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(Original Signature of Member)

118TH CONGRESS
2^D SESSION

H. R. 8705

To require the Administrator of the National Oceanic and Atmospheric Administration to reform the Marine Recreational Information Program of the National Marine Fisheries Service, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. GRAVES of Louisiana introduced the following bill; which was referred to the Committee on _____

A BILL

To require the Administrator of the National Oceanic and Atmospheric Administration to reform the Marine Recreational Information Program of the National Marine Fisheries Service, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fisheries Data Mod-
5 ernization and Accuracy Act of 2024”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the National
3 Oceanic and Atmospheric Administration, acting
4 through the Director of the National Marine Fish-
5 eries Service.

6 (2) FISHERY.—The term “fishery” has the
7 meaning given the term in section 3 of the Magnu-
8 son-Stevens Fishery Conservation and Management
9 Act (16 U.S.C. 1802).

10 (3) INDEPENDENT ENTITY.—The term “inde-
11 pendent entity”—

12 (A) means an entity that—

13 (i) is not a unit of the National Oce-
14 anic and Atmospheric Administration; and

15 (ii) has expertise in areas of science
16 related to fishery stock assessments; and

17 (B) includes—

18 (i) the National Academies of
19 Sciences, Engineering, and Medicine; and

20 (ii) an institution of higher education
21 (as such term is defined in section 101 of
22 the Higher Education Act of 1965 (20
23 U.S.C. 1001)).

1 (4) MRIP.—The term “MRIP” means the Ma-
2 rine Recreational Information Program of the Na-
3 tional Marine Fisheries Service.

4 (5) NATIONAL ACADEMIES.—The term “Na-
5 tional Academies” means the National Academies of
6 Sciences, Engineering, and Medicine.

7 (6) PSE.—The term “PSE” means the percent
8 standard error.

9 (7) PULSE SPECIES.—The term “pulse species”
10 means a species that, due to regulatory constraints
11 or the movement or availability of the species on a
12 seasonal basis—

13 (A) is caught—

14 (i) on an intermittent or infrequent
15 basis; or

16 (ii) only during an abbreviated time-
17 frame; and

18 (B) is likely not sampled in a representa-
19 tive manner by data collected through the
20 MRIP.

21 (8) REGIONAL FISHERY MANAGEMENT COUN-
22 CIL.—The term “Regional Fishery Management
23 Council” means a Regional Fishery Management
24 Council established under section 302 of the Magnu-

1 son-Stevens Fishery Conservation and Management
2 Act (16 U.S.C. 1852).

3 (9) REGIONAL STATE FISHERIES COMMIS-
4 SION.—The term “regional State fisheries commis-
5 sion” means each of—

6 (A) the Atlantic States Marine Fisheries
7 Commission;

8 (B) the Gulf States Marine Fisheries Com-
9 mission; and

10 (C) the Pacific States Marine Fisheries
11 Commission.

12 (10) SCIENTIFIC AND STATISTICAL COM-
13 MITTEE.—The term “scientific and statistical com-
14 mittee” means a scientific and statistical committee
15 established pursuant to section 302(g) of the Mag-
16 nuson-Stevens Fishery Conservation and Manage-
17 ment Act (16 U.S.C. 1852(g)).

18 (11) SEASONAL FISHERY.—The term “seasonal
19 fishery” means a fishery—

20 (A) that is subject to an annual closed sea-
21 son; or

22 (B) that may be affected by in- or post-
23 season accountability measures that result in
24 fishing or harvest closures.

1 (12) STANDING COMMITTEE.—The term
2 “standing committee” means the standing com-
3 mittee established pursuant to section 2(b)(1).

4 (13) STOCK OF FISH.—The term “stock of
5 fish” has the meaning given the term in section 3
6 of the Magnuson-Stevens Fishery Conservation and
7 Management Act (16 U.S.C. 1802).

8 (14) WAVE.—The term “wave” means the
9 shortest period in which MRIP data are aggregated
10 and reported for use in management decisions.

11 **SEC. 3. RECREATIONAL FISHING DATA COLLECTION RE-**
12 **FORM.**

13 (a) IN GENERAL.—The Administrator shall reform
14 the MRIP in effect as of the date of the enactment of
15 this section to meet the unique needs of individual regions
16 and States, taking into consideration the needs of State-
17 level programs related to recreational fishing catch and
18 effort surveys in effect as of the date of the enactment
19 of this section to ensure that such reform does not unne-
20 cessarily dilute the effectiveness of such programs.

21 (b) NATIONAL ACADEMIES.—

22 (1) STANDING COMMITTEE.—

23 (A) IN GENERAL.—The Administrator
24 shall enter into an agreement with the National
25 Academies to establish a standing committee

1 within the National Academies that shall meet
2 regularly to discuss issues related to rec-
3 reational fisheries data collection and manage-
4 ment.

5 (B) INDEPENDENCE.—In carrying out this
6 subsection, the standing committee shall oper-
7 ate independently and without the influence of
8 the Administrator.

9 (C) COMPOSITION.—The standing com-
10 mittee shall include individuals who are experts
11 in recreational fisheries data collection and
12 management, including representatives from
13 State fish and wildlife agencies.

14 (2) CONSULTATION REGARDING PSE.—

15 (A) IN GENERAL.—If the PSE for data
16 collected through the MRIP for a given sea-
17 sonal fishery reaches or exceeds 30 percent in
18 a given wave, or if a State submits a petition
19 with respect to a given seasonal fishery under
20 paragraph (4), the Administrator shall consult
21 with the standing committee regarding op-
22 tions—

23 (i) to reduce the PSE of such sea-
24 sonal fishery; or

1 (ii) if reducing the PSE is not prac-
2 ticable, to adjust the management of such
3 seasonal fishery, including by using the
4 management approaches described in sec-
5 tion 302(h)(8) of the Magnuson-Stevens
6 Fishery Conservation and Management Act
7 (16 U.S.C. 1852(h)(8)) or multi-year an-
8 nual catch limits.

9 (B) REPORT.—After the Administrator
10 consults with the standing committee under
11 subparagraph (A) with respect to a seasonal
12 fishery described in that subparagraph, the Ad-
13 ministrator shall, not later than 6 months after
14 the date on which either the PSE for data col-
15 lected through the MRIP for such seasonal fish-
16 ery exceeds 30 percent in a given wave or the
17 Administrator receives a petition submitted by
18 a State under paragraph (4), publish a report
19 specifying—

20 (i) the options considered under that
21 subparagraph (A);

22 (ii) the recommendation of the Ad-
23 ministrator regarding how—

1 (I) to reduce the PSE for data
2 collected through the MRIP for such
3 seasonal fishery; or

4 (II) to adjust the management of
5 such seasonal fishery in a manner
6 that allows continued access and con-
7 siders recommendations contained in
8 the report submitted to Congress
9 under section 102 of the Modernizing
10 Recreational Fisheries Management
11 Act of 2018 (Public Law 115–405);
12 and

13 (iii) the reasoning, written in a man-
14 ner easily understood by the public, for
15 giving such recommendation.

16 (C) REGIONAL FISHERY MANAGEMENT
17 COUNCIL.—If the Administrator publishes a re-
18 port under subparagraph (B) with respect to a
19 seasonal fishery described in subparagraph (A),
20 the Administrator shall send such report to the
21 relevant Regional Fishery Management Council
22 for consideration.

23 (3) CONSIDERATION.—In carrying out para-
24 graphs (1) and (2), the Administrator and the

1 standing committee shall consider issues including
2 the following:

3 (A) Whether the data collected through the
4 MRIP is appropriate and useful for manage-
5 ment decisions, including options to improve
6 data collection methods.

7 (B) The extent to which existing and po-
8 tential data collection options are—

9 (i) burdensome to anglers; and

10 (ii) an efficient or appropriate use of
11 resources.

12 (C) Whether and to what extent specific
13 recommendations from the report published by
14 the National Academies titled “Data and Man-
15 agement Strategies for Recreational Fisheries
16 with Annual Catch Limits” (2021) and other
17 relevant National Academies activities can and
18 should be applied in light of the particular con-
19 text of the fishery being considered.

20 (4) PETITION TO INITIATE CONSULTATION.—A
21 State may submit to the Administrator a petition for
22 the Administrator to initiate the consultation process
23 under paragraph (2) with respect to a given seasonal
24 fishery if—

1 (A) the PSE for data collected through the
2 MRIP for such seasonal fishery is—

3 (i) significantly greater or less than
4 the preceding 3-year average PSE for such
5 seasonal fishery; or

6 (ii) substantially greater than the
7 PSE for data collected through State sur-
8 veys for such seasonal fishery; or

9 (B) data collected through the MRIP for
10 such seasonal fishery is unreliable because the
11 stock of fish of such seasonal fishery is—

12 (i) infrequently encountered through
13 MRIP surveys; or

14 (ii) a pulse species.

15 (5) COMBINED REPORTS.—In carrying out this
16 subsection, the Administrator may carry out a single
17 consultation with the standing committee under
18 paragraph (2) with respect to 2 or more species if
19 the Administrator and the standing committee joint-
20 ly determine the underlying issues that triggered the
21 consultation are highly similar.

22 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
23 tion may be construed to override the role of the scientific
24 and statistical committees in advising the Regional Fish-

1 ery Management Councils regarding recommendations de-
2 veloped pursuant to this section.

3 **SEC. 4. STATE RECREATIONAL FISHERY CATCH AND EF-**
4 **FORT DATA COLLECTION.**

5 (a) STATE RECREATIONAL FISHERY CATCH AND EF-
6 FORT DATA COLLECTION PROGRAM.—

7 (1) IN GENERAL.—A State may, subject to the
8 approval of the Administrator, carry out a program
9 within the waters of such State and Federal waters
10 to collect recreational fishing catch and effort data
11 for individual, or sets, of species that are federally
12 managed.

13 (2) REQUIREMENTS.—If a State carries out a
14 program under paragraph (1), the head of such pro-
15 gram shall—

16 (A) ensure that such program complies
17 with paragraph (3);

18 (B) collect recreational fishery catch and
19 effort data with respect to such State;

20 (C) report such data that is necessary for
21 Federal management to the Administrator in a
22 manner and timeliness that complies with sec-
23 tion 401 of the Magnuson-Stevens Fishery Con-
24 servation and Management Act (16 U.S.C.
25 1881); and

1 (D) take into consideration the burden of
2 such program to the average angler such that
3 such program is not overly burdensome to the
4 point that substantial noncompliance would be
5 expected.

6 (3) DATA REQUIREMENTS.—The Administrator,
7 in consultation with the regional State fisheries com-
8 missions, shall, with respect to data collected
9 through a recreational fishery catch and effort data
10 collection program of a State carried out under this
11 subsection—

12 (A) establish universal standards regarding
13 the collection of such data, including ensuring
14 that such standards—

15 (i) allow for flexibility in the design of
16 such programs to account for differences
17 in recreational fishing activity between
18 States; and

19 (ii) facilitate the collection of com-
20 parable data between States within a re-
21 gion for the purposes of stock assessments
22 and management;

23 (B) establish such data as the baseline for
24 the calibration of historic estimates of rec-
25 reational catch; and

1 (C) use such data to establish catch limits
2 and monitor landings without calibration to any
3 Federal program, including the MRIP.

4 (4) USE OF STATE DATA.—

5 (A) IN GENERAL.—Data collected through
6 a State program carried out under this sub-
7 section may be used in Federal stock assess-
8 ments and regulatory actions.

9 (B) MRIP.—If a State collects data pursu-
10 ant to this subsection that is collected pursuant
11 to the MRIP, the Administrator shall use the
12 data collected by the State in place of the data
13 collected pursuant to the MRIP.

14 (5) SUBSEQUENT FUNDING.—Upon approval by
15 the Administrator of a recreational fishery catch and
16 effort data collection program of a State under para-
17 graph (1), funding previously allocated to such State
18 for the collection of recreational fishery catch and ef-
19 fort data through the MRIP shall continue to be al-
20 located to such State for such State to carry out
21 such program of the State.

22 (b) GRANT PROGRAM.—

23 (1) IN GENERAL.—Not later than 180 days
24 after the date of the enactment of this section, the
25 Administrator shall establish and carry out a grant

1 program to award amounts to States to develop,
2 with respect to each such State, a new, or improve
3 an existing, program described in subsection (a).

4 (2) APPLICATIONS.—To be eligible for a grant
5 under this subsection, a State shall submit to the
6 Administrator an application in such form, at such
7 time, and containing such information as the Admin-
8 istrator determines appropriate.

9 (3) USE OF FUNDS.—A State that is awarded
10 a grant under this subsection shall use such
11 award—

12 (A) to support the development or im-
13 provement of a program described in subsection
14 (a) of such State;

15 (B) to enhance the timeliness of reporting
16 by such State of data collected by such State
17 through such program; and

18 (C) to increase the accuracy and precision
19 of the data collected by such State pursuant to
20 such program.

21 (4) PRIORITY.—In awarding grants under this
22 subsection, the Administrator shall give priority to
23 applications—

1 (A) based on the ability of the award to re-
2 duce the uncertainty of data collected through
3 the MRIP, including with respect to—

4 (i) economically or socially important
5 species;

6 (ii) species a fishery of which is at
7 risk of closure; and

8 (iii) species a fishery of which is at
9 risk of closing another fishery because the
10 management of both fisheries are inter-
11 mingled; and

12 (B) that would alter or improve an existing
13 State program carried out under subsection (a)
14 to meet the requirements under subsection
15 (a)(3).

16 (c) REPORT.—On the date that is 2 years after the
17 date of the enactment of this section, and biennially there-
18 after, the Administrator shall submit to the appropriate
19 congressional committees and make publicly available a re-
20 port regarding the implementation of this section that in-
21 cludes—

22 (1) the number of States that have participated
23 in the grant program established under subsection
24 (b);

1 (2) a description of each State recreational fish-
2 ery catch and effort data collection program;

3 (3) a description of how the Administrator in-
4 corporates data collected pursuant to each such pro-
5 gram in fishery stock assessments, fishery manage-
6 ment decisions, and catch monitoring; and

7 (4) an analysis regarding the improvement in
8 data precision and the accuracy of data collected
9 pursuant to each such program compared to data
10 collected through the MRIP.

11 (d) **RULE OF CONSTRUCTION.**—Nothing in this sec-
12 tion may be construed to negate, uncertify, or otherwise
13 undo existing State programs to collect recreational fish-
14 ing catch and effort data.

15 **SEC. 5. HEALTHY FISHERIES THROUGH BETTER SCIENCE.**

16 (a) **DEFINITION OF STOCK ASSESSMENT.**—Section 3
17 of the Magnuson-Stevens Fishery Conservation and Man-
18 agement Act (16 U.S.C. 1802) is amended—

19 (1) by redesignating paragraphs (43) through
20 (50) as paragraphs (44) through (51), respectively;

21 (2) by inserting after paragraph (42) the fol-
22 lowing:

23 “(43) The term ‘stock assessment’ means an
24 evaluation of the past, present, and future status of
25 a stock of fish, including—

1 “(A) a range of life history characteristics
2 for such stock of fish, including, to the extent
3 practicable—

4 “(i) the geographical boundaries of
5 such stock of fish; and

6 “(ii) information regarding age,
7 growth, natural mortality, sexual maturity
8 and reproduction, feeding habits, and habi-
9 tat preferences of such stock of fish; and
10 “(B) fishing for the stock of fish.”; and

11 (3) by redesignating the second paragraph (33)
12 as paragraph (52).

13 (b) STOCK ASSESSMENT PLAN.—

14 (1) IN GENERAL.—Section 404 of the Mag-
15 son-Stevens Fishery Conservation and Management
16 Act (16 U.S.C. 1881e) is amended by adding at the
17 end the following:

18 “(f) STOCK ASSESSMENT PLAN.—

19 “(1) IN GENERAL.—The Secretary shall develop
20 and publish in the Federal Register, on the same
21 schedule as required for each strategic plan required
22 under subsection (b), a plan to conduct stock assess-
23 ments for priority stocks of fish for which a fishery
24 management plan is in effect under this Act.

1 “(2) CONTENTS.—Each plan described in para-
2 graph (1) shall—

3 “(A) for each priority stock of fish for
4 which a stock assessment has previously been
5 conducted—

6 “(i) establish a schedule for updating
7 the stock assessment that is reasonable
8 given the biology and characteristics of the
9 stock of fish; and

10 “(ii) subject to the availability of ap-
11 propriations, require completion of a new
12 stock assessment, or an update of the most
13 recent stock assessment—

14 “(I) every 5 years; or

15 “(II) within such other time pe-
16 riod specified and justified by the Sec-
17 retary in the plan;

18 “(B) for each priority stock of fish for
19 which a stock assessment has not previously
20 been conducted—

21 “(i) establish a schedule for con-
22 ducting an initial stock assessment that is
23 reasonable given the biology and character-
24 istics of the stock; and

1 “(ii) subject to the availability of ap-
2 propriations, require completion of the ini-
3 tial stock assessment not later than 3
4 years after the date on which the plan is
5 published in the Federal Register unless
6 another time period is specified and justi-
7 fied by the Secretary in the plan; and

8 “(C)(i) identify data and analysis, includ-
9 ing both data and analysis that is and is not
10 available at the time the plan is prepared, that
11 would reduce the uncertainty, improve the accu-
12 racy, and increase the efficiency of future stock
13 assessments; and

14 “(ii) with respect to data and analysis
15 identified under clause (i), determine whether
16 such data and analysis could be provided by
17 fishermen, fishing communities, universities,
18 and research institutions, to the extent that the
19 use of such data would be consistent with the
20 requirements in section 301(a)(2).

21 “(3) WAIVER OF STOCK ASSESSMENT REQUIRE-
22 MENT.—Notwithstanding subparagraphs (A)(ii) and
23 (B)(ii) of paragraph (2), a stock assessment is not
24 required for a stock of fish in the plan described in
25 paragraph (1) if the Secretary determines that such

1 stock assessment is not necessary and justifies such
2 determination in the Federal Register notice re-
3 quired by this subsection.”.

4 (2) DEADLINE.—Notwithstanding section
5 404(f)(1) of the Magnuson-Stevens Fishery Con-
6 servation and Management Act (16 U.S.C.
7 1881c(f)(1)), as added by this section, the Secretary
8 of Commerce shall issue the first stock assessment
9 plan under section 404(f) of the Magnuson-Stevens
10 Fishery Conservation and Management Act (16
11 U.S.C. 1881c(f)), as added by this section, not later
12 than 2 years after the date of the enactment of this
13 section.

14 **SEC. 6. FISHERY-INDEPENDENT SURVEYS BY INDE-**
15 **PENDENT ENTITIES.**

16 (a) IN GENERAL.—The Administrator shall establish
17 a program to enter into contracts with independent enti-
18 ties on a competitive basis under which such independent
19 entities shall conduct fishery-independent surveys de-
20 signed to estimate the absolute abundance of stocks of fish
21 included in the Fish Stock Sustainability Index on behalf
22 of the Administrator.

23 (b) APPLICATIONS.—To be eligible to enter into a
24 contract under the program established under subsection
25 (a), an independent entity shall submit to the Adminis-

1 trator an application in such form, at such time, and con-
2 taining such information as the Administrator determines
3 appropriate, including evidence of the following:

4 (1) Use by the independent entity of modern or
5 cutting-edge science.

6 (2) The ability of the independent entity to
7 handle data in a reliable manner.

8 (c) USE OF DATA.—Upon favorable peer review, the
9 Administrator, in consultation with the relevant scientific
10 and statistical committees and independent entity and
11 with consideration of the report submitted under section
12 7, shall incorporate data collected pursuant to a fishery-
13 independent abundance survey conducted by an inde-
14 pendent entity under the program established under sub-
15 section (a) in management decisions.

16 (d) REPORT.—The Administrator shall annually sub-
17 mit to the Committee on Natural Resources of the House
18 of Representatives and the Committee on Commerce,
19 Science, and Transportation of the Senate a report re-
20 garding the findings of surveys conducted pursuant to this
21 section and the incorporation of the results of such surveys
22 in management decisions pursuant to subsection (c).

23 **SEC. 7. REPORT.**

24 Not later than 1 year after the date of the enactment
25 of this section, the National Academies, in consultation

1 with the Harte Research Institute for Gulf of Mexico
2 Studies, shall submit to the Committee on Natural Re-
3 sources of the House of Representatives and the Com-
4 mittee on Commerce, Science, and Transportation of the
5 Senate and make publicly available a report regarding—

6 (1) the incorporation of the results of the study
7 titled “Estimating the Absolute Abundance of Age-
8 2+ Red Snapper (*Lutjanus campechanus*) in the
9 U.S. Gulf of Mexico” (August 16, 2021) in manage-
10 ment decisions of the National Marine Fisheries
11 Service; and

12 (2) recommendations regarding the incorpora-
13 tion of data collected pursuant to section 6 in man-
14 agement decisions of the National Marine Fisheries
15 Service.

16 **SEC. 8. TRANSPARENCY AND PUBLIC PROCESS.**

17 (a) **ADVICE.**—Section 302(g)(1)(B) of the Magnuson-
18 Stevens Fishery Conservation and Management Act (16
19 U.S.C. 1852(g)(1)(B)) is amended by adding at the end
20 the following: “Each scientific and statistical committee
21 shall develop such advice in a transparent manner and
22 allow for public involvement in the process.”.

23 (b) **MEETINGS.**—Section 302(i)(2) of the Magnuson-
24 Stevens Fishery Conservation and Management Act (16

1 U.S.C. 1852(i)(2)) is amended by adding at the end the
2 following:

3 “(G) Each Council shall make available on the
4 Internet website of the Council—

5 “(i) with respect to each meeting of the
6 Council and Council coordination committee es-
7 tablished under subsection (1) that is not closed
8 in accordance with paragraph (3), to the extent
9 practicable, a Webcast, live audio recording, or
10 live broadcast of each such meeting; and

11 “(ii) with respect to each meeting of the
12 Council and of the scientific and statistical
13 committee established by the Council under
14 subsection (g)(1)(A) that is not closed in ac-
15 cordance with paragraph (3), by not later than
16 30 days after the conclusion of each such meet-
17 ing, an audio or video (if the meeting was held
18 in person or by video conference) recording or
19 a searchable audio or written transcript of each
20 such meeting.

21 “(H) The Secretary shall maintain and make
22 available to the public an archive of each recording
23 and transcript made available under subparagraph
24 (G).”.