

Calendar No. 697114TH CONGRESS
2^D SESSION**S. 1403**

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.

IN THE SENATE OF THE UNITED STATES

MAY 20, 2015

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

DECEMBER 5, 2016

Reported by Mr. THUNE, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “Florida Fisheries Improvement Act”.

4 (b) **TABLE OF CONTENTS.**—The table of contents of
5 this Act is as follows:

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.

6 **SEC. 2. REFERENCES TO THE MAGNUSON-STEVENS FISHERY**
7 **CONSERVATION AND MANAGEMENT ACT.**

8 Except as otherwise expressly provided, wherever in
9 this Act an amendment or repeal is expressed in terms
10 of an amendment to, or repeal of, a section or other provi-
11 sion, the reference shall be considered to be made to a
12 section or other provision of the Magnuson-Stevens Fish-
13 ery Conservation and Management Act (16 U.S.C. 1801
14 et seq.).

1 **TITLE I—CONSERVATION AND**
2 **MANAGEMENT**

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

4 (a) **VOTING MEMBERS.**—Section 302(b)(2)(D) (16
5 U.S.C. 1852(b)(2)(D)) is amended—

6 (1) in clause (i)—

7 (A) by striking “Fisheries” and inserting
8 “Fishery”; and

9 (B) by inserting “or the South Atlantic
10 Fishery Management Council” after “Manage-
11 ment Council”; and

12 (2) by striking clause (iv).

13 (b) **COMMITTEES AND ADVISORY PANELS.**—Section
14 302(g)(1)(B) (16 U.S.C. 1852(g)(1)(B)) is amended to
15 read as follows:

16 “(B) Each scientific and statistical committee
17 shall—

18 “(i) provide its Council ongoing scientific
19 advice for fishery management decisions, in-
20 cluding recommendations for acceptable biologi-
21 cal catch, preventing overfishing, maximum sus-
22 tainable yield, achieving rebuilding targets, and
23 reports on stock status and health, bycatch,
24 habitat status, social and economic impacts of

1 management measures, and sustainability of
2 fishing practices; and

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

6 (c) FUNCTIONS.—Section 302(h) (16 U.S.C.
7 1852(h)) is amended—

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

10 (2) by redesignating paragraph (8) as para-
11 graph (9); and

12 (3) by inserting after paragraph (7) the fol-
13 lowing:

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

20 (d) WEBCASTS OF COUNCIL MEETINGS.—Section
21 302(i)(2) (16 U.S.C. 1852(i)(2)) is amended by adding
22 at the end the following:

23 “(G) Unless closed in accordance with para-
24 graph (3), each Council shall, where practicable,
25 make available on the Internet website of the Coun-

1 eil a video or audio webcast of each meeting of the
 2 Council and each meeting of the scientific and sta-
 3 tistical committee of the Council not later than 30
 4 days after the date of the conclusion of such meet-
 5 ing.”.

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

7 Section ~~303~~ (16 U.S.C. 1853) is amended by adding
 8 at the end the following:

9 “(d) LIMITATIONS.—

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

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

19 “(B) limit or otherwise affect the require-
 20 ments of section ~~301(a)(1)~~ or ~~304(e)~~ of this
 21 Act.

22 “(2) CONSTRUCTION.—Nothing in this sub-
 23 section shall be construed to affect any effective date
 24 regarding the requirements under subsection (a)(15)

1 otherwise provided for under an international agree-
 2 ment in which the United States participates.”.

3 **SEC. 103. REBUILDING OVERFISHED AND DEPLETED FISH-**
 4 **ERIES.**

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

7 “(A) specify a time period for rebuilding
 8 the fishery that—

9 “(i) shall be as short as possible, tak-
 10 ing into account the status and biology of
 11 any overfished stocks of fish; the needs of
 12 fishing communities; recommendations by
 13 international organizations in which the
 14 United States participates; and the inter-
 15 action of the overfished stock of fish within
 16 the marine ecosystem; and

17 “(ii) except where management meas-
 18 ures under an international agreement
 19 with the United States participates dictate
 20 otherwise, shall not exceed—

21 “(I) 10 years, except in cases
 22 where the biology of the stock of fish
 23 or other environmental conditions die-
 24 tate otherwise; or

1 “(H) the sum of the time in
 2 which the affected stock of fish is ex-
 3 pected to rebuild to its maximum sus-
 4 tainable yield biomass level in the ab-
 5 sence of any fishing mortality, and the
 6 mean generation of time of the af-
 7 fected stock of fish, if those time val-
 8 ues are the best scientific information
 9 available;”.

10 **SEC. 104. FUNDING FOR STOCK ASSESSMENTS, SURVEYS,**
 11 **AND DATA COLLECTION.**

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

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

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

18 (3) by inserting after subparagraph (F) the fol-
 19 lowing:

20 “(G) the costs of stock assessments, surveys,
 21 and data collection in fisheries managed under this
 22 Act.”.

1 **SEC. 105. CAPITAL CONSTRUCTION.**

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

5 (1) by striking “(7) UNITED STATES FOREIGN
 6 TRADE.—” and inserting “(11) UNITED STATES
 7 FOREIGN TRADE.—”;

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

10 (3) by redesignating paragraphs (5), (6), and
 11 (7) as paragraphs (8), (9), and (10), respectively;

12 (4) by redesignating paragraphs (2), (3), and
 13 (4) as paragraphs (4), (5), and (6), respectively;

14 (5) by redesignating paragraph (1) as para-
 15 graph (2);

16 (6) by inserting before paragraph (2), as redес-
 17 igned, the following:

18 “(1) AGREEMENT FISHERY FACILITY.—The
 19 term ‘agreement fishery facility’ means an eligible
 20 fishery facility or a qualified fishery facility that is
 21 subject to an agreement under this chapter.”;

22 (7) by inserting after paragraph (2), as redес-
 23 igned, the following:

24 “(3) ELIGIBLE FISHERY FACILITY.—

1 “(A) IN GENERAL.—Subject to subpara-
2 graph (B), the term “eligible fishery facility”
3 means—

4 “(i) for operations on land—

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

12 “(II) the land necessary for the
13 structure or appurtenance described
14 in subclause (I); and

15 “(III) equipment that is for use
16 with the structure or appurtenance
17 that is necessary to perform a func-
18 tion described in subclause (I);

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

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

1 “(I) a structure or an appur-
2 tenance thereto designed for aqua-
3 culture;

4 “(II) the land necessary for the
5 structure or appurtenance;

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

11 “(IV) a vessel built in the United
12 States and used for, equipped to be
13 used for, or of a type normally used
14 for, aquaculture.

15 “(B) OWNERSHIP REQUIREMENT.—Under
16 subparagraph (A), the structure, appurtenance,
17 land, equipment, or vessel shall be owned by—

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

20 “(ii) an entity that is—

21 “(I) a citizen of the United
22 States under section 50501 of this
23 title; and

24 “(II) at least 75 percent owned
25 by citizens of the United States, as

1 determined under section 50501 of
2 this title.”; and

3 (8) by inserting after paragraph (6), as redesign-
4 nated, the following:

5 “(7) QUALIFIED FISHERY FACILITY.—

6 “(A) IN GENERAL.—Subject to subpara-
7 graph (B), the term ‘qualified fishery facility’
8 means—

9 “(i) for operations on land—

10 “(I) a structure or an appur-
11 tenance thereto designed for unload-
12 ing and receiving from a vessel, proc-
13 essing, holding pending processing,
14 distribution after processing, or hold-
15 ing pending distribution, of fish from
16 a fishery;

17 “(II) the land necessary for the
18 structure or appurtenance; and

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

23 “(ii) for operations not on land, a ves-
24 sel built in the United States and used for,

1 equipped to be used for, or of a type nor-
 2 mally used for, processing fish; or

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

5 “(I) a structure or an appur-
 6 tenance thereto designed for aqua-
 7 culture;

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

10 “(III) equipment that is for use
 11 with the structure or appurtenance
 12 and necessary for performing a func-
 13 tion described in subclause (I); and

14 “(IV) a vessel built in the United
 15 States.

16 “(B) OWNERSHIP REQUIREMENT.—Under
 17 subparagraph (A), the structure, appurtenance,
 18 land, equipment, or vessel shall be owned by—

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

21 “(ii) an entity that is—

22 “(I) a citizen of the United
 23 States under section 50501 of this
 24 title; and

1 “(H) at least 75 percent owned
2 by citizens of the United States, as
3 determined under section 50501 of
4 this title.”.

5 (b) ELIGIBLE FISHERY FACILITIES.—

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

10 “(A) the Secretary of Commerce with re-
11 spect to—

12 “(i) an eligible vessel or a qualified
13 vessel operated or to be operated in the
14 fisheries of the United States; or

15 “(ii) an eligible fishery facility or a
16 qualified fishery facility; and”.

17 (2) ESTABLISHING A CAPITAL CONSTRUCTION
18 FUND.—Section 53503 of title 46, United States
19 Code, is amended—

20 (A) in subsection (a)—

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

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

1 (B) by amending subsection (b) to read as
2 follows:

3 “(b) ALLOWABLE PURPOSE.—The purpose of the
4 agreement shall be—

5 “(1) to provide replacement vessels, additional
6 vessels, or reconstructed vessels, built in the United
7 States and documented under the laws of the United
8 States, for operation in the United States foreign,
9 Great Lakes, noncontiguous domestic, or short sea
10 transportation trade or in the fisheries of the United
11 States; or

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

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

16 “(B) an entity that is—

17 “(i) a citizen of the United States
18 under section 50501; and

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

22 (c) AGREEMENT FISHERY FACILITIES.—

23 (1) DEPOSITS AND WITHDRAWALS.—Section
24 53504(b) of title 46, United States Code, is amend-

1 ed by striking the period at the end and inserting
2 “or an agreement fishery facility.”

3 (2) ~~CEILING ON DEPOSITS.~~—Section ~~53505~~ of
4 title 46, United States Code, is amended—

5 (A) in subsection (a)—

6 (i) paragraphs (1), by inserting “or
7 agreement fishery facilities” after “agree-
8 ment vessels”;

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

12 (iii) in paragraph (3) by inserting “or
13 agreement fishery facility” after “agree-
14 ment vessel” both places that term ap-
15 pears; and

16 (B) in subsection (b)—

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

19 (ii) by inserting “or fishery facility”
20 after “the vessel”.

21 (d) ~~QUALIFIED FISHERY FACILITIES.~~—

22 (1) ~~QUALIFIED WITHDRAWALS.~~—Section
23 53509(a) of title 46, United States Code, is amend-
24 ed—

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

5 (B) in paragraph (2), by striking “quali-
 6 fied vessel.” and inserting “qualified vessel, or
 7 the acquisition, construction, or reconstruction,
 8 of a qualified fishery facility.”.

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

12 (A) in subsections (b) and (c), by striking
 13 “or container” each place that term appears
 14 and inserting “container, or fishery facility”;
 15 and

16 (B) in subsection (d), by striking “and
 17 containers” and inserting “containers, and fish-
 18 ery facilities”.

19 ~~(3) TAX TREATMENT OF NONQUALIFIED WITH-~~
 20 ~~DRAWALS.—Section 53511(e)(4) of title 46, United~~
 21 ~~States Code, is amended by inserting “or fishery fa-~~
 22 ~~cility” after “vessel”.~~

23 ~~(e) TECHNICAL AMENDMENT.—Paragraph (8)(A)(iii)~~
 24 ~~of section 53501 of title 46, United States Code, as red-~~

1 ignated by subsection (a) of this section, is amended by
 2 striking “trade trade” and inserting “trade”.

3 **SEC. 106. FISHERIES DISASTER RELIEF.**

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

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

7 (2) by inserting after paragraph (1) the fol-
 8 lowing:

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

14 **SEC. 107. REGIONAL FISHERY CONSERVATION AND MAN-**
 15 **AGEMENT AUTHORITIES.**

16 (a) IN GENERAL.—Title III (16 U.S.C. 1851 et seq.)
 17 is amended by inserting after section 313, the following:

18 **“SEC. 313A. GULF OF MEXICO FISHERIES CONSERVATION**
 19 **AND MANAGEMENT.**

20 “At least once every 5 years, the Gulf of Mexico Fish-
 21 ery Management Council shall review, in accordance with
 22 the provisions of this Act, any allocation of fishing privi-
 23 leges among the commercial, recreational, and charter
 24 components of a fishery managed under a fishery manage-
 25 ment plan prepared by the Council, except that the Coun-

1 cil may delay action for not more than 3 additional 1 year
2 periods if necessary.

3 **“SEC. 313B. SOUTH ATLANTIC FISHERIES CONSERVATION**
4 **AND MANAGEMENT.**

5 “At least once every 5 years, the South Atlantic Fish-
6 ery Management Council shall review, in accordance with
7 the provisions of this Act, any allocation of fishing privi-
8 leges among the commercial, recreational, and charter
9 components of a fishery managed under a fishery manage-
10 ment plan prepared by the Council, except that the Coun-
11 cil may delay action for not more than 3 additional 1 year
12 periods if necessary.”.

13 (b) TABLE OF CONTENTS.—The table of contents in
14 the first section is amended by inserting after the item
15 relating to section 313, the following:

“313A. Gulf of Mexico fisheries conservation and management.
“313B. South Atlantic fisheries conservation and management.”.

16 **SEC. 108. STUDY OF ALLOCATIONS IN MIXED-USE FISHERIES.**
17

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

22 (1) to provide guidance on criteria that could be
23 used for allocating fishing privileges, including con-
24 sideration of the conservation and socioeconomic

1 benefits of the commercial, recreational, and charter
 2 components of a fishery, to a Regional Fishery Man-
 3 agement Council established under section 302 of
 4 the Magnuson-Stevens Fishery Conservation and
 5 Management Act (16 U.S.C. 1852) in the prepara-
 6 tion of a fishery management plan under that Act;
 7 and

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

11 (b) REPORT.—Not later than 1 year after the date
 12 a contract is awarded under subsection (a), the National
 13 Academy of Sciences shall submit to the Committee on
 14 Commerce, Science, and Transportation of the Senate and
 15 the Committee on Natural Resources of the House of Rep-
 16 resentatives a report on the study conducted under sub-
 17 section (a).

18 **TITLE II—FISHERY INFORMA-**
 19 **TION, RESEARCH, AND DE-**
 20 **VELOPMENT**

21 **SEC. 201. FISHERIES RESEARCH.**

22 (a) STOCK ASSESSMENT PLAN.—Section 404 (16
 23 U.S.C. 1881e) is amended by adding at the end the fol-
 24 lowing:

25 “(e) STOCK ASSESSMENT PLAN.—

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

8 “(2) CONTENTS.—The plan shall—

9 “(A) for each stock of fish for which a
10 stock assessment has previously been con-
11 ducted—

12 “(i) establish a schedule for updating
13 the stock assessment that is reasonable
14 given the biology and characteristics of the
15 stock; and

16 “(ii) subject to the availability of ap-
17 propriations, require completion of a new
18 stock assessment, or an update of the most
19 recent stock assessment—

20 “(I) at least once every 5 years,
21 except a Council may delay action for
22 not more than 3 additional 1-year pe-
23 riods; or

1 “(H) within such other time pe-
2 riod specified and justified by the Sec-
3 retary in the plan;

4 “(B) for each economically important stock
5 of fish for which a stock assessment has not
6 previously been conducted—

7 “(i) establish a schedule for con-
8 ducting an initial stock assessment that is
9 reasonable given the biology and character-
10 istics of the stock; and

11 “(ii) subject to the availability of ap-
12 propriations, require completion of the ini-
13 tial stock assessment not later than 3
14 years after the date that the plan is pub-
15 lished in the Federal Register unless an-
16 other time period is specified and justified
17 by the Secretary in the plan; and

18 “(C) identify data and analysis, especially
19 concerning recreational fishing, that, if avail-
20 able, would reduce uncertainty in and improve
21 the accuracy of future stock assessments, in-
22 cluding whether that data and analysis could be
23 provided by nongovernmental sources, including
24 fishermen, fishing communities, universities,
25 and research institutions.

1 “~~(3)~~ WAIVER OF STOCK ASSESSMENT REQUIRE-
 2 MENT.—Notwithstanding subparagraphs (A)(ii) and
 3 (B)(ii) of paragraph ~~(2)~~, a stock assessment shall
 4 not be required for a stock of fish in the plan if the
 5 Secretary determines that such a stock assessment
 6 is not necessary and justifies the determination in
 7 the Federal Register notice required by this sub-
 8 section.”.

9 (b) DEADLINE.—Notwithstanding paragraph ~~(1)~~ of
 10 section 404(e) of the Magnuson-Stevens Fishery Con-
 11 servation and Management Act, as added by this section,
 12 the Secretary of Commerce shall issue the first stock as-
 13 sessment plan under that section by not later than 1 year
 14 after the date of the enactment of this Act.

15 **SEC. 202. IMPROVING SCIENCE.**

16 (a) IMPROVING DATA COLLECTION AND ANALYSIS.—

17 (1) IN GENERAL.—Section 404 (16 U.S.C.
 18 1881e), as amended by section 201 of this Act, is
 19 further amended by adding at the end the following:

20 “~~(f)~~ IMPROVING DATA COLLECTION AND ANAL-
 21 YSIS.—

22 “(1) IN GENERAL.—The Secretary, in consulta-
 23 tion with the scientific and statistical committees of
 24 the Councils established under section 302(g), shall
 25 develop and submit to the Committee on Commerce,

1 Science, and Transportation of the Senate and the
2 Committee on Natural Resources of the House of
3 Representatives a report on facilitating greater in-
4 corporation of data, analysis, stock assessments, and
5 surveys from nongovernmental sources, including
6 fishermen, fishing communities, universities, and re-
7 search institutions, into fisheries management deci-
8 sions.

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

11 “(A) identify types of data and analysis,
12 especially concerning recreational fishing, that
13 can be reliably used for purposes of this Act
14 and the basis for establishing conservation and
15 management measures as required by section
16 303(a)(1), including setting standards for the
17 collection and use of that data and analysis in
18 stock assessments and surveys and for other
19 purposes;

20 “(B) provide specific recommendations for
21 collecting data and performing analyses identi-
22 fied as necessary to reduce the uncertainty re-
23 ferred to in section 404(e)(2)(C);

1 used for the purposes described under sub-
 2 section (e).”; and

3 ~~(2) by striking paragraph (2).~~

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

9 “(2) LIMITATIONS ON BILLS TRANSFERRING
 10 FUNDS.—

11 “(A) IN GENERAL.—It shall not be in
 12 order in the Senate or the House of Represent-
 13 atives to consider any bill, resolution, amend-
 14 ment, or conference report that reduces any
 15 amount in the fund referred to in paragraph
 16 (1) in a manner that is inconsistent with such
 17 paragraph.

18 “(B) LIMITATION ON CHANGES TO THIS
 19 PARAGRAPH.—It shall not be in order in the
 20 Senate or the House of Representatives to con-
 21 sider any bill, resolution, amendment, or con-
 22 ference report that would repeal or otherwise
 23 amend this paragraph.

24 “(C) WAIVER.—A provision of this para-
 25 graph may be waived or suspended in the Sen-

1 ate only by the affirmative vote of three-fifths
2 of the Members, duly chosen and sworn.

3 “(D) APPEALS.—An affirmative vote of
4 three-fifths of the Members of the Senate, duly
5 chosen and sworn, shall be required to sustain
6 an appeal of the ruling of the Chair on the
7 point of order raised under this paragraph.

8 “(E) RULES OF THE SENATE AND THE
9 HOUSE OF REPRESENTATIVES.—This para-
10 graph is enacted by Congress—

11 “(i) as an exercise of the rulemaking
12 power of the Senate and the House of Rep-
13 resentatives, respectively, and is deemed to
14 be part of the rules of each house, respec-
15 tively, but applicable only with respect to
16 the procedure to be followed in the House
17 in the case of a bill, resolution, amend-
18 ment, or conference report under this
19 paragraph, and it supersedes other rules
20 only to the extent that it is inconsistent
21 with such rules; and

22 “(ii) with full recognition of the con-
23 stitutional right of either House to change
24 the rules (so far as they relate to the pro-
25 cedure of that House) at any time, in the

1 same manner, and to the same extent as in
 2 the case of any other rule of that House.”.

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

4 **REPEAL.**

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

7 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

8 (a) *SHORT TITLE.*—This Act may be cited as the
 9 “Florida Fisheries Improvement Act”.

10 (b) *TABLE OF CONTENTS.*—The table of contents of this
 11 Act is as follows:

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. Funding for stock assessments, surveys, and data collection.

Sec. 104. Capital construction.

Sec. 105. Fisheries disaster relief.

Sec. 106. Regional fishery conservation and management authorities.

Sec. 107. 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.

12 **SEC. 2. REFERENCES TO THE MAGNUSON-STEVENS FISHERY**
 13 **CONSERVATION AND MANAGEMENT ACT.**

14 *Except as otherwise expressly provided, wherever in*
 15 *this Act an amendment or repeal is expressed in terms of*
 16 *an amendment to, or repeal of, a section or other provision,*

1 *the reference shall be considered to be made to a section or*
 2 *other provision of the Magnuson-Stevens Fishery Conserva-*
 3 *tion and Management Act (16 U.S.C. 1801 et seq.).*

4 ***TITLE I—CONSERVATION AND***
 5 ***MANAGEMENT***

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

7 *(a) VOTING MEMBERS.—Section 302(b)(2)(D) (16*
 8 *U.S.C. 1852(b)(2)(D)) is amended—*

9 *(1) in clause (i)—*

10 *(A) by striking “Fisheries” and inserting*
 11 *“Fishery”; and*

12 *(B) by inserting “or the South Atlantic*
 13 *Fishery Management Council” after “Manage-*
 14 *ment Council”; and*

15 *(2) by striking clause (iv).*

16 *(b) COMMITTEES AND ADVISORY PANELS.—Section*
 17 *302(g)(1)(B) (16 U.S.C. 1852(g)(1)(B)) is amended to read*
 18 *as follows:*

19 *“(B) Each scientific and statistical committee*
 20 *shall—*

21 *“(i) provide its Council ongoing scientific*
 22 *advice for fishery management decisions, includ-*
 23 *ing recommendations for acceptable biological*
 24 *catch, preventing overfishing, maximum sustain-*
 25 *able yield, achieving rebuilding targets, and re-*

1 ports on stock status and health, bycatch, habitat
2 status, social and economic impacts of manage-
3 ment measures, and sustainability of fishing
4 practices; and

5 “(i) carry out the requirements of this sub-
6 paragraph in a transparent manner, allowing
7 for public involvement in the process.”.

8 (c) *FUNCTIONS.*—Section 302(h) (16 U.S.C. 1852(h))
9 is amended—

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

12 (2) by redesignating paragraph (8) as para-
13 graph (9); and

14 (3) by inserting after paragraph (7) the fol-
15 lowing:

16 “(8) have the authority to use alternative fishery
17 management measures in a recreational fishery (or
18 the recreational component of a mixed-use fishery),
19 including extraction rates, fishing mortality, and
20 harvest control rules, to the extent they are in accord-
21 ance with the requirements of this Act; and”.

22 (d) *WEBCASTS OF COUNCIL MEETINGS.*—Section
23 302(i)(2) (16 U.S.C. 1852(i)(2)) is amended by adding at
24 the end the following:

1 “(G) Unless closed in accordance with paragraph
 2 (3), each Council shall, where practicable, make avail-
 3 able on the Internet website of the Council a video or
 4 audio webcast of each meeting of the Council and each
 5 meeting of the scientific and statistical committee of
 6 the Council not later than 30 days after the date of
 7 the conclusion of such meeting.”.

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

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

11 “(d) LIMITATIONS.—

12 “(1) IN GENERAL.—The requirements under sub-
 13 section (a)(15) shall not—

14 “(A) apply to a species in a fishery that has
 15 a mean life cycle of 12 months or less, or to a
 16 species in a fishery with respect to which all
 17 spawning and recruitment occurs beyond State
 18 waters and the exclusive economic zone, unless
 19 the Secretary has determined the fishery is sub-
 20 ject to overfishing of that species; and

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

23 “(2) CONSTRUCTION.—Nothing in this subsection
 24 shall be construed to affect any effective date regard-
 25 ing the requirements under subsection (a)(15) other-

1 *wise provided for under an international agreement*
 2 *in which the United States participates.”.*

3 **SEC. 103. FUNDING FOR STOCK ASSESSMENTS, SURVEYS,**
 4 **AND DATA COLLECTION.**

5 *Section 311(e)(1) (16 U.S.C. 1861(e)(1)) is amended—*

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

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

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

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

14 **SEC. 104. CAPITAL CONSTRUCTION.**

15 (a) *DEFINITIONS; ELIGIBLE AND QUALIFIED FISHERY*
 16 *FACILITIES.—Section 53501 of title 46, United States Code,*
 17 *is amended—*

18 (1) *by striking “(7) UNITED STATES FOREIGN*
 19 *TRADE.—” and inserting “(11) UNITED STATES FOR-*
 20 *EIGN TRADE.—”;*

21 (2) *by striking “(8) VESSEL.—” and inserting*
 22 *“(12) VESSEL.—”;*

23 (3) *by redesignating paragraphs (5), (6), and (7)*
 24 *as paragraphs (8), (9), and (10), respectively;*

1 (4) by redesignating paragraphs (2), (3), and (4)
2 as paragraphs (4), (5), and (6), respectively;

3 (5) by redesignating paragraph (1) as para-
4 graph (2);

5 (6) by inserting before paragraph (2), as redesign-
6 nated, the following:

7 “(1) *AGREEMENT FISHERY FACILITY*.—The term
8 ‘agreement fishery facility’ means an eligible fishery
9 facility or a qualified fishery facility that is subject
10 to an agreement under this chapter.”;

11 (7) by inserting after paragraph (2), as redesign-
12 nated, the following:

13 “(3) *ELIGIBLE FISHERY FACILITY*.—

14 “(A) *IN GENERAL*.—Subject to subpara-
15 graph (B), the term “eligible fishery facility”
16 means—

17 “(i) for operations on land—

18 “(I) a structure or an appur-
19 tenance thereto designed for unloading
20 and receiving from a vessel, processing,
21 holding pending processing, distribu-
22 tion after processing, or holding pend-
23 ing distribution, of fish from a fishery;

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

4 “(III) equipment that is for use
5 with the structure or appurtenance
6 that is necessary to perform a function
7 described in subclause (I);

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

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

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

17 “(II) the land necessary for the
18 structure or appurtenance;

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

24 “(IV) a vessel built in the United
25 States and used for, equipped to be

1 used for, or of a type normally used
2 for, aquaculture.

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

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

8 “(ii) an entity that is—

9 “(I) a citizen of the United States
10 under section 50501 of this title; and

11 “(II) at least 75 percent owned by
12 citizens of the United States, as deter-
13 mined under section 50501 of this
14 title.”; and

15 (8) by inserting after paragraph (6), as redesign-
16 ated, the following:

17 “(7) QUALIFIED FISHERY FACILITY.—

18 “(A) IN GENERAL.—Subject to subpara-
19 graph (B), the term ‘qualified fishery facility’
20 means—

21 “(i) for operations on land—

22 “(I) a structure or an appur-
23 tenance thereto designed for unloading
24 and receiving from a vessel, processing,
25 holding pending processing, distribu-

1 *tion after processing, or holding pend-*
2 *ing distribution, of fish from a fishery;*

3 *“(II) the land necessary for the*
4 *structure or appurtenance; and*

5 *“(III) equipment that is for use*
6 *with the structure or appurtenance*
7 *and necessary to perform a function*
8 *described in subclause (I);*

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

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

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

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

20 *“(III) equipment that is for use*
21 *with the structure or appurtenance*
22 *and necessary for performing a func-*
23 *tion described in subclause (I); and*

24 *“(IV) a vessel built in the United*
25 *States.*

1 “(B) *OWNERSHIP REQUIREMENT.*—Under
2 *subparagraph (A), the structure, appurtenance,*
3 *land, equipment, or vessel shall be owned by—*

4 “(i) *an individual who is a citizen of*
5 *the United States; or*

6 “(ii) *an entity that is—*

7 “(I) *a citizen of the United States*
8 *under section 50501 of this title; and*

9 “(II) *at least 75 percent owned by*
10 *citizens of the United States, as deter-*
11 *mined under section 50501 of this*
12 *title.”.*

13 (b) *ELIGIBLE FISHERY FACILITIES.*—

14 (1) *DEFINITION OF SECRETARY.*—Paragraph
15 (9)(A) of section 53501 of title 46, United States
16 Code, as redesignated by subsection (a) of this section,
17 is amended to read as follows:

18 “(A) *the Secretary of Commerce with re-*
19 *spect to—*

20 “(i) *an eligible vessel or a qualified*
21 *vessel operated or to be operated in the fish-*
22 *eries of the United States; or*

23 “(ii) *an eligible fishery facility or a*
24 *qualified fishery facility; and”.*

1 (2) *ESTABLISHING A CAPITAL CONSTRUCTION*
2 *FUND.—Section 53503 of title 46, United States Code,*
3 *is amended—*

4 (A) *in subsection (a)—*

5 (i) *by inserting “or eligible fishery fa-*
6 *cility” after “eligible vessel”; and*

7 (ii) *by striking the period at the end*
8 *and inserting “or fishery facility.”; and*

9 (B) *by amending subsection (b) to read as*
10 *follows:*

11 “(b) *ALLOWABLE PURPOSE.—The purpose of the*
12 *agreement shall be—*

13 “(1) *to provide replacement vessels, additional*
14 *vessels, or reconstructed vessels, built in the United*
15 *States and documented under the laws of the United*
16 *States, for operation in the United States foreign,*
17 *Great Lakes, noncontiguous domestic, or short sea*
18 *transportation trade or in the fisheries of the United*
19 *States; or*

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

22 “(A) *an individual who is a citizen of the*
23 *United States; or*

24 “(B) *an entity that is—*

1 “(i) a citizen of the United States
2 under section 50501; and

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

6 (c) *AGREEMENT FISHERY FACILITIES.*—

7 (1) *DEPOSITS AND WITHDRAWALS.*—Section
8 53504(b) of title 46, United States Code, is amended
9 by striking the period at the end and inserting “or
10 an agreement fishery facility.”

11 (2) *CEILING ON DEPOSITS.*—Section 53505 of
12 title 46, United States Code, is amended—

13 (A) in subsection (a)—

14 (i) paragraphs (1), by inserting “or
15 agreement fishery facilities” after “agree-
16 ment vessels”;

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

20 (iii) in paragraph (3) by inserting “or
21 agreement fishery facility” after “agreement
22 vessel” both places that term appears; and

23 (B) in subsection (b)—

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

1 (ii) by inserting “or fishery facility”
2 after “the vessel”.

3 (d) *QUALIFIED FISHERY FACILITIES.*—

4 (1) *QUALIFIED WITHDRAWALS.*—Section
5 53509(a) of title 46, United States Code, is amend-
6 ed—

7 (A) in paragraph (1), by striking “qualified
8 vessel; or” and inserting “qualified vessel, or the
9 acquisition, construction, or reconstruction of a
10 qualified fishery facility; or”; and

11 (B) in paragraph (2), by striking “qualified
12 vessel.” and inserting “qualified vessel, or the ac-
13 quisition, construction, or reconstruction, of a
14 qualified fishery facility.”.

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

18 (A) in subsections (b) and (c), by striking
19 “or container” each place that term appears and
20 inserting “container, or fishery facility”; and

21 (B) in subsection (d), by striking “and con-
22 tainers” and inserting “containers, and fishery
23 facilities”.

24 (3) *TAX TREATMENT OF NONQUALIFIED WITH-*
25 *DRAWALS.*—Section 53511(e)(4) of title 46, United

1 *States Code, is amended by inserting “or fishery fa-*
 2 *cility” after “vessel”.*

3 (e) *TECHNICAL AMENDMENT.—Paragraph (8)(A)(iii)*
 4 *of section 53501 of title 46, United States Code, as redesign-*
 5 *ated by subsection (a) of this section, is amended by strik-*
 6 *ing “trade trade” and inserting “trade”.*

7 **SEC. 105. FISHERIES DISASTER RELIEF.**

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

9 (1) *by redesignating paragraphs (2) through (4)*
 10 *as paragraphs (3) through (5), respectively; and*

11 (2) *by inserting after paragraph (1) the fol-*
 12 *lowing:*

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

18 **SEC. 106. REGIONAL FISHERY CONSERVATION AND MAN-**

19 **AGEMENT AUTHORITIES.**

20 (a) *IN GENERAL.—Title III (16 U.S.C. 1851 et seq.)*
 21 *is amended by inserting after section 313, the following:*

22 **“SEC. 313A. GULF OF MEXICO FISHERIES CONSERVATION**
 23 **AND MANAGEMENT.**

24 *“At least once every 5 years, the Gulf of Mexico Fishery*
 25 *Management Council shall review, in accordance with the*

1 *provisions of this Act, any allocation of fishing privileges*
 2 *among the commercial, recreational, and charter compo-*
 3 *nents of a fishery managed under a fishery management*
 4 *plan prepared by the Council, except that the Council may*
 5 *delay action for not more than 3 additional 1 year periods*
 6 *if necessary.*

7 **“SEC. 313B. SOUTH ATLANTIC FISHERIES CONSERVATION**
 8 **AND MANAGEMENT.**

9 *“At least once every 5 years, the South Atlantic Fish-*
 10 *ery Management Council shall review, in accordance with*
 11 *the provisions of this Act, any allocation of fishing privi-*
 12 *leges among the commercial, recreational, and charter com-*
 13 *ponents of a fishery managed under a fishery management*
 14 *plan prepared by the Council, except that the Council may*
 15 *delay action for not more than 3 additional 1 year periods*
 16 *if necessary.”.*

17 *(b) TABLE OF CONTENTS.—The table of contents in the*
 18 *first section is amended by inserting after the item relating*
 19 *to section 313, the following:*

“313A. Gulf of Mexico fisheries conservation and management.
“313B. South Atlantic fisheries conservation and management.”.

20 **SEC. 107. STUDY OF ALLOCATIONS IN MIXED-USE FISH-**
 21 **ERIES.**

22 *(a) STUDY REQUIREMENTS.—Not later than 60 days*
 23 *after the date of the enactment of this Act, the Secretary*

1 of Commerce shall enter into an arrangement with the Na-
2 tional Academy of Sciences to conduct a study—

3 (1) to provide guidance on criteria that could be
4 used for allocating fishing privileges, including con-
5 sideration of the conservation and socioeconomic bene-
6 fits of the commercial, recreational, and charter com-
7 ponents of a fishery, to a Regional Fishery Manage-
8 ment Council established under section 302 of the
9 Magnuson-Stevens Fishery Conservation and Manage-
10 ment Act (16 U.S.C. 1852) in the preparation of a
11 fishery management plan under that Act; and

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

15 (b) *REPORT.*—Not later than 1 year after the date a
16 contract is awarded under subsection (a), the National
17 Academy of Sciences shall submit to the Committee on Com-
18 merce, Science, and Transportation of the Senate and the
19 Committee on Natural Resources of the House of Represent-
20 atives a report on the study conducted under subsection (a).

1 **TITLE II—FISHERY INFORMA-**
2 **TION, RESEARCH, AND DEVEL-**
3 **OPMENT**

4 **SEC. 201. FISHERIES RESEARCH.**

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

8 “(e) *STOCK ASSESSMENT PLAN.*—

9 “(1) *IN GENERAL.*—The Secretary, in consulta-
10 tion with the Councils, shall develop and publish in
11 the Federal Register, on the same schedule as required
12 for the strategic plan required under subsection (b), a
13 plan to conduct stock assessments for all stocks of fish
14 for which a fishery management plan is in effect
15 under this Act.

16 “(2) *CONTENTS.*—The plan shall—

17 “(A) for each stock of fish for which a stock
18 assessment has previously been conducted—

19 “(i) establish a schedule for updating
20 the stock assessment that is reasonable given
21 the biology and characteristics of the stock;
22 and

23 “(ii) subject to the availability of ap-
24 propriations, require completion of a new

1 *stock assessment, or an update of the most*
2 *recent stock assessment—*

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

7 “(II) *within such other time pe-*
8 *riod specified and justified by the Sec-*
9 *retary in the plan;*

10 “(B) *for each economically important stock*
11 *of fish for which a stock assessment has not pre-*
12 *viously been conducted—*

13 “(i) *establish a schedule for conducting*
14 *an initial stock assessment that is reason-*
15 *able given the biology and characteristics of*
16 *the stock; and*

17 “(ii) *subject to the availability of ap-*
18 *propriations, require completion of the ini-*
19 *tial stock assessment not later than 3 years*
20 *after the date that the plan is published in*
21 *the Federal Register unless another time pe-*
22 *riod is specified and justified by the Sec-*
23 *retary in the plan; and*

24 “(C) *identify data and analysis, especially*
25 *concerning recreational fishing, that, if avail-*

1 able, would reduce uncertainty in and improve
 2 the accuracy of future stock assessments, includ-
 3 ing whether that data and analysis could be pro-
 4 vided by nongovernmental sources, including
 5 fishermen, fishing communities, universities, and
 6 research institutions.

7 “(3) *WAIVER OF STOCK ASSESSMENT REQUIRE-*
 8 *MENT.*—Notwithstanding subparagraphs (A)(i) and
 9 (B)(ii) of paragraph (2), a stock assessment shall not
 10 be required for a stock of fish in the plan if the Sec-
 11 retary determines that such a stock assessment is not
 12 necessary and justifies the determination in the Fed-
 13 eral Register notice required by this subsection.”.

14 (b) *DEADLINE.*—Notwithstanding paragraph (1) of
 15 section 404(e) of the Magnuson-Stevens Fishery Conserva-
 16 tion and Management Act, as added by this section, the Sec-
 17 retary of Commerce shall issue the first stock assessment
 18 plan under that section by not later than 1 year after the
 19 date of the enactment of this Act.

20 **SEC. 202. IMPROVING SCIENCE.**

21 (a) *IMPROVING DATA COLLECTION AND ANALYSIS.*—

22 (1) *IN GENERAL.*—Section 404 (16 U.S.C.
 23 1881c), as amended by section 201 of this Act, is fur-
 24 ther amended by adding at the end the following:

25 “(f) *IMPROVING DATA COLLECTION AND ANALYSIS.*—

1 “(1) *IN GENERAL.*—*The Secretary, in consulta-*
2 *tion with the scientific and statistical committees of*
3 *the Councils established under section 302(g), shall*
4 *develop and submit to the Committee on Commerce,*
5 *Science, and Transportation of the Senate and the*
6 *Committee on Natural Resources of the House of Rep-*
7 *resentatives a report on facilitating greater incorpora-*
8 *tion of data, analysis, stock assessments, and sur-*
9 *veys from nongovernmental sources, including fisher-*
10 *men, fishing communities, universities, and research*
11 *institutions, into fisheries management decisions.*

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

14 “(A) *identify types of data and analysis, es-*
15 *pecially concerning recreational fishing, that can*
16 *be reliably used for purposes of this Act and the*
17 *basis for establishing conservation and manage-*
18 *ment measures as required by section 303(a)(1),*
19 *including setting standards for the collection and*
20 *use of that data and analysis in stock assess-*
21 *ments and surveys and for other purposes;*

22 “(B) *provide specific recommendations for*
23 *collecting data and performing analyses identi-*
24 *fied as necessary to reduce the uncertainty re-*
25 *ferred to in section 404(e)(2)(C);*

1 *used for the purposes described under subsection*
2 *(c).”; and*
3 *(2) by striking paragraph (2).*

4 ***(b) LIMITATIONS ON BILLS TRANSFERRING FUNDS.—***
5 *Section 2(b) of the Act of August 11, 1939 (15 U.S.C. 713c–*
6 *3(b)), as amended by subsection (a) of this section, is fur-*
7 *ther amended by adding at the end the following:*

8 ***“(2) LIMITATIONS ON BILLS TRANSFERRING***
9 ***FUNDS.—***

10 ***“(A) IN GENERAL.—It shall not be in order***
11 *in the Senate or the House of Representatives to*
12 *consider any bill, resolution, amendment, or con-*
13 *ference report that reduces any amount in the*
14 *fund referred to in paragraph (1) in a manner*
15 *that is inconsistent with such paragraph.*

16 ***“(B) LIMITATION ON CHANGES TO THIS***
17 ***PARAGRAPH.—It shall not be in order in the***
18 *Senate or the House of Representatives to con-*
19 *sider any bill, resolution, amendment, or con-*
20 *ference report that would repeal or otherwise*
21 *amend this paragraph.*

22 ***“(C) WAIVER.—A provision of this para-***
23 ***graph may be waived or suspended in the Senate***
24 ***only by the affirmative vote of three-fifths of the***
25 ***Members, duly chosen and sworn.***

1 “(D) *APPEALS.*—An affirmative vote of
2 *three-fifths of the Members of the Senate, duly*
3 *chosen and sworn, shall be required to sustain an*
4 *appeal of the ruling of the Chair on the point of*
5 *order raised under this paragraph.*

6 “(E) *RULES OF THE SENATE AND THE*
7 *HOUSE OF REPRESENTATIVES.*—This paragraph
8 *is enacted by Congress—*

9 “(i) *as an exercise of the rulemaking*
10 *power of the Senate and the House of Rep-*
11 *resentatives, respectively, and is deemed to*
12 *be part of the rules of each house, respec-*
13 *tively, but applicable only with respect to*
14 *the procedure to be followed in the House in*
15 *the case of a bill, resolution, amendment, or*
16 *conference report under this paragraph, and*
17 *it supersedes other rules only to the extent*
18 *that it is inconsistent with such rules; and*

19 “(ii) *with full recognition of the con-*
20 *stitutional right of either House to change*
21 *the rules (so far as they relate to the proce-*
22 *dure of that House) at any time, in the*
23 *same manner, and to the same extent as in*
24 *the case of any other rule of that House.”.*

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

2 **REPEAL.**

3 *Section 407 (16 U.S.C. 1883) is amended by striking*

4 *subsection (d).*

Calendar No. 697

114TH CONGRESS
2^D SESSION

S. 1403

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.

DECEMBER 5, 2016

Reported with an amendment