

## STAFF SUMMARY OF EXECUTIVE ACTIONS AND FEDERAL LEGISLATION IN THE 115<sup>TH</sup> U.S. CONGRESS

A summary of recent Federal legislation is attached. This summary is intended as a general overview for discussion purposes. Full text of these bills, with background information and current status, can be found at the Library of Congress website (<http://thomas.gov>) or at <http://govtrack.us>.

The topics below are organized generally in order of priority to the Council. If the bill's status is not noted, the bill has been introduced but has not been subject to any committee action.

Figures in percentages (x%) are the bill's chance of passage as assigned by Skopos Labs.

### ***MSA Reauthorization Status***

In addition to HR 200 (Young) and HR 2023 (Graves), which were discussed previously, two new bills relating to Magnuson-Stevens Act (MSA) reauthorization have been introduced since the June Council meeting:

#### **S 1748: Florida Fisheries Improvement Act**

- Introduced by Marco Rubio (R-FL) on August 3, 2017. (1%)
- Resubmittal of S 1403, 114th Congress (similar but not identical)

This bill is similar to its previous incarnation in the 114<sup>th</sup> Congress, which was analyzed in detail in 2015. Despite its title, the Florida Fisheries Improvement Act is a broad MSA reauthorization bill that would affect all Councils.

Among other provisions, the bill adjusts rebuilding timelines, requires stock assessments for all Fishery Management Plan stocks (unless specifically exempted by the Secretary), creates exceptions for annual catch limit requirements, and calls for greater incorporation of data from non-governmental sources.

#### **S 1520: Modernizing Recreational Fisheries Management Act**

- Introduced by Roger Wicker (R-MS) on July 20 (10%)
- Companion bill to HR 2023 (Graves, R-LA)

This bill is similar, but not identical, to HR 2023. Agenda Item H.1, Attachment 2 summarizes the major points of all four current MSA reauthorization or modification bills.

## Hearings

On August 23, the Senate Commerce Committee held a hearing (“Reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act: Oversight of Fisheries Management Successes and Challenges”) in Soldotna, Alaska (<http://tinyurl.com/yb66h72u>).

Hearings were also held August 1 in the Senate Commerce Committee’s Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard (“Reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act: NOAA and Council Perspectives.”) (<http://tinyurl.com/yareqjb4>) and July 19 in the House Natural Resources Committee’s Subcommittee on Water, Power, and Oceans (“Exploring the Successes and Challenges of the Magnuson-Stevens Act”).

Agenda Item H.1, Attachment 3 includes three sets of written testimony presented at hearings on August 1 and August 23 (from Dan Hull, Chair, North Pacific Fishery Management Council; Chris Oliver, NMFS Assistant Administrator; and Dr. John Quinn, Chair, New England Fishery Management Council).

## *Other Bills of Particular Interest*

### **HR 23: Gaining Responsibility on Water (GROW) Act**

- Introduced by David Valadao (R-CA)
- Status: Introduced January 3. **Passed House** on July 12. (35%)

This far-reaching bill would have significant negative effects on California salmon and their habitat (see summary in April 2017 briefing book: <http://tinyurl.com/yb6v3o5v>).

### **HR 374: To remove the sunset provision of section 203 of Public Law 105-384.**

- Introduced by Jaime Herrera-Beutler (R-WA)
- **Signed into law** on August 17, 2017.

Removed the sunset provision of section 203 of Public Law 105-384, allowing the states of Washington, Oregon and California to continue to manage Dungeness crab fisheries.

### **HR 3144: To provide for operations of the Federal Columbia River Power System pursuant to a certain operation plan for a specified period of time.**

- Introduced by Cathy McMorris Rodgers (R-WA) on June 29. (20%)
- Co-sponsored by Kurt Schraeder (D-OR) and Greg Walden (R-OR).

HR 3144 calls for the Secretaries of Interior, Energy, and the Army Corps of Engineers to operate the Federal Columbia River Power System in a manner consistent with the reasonable and prudent alternative set forth in the Supplemental Opinion until September 2022, or whenever a subsequent

final biological opinion for the Federal Columbia River Power System (FCRPS) operations is in effect. Amendments would be allowed only for public safety, power transmission, and grid reliability.

The bill would prevent any structural modification, action, *study*, or engineering plan that restricts electrical generation at any FCRPS hydroelectric dam, or that limits navigation on the Snake River except through an Act of Congress. This would prevent Federal agencies from increasing “spill” to aid salmon, effectively overturning the court ruling of U.S. District Court Judge Michael Simon earlier this year calling for additional spill. The bill would prohibit studying removal of the four lower Snake River dams and would derail a new planning process that includes new economic analyses, a review of recovery alternatives including dam removal, and an opportunity for citizen involvement.

Fishing and environmental groups oppose the bill, which makes no mention of commercial or sport fishing economies or tribes.

### ***New Bills That Have Passed in House or Senate***

#### **S 756/HR 2748: Save Our Seas (SOS) Act**

- Senate bill introduced by Lisa Murkowski (R-AK), Dan Sullivan (R-AK), Sheldon Whitehouse (D-RI), Cory Booker (D-NJ). House bill introduced by Don Young (R-AK)
- Status: Senate bill introduced March 29, 2017; passed Senate August 3. House bill introduced May 25. (30%)

Reauthorizes and amends the Marine Debris Act to promote international action to reduce marine debris.

### ***New Bills that Have Been Reported by Committee***

#### **S 669/HR 1630: Columbia River In-Lieu and Treaty Fishing Access Sites Improvement Act**

- Introduced by Jeff Merkley (D-OR)/Earl Blumenauer (D-OR)
- Status: S 669 introduced March 29 and reported by committee on August 2. (26%)

Authorizes the Secretary of the Interior to assess sanitation and safety conditions at Bureau of Indian Affairs facilities that were constructed to provide affected Columbia River Treaty tribes access to traditional fishing grounds and expend funds on construction of facilities and structures to improve those conditions.

#### **S 1322: American Fisheries Advisory Committee Act (S 1322).**

- Introduced by Dan Sullivan (R-AK) on June 8, 2017.
- Status: Reported by committee August 2. Hearing held August 2. (7%)

- Companion bill to HR 214 (Young, R-AK) (similar but not identical)

Establishes the American Fisheries Advisory Committee to assist in the awarding of fisheries research and development grants.

**S 1425: Coordinated Ocean Monitoring and Research Act.**

- Introduced by Roger Wicker (R-MS) on June 22, 2017.
- Status: Reported by committee August 2. (28%)

Reauthorizes the Integrated Coastal and Ocean Observation System Act of 2009.

**HR 2083: Endangered Salmon and Fisheries Predation Prevention Act**

- Introduced by Jaime Herrera-Beutler (R-WA) on April 24, 2017 (resubmittal)
- Status: Hearing held June 8. Reported by committee June 26. (14%)

Amends the Marine Mammal Protection Act to give temporary authorization to “eligible entities” to lethally take sea lions on the Columbia River.

***Other New Bills (Introduced Only)***

- **Young Fishermen’s Development Act (S 1323).** Introduced by Dan Sullivan (R-AK) on June 8, 2017. Companion bill to HR 2079 (Young, R-AK). A bill to preserve United States fishing heritage through a national program dedicated to training and assisting the next generation of commercial fishermen. (9%)
- **Genetically Engineered Salmon Labeling Act (S 1528).** Introduced by Lisa Murkowski (R-AK) as a companion bill to HR 204 (Young) on July 11, 2017. Amends the market name of genetically altered salmon in the U.S. (1%)
- **HR 2637: Fishing Safety Training and Research Act (HR 2637).** Introduced by William Keating (D-MA) on May 24, 2017. Reauthorizes the Fishing Safety Training Grant Program and the Fishing Safety Research Grant Program. (9%)
- **Coastal Communities Ocean Acidification Act (HR 2719):** Introduced by Chellie Pingree (D-ME) on May 25, 2017. Directs Commerce and NOAA to conduct coastal community vulnerability assessments related to ocean acidification. (5%)
- **Ocean Acidification Innovation Act (HR 2882):** Introduced by Derek Kilmer (D-OR) on June 12, 2017. Authorizes Federal agencies to establish prize competitions for innovation or adaptation management development relating to ocean acidification. (3%)
- **Protecting Honest Fishermen Act (HR 3108).** Introduced by Blake Farenthold (R-TX) on June 29. Aims to strengthen Federal consumer protection and product traceability with respect to commercially marketed seafood. (3%)
- **JAWS (Justice Attributed to Wounded Sharks) Act (HR 3377)** Introduced by Bake Farenthold (R-TX) on July 25, 2017. Prohibits importation of seafood products of countries that do not prohibit the practice of shark finning. (1%)

## Previously Discussed Bills that have not Moved

Bill Number(s)	Title	Sponsor	Introduced	Notes
HR 26/S 21	Regulations from the Executive in Need of Scrutiny (REINS) Act	Paul (R-KY)/Collins (R-GA)	January 2017	Requires Congressional approval of major regulations.
HR 169/S 31	West Coast Ocean Protection Act	Feinstein/Huffman (D-CA)	January 2017	Prevents oil drilling.
HR 200	Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act	Don Young (R-AK)	January 2017	See MSA discussion above.
HR 206	Prevention of Escapement of Genetically Altered Salmon in the United States	Young (R-AK)	January 2017	
HR 223	To prohibit Interior/Commerce from authorizing commercial finfish aquaculture operations in the EEZ	Young (R-AK)	January 2017	
HR 234	Maritime Lien Reform Act	Young (R-AK)	January 2017	
HR 310	Southwestern Oregon Watershed and Salmon Protection Act	DeFazio (D-OR)	January 2017	
HR 622	Local Enforcement for Local Lands Act	Chaffetz (R-UT)	January 2017	State control over Federal lands.
HR 637	Stopping EPA Overreach Act	Palmer (R-AL)	January 2017	Weakens EPA.
HR 654	Pacific Northwest Earthquake Preparedness Act	Peter DeFazio (D-OR)	January 2017	

HR 674	One in, One Out Act	McCaul (R-TX)	January 2017	Requires each agency to repeal or revise one or more existing regulations before issuing a new regulation.
HR 731	California Clean Coast Act	Salud Carbajal (D-CA)	January 2017	Prevents oil drilling off California coast.
HR 845	Ocean Acidification Research Partnerships Act	Carbajal (D-CA)	February 2017	
HR 861	To Terminate the Environmental Protection Agency	Gaetz (R-FL)	February 2017	
HR 875	To streamline the Bureau of Reclamation process for creating or expanding water storage, rural water supply, and water recycling projects	Newhouse (R-WA)	February 2017	
HR 958	To eliminate certain programs of the Environmental Protection Agency	Johnson (R-TX)	February 2017	
HR 1154/S 168	Commercial Vessel Incidental Discharge Act	Wicker (R-MS)/Hunter (R-CA)	January/February 2017	
HR 1308/S 513	Frank and Jeanne Moore Wild Steelhead Special Management Area Designation Act	Ron Wyden (D-OR)/Peter DeFazio (D-OR)	March 2017	
HR 1430	Honest and Open New EPA Science Treatment Act of 2017	Smith (R-FL)	Introduced and passed House March 2017.	Limits the types of data that can be used by the EPA.
HR 1431	EPA Science Advisory Board Reform Act	Lucas (R-OK)	Introduced and passed House March 2017.	Limits who can serve on the EPA's Science Advisory Board
HR 1456/S 793	Shark Fin Trade Elimination Act	Cory Booker (D-NJ)/Ed Royce (R-CA)	March 2017. Reported May 18.	
HR 1489	Marine Access and State Transparency (MAST) Act	Young (R-AK)	March 2017	Requires Congressional approval of national monuments.

HR 2134 (S 935)	Endangered Species Management Self-Determination Act	Rand Paul (R-KY)	April 2017	Allows states to regulate intrastate threatened and endangered species.
HR 2167	Acre In, Acre Out	Griffith	April 2017	No net increase in the acreage of certain Federal lands.
HR 2261/S 74	Marine Oil Spill Prevention Act	Wasserman Schultz (D-FL)/Nelson (D-FL)	May/January 2017	
HR 2330	Yurok Tribe Klamath River Chinook Salmon Emergency Disaster Assistance Act	Jared Huffman (D-CA)	May 2017	
HR 2344	Crab Emergency Disaster Assistance Act	Speier (D-CA)	May 2017	
S 33	Improved National Monument Designation Process Act	Murkowski (R-AK)	January 2017	
S 396	A bill to make technical amendments to certain marine fish conservation statutes, and for other purposes.	Nelson (D-FL)	February 2017	
Washington S.J.M. 8004	Requesting that certain Federal officials prevent the breaching of any dam in the Columbia River.		January 2017	

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