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115th CONGRESS
1st Session

S. 1520

To expand recreational fishing opportunities through enhanced marine fishery conservation and management, and for other purposes.

IN THE SENATE OF THE UNITED STATES
July 10, 2017

Mr. Wicker (for himself, Mr. Nelson, Mr. Blunt, Mr. Schatz, Mr. Manchin, and Mr. Kennedy, Mr. INHOFE, Mr. COCHRAN, Mr. CASSIDY, Ms. KLOBUCHAR, Mr. DONNELLY, Mr. YOUNG, Mrs. FISCHER, Mr. MENENDEZ, Mr. PETERS, and Mr. JONES) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

JUNE 5, 2018

Reported by Mr. THUNE, with an amendment

A BILL

To expand recreational fishing opportunities through enhanced marine fishery conservation and management, 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; REFERENCES.

- (a) Short Title.—This Act may be cited as the “Modernizing Recreational Fisheries Management Act of 2018~~7~~.”
- (b) Table of Contents.—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents; references.
- Sec. 2. Findings.
- Sec. 3. Definitions.

TITLE I—CONSERVATION AND MANAGEMENT

- Sec. 101. Process for allocation review for South Atlantic and Gulf of Mexico mixed-use fisheries.
- Sec. 102. ~~Alternative fishery management~~ Fishery Management Measures.
- Sec. 103. Study of limited access privilege programs for mixed-use fisheries.
- Sec. 104. Rebuilding overfished fisheries.
- Sec. 105. ~~Modifications to the annual catch limit requirement~~ Authorization for multispecies complexes and multiyear catch limits
- Sec. 106. Exempted fishing permits.

TITLE II—RECREATION FISHERY INFORMATION, RESEARCH, AND DEVELOPMENT

- Sec. 201. Cooperative data collection.
- Sec. 202. Recreational data collection.

TITLE III—RULE OF CONSTRUCTION

Sec. 301. Rule of construction.

- (c) References to the Magnuson-Stevens Fishery Conservation and Management Act.— Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

SEC. 2. FINDINGS.

- (a) Recreational Fishing.—Section 2(a) (16 U.S.C. 1801(a)) is amended by adding at the end the following:

“(13) While both provide significant cultural and economic benefits to the Nation, recreational fishing and commercial fishing are fundamentally different activities, therefore requiring management approaches adapted to the characteristics of each sector.”

(formatting changes here not noted)

- (b) ~~Technical Correction.—Section 2(a)(3) (16 U.S.C. 1801(a)(3)) is amended to read as follows:~~

~~“(3) Commercial and recreational fishing constitute major sources of employment and contribute significantly to the economy of the Nation. Many coastal areas are dependent upon fishing and related activities.”~~

SEC. 3. DEFINITIONS.

In this Act:

- (1) **APPROPRIATE COMMITTEES OF CONGRESS.**—The term “appropriate committees of Congress” means—
 - (A) the Committee on Commerce, Science, and Transportation of the Senate; and
 - (B) the Committee on Natural Resources of the House of Representatives.
- (2) **COUNCIL.**—The term “Council” means any Regional Fishery Management Council established under section 302 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852).
- (3) **LIMITED ACCESS PRIVILEGE PROGRAM.**—The term “limited access privilege program” means a program that meets the requirements of section 303A of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1853a)
- (4) **MIXED-USE FISHERY.**—The term “mixed-used fishery” means a Federal fishery in which two or more of the following occur:
 - (A) Recreational fishing.
 - (B) Charter fishing.
 - (C) Commercial fishing.

TITLE I—CONSERVATION AND MANAGEMENT

SEC. 101. PROCESS FOR ALLOCATION REVIEW FOR SOUTH ATLANTIC AND GULF OF MEXICO MIXED-USE FISHERIES. *(This section does not pertain to the PFMC)*

- (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.

(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.

(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.

(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.

(d) DEFINITION OF APPLICABLE COUNCIL.—In this section, the term “applicable Council” means—

(1) the South Atlantic Fishery Management Council; or

(2) the Gulf of Mexico Fishery Management Council.

SEC. 102. ALTERNATIVE FISHERY MANAGEMENT FISHERY MANAGEMENT MEASURES.

(a) MANAGEMENT.—Section 302(h) (16 U.S.C. 1852(h)) is amended—

(1) in paragraph (7)(C), by striking “; and” and inserting a semicolon;

(2) by redesignating paragraph (8) as paragraph (9); and

(3) by inserting after paragraph (7) the following:

“(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 such as~~ extraction rates, fishing mortality targets, harvest control rules, or traditional or cultural practices of native communities; and”.

(b) REPORT.—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 that~~ describes any actions pursuant to paragraph (8) of ~~under~~ section 302(h)(8) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(h)(8)), as ~~amended~~ added by subsection (a).

- (c) OTHER FISHERIES.—Nothing in paragraph (8) of section 302(h) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(h)), as added by subsection (a), shall be construed to affect management of any fishery not described in such paragraph (8).

SEC. 103. STUDY OF LIMITED ACCESS PRIVILEGE PROGRAMS FOR MIXED-USE FISHERIES.

- (a) Study on Limited Access Privilege Programs.—

- (1) In general.—Not later than 2~~4~~ years after the date of enactment of this Act, the Ocean Studies Board of the National Academies of Sciences, Engineering, and Medicine shall—

- (A) complete a study on 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~~

- (i) an assessment of progress in meeting the goals of the program and this Act;

- (ii) an assessment of the social, economic, and ecological effects of the program, considering each sector of a mixed-use fishery and related businesses, coastal communities, and the environment;

- (iii) an assessment of any impacts to stakeholders in a mixed-use fishery caused by a limited access privilege program;

- (iv) recommendations of policies to address any impacts identified under clause (iii); and

- (v) identification~~ing~~ and recommendation of~~ing~~ the different factors and information a ~~mixed-use fishery~~ that should be considered when designing, establishing, or maintaining a limited access privilege program in a mixed-use fishery to mitigate any inequities identified in clause (iii); and

(B) submit to the appropriate committees of Congress a report on the study under subparagraph (A), including the recommendations under clauses (i+v) and (iii v) of subparagraph (A).

(2) EXCLUSION.—The study described in this subsection shall not include the areas covered by the North Pacific Fishery Management Council.

(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.

(b) TEMPORARY MORATORIUM.— [*This section does not apply to the PFMC*]

(1) IN GENERAL.—Except as provided in paragraph (2), with respect to applicable Councils, there shall be a moratorium on the submission and approval of a limited access privilege program for a mixed-used fishery for 2 years until after the date that the report is submitted under subsection (a)(1)(B) of enactment of this act.

(2) EXCEPTION.—Subject to paragraph (3), an applicable 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.

(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.

(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 this Act.~~

(4) LIMITED ACCESS PRIVILEGE PROGRAM.—~~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 this Act.~~

(5) APPLICABLE COUNCIL.—In this subsection, the term “applicable Council” means—

(A) the Gulf of Mexico Fishery Management Council;

- (B) the South Atlantic Fishery Management Council; or
- (C) the Mid-Atlantic Fishery Management Council.

SEC. 104. REBUILDING OVERFISHED FISHERIES.

Section 304(e)(4)(A) (16 U.S.C. 1854(e)(4)(A)) is amended— ~~to read as follows:~~

- (1) in paragraph (4), by amending subparagraph (A)(ii) to read as follows:

“(ii) not exceed the shortest time possible within which the stock of fish would be rebuilt without fishing occurring, plus one mean generation, unless management measures under international agreement in which the United States participates dictate otherwise;” and

- (2) in paragraph (7)—

- (A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii);
- (B) by striking “(7) The Secretary” and inserting the following:

“(7)(A) The Secretary”;

- (C) by striking “If the Secretary” and inserting the following:

“(B) If the Secretary”;

- (D) in subparagraph (A), as so redesignated, by striking “two years” and inserting the following: “2 years. The Secretary shall find that adequate progress toward ending overfishing and rebuilding affected fish stocks has not resulted if—

“(i) the status of the stock is not improving, such that it becomes unlikely that the stock will be rebuilt within the rebuilding time period;

“(ii) the applicable fishing mortality rate or catch limits are exceeded, and the causes and rebuilding consequences of such exceedances have not been corrected;

“(iii) the rebuilding expectations are significantly changed due to new information about the status of the stock, and the new information indicates that less progress than expected has been made toward rebuilding the stock; or

“(iv) for other reasons, as appropriate.”; and

- (E) by adding at the end the following:

“(C) A Council shall not adopt, and the Secretary shall not approve, a fishery management plan, plan amendment, or proposed regulation required under this subsection for any fishery that has previously been under such a plan that did not rebuild such fishery to the biomass necessary to achieve maximum sustainable yield, as determined by the Council's scientific and statistical committee, unless the new plan,

amendment, or proposed regulation has at least a 75 percent chance of rebuilding the fishery within the time limit proposed by the Council, as calculated by the Council's scientific and statistical committee pursuant to section 302(g)(1)(B)."

(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;"~~

SEC. 105. AUTHORIZATION FOR MULTISPECIES COMPLEXES AND MULTIYEAR CATCH LIMITS.

Section 302 (16 U.S.C. 1852) is amended by adding at the end the following:

"(m) AUTHORIZATION FOR MULTISPECIES COMPLEXES AND MULTIYEAR CATCH LIMITS.—For purposes of subsection (h)(6), a Council may establish—

- (1) an annual catch limit for a stock complex; or
- (2) annual catch limits for each year in any continuous period that is not more than 3 years in duration."

SEC. 105. MODIFICATIONS TO THE ANNUAL CATCH LIMIT REQUIREMENT.

~~(a) REGIONAL FISHERY MANAGEMENT COUNCILS.—Section 302 (16 U.S.C. 1852) is amended by adding at the end the following:~~

~~"(m) CONSIDERATIONS FOR MODIFICATIONS TO ANNUAL CATCH LIMIT REQUIREMENTS.—~~

- ~~(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.~~

- ~~(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 continuous period that is not more than 3 years in duration.~~
- ~~(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:~~

~~(m) 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.”~~

SEC. 106. EXEMPTED FISHING PERMITS.

- (a) OBJECTIONS.—If the Fishery Management Council, the Interstate Marine Fisheries Commission, or the fish and wildlife agency of an affected State objects to 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 Regional Administrator of the National Marine Fisheries Service who issued such exempted fishing permit shall respond to such entity in writing detailing why such exempted fishing permit was issued.
- (b) 12-MONTH FINDING.—At the end of the 12-month period beginning on the date the exempted fishing permit is issued under section 600.745 of title 50, Code of Federal Regulations, or any successor regulation, the Council that prepared the fishery management plan, or the Secretary in the case of a fishery management plan prepared and implemented by the Secretary, shall review the exempted fishing permit and determine whether any unintended negative impacts have occurred that would warrant the discontinuation of the permit.
- (c) SAVINGS PROVISION.—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.

(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—

~~(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~~

~~(2) certify that the Council or Federal agency with jurisdiction over the affected fishery has determined that—~~

~~(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;~~

~~(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 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.~~

~~(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.~~

~~(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.

TITLE II—RECREATION FISHERY INFORMATION, RESEARCH, AND DEVELOPMENT

SEC. 201. COOPERATIVE DATA COLLECTION.

(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 [sic], 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.

“(2) 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 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 sources; and
- (C) consider the extent to which the acceptance and use of data and analyses identified in the report in fishery management decisions is practicable and compatible with the requirements of section 301(a)(2).”

~~“(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 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.”~~

(b) **NAS REPORT RECOMMENDATIONS.**—The Secretary of Commerce shall take into consideration and, to the extent feasible, implement the recommendations of the National Academy of Sciences in the report entitled “Review of the Marine Recreational Information Program (2017)”, and shall submit, every 2 years following the date of enactment of this Act, a report to the appropriate committees of Congress detailing progress made implementing those recommendations. Recommendations considered shall include—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.

SEC. 202. RECREATIONAL DATA COLLECTION.

Section 401(g) (16 U.S.C. 1881(~~g~~)) is amended—

(1) in subsection (g)—

- (A) by redesignating paragraph (4) as paragraph (5); and
- (B) by inserting after paragraph (3) the following:

“(4) Federal-state partnerships.—

“(A) Establishment.—The Secretary shall establish a partnership with a State to develop best practices for implementing the State program established under paragraph (2).

“(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.

“(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.

“(D) States grant program.—The Secretary shall make grants to States to improve implementation of State programs consistent with this subsection and assist such programs in complying with requirements related to changes in recreational data collection under paragraph (3). Any funds awarded through such grants shall be used to support data collection, quality assurance, and outreach to entities submitting such data. The Secretary shall prioritize such grants based on the ability of the grant to improve the quality and accuracy of such programs; and

“(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.~~”

(2) By adding at the end the following--

(d) ~~(h)~~ ACTION BY SECRETARY of Commerce.—The Secretary of Commerce shall—

(1) not later than 90 days after the date of enactment of the Modernizing Recreational Fisheries Management Act of 2018 ~~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 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~~

“(A) how the design of the Marine Recreational Information Program, for the purposes of stock assessment and the determination of stock management reference points, can be improved to better meet the needs of in-season management of annual catch limits under section 303(a)(15); and

“(B) what actions the Secretary, Councils, and States could take to improve the accuracy and timeliness of data collection and analysis to improve the Marine Recreational Information Program and facilitate in-season management; and

“(2) within 6 months after receiving the report under paragraph (1), submit to Congress recommendations regarding--

~~(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 to~~ be made to the Marine Recreational Information Program to make the program compatible better meet the needs of with in-season management of annual catch limits and other requirements under such section 303(a)(15) of that Act for those recreational fisheries

- ~~for which in-season management of annual catch limits is appropriate;~~
and
- (B) alternative management approaches that could be applied to recreational fisheries for which the Marine Recreational 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 until such time as the changes in subparagraph (A) are implemented.”

SEC. 301. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed as modifying the requirements of sections 301(a), 302(h)(6), or 303(a)(15) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1851(a); 1852(h)(6); 1853(a)(15)).