

1 “(2) STATE PROGRAMS.—The Secretary shall
2 exempt from registration under the program rec-
3 reational fishermen and charter fishing vessels li-
4 censed, permitted, or registered under the laws of a
5 State if the Secretary determines that information
6 from the State program is suitable for the Sec-
7 retary’s use or is used to assist in completing marine
8 recreational fisheries statistical surveys, or evalu-
9 ating the effects of proposed conservation and man-
10 agement measures for marine recreational fisheries.

11 “(3) DATA COLLECTION.—

12 “(A) IMPROVEMENT OF THE MARINE REC-
13 REATIONAL FISHERY STATISTICS SURVEY.—
14 Within 24 months after the date of enactment
15 of the Magnuson-Stevens Fishery Conservation
16 and Management Reauthorization Act of 2006,
17 the Secretary, in consultation with representa-
18 tives of the recreational fishing industry and ex-
19 perts in statistics, technology, and other appro-
20 priate fields, shall establish a program to im-
21 prove the quality and accuracy of information
22 generated by the Marine Recreational Fishery
23 Statistics Survey, with a goal of achieving ac-
24 ceptable accuracy and utility for each individual
25 fishery.

1 “(B) NRC REPORT RECOMMENDATIONS.—

2 The program shall take into consideration and,
3 to the extent feasible, implement the rec-
4 ommendations of the National Research Council
5 in its report Review of Recreational Fisheries
6 Survey Methods (2006), including—

7 “(i) redesigning the Survey to improve
8 the effectiveness and appropriateness of
9 sampling and estimation procedures, its
10 applicability to various kinds of manage-
11 ment decisions, and its usefulness for so-
12 cial and economic analyses; and

13 “(ii) providing for ongoing technical
14 evaluation and modification as needed to
15 meet emerging management needs.

16 “(C) METHODOLOGY.—Unless the Sec-
17 retary determines that alternate methods will
18 achieve this goal more efficiently and effec-
19 tively, the program shall, to the extent possible,
20 include—

21 “(i) an adequate number of intercepts
22 to accurately estimate recreational catch
23 and effort;

24 “(ii) use of surveys that target anglers
25 registered or licensed at the State or Fed-

1 eral level to collect participation and effort
2 data;

3 “(iii) collection and analysis of vessel
4 trip report data from charter fishing ves-
5 sels;

6 “(iv) development of a weather correc-
7 tive factor that can be applied to rec-
8 reational catch and effort estimates; and

9 “(v) an independent committee com-
10 posed of recreational fishermen, academics,
11 persons with expertise in stock assessments
12 and survey design, and appropriate per-
13 sonnel from the National Marine Fisheries
14 Service to review the collection estimates,
15 geographic, and other variables related to
16 dockside intercepts and to identify defi-
17 ciencies in recreational data collection, and
18 possible correction measures.

19 “(D) DEADLINE.—The Secretary shall
20 complete the program under this paragraph and
21 implement the improved Marine Recreational
22 Fishery Statistics Survey not later than Janu-
23 ary 1, 2009.

24 “(4) REPORT.—Within 24 months after estab-
25 lishment of the program, the Secretary shall submit

1 a report to Congress that describes the progress
2 made toward achieving the goals and objectives of
3 the program.”.

4 **SEC. 202. COLLECTION OF INFORMATION.**

5 Section 402(a) (16 U.S.C. 1881a(a)) is amended—

6 (1) by striking “(a) COUNCIL REQUESTS.—” in
7 the subsection heading and inserting “(a) COLLEC-
8 TION PROGRAMS.—”;

9 (2) by resetting the text following “(a) COLLEC-
10 TION PROGRAMS.—” as a new paragraph 2 ems
11 from the left margin;

12 (3) by inserting “(1) COUNCIL REQUESTS.—”
13 before “If a Council”;

14 (4) by striking “subsection” in the last sentence
15 and inserting “paragraph”;

16 (5) by striking “(other than information that
17 would disclose proprietary or confidential commercial
18 or financial information regarding fishing operations
19 or fish processing operations)” each place it appears;
20 and

21 (6) by adding at the end the following:

22 “(2) SECRETARIAL INITIATION.—If the Sec-
23 retary determines that additional information is nec-
24 essary for developing, implementing, revising, or
25 monitoring a fishery management plan, or for deter-

1 mining whether a fishery is in need of management,
2 the Secretary may, by regulation, implement an in-
3 formation collection or observer program requiring
4 submission of such additional information for the
5 fishery.”.

6 **SEC. 203. ACCESS TO CERTAIN INFORMATION.**

7 (a) IN GENERAL.—Section 402(b) (16 U.S.C.
8 1881a(b)) is amended—

9 (1) by redesignating paragraph (2) as para-
10 graph (3) and resetting it 2 ems from the left mar-
11 gin;

12 (2) by striking all preceding paragraph (3), as
13 redesignated, and inserting the following:

14 “(b) CONFIDENTIALITY OF INFORMATION.—

15 “(1) Any information submitted to the Sec-
16 retary, a State fishery management agency, or a ma-
17 rine fisheries commission by any person in compli-
18 ance with the requirements of this Act shall be con-
19 fidential and shall not be disclosed except—

20 “(A) to Federal employees and Council em-
21 ployees who are responsible for fishery manage-
22 ment plan development, monitoring, or enforce-
23 ment;

24 “(B) to State or Marine Fisheries Commis-
25 sion employees as necessary to further the De-