

114TH CONGRESS
2D SESSION

S. 3099

To preserve and enhance saltwater fishing opportunities for recreational anglers, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 23, 2016

Mr. NELSON (for himself and Mr. RUBIO) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To preserve and enhance saltwater fishing opportunities for recreational anglers, 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 “Access for Sportfishing
5 Act of 2016”.

6 **SEC. 2. FISHERY MANAGEMENT MEASURES IN BISCAYNE**
7 **NATIONAL PARK.**

8 (a) IN GENERAL.—Notwithstanding anything to the
9 contrary in section 103 of Public Law 96–287 (16 U.S.C.
10 410gg–2), the Secretary of the Interior may not imple-

1 ment or enforce any restrictions on recreational fishing,
2 charter fishing, or commercial fishing in any portion of
3 Biscayne National Park, developed as part of any general
4 management plan, fishery management plan, or other
5 measure adopted after December 31, 2014.

6 (b) EXCEPTION.—Notwithstanding the general prohi-
7 bition under subsection (a), the Secretary of the Interior
8 may implement and enforce restrictions on recreational
9 fishing, charter fishing, or commercial fishing in any por-
10 tion of Biscayne National Park as part of a park fishery
11 management plan if the restrictions are—

12 (1) developed in formal coordination and con-
13 sultation with the Fish and Wildlife Conservation
14 Commission of the State of Florida;

15 (2) based upon the best and most recent sci-
16 entific information available regarding the fishery re-
17 sources in Biscayne National Park, with priority
18 given to scientific information relied upon by the
19 State of Florida for fish conservation and manage-
20 ment in State waters;

21 (3) the least restrictive measures necessary for
22 effective fish conservation and management that will
23 provide the best fishing opportunities in the affected
24 areas of the park on a continuing basis, such as—

25 (A) size limits;

1 (B) possession limits;

2 (C) gear restrictions or requirements;

3 (D) seasonal closures; and

4 (E) access permits; and

5 (4) for the sole purpose of fishery conservation
6 and management.

7 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
8 tion may be construed to apply to lands, waters, or inter-
9 ests donated by the State of Florida after June 28, 1980,
10 to the administrative jurisdiction of the National Park
11 Service for the purpose of the Biscayne National Park.
12 Fishing on such lands and waters shall continue to be in
13 conformance with State law.

14 (d) DEFINITIONS.—

15 (1) IN GENERAL.—In this section, the terms
16 “fish”, “fishery resource”, “fishing”, “charter fish-
17 ing”, “commercial fishing”, “conservation and man-
18 agement”, and “recreational fishing” have the mean-
19 ings given those terms in section 3 of the Magnuson-
20 Stevens Fishery Conservation and Management Act
21 (16 U.S.C. 1802).

22 (2) DEFINITION OF FORMAL COORDINATION
23 AND CONSULTATION.—In this section, the term “for-
24 mal coordination and consultation” means a process
25 memorialized in a memorandum of understanding

1 between Biscayne National Park and the Fish and
 2 Wildlife Conservation Commission of the State of
 3 Florida.

4 **SEC. 3. SHARK CONSERVATION ACT OF 2010.**

5 (a) IN GENERAL.—The Act entitled “An Act to
 6 amend the High Seas Driftnet Fishing Moratorium Pro-
 7 tection Act and the Magnuson-Stevens Fishery Conserva-
 8 tion and Management Act to improve the conservation of
 9 sharks”, approved January 4, 2011 (Public Law 111–348;
 10 124 Stat. 3668), is amended—

11 (1) by striking section 104 and inserting the
 12 following:

13 **“SEC. 104. PROHIBITION ON SHARK FEEDING.**

14 “(a) PROHIBITION.—Except as provided in section
 15 317 of the Magnuson-Stevens Fishery Conservation and
 16 Management Act (16 U.S.C. 1866), it is unlawful for any
 17 person—

18 “(1) to engage in shark feeding; or

19 “(2) to operate a vessel for the purpose of car-
 20 rying a passenger for hire to any site to engage in
 21 shark feeding or to observe shark feeding.

22 “(b) ADDITIONAL PROHIBITED ACTS.—It is unlawful
 23 for any person—

24 “(1) to violate this section or any regulation
 25 promulgated under this section;

1 “(2) to refuse to permit any officer authorized
2 to enforce the provisions of this section to board a
3 fishing vessel subject to such person’s control for
4 purposes of conducting any search or inspection in
5 connection with the enforcement of this section or
6 any regulation promulgated under the section;

7 “(3) to forcibly assault, resist, oppose, impede,
8 intimidate, or interfere with any such authorized of-
9 ficer in the conduct of any search or inspection de-
10 scribed in paragraph (2);

11 “(4) to resist a lawful arrest for any act prohib-
12 ited by this section; or

13 “(5) to interfere with, delay, or prevent, by any
14 means, the apprehension or arrest of another person,
15 knowing that such other person has committed any
16 act prohibited by this section.

17 “(c) LIMITATION.—Any incidental feeding or attract-
18 ing of a shark in the course of educational or scientific
19 research conducted under a permit issued by the Secretary
20 of Commerce or lawful fishing under the Magnuson-Ste-
21 vens Fishery Conservation and Management Act (16
22 U.S.C. 1801 et seq.) shall not be considered a violation
23 of this section.

24 “(d) CIVIL PENALTY.—Any person who commits any
25 act that is unlawful under subsection (a) or subsection (b)

1 of this section shall be liable to the United States for a
2 civil penalty under section 308 of the Magnuson-Stevens
3 Fishery Conservation and Management Act (16 U.S.C.
4 1858).

5 “(e) CRIMINAL PENALTY.—Any person who commits
6 an act that is unlawful under paragraph (2), (3), (4), or
7 (5) of subsection (b) of this section is deemed to be guilty
8 of an offense punishable under section 309(b) of the Mag-
9 nuson-Stevens Fishery Conservation and Management Act
10 (16 U.S.C. 1859(b)).

11 “(f) ENFORCEMENT.—

12 “(1) IN GENERAL.—The Secretary of Com-
13 merce and the Secretary of the department in which
14 the Coast Guard is operating shall prevent any per-
15 son from violating this section in the same manner,
16 by the same means, and with the same jurisdiction,
17 powers, and duties as though sections 308 through
18 311 of the Magnuson-Stevens Fishery Conservation
19 and Management Act (16 U.S.C. 1858, 1859, 1860,
20 1861) were incorporated into and made a part of
21 this Act.

22 “(2) PENALTIES AND PRIVILEGES.—Any person
23 who violates this section is subject to the penalties
24 and entitled to the privileges and immunities pro-
25 vided in the Magnuson-Stevens Fishery Conservation

1 and Management Act (16 U.S.C. 1801 et seq.) in
 2 the same manner and by the same means as though
 3 sections 308 through 311 of the Magnuson-Stevens
 4 Fishery Conservation and Management Act (16
 5 U.S.C. 1858, 1859, 1860, 1861) were incorporated
 6 into and made a part of this Act.

7 “(g) DEFINITIONS.—In this section:

8 “(1) PASSENGER FOR HIRE.—The term ‘pas-
 9 senger for hire’ has the meaning given that term in
 10 section 2101(21a) of title 46, United States Code.

11 “(2) SHARK FEEDING.—The term ‘shark feed-
 12 ing’ means the introduction of food or any other
 13 substance into the water to feed or attract sharks
 14 for any purpose other than to harvest sharks.

15 **“SEC. 105. RULE OF CONSTRUCTION.**

16 “Nothing in this Act or the amendments made by this
 17 Act shall be construed as affecting, altering, or dimin-
 18 ishing in any way the authority of the Secretary of Com-
 19 merce to establish such conservation and management
 20 measures as the Secretary considers appropriate under
 21 sections 302(a)(3) and 304(g) of the Magnuson-Stevens
 22 Fishery Conservation and Management Act (16 U.S.C.
 23 1852(a)(3) and 1854(g)).”; and

24 (2) in section 1, by striking the item relating to
 25 section 104 and inserting the following:

“Sec. 104. Prohibition on shark feeding.

“Sec. 105. Rule of construction.”.

1 (b) **RELATION TO OTHER LAWS.**—Nothing in this
 2 section or the amendments made by this Act supercedes
 3 more restrictive State laws or regulations regarding shark
 4 feeding in State waters.

5 **SEC. 4. BILLFISH CONSERVATION ACT OF 2012.**

6 (a) **EXEMPTIONS FOR TRADITIONAL FISHERIES AND**
 7 **MARKETS.**—Section 4(c)(1) of the Billfish Conservation
 8 Act of 2012 (16 U.S.C. 1827a(c)(1)) is amended by in-
 9 serting “and retained” after “landed”.

10 (b) **DEADLINE FOR ISSUANCE OF FINAL REGULA-**
 11 **TIONS.**—The Secretary of Commerce shall issue a final
 12 rule implementing the Billfish Conservation Act of 2012
 13 (16 U.S.C. 1827a), as amended by this Act, not later than
 14 45 days after the date of enactment of this Act.

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