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

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”.

June 22, 2016 (5:32 p.m.)
SEC. 2. FISHERY MANAGEMENT MEASURES IN BISCAYNE NATIONAL PARK.

(a) IN GENERAL.—Notwithstanding anything to the contrary in section 103 of Public Law 96–287 (16 U.S.C. 410gg-2), the Secretary of the Interior may not implement or enforce any restrictions on recreational fishing, charter fishing, or commercial fishing in any portion of Biscayne National Park, developed as part of any general management plan, fishery management plan, or other measure adopted after December 31, 2014.

(b) EXCEPTION.—Notwithstanding the general prohibition under subsection (a), the Secretary of the Interior may implement and enforce restrictions on recreational fishing, charter fishing, or commercial fishing any portion of Biscayne National Park as part of a park fishery management plan if the restrictions are—

(1) developed in formal coordination and consultation with the Fish and Wildlife Conservation Commission of the State of Florida;

(2) based upon the best and most recent scientific information available regarding the fishery resources in Biscayne National Park, with priority given to scientific information relied upon by the State of Florida for fish conservation and management in State waters;
(3) the least restrictive measures necessary for effective fish conservation and management that will provide the best fishing opportunities in the affected areas of the park on a continuing basis, such as—

(A) size limits;

(B) possession limits;

(C) gear restrictions or requirements;

(D) seasonal closures; and

(E) access permits; and

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

(c) Rule of Construction.—Nothing in this section may be construed to apply to lands, waters, or interests donated by the State of Florida after June 28, 1980, to the administrative jurisdiction of the National Park Service for the purpose of the Biscayne National Park. Fishing on such lands and waters shall continue to be in conformance with State law.

(d) Definitions.—

(1) In General.—In this section, the terms “fish”, “fishery resource”, “fishing”, “charter fishing”, “commercial fishing”, “conservation and management”, and “recreational fishing” have the meanings given those terms in section 3 of the Magnuson-
Stevens Fishery Conservation and Management Act

(2) DEFINITION OF FORMAL COORDINATION
AND CONSULTATION.—In this section, the term “for-
mal coordination and consultation” means a process
memorialized in a memorandum of understanding
between Biscayne National Park and the Fish and
Wildlife Conservation Commission of the State of
Florida.

SEC. 3. SHARK CONSERVATION ACT OF 2010.

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

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

“SEC. 104. PROHIBITION ON SHARK FEEDING.

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

“(1) to engage in shark feeding; or
“(2) to operate a vessel for the purpose of carrying a passenger for hire to any site to engage in shark feeding or to observe shark feeding.

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

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

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

“(3) to forcibly assault, resist, oppose, impede, intimidate, or interfere with any such authorized officer in the conduct of any search or inspection described in paragraph (2);

“(4) to resist a lawful arrest for any act prohibited by this section; or

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

“(c) LIMITATION.—Any incidental feeding or attracting of a shark in the course of educational or scientific
research conducted under a permit issued by the Secretary of Commerce or lawful fishing under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq) shall not be considered a violation of this section.

“(d) CIVIL PENALTY.—Any person who commits any act that is unlawful under subsection (a) or subsection (b) of this section shall be liable to the United States for a civil penalty under section 308 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1858).

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

“(f) ENFORCEMENT.—

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

“(2) PENALTIES AND PRIVILEGES.—Any person who violates this section is subject to the penalties and entitled to the privileges and immunities provided in the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) in the same manner and by the same means as though sections 308 through 311 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1858, 1859, 1860, 1861) were incorporated into and made a part of this Act.

“(g) DEFINITIONS.—In this section:

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

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

“SEC. 105. RULE OF CONSTRUCTION.

“Nothing in this Act or the amendments made by this Act shall be construed as affecting, altering, or diminishing in any way the authority of the Secretary of Com-
merce to establish such conservation and management
measures as the Secretary considers appropriate under
sections 302(a)(3) and 304(g) of the Magnuson-Stevens
Fishery Conservation and Management Act (16 U.S.C.
1852(a)(3) and 1854(g)).”; and
(2) in section 1, by striking the item relating to
section 104 and inserting the following:

“Sec. 104. Prohibition on shark feeding.
“Sec. 105. Rule of construction.”.

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

SEC. 4. BILLFISH CONSERVATION ACT OF 2012.

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

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