provide opportunities for engagement during their development, and final control procedures would be shared and posted publicly.

NOAA Fisheries is requesting public comment through 04-25-2024. The "as filed" version of the document can be viewed on the Federal Register's website:

<https://www.federalregister.gov/documents/2024/03/11/2024-05106/confidentiality-of-information> and will officially publish on 03-11-2024.

If you have any questions, please contact Laura Keeling at laura.keeling@noaa.gov and Brett Wiedoff at brett.wieddoff@noaa.gov.

Thank you.

Sam

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