

113TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To amend the Magnuson-Stevens Fishery Conservation and Management Act to promote sustainable conservation and management for the Gulf of Mexico and South Atlantic fisheries and the communities that rely on them, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mr. RUBIO introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To amend the Magnuson-Stevens Fishery Conservation and Management Act to promote sustainable conservation and management for the Gulf of Mexico and South Atlantic fisheries and the communities that rely on them, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Florida Fisheries Improvement Act”.

6 (b) TABLE OF CONTENTS.—The table of contents of  
7 this Act is as follows:

## 2

- Sec. 1. Short title; table of contents.  
 Sec. 2. References to the Magnuson-Stevens Fishery Conservation and Management Act.

## TITLE I—CONSERVATION AND MANAGEMENT

- Sec. 101. Regional fishery management councils.  
 Sec. 102. Contents of fishery management plans.  
 Sec. 103. Rebuilding overfished and depleted fisheries.  
 Sec. 104. Funding for stock assessments, surveys, and data collection.  
 Sec. 105. Capital construction.  
 Sec. 106. Fisheries disaster relief.  
 Sec. 107. Regional fishery conservation and management authorities.  
 Sec. 108. Study of allocations in mixed-use fisheries.

## TITLE II—FISHERY INFORMATION, RESEARCH, AND DEVELOPMENT

- Sec. 201. Fisheries research.  
 Sec. 202. Improving science.  
 Sec. 203. Focusing assets for improved fisheries outcomes.  
 Sec. 204. Gulf of Mexico red snapper catch limits; repeal.

1 **SEC. 2. REFERENCES TO THE MAGNUSON-STEVENSONS FISHERY CONSERVATION AND MANAGEMENT ACT.**  
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3 Except as otherwise expressly provided, wherever in  
 4 this Act an amendment or repeal is expressed in terms  
 5 of an amendment to, or repeal of, a section or other provi-  
 6 sion, the reference shall be considered to be made to a  
 7 section or other provision of the Magnuson-Stevens Fish-  
 8 ery Conservation and Management Act (16 U.S.C. 1801  
 9 et seq.).

10 **TITLE I—CONSERVATION AND**  
 11 **MANAGEMENT**

12 **SEC. 101. REGIONAL FISHERY MANAGEMENT COUNCILS.**

13 (a) VOTING MEMBERS.—Section 302(b)(2)(D) (16  
 14 U.S.C. 1852(b)(2)(D)) is amended—

15 (1) in clause (i)—

1 (A) by striking “Fisheries” and inserting  
2 “Fishery”; and

3 (B) by inserting “or the South Atlantic  
4 Fishery Management Council” after “Manage-  
5 ment Council”; and

6 (2) by striking clause (iv).

7 (b) COMMITTEES AND ADVISORY PANELS.—Section  
8 302(g)(1)(B) (16 U.S.C. 1852(g)(1)(B)) is amended to  
9 read as follows:

10 “(B) Each scientific and statistical committee  
11 shall—

12 “(i) provide its Council ongoing scientific  
13 advice for fishery management decisions, in-  
14 cluding recommendations for acceptable biologi-  
15 cal catch, preventing overfishing, maximum sus-  
16 tainable yield, achieving rebuilding targets, and  
17 reports on stock status and health, bycatch,  
18 habitat status, social and economic impacts of  
19 management measures, and sustainability of  
20 fishing practices; and

21 “(ii) carry out the requirements of this  
22 subparagraph in a transparent manner, allow-  
23 ing for public involvement in the process.”.

24 (c) FUNCTIONS.—Section 302(h) (16 U.S.C.  
25 1852(h)) is amended—

1           (1) in paragraph (7)(C), by striking “and” at  
2 the end;

3           (2) by redesignating paragraph (8) as para-  
4 graph (9); and

5           (3) by inserting after paragraph (7) the fol-  
6 lowing:

7           “(8) have the authority to use alternative fish-  
8 ery management measures in a recreational fishery  
9 (or the recreational component of a mixed-use fish-  
10 ery), including extraction rates, fishing mortality,  
11 and harvest control rules, to the extent they are in  
12 accordance with the requirements of this Act; and”.

13           (d) WEBCASTS OF COUNCIL MEETINGS.—Section  
14 302(i)(2) (16 U.S.C. 1852(i)(2)) is amended by adding  
15 at the end the following:

16           “(G) Unless closed in accordance with para-  
17 graph (3), each Council shall, where practicable,  
18 make available on the Internet website of the Coun-  
19 cil a video or audio webcast of each meeting of the  
20 Council and each meeting of the scientific and sta-  
21 tistical committee of the Council not later than 30  
22 days after the date of the conclusion of such meet-  
23 ing.”.

1 **SEC. 102. CONTENTS OF FISHERY MANAGEMENT PLANS.**

2 Section 303 (16 U.S.C. 1853) is amended by adding  
3 at the end the following:

4 “(d) LIMITATIONS.—

5 “(1) IN GENERAL.—The requirements under  
6 subsection (a)(15) shall not—

7 “(A) apply to a species in a fishery that  
8 has a mean life cycle of 18 months or less, or  
9 to a species in a fishery with respect to which  
10 all spawning and recruitment occurs beyond  
11 State waters and the exclusive economic zone,  
12 unless the Secretary has determined the fishery  
13 is subject to overfishing of that species; and

14 “(B) limit or otherwise affect the require-  
15 ments of section 301(a)(1) or 304(e) of this  
16 Act.

17 “(2) CONSTRUCTION.—Nothing in this sub-  
18 section shall be construed to affect any effective date  
19 regarding the requirements under subsection (a)(15)  
20 otherwise provided for under an international agree-  
21 ment in which the United States participates.”.

22 **SEC. 103. REBUILDING OVERFISHED AND DEPLETED FISH-**  
23 **ERIES.**

24 Section 304(e)(4)(A) (16 U.S.C. 1854(e)(4)(A)) is  
25 amended to read as follows:



1                   ues are the best scientific information  
2                   available;”.

3 **SEC. 104. FUNDING FOR STOCK ASSESSMENTS, SURVEYS,**  
4 **AND DATA COLLECTION.**

5           Section 311(e)(1) (16 U.S.C. 1861(e)(1)) is amend-  
6 ed—

7                   (1) in subparagraph (E), by striking “; and”  
8                   and inserting a semicolon;

9                   (2) in subparagraph (F), by striking the period  
10                  at the end and inserting “; and”; and

11                  (3) by inserting after subparagraph (F) the fol-  
12                  lowing:

13                   “(G) the costs of stock assessments, surveys,  
14                   and data collection in fisheries managed under this  
15                   Act.”.

16 **SEC. 105. CAPITAL CONSTRUCTION.**

17           (a) DEFINITIONS; ELIGIBLE AND QUALIFIED FISH-  
18 ERY FACILITIES.—Section 53501 of title 46, United  
19 States Code, is amended—

20                   (1) by striking “(7) UNITED STATES FOREIGN  
21                   TRADE.—” and inserting “(11) UNITED STATES  
22                   FOREIGN TRADE.—”;

23                   (2) by striking “(8) VESSEL.—” and inserting  
24                   “(12) VESSEL.—”;





1                   ing pending distribution, of fish from  
2                   a fishery;

3                   “(II) the land necessary for the  
4                   structure or appurtenance described  
5                   in subclause (I); and

6                   “(III) equipment that is for use  
7                   with the structure or appurtenance  
8                   that is necessary to perform a func-  
9                   tion described in subclause (I);

10                  “(ii) for operations not on land, a ves-  
11                  sel built in the United States and used for,  
12                  equipped to be used for, or of a type nor-  
13                  mally used for, processing fish; or

14                  “(iii) for aquaculture, including oper-  
15                  ations on land or elsewhere—

16                  “(I) a structure or an appur-  
17                  tenance thereto designed for aqua-  
18                  culture;

19                  “(II) the land necessary for the  
20                  structure or appurtenance;

21                  “(III) equipment that is for use  
22                  with the structure or appurtenance  
23                  and that is necessary to perform a  
24                  function described in subclause (I);  
25                  and

1                   “(IV) a vessel built in the United  
2                   States and used for, equipped to be  
3                   used for, or of a type normally used  
4                   for, aquaculture.

5                   “(B) OWNERSHIP REQUIREMENT.—Under  
6                   subparagraph (A), the structure, appurtenance,  
7                   land, equipment, or vessel shall be owned by—

8                   “(i) an individual who is a citizen of  
9                   the United States; or

10                  “(ii) an entity that is—

11                   “(I) a citizen of the United  
12                   States under section 50501 of this  
13                   title; and

14                   “(II) at least 75 percent owned  
15                   by citizens of the United States, as  
16                   determined under section 50501 of  
17                   this title.”; and

18                  (8) by inserting after paragraph (6), as redesignated,  
19                  the following:

20                  “(7) QUALIFIED FISHERY FACILITY.—

21                   “(A) IN GENERAL.—Subject to subparagraph (B), the term ‘qualified fishery facility’  
22                   means—  
23                   means—

24                   “(i) for operations on land—

1                   “(I) a structure or an appur-  
2                   tenance thereto designed for unload-  
3                   ing and receiving from a vessel, proc-  
4                   essing, holding pending processing,  
5                   distribution after processing, or hold-  
6                   ing pending distribution, of fish from  
7                   a fishery;

8                   “(II) the land necessary for the  
9                   structure or appurtenance; and

10                   “(III) equipment that is for use  
11                   with the structure or appurtenance  
12                   and necessary to perform a function  
13                   described in subclause (I);

14                   “(ii) for operations not on land, a ves-  
15                   sel built in the United States and used for,  
16                   equipped to be used for, or of a type nor-  
17                   mally used for, processing fish; or

18                   “(iii) for aquaculture, including oper-  
19                   ations on land or elsewhere—

20                   “(I) a structure or an appur-  
21                   tenance thereto designed for aqua-  
22                   culture;

23                   “(II) the land necessary for the  
24                   structure or appurtenance;

1                   “(III) equipment that is for use  
2                   with the structure or appurtenance  
3                   and necessary for performing a func-  
4                   tion described in subclause (I); and

5                   “(IV) a vessel built in the United  
6                   States.

7                   “(B) OWNERSHIP REQUIREMENT.—Under  
8                   subparagraph (A), the structure, appurtenance,  
9                   land, equipment, or vessel shall be owned by—

10                   “(i) an individual who is a citizen of  
11                   the United States; or

12                   “(ii) an entity that is—

13                   “(I) a citizen of the United  
14                   States under section 50501 of this  
15                   title; and

16                   “(II) at least 75 percent owned  
17                   by citizens of the United States, as  
18                   determined under section 50501 of  
19                   this title.”.

20                   (b) ELIGIBLE FISHERY FACILITIES.—

21                   (1) DEFINITION OF SECRETARY.—Paragraph  
22                   (9)(A) of section 53501 of title 46, United States  
23                   Code, as redesignated by subsection (a) of this sec-  
24                   tion, is amended to read as follows:

1           “(A) the Secretary of Commerce with re-  
2           spect to—

3                   “(i) an eligible vessel or a qualified  
4                   vessel operated or to be operated in the  
5                   fisheries of the United States; or

6                   “(ii) an eligible fishery facility or a  
7                   qualified fishery facility;”.

8           (2) ESTABLISHING A CAPITAL CONSTRUCTION  
9           FUND.—Section 53503 of title 46, United States  
10          Code, is amended—

11                   (A) in subsection (a)—

12                           (i) by inserting “or eligible fishery fa-  
13                           cility” after “eligible vessel”; and

14                           (ii) by striking the period at the end  
15                           and inserting “or fishery facility.”; and

16                   (B) by amending subsection (b) to read as  
17           follows:

18           “(b) ALLOWABLE PURPOSE.—The purpose of the  
19           agreement shall be—

20                   “(1) to provide replacement vessels, additional  
21                   vessels, or reconstructed vessels, built in the United  
22                   States and documented under the laws of the United  
23                   States, for operation in the United States foreign,  
24                   Great Lakes, noncontiguous domestic, or short sea

1 transportation trade or in the fisheries of the United  
2 States; or

3 “(2) to provide for the acquisition, construction,  
4 or reconstruction of a fishery facility owned by—

5 “(A) an individual who is a citizen of the  
6 United States; or

7 “(B) an entity that is—

8 “(i) a citizen of the United States  
9 under section 50501; and

10 “(ii) at least 75 percent owned by citi-  
11 zens of the United States, as determined  
12 under section 50501.”.

13 (c) AGREEMENT FISHERY FACILITIES.—

14 (1) DEPOSITS AND WITHDRAWALS.—Section  
15 53504(b) of title 46, United States Code, is amend-  
16 ed by striking the period at the end and inserting  
17 “or an agreement fishery facility.”.

18 (2) CEILING ON DEPOSITS.—Section 53505 of  
19 title 46, United States Code, is amended—

20 (A) in subsection (a)—

21 (i) paragraphs (1), by inserting “or  
22 agreement fishery facilities” after “agree-  
23 ment vessels”;

1 (ii) in paragraph (2), by striking the  
2 semicolon at the end and inserting “or  
3 agreement fishery facilities;” and

4 (iii) in paragraph (3) by inserting “or  
5 agreement fishery facility” after “agree-  
6 ment vessel” both places that term ap-  
7 pears; and

8 (B) in subsection (b)—

9 (i) by inserting “or agreement fishery  
10 facility” after “an agreement vessel”; and

11 (ii) by inserting “or fishery facility”  
12 after “the vessel”.

13 (d) QUALIFIED FISHERY FACILITIES.—

14 (1) QUALIFIED WITHDRAWALS.—Section  
15 53509(a) of title 46, United States Code, is amend-  
16 ed—

17 (A) in paragraph (1), by striking “quali-  
18 fied vessel; or” and inserting “qualified vessel,  
19 or the acquisition, construction, or reconstruc-  
20 tion of a qualified fishery facility; or”; and

21 (B) in paragraph (2), by striking “quali-  
22 fied vessel.” and inserting “qualified vessel, or  
23 the acquisition, construction, or reconstruction,  
24 of a qualified fishery facility.”.

1           (2) TAX TREATMENT OF QUALIFIED WITH-  
2           DRAWALS AND BASIS OF PROPERTY.—Section 53510  
3           of title 46, United States Code, is amended—

4                   (A) in subsections (b) and (c), by striking  
5                   “or container” each place that term appears  
6                   and inserting “container, or fishery facility”;  
7                   and

8                   (B) in subsection (d), by striking “and  
9                   containers” and inserting “containers, and fish-  
10                  ery facilities”.

11           (3) TAX TREATMENT OF NONQUALIFIED WITH-  
12           DRAWALS.—Section 53511(e)(4) of title 46, United  
13           States Code, is amended by inserting “or fishery fa-  
14           cility” after “vessel”.

15           (e) TECHNICAL AMENDMENT.—Paragraph (8)(A)(iii)  
16           of section 53501 of title 46, United States Code, as reded-  
17           ignated by subsection (a) of this section, is amended by  
18           striking “trade trade” and inserting “trade”.

19   **SEC. 106. FISHERIES DISASTER RELIEF.**

20           Section 312(a) (16 U.S.C. 1861a(a)) is amended—

21                   (1) by redesignating paragraphs (2) through  
22                   (4) as paragraphs (3) through (5), respectively; and

23                   (2) by inserting after paragraph (1) the fol-  
24           lowing:



1 “(2) The Secretary shall make a decision regarding  
2 a request under paragraph (1) not later than 90 days after  
3 the date the Secretary receives a complete estimate of the  
4 economic impact of the fishery resource disaster from the  
5 affected State, tribal government, or fishing community.”.

6 **SEC. 107. REGIONAL FISHERY CONSERVATION AND MAN-**  
7 **AGEMENT AUTHORITIES.**

8 (a) IN GENERAL.—Title III (16 U.S.C. 1851 et seq.)  
9 is amended by inserting after section 313, the following:  
10 **“SEC. 313A. GULF OF MEXICO FISHERIES CONSERVATION**  
11 **AND MANAGEMENT.**

12 “At least once every 5 years, the Gulf Council shall  
13 review, in accordance with the provisions of this Act, any  
14 allocation of fishing privileges among the commercial, rec-  
15 reational, and charter components of a fishery managed  
16 under a fishery management plan prepared by the Council,  
17 except that the Council may delay action for not more  
18 than 3 additional 1 year periods if necessary.

19 **“SEC. 313B. SOUTH ATLANTIC FISHERIES CONSERVATION**  
20 **AND MANAGEMENT.**

21 “At least once every 5 years, the South Atlantic  
22 Council shall review, in accordance with the provisions of  
23 this Act, any allocation of fishing privileges among the  
24 commercial, recreational, and charter components of a  
25 fishery managed under a fishery management plan pre-

1 pared by the Council, except that the Council may delay  
2 action for not more than 3 additional 1 year periods if  
3 necessary.”.

4 (b) TABLE OF CONTENTS.—The table of contents is  
5 amended by inserting after the item relating to section  
6 313, the following:

“313A. Gulf of Mexico fisheries conservation and management.

“313B. South Atlantic fisheries conservation and management.”.

7 **SEC. 108. STUDY OF ALLOCATIONS IN MIXED-USE FISH-**  
8 **ERIES.**

9 (a) STUDY REQUIREMENTS.—Not later than 60 days  
10 after the date of the enactment of this Act, the Secretary  
11 of Commerce shall enter into an arrangement with the Na-  
12 tional Academy of Sciences to conduct a study—

13 (1) to provide guidance on criteria that could be  
14 used for allocating fishing privileges, including con-  
15 sideration of the conservation and socioeconomic  
16 benefits of the commercial, recreational, and charter  
17 components of a fishery, to a Regional Fishery Man-  
18 agement Council established under section 302 of  
19 the Magnuson-Stevens Fishery Conservation and  
20 Management Act (16 U.S.C. 1852) in the prepara-  
21 tion of a fishery management plan under that Act;  
22 and

1           (2) to identify sources of information that could  
2           reasonably support the use of such criteria in alloca-  
3           tion decisions.

4           (b) REPORT.—Not later than 1 year after the date  
5           a contract is awarded under subsection (a), the National  
6           Academy of Sciences shall submit to the Committee on  
7           Commerce, Science, and Transportation of the Senate and  
8           the Committee on Natural Resources of the House of Rep-  
9           resentatives a report on the study conducted under sub-  
10          section (a).

11       **TITLE II—FISHERY INFORMA-**  
12       **TION, RESEARCH, AND DE-**  
13       **VELOPMENT**

14       **SEC. 201. FISHERIES RESEARCH.**

15           (a) STOCK ASSESSMENT PLAN.—Section 404 (16  
16           U.S.C. 1881c) is amended by adding at the end the fol-  
17           lowing:

18           “(e) STOCK ASSESSMENT PLAN.—

19                   “(1) IN GENERAL.—The Secretary, in consulta-  
20                   tion with the Councils, shall develop and publish in  
21                   the Federal Register, on the same schedule as re-  
22                   quired for the strategic plan required under sub-  
23                   section (b), a plan to conduct stock assessments for  
24                   all stocks of fish for which a fishery management  
25                   plan is in effect under this Act.

1           “(2) CONTENTS.—The plan shall—

2                   “(A) for each stock of fish for which a  
3 stock assessment has previously been con-  
4 ducted—

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

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

13                                   “(I) at least once every 5 years,  
14 except a Council may delay action for  
15 not more than 3 additional 1-year pe-  
16 riods; or

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

20                   “(B) for each economically important stock  
21 of fish for which a stock assessment has not  
22 previously been conducted—

23                           “(i) establish a schedule for con-  
24 ducting an initial stock assessment that is

1 reasonable given the biology and character-  
2 istics of the stock; and

3 “(ii) subject to the availability of ap-  
4 propriations, require completion of the ini-  
5 tial stock assessment not later than 3  
6 years after the date that the plan is pub-  
7 lished in the Federal Register unless an-  
8 other time period is specified and justified  
9 by the Secretary in the plan; and

10 “(C) identify data and analysis, especially  
11 concerning recreational fishing, that, if avail-  
12 able, would reduce uncertainty in and improve  
13 the accuracy of future stock assessments, in-  
14 cluding whether that data and analysis could be  
15 provided by nongovernmental sources, including  
16 fishermen, fishing communities, universities,  
17 and research institutions.

18 “(3) WAIVER OF STOCK ASSESSMENT REQUIRE-  
19 MENT.—Notwithstanding subparagraphs (A)(ii) and  
20 (B)(ii) of paragraph (2), a stock assessment shall  
21 not be required for a stock of fish in the plan if the  
22 Secretary determines that such a stock assessment  
23 is not necessary and justifies the determination in  
24 the Federal Register notice required by this sub-  
25 section.”.

1 (b) DEADLINE.—Notwithstanding paragraph (1) of  
2 section 404(e) of the Magnuson-Stevens Fishery Con-  
3 servation and Management Act, as added by this section,  
4 the Secretary of Commerce shall issue the first stock as-  
5 sessment plan under that section by not later than 1 year  
6 after the date of the enactment of this Act.

7 **SEC. 202. IMPROVING SCIENCE.**

8 (a) IMPROVING DATA COLLECTION AND ANALYSIS.—

9 (1) IN GENERAL.—Section 404 (16 U.S.C.  
10 1881c), as amended by section 201 of this Act, is  
11 further amended by adding at the end the following:

12 “(f) IMPROVING DATA COLLECTION AND ANAL-  
13 YSIS.—

14 “(1) IN GENERAL.—The Secretary, in consulta-  
15 tion with the scientific and statistical committees of  
16 the Councils established under section 302(g), shall  
17 develop and submit to the Committee on Commerce,  
18 Science, and Transportation of the Senate and the  
19 Committee on Natural Resources of the House of  
20 Representatives a report on facilitating greater in-  
21 corporation of data, analysis, stock assessments, and  
22 surveys from nongovernmental sources, including  
23 fishermen, fishing communities, universities, and re-  
24 search institutions, into fisheries management deci-  
25 sions.

1           “(2) CONTENT.—The report under paragraph  
2 (1) shall—

3           “(A) identify types of data and analysis,  
4 especially concerning recreational fishing, that  
5 can be reliably used for purposes of this Act  
6 and the basis for establishing conservation and  
7 management measures as required by section  
8 303(a)(1), including setting standards for the  
9 collection and use of that data and analysis in  
10 stock assessments and surveys and for other  
11 purposes;

12           “(B) provide specific recommendations for  
13 collecting data and performing analyses identi-  
14 fied as necessary to reduce the uncertainty re-  
15 ferred to in section 404(e)(2)(C);

16           “(C) consider the extent to which it is pos-  
17 sible to establish a registry of persons providing  
18 such information; and

19           “(D) consider the extent to which the ac-  
20 ceptance and use of data and analysis identified  
21 in the report in fishery management decisions is  
22 practicable.”.

23           (b) DEADLINE.—The Secretary of Commerce shall  
24 submit the report required under the amendment made

1 by subsection (a) not later than 1 year after the date of  
2 the enactment of this Act.

3 **SEC. 203. FOCUSING ASSETS FOR IMPROVED FISHERIES**  
4 **OUTCOMES.**

5 (a) IN GENERAL.—Section 2(b) of the Act of August  
6 11, 1939 (15 U.S.C. 713c-3(b)), is amended—

7 (1) in paragraph (1)—

8 (A) by striking “beginning with the fiscal  
9 year commencing July 1, 1954, and ending on  
10 June 30, 1957,”;

11 (B) by striking “moneys” the first place  
12 that term appears and inserting “monies”; and

13 (C) by striking “shall be maintained in a  
14 separate fund only for” and all that follows and  
15 inserting “shall only be used for the purposes  
16 described under subsection (c).”; and

17 (2) by striking paragraph (2).

18 (b) LIMITATIONS ON BILLS TRANSFERRING  
19 FUNDS.—Section 2(b) of the Act of August 11, 1939 (15  
20 U.S.C. 713c-3(b)), as amended by subsection (a) of this  
21 section, is further amended by adding at the end the fol-  
22 lowing:

23 “(2) LIMITATIONS ON BILLS TRANSFERRING  
24 FUNDS.—



1           “(A) IN GENERAL.—It shall not be in  
2 order in the Senate or the House of Represent-  
3 atives to consider any bill, resolution, amend-  
4 ment, or conference report that reduces any  
5 amount in the fund referred to in paragraph  
6 (1) in a manner that is inconsistent with such  
7 paragraph.

8           “(B) LIMITATION ON CHANGES TO THIS  
9 PARAGRAPH.—It shall not be in order in the  
10 Senate or the House of Representatives to con-  
11 sider any bill, resolution, amendment, or con-  
12 ference report that would repeal or otherwise  
13 amend this paragraph.

14           “(C) WAIVER.—A provision of this para-  
15 graph may be waived or suspended in the Sen-  
16 ate only by the affirmative vote of three-fifths  
17 of the Members, duly chosen and sworn.

18           “(D) APPEALS.—An affirmative vote of  
19 three-fifths of the Members of the Senate, duly  
20 chosen and sworn, shall be required to sustain  
21 an appeal of the ruling of the Chair on the  
22 point of order raised under this paragraph.

23           “(E) RULES OF THE SENATE AND THE  
24 HOUSE OF REPRESENTATIVES.—This para-  
25 graph is enacted by Congress—

1                   “(i) as an exercise of the rulemaking  
2                   power of the Senate and the House of Rep-  
3                   resentatives, respectively, and is deemed to  
4                   be part of the rules of each house, respec-  
5                   tively, but applicable only with respect to  
6                   the procedure to be followed in the House  
7                   in the case of a bill, resolution, amend-  
8                   ment, or conference report under this  
9                   paragraph, and it supersedes other rules  
10                  only to the extent that it is inconsistent  
11                  with such rules; and

12                  “(ii) with full recognition of the con-  
13                  stitutional right of either House to change  
14                  the rules (so far as they relate to the pro-  
15                  cedure of that House) at any time, in the  
16                  same manner, and to the same extent as in  
17                  the case of any other rule of that House.”.

18 **SEC. 204. GULF OF MEXICO RED SNAPPER CATCH LIMITS;**

19                   **REPEAL.**

20                  Section 407 (16 U.S.C. 1883) is amended by striking  
21                  subsection (d).