

**S. 1403, the Florida Fisheries Improvement Act**

**Sponsor – Senator Rubio (R-Florida)**

Note – information in bold indicates a provision that would affect Council operations or affect Gulf fisheries.

Section	Summary	Impacts	Relation to Other Bills
Section 101 – Regional Fishery Management Councils.	<p><b>Would require Governors making nominations to the Gulf of Mexico Council or the South Atlantic Council to submit at least 1 nominee from each of the commercial, recreational, and charter fishing sectors and at least 1 other nominee who is knowledgeable regarding conservation and management of fishery resources under the Council’s jurisdiction.</b></p> <p><b>The bill would require transparency in activities of the scientific and statistical committees and allow for public involvement in the process.</b></p> <p><b>The bill would authorize the use of alternative fishery management measures in recreational fisheries.</b></p> <p><b>Would require each Council, where practicable, to make a video or audio webcast of each meeting of the Council and each meeting of the SSC available on the Council’s website within 30 days of the meeting.</b></p>	<p>This provision would limit the ability of Governors to nominate individuals who represent the interests of the State and would give more authority to the Secretary in determining who to appoint to seats on these two Councils.</p>	<p>Language regarding the nomination or appointment of Gulf Council members is also included in H.R. 981.</p> <p>The transparency provisions for the Councils and the SSCs are similar to provisions in H.R. 1335 and H.R. 1826.</p> <p>The authority to use alternative management measures is similar to language included in H.R. 1335.</p> <p>The language regarding increased transparency are included in H.R. 1335, H.R. 1826, and H.R. 3521.</p>
Section 102 – Contents of Fishery Management Plans.	<p><b>Would exempt species in a fishery with a life cycle of <i>(18)</i> 12 months or less or a species in a fishery in which all spawning and recruitment occurs beyond State waters and the EEZ from</b></p>		<p>The exemption from the ACL requirement for short-lived species is similar</p>

	<p>the requirement to establish a mechanism for specifying annual catch limits unless the Secretary determines that the species is subject to overfishing. <i>(Note – the amendment adopted at the Commerce Committee markup of this legislation changed this provision from 18 months to 12 months.)</i></p> <p>Would clarify that the requirement to establish a mechanism for specifying annual catch limits shall not limit or affect National Standard 1 or the requirement to rebuild overfished fisheries.</p>		to language in H.R. 1335.
Section 103 – Rebuilding Overfished and Depleted Fisheries	Would replace the current provision which establishes the time frame for rebuilding overfished fisheries with an alternative set of rebuilding timelines and exemptions.	<i>(Note – the amendment adopted at the Commerce Committee markup of this legislation deleted this provision.)</i>	Similar language providing changes and exemptions to the rebuilding timeframes are included in H.R. 1335.
Section 104 – Funding for Stock Assessments, Surveys, and Data Collection	Would amend section 311 to allow fines, penalties, and forfeitures of property collected for violations of the Magnuson-Stevens Act or any other marine resource law to be used to pay for the costs of stock assessments, surveys, and data collection in fisheries managed under this Act.		Similar language is included in H.R. 1335.
Section 105 – Capital Construction	Would amend the Capital Construction Fund statute to expand eligibility and uses of the accounts.	This provision may be considered a revenue measure which cannot originate in the Senate and could be a problem should this bill pass the Senate.	
Section 106 – Fisheries Disaster Relief	Would require that the Secretary of Commerce make a decision on any request for fisheries disaster assistance within 90 days of when the Secretary		Similar language is included in H.R. 1335 and in H.R. 1826.

	receives a complete estimate of the economic impact of the disaster		
<b>Section 107 – Regional Fishery Conservation and Management Authorities</b>	<b>Would require both the Gulf of Mexico Council and the South Atlantic Council, at least once every five years, to review any allocation of fishing privileges among the commercial, recreational and charter components of a fishery managed under an FMP prepared by the Council. The provision would allow the a delay of not more than three times using one year incremental delays.</b>	This provision may require significant funding and Council time.	Similar language is included in H.R. 1207 and H.R. 1335.
Section 108 – Study of Allocations in Mixed-Use Fisheries	<p>Would require the Secretary of Commerce to enter into an arrangement with the National Academy of Sciences to study to provide guidance on criteria that could be used for allocating fishing privileges for fisheries managed under the Magnuson-Stevens Act.</p> <p>Would require the study to identify sources of information that could be used to support the use of such criteria in allocation decisions.</p> <p>Would require, within one year of the contract being awarded, the National Academy of Sciences to submit a report to Congress on the study.</p>		
Section 201 – Fisheries Research	<p><b>Would require the Secretary to perform stock assessment and develop a stock assessment schedule/plan for all stocks managed under an FMP with a different schedule for those economically-important fisheries that have not been assessed previously.</b></p> <p>Would require the Secretary to identify alternative sources of data and analysis to be used in stock assessments.</p> <p>Would allow the Secretary to waive a stock assessment for stocks if the Secretary determines the assessment is unnecessary and justifies the determination.</p>	This provision may also require significant funding and Council time.	Similar language regarding stock assessment schedules and the identification of alternative sources of data and analysis is included in H.R. 1207, H.R. 1335, and H.R. 1826. In addition, H.R. 3521 would create a new grant program to improve stock

			assessments.
<b>Section 202 – Improving Science</b>	<p><b>In conjunction with SSCs, Councils would be required to report to Congress on the use of data and assessments from a wide range of sources, including fishermen, communities, universities, etc.</b></p> <p>Would require the Secretary to consider the establishment of a registry of non-governmental entities providing such data and consider whether the data and analysis could be used in management decisions.</p>		Similar language is included in H.R. 1335 and included in H.R. 1207.
Section 203 – Focusing Assets for Improved Fisheries Outcomes.	<p>Would require that funds collected by the Secretary of Agriculture from customs duties on fishery products be used for fisheries research and development projects.</p> <p>Would restrict the ability of either the House or the Senate to consider any bill which would change the provision described above</p>	<p>This would reduce funds currently used by NOAA for research programs including stock surveys and assessments.</p> <p>A provision changing the House and Senate Rules and restricting the ability of either House to make changes to the S-K Act is unlikely to be enacted and may be unconstitutional.</p>	Similar language regarding the use of duties collected under the S-K Act is included in H.R. 1335 and H.R. 1826.
<b>Section 204 – Gulf of Mexico Red Snapper Catch Limits; Repeal</b>	<b>Would repeal section 407 of the Act.</b>		Similar language regarding section 407 is included in H.R. 981 and H.R. 1335.