

## STAFF SUMMARY OF FEDERAL LEGISLATION IN THE 113<sup>TH</sup> U.S. CONGRESS

A summary of Federal legislation introduced in the 113<sup>th</sup> Congress is provided below. 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>. These summaries are primarily from the Congress.gov website, further summarized by Council staff.

### HOUSE BILLS

#### *NEW HOUSE BILLS*

##### *HR 1308: Endangered Salmon and Fisheries Predation Prevention Act*

To amend the Marine Mammal Protection Act of 1972 to reduce predation on endangered Columbia River salmon and other nonlisted species, and for other purposes. This bill was a re-introduction of H.R. 3069 (112th) (Sep 29, 2011).

- **Introduced by** Doc Hastings (R-Washington) on March 21, 2013; has four cosponsors.
- **Status:** Referred to the House Natural Resources Committee.

This Act would amend the Marine Mammal Protection Act to authorize the Secretary of Commerce to issue one-year, renewable permits to Washington, Oregon, Idaho, the Nez Perce, Umatilla, Warm Springs, and Yakama tribes, and the Columbia River Inter-Tribal Fish Commission to “take” sea lions on the Columbia River or its tributaries in order to protect endangered and threatened species of salmon and other nonlisted fish species. Prohibits such a permit from authorizing the lethal taking of more than 10 sea lions; and limits the cumulative annual taking of sea lions to 1 percent of the annual potential biological removal level.

##### *HR 1667: Prevention of Escapement of Genetically Altered Salmon in the United States Act*

To prevent the escapement of genetically-altered salmon in the United States, and for other purposes. This bill is a companion bill to S 246 (Mark Begich, D-Alaska).

- **Introduced by** Don Young (R-Alaska) on April 23, 2013; has six cosponsors.
- **Status:** Referred to the House Natural Resources Committee.

Prohibits a person from shipping, selling, or purchasing a genetically-modified salmon, or a food product containing such fish, in interstate commerce; engaging in net-pen aquaculture of such fish; releasing such fish into a natural environment; or having custody, control, or possession of such fish with the intent to release it into a natural environment. Exempts fish, parts, or products used for scientific research or enforcement.

*HR 1788: Cormorant Management and Natural Resources Protection Act*

To amend the Migratory Bird Treaty Act to delegate to States the authorities of the Secretary of the Interior under that Act with respect to cormorants, and for other purposes.

- **Introduced by** Michelle Bachmann (R-Minnesota) on April 26, 2013; has nine cosponsors.
- **Status:** Referred to the House Natural Resources Committee.

Essentially, this Act would amend the Migratory Bird Treaty Act to allow state (instead of Dept. of Interior) management of double-crested cormorants. It appears this bill is aimed at controlling cormorant populations in Minnesota and elsewhere due to their impact on recreational facilities; however, cormorant depredation on juvenile Pacific salmon is also a concern in the Council region.

*HR 1927: More Water and Security for Californians Act*

To provide congressional direction for implementation of the Endangered Species Act as it relates to operation of the Central Valley Project and the California State Water Project and for water relief in the State of California.

- **Introduced by** Jim Costa (D-California) on May 9, 2013; no cosponsors.
- **Status:** Referred to the House Natural Resources Committee.

Essentially, this Act would provide Congressional direction for implementation of the Endangered Species Act; “restore operational flexibility to California water projects”; and “provide reasonable protection to threatened species.” Under the Act, “For each calendar year, during the period beginning on April 1 and ending on May 31, rates of pumping at the C.W. ‘Bill’ Jones Pumping Plant and Harvey O. Banks Pumping Plant shall not be reduced pursuant to the biological opinion of the National Marine Fisheries Service...”

The Congressional direction provided to the United States Fish and Wildlife Service and the National Marine Fisheries Service, who manage the Central Valley Project and the State Water Project, would last for seven years.

The bill is supported by Valley water districts and opposed by environmental groups.

*ONGOING HOUSE BILLS*

These bills were described in more detail in the summary of legislation provided at the April 2013 Council meeting (Agenda Item B.4.a, Attachment 1; <http://tinyurl.com/lasz9abv>).

*HR 69: Illegal, Unreported, and Unregulated Fishing Enforcement Act of 2013*

To strengthen enforcement mechanisms to stop illegal, unreported, and unregulated fishing, to amend the Tuna Conventions Act of 1950 to implement the Antigua Convention, and for other purposes. This bill was a re-introduction of H.R. 4100 (112th). It is related to S. 269, the International Fisheries Stewardship and Enforcement Act (Jay Rockefeller, WV).

- **Introduced by** Madeleine Bordallo (D-Guam) on February 12, 2013; has 14 cosponsors.
- **Status:** Referred to the Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs.
- There have been **no changes** to this status since the April Council meeting, apart from the addition of one cosponsor.

*HR 71: Coral Reef Conservation Act Reauthorization and Enhancement Amendments of 2013*

To reauthorize the Coral Reef Conservation Act of 2000, and for other purposes. This bill was a re-introduction of H.R. 738 (112th).

- **Introduced by** Madeleine Bordallo (D-Guam) on January 3, 2013; has 10 cosponsors.
- **Status:** Referred to the Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs.
- There have been **no changes** to this status since the April Council meeting.

*HR 584: To amend the Federal Food, Drug, and Cosmetic Act to require labeling of genetically engineered fish*

Amends the Federal Food, Drug, and Cosmetic Act to deem a food to be misbranded if it contains genetically-engineered fish, unless the food bears a label stating that it contains genetically-engineered fish. This bill is a re-introduction of H.R. 520 (112th) and is a companion bill to S. 248 (Mark Begich, Alaska).

- **Introduced by** Don Young (R-Alaska) on February 6, 2013; has 23 cosponsors.
- **Status:** Referred to the House Committee on Energy and Commerce: Health.
- Two additional **cosponsors** have been added since the April Council meeting.

*HR 753: (Untitled; prohibits finfish aquaculture in the EEZ)*

Prohibits the Secretary of the Interior and the Secretary of Commerce from issuing any permit or in any other way authorizing commercial finfish aquaculture operations in the U.S. Exclusive Economic Zone, except in accordance with law enacted after enactment of this Act. This bill is a re-introduction of H.R. 574 (112th).

- **Introduced by** Don Young (R-Alaska) on February 15, 2013; no cosponsors.
- **Status:** Referred to the House Natural Resources: Fisheries, Wildlife, Oceans and Insular Affairs.
- There have been **no changes** to this status since the April Council meeting.

*HR 799: Fisheries Disaster Relief and Research Investment Act*

To provide exclusive funding to support fisheries and the communities that rely upon them, to clear unnecessary regulatory burdens and streamline Federal fisheries management, and for other purposes.

Under this Act, each Council would establish a fishery investment committee with membership reflecting the membership of the Council. Each fishery investment committee would develop a regional, five-year fishery investment plan consistent with the research and data needs document.

The Act would establish a competitive grant program to provide for projects included in the regional fishery investment plans. The bill also amends the Saltonstall-Kennedy Act to adjust how funds would be allocated.

- **Introduced by** John Tierney (D-Massachusetts) on February 15, 2013; has nine cosponsors.
- **Status:** Referred to the House Natural Resources Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs.
- Two additional **cosponsors** have been added since the April Council meeting.

*HR 1012: Safety And Fraud Enforcement for Seafood Act*

To strengthen Federal consumer protection and product traceability with respect to commercially-marketed seafood, and for other purposes. This bill is a re-introduction of H.R. 6200 (112th) and a companion bill to S. 520 (Mark Begich).

- **Introduced by** Ed Markey (D-Massachusetts) on March 6, 2013; has 22 cosponsors.
- **Status:** Referred to the House Committees on Agriculture, Energy and Commerce, Natural Resources, and House Ways and Means Committee.
- Seventeen additional **cosponsors** have been added since the April Council meeting.

Most relevant to Council activities, the bill would require seafood imported into the US to be labeled with the acceptable market and scientific name; the harvest method, including gear type; catch date; weight; previous treatment (freezing, chemical treatment, country of processing); whether fish was wild caught or farm raised; location of fish farm; cultivation method. This information could be made available upon request rather than appearing on a label.

The Act would establish a memorandum of understanding between Secretary of Commerce and the Secretary of Health and Human Services to improve interagency cooperation on seafood safety and seafood fraud prevention, create a website listing foreign seafood exporters and any violations of seafood safety; and direct the Secretary of Commerce to create a “Guide to Acceptable Market Names for Seafood Sold in Interstate Commerce,” as a list of standardized names for identifying seafood at various distribution stages. The list will be posted on the web along with any consumer advisories.

*HR 1147: To provide limitations on maritime liens on fishing permits, and for other purposes.*

Companion bill to S. 542 (Lisa Murkowski, R-Alaska). Similar to HR 1210 (112th Congress).

- **Introduced by** Don Young (Alaska) on March 6, 2013. No cosponsors.
- **Status:** Referred to the House Committees on Agriculture, Energy and Commerce, Natural Resources, and House Ways and Means Committee.
- There have been **no changes** to this status since the April Council meeting.

Bars specified Federal shipping laws related to maritime liability from: (1) establishing maritime liens on state or Federal fishing permits (authorizing a person or use of a vessel to engage in fishing), and (2) authorizing civil actions to enforce maritime liens on such permits. It would

specify that a “fishing permit” is governed solely by the state or Federal law under which it was issued and is not included in the whole or as an appurtenance or intangible of a vessel.

In other words, this legislation would prohibit maritime liens from being imposed on commercial fishing permits, in order to protect fishermen’s livelihoods. The bill was inspired by attempts to take Alaskan fishing permits in Federal bankruptcy court. Alaska limited entry permits are already protected from liens by Alaska state law, but doubts have been raised by a court decision that determined a fishing license was subject to a maritime lien under Federal Admiralty Law.

## SENATE BILLS

### *NEW SENATE BILLS*

#### *S 601: Water Resources Development Act of 2013*

A bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

- **Introduced by** Barbara Boxer (D-California) on March 18, 2013; has one cosponsor.
- **Status:** Passed in the Senate on May 15, 83-14, with amendments (see below).

Typically, the Water Resources Development Act is a biannual bill. However, it was last authorized in 2007 and 2000. This 284-page bill authorizes 18 new Corps projects nationally. It reforms Corps processes to streamline projects and sets up a pilot program that would allow state and local governments to oversee Corps-authorized projects.

Most relevant to the Council, S. 601 requires the Corps to review its levee vegetation policy. The Corps’ policy requires all vegetation, except grass, to be removed from levees in order to allow for easier inspections and to reduce any potential weakening of levees through root growth. Non-compliance makes a community ineligible for Federal disaster assistance. The Council commented on this levee vegetation removal policy in April 2012 (<http://tinyurl.com/brprqp9>).

In addition, the bill calls for the Harbor Maintenance Trust Fund each year to provide funding for projects at a level equal to the level of Harbor Maintenance Trust Fund receipts, plus interest for that year. Additionally, the legislation provides a “point-of-order” enforcement mechanism if Congress tries to bypass this requirement.

S. 601 would authorize the Army Corps of Engineers to construct water projects for mitigating storm damage, restoring ecosystems, and reducing erosion on inland and intracoastal waterways. The legislation also would authorize the agency to establish grant programs to assist local and state governments with levee safety and rehabilitation programs. Finally, S. 601 would authorize the Corps and the Environmental Protection Agency to provide loans or loan guarantees to state and local governments and certain nongovernmental entities to complete water infrastructure projects.

- A Senate amendment by Sheldon Whitehouse (D-RI) to create the National Endowment for the Oceans to promote the protection and conservation of United States ocean,

coastal, and Great Lakes ecosystems passed. (See below). Other amendments not relevant to fisheries also passed.

S 646: National Endowment for the Oceans Act.

A bill to create the National Endowment for the Oceans to promote the protection and conservation of United States ocean, coastal, and Great Lakes ecosystems, and for other purposes.

- **Introduced by** Sheldon Whitehouse (D-RI) on March 21, 2013; has five cosponsors.
- **Status:** Referred to Senate Commerce, Science, and Transportation. This Act (or portions of the Act) was successfully added as an amendment to S, 601 (see above).

This Act authorizes the Secretary of Commerce and the National Fish and Wildlife Foundation to establish the National Endowment for the Oceans as a permanent endowment fund to support programs and activities to restore, protect, maintain, or understand living marine resources and their habitats and ocean, coastal, and Great Lakes resources, including baseline scientific research, ocean observing, and other programs in coordination with Federal and state agencies.

The Act directs the Foundation to award a minimum percentage of funds as grants to coastal states, while awarding a lesser percentage of funds to entities including states, Indian tribes, regional bodies, associations, non-governmental organizations, and academic institutions. Requires the contribution of non-federal matching funds for certain projects. Directs the Foundation to establish an advisory panel to review and make recommendations with respect to the grant applications of other entities.

S 839: Coral Reef Conservation Amendments Act of 2013.

A bill to reauthorize the Coral Reef Conservation Act of 2000, and for other purposes.

- **Introduced by** Bill Nelson (D-Florida) on April 25, 2013; has three cosponsors.
- **Status:** Referred to Senate Commerce, Science, and Transportation.

This Act amends the Coral Reef Conservation Act of 2000 to transfer certain authority from the NOAA Administrator to the Secretary of Commerce. Directs the Secretary to submit to Congress a national coral reef ecosystem action strategy, revised as necessary, to include discussions of coastal uses and management, including land-based sources of pollution; climate change; and other matters. Authorizes funds for monitoring and assessment, research, pollution reduction, education, and technical support.

Defines “coral reef ecosystem” as the system of coral reefs and geographically associated species, habitats, and environment, including any adjacent or associated mangroves and seagrass habitats, and the processes that control its dynamics. Includes the internal waters and territorial sea of the United States, the Exclusive Economic Zone of the United States, and the continental shelf, consistent with international law, in the area of application and enforceability of this Act.

Makes it unlawful to destroy, take, cause the loss of, or injure any coral reef or part, except if caused by permitted fishing gear use, a federally or state permitted use, bona fide marine

scientific research, certain Federal emergency activity, or a vessel master's actions to ensure vessel safety or to save a life at sea.

Makes anyone who engages in an activity that injures a coral reef ecosystem liable, jointly and severally, to the United States for response costs and damages, takings, costs of seizure, forfeiture, storage, disposal, and related interest. Provides for enforcement.

Authorizes the Secretary to issue permits for research and activities that would otherwise be prohibited by the Act. Directs the Secretary and other Federal members of the Coral Reef Task Force to work in coordination with other Federal agencies, states, and U.S. territorial governments to implement the strategies developed under this Act to address multiple threats to coral reefs and coral reef ecosystems.

### *ONGOING SENATE BILLS*

These bills were described in more detail in the summary of legislation provided at the April 2013 Council meeting (<http://tinyurl.com/lasz9abv>).

#### *S 45: West Coast Ocean Protection Act of 2013*

A bill to amend the Outer Continental Shelf Lands Act to permanently prohibit the conduct of offshore drilling on the outer Continental Shelf off the coast of California, Oregon, and Washington. This bill is a re-introduction of S. 171 (112th).

- **Introduced by** Barbara Boxer (D-California) on February 22, 2013; has five cosponsors.
- **Status:** Referred to the Committee on Energy and Natural Resources.
- There have been **no changes** to this status since the April Council meeting.

#### *S 246: Prevention of Escapement of Genetically Altered Salmon in the United States Act*

A bill to prevent the escapement of genetically-altered salmon in the United States, and for other purposes. This bill is a re-introduction of S. 1717 (112th).

- **Introduced by** Mark Begich (D-Alaska) on February 7, 2013; has one cosponsor.
- **Status:** Referred to the Committee on Commerce, Science, and Transportation.
- There have been **no changes** to this status since the April Council meeting.

#### *S 248: (Untitled)*

A bill to amend the Federal Food, Drug, and Cosmetic Act to require labeling of genetically engineered fish.

- **Introduced by** Mark Begich (D-Alaska) on February 7, 2013; has two cosponsors.
- **Status:** Referred to the Committee on Senate Health, Education, Labor, and Pensions.
- One additional cosponsor has been added since the April Council meeting.

S 267: Pirate Fishing Elimination Act

A bill to prevent, deter, and eliminate illegal, unreported, and unregulated fishing through port State measures.

- **Introduced by** Jay Rockefeller (D-West Virginia) on February 11, 2013; nine cosponsors.
- **Status:** Referred to the Committee on Commerce, Science, and Transportation.
- There have been **no changes** to this status since the April Council meeting.

S 269: International Fisheries Stewardship and Enforcement Act

A bill to establish uniform administrative and enforcement authorities for the enforcement of the High Seas Driftnet Fishing Moratorium Protection Act and similar statutes, and for other purposes.

- **Introduced by** Jay Rockefeller (D-West Virginia) on February 11, 2013; ten cosponsors.
- **Status:** Read twice and referred to the Committee on Commerce, Science, and Transportation.
- There have been **no changes** to this status since the April Council meeting.

S 520: Safety And Fraud Enforcement for Seafood Act

A bill to strengthen Federal consumer protection and product traceability with respect to commercially-marketed seafood, and for other purposes. This is a companion bill to HR 1012; see description of that bill for details.

- **Introduced by** Mark Begich (D-Alaska) on March 11, 2013; has two cosponsors.
- **Status:** Referred to the Committee on Senate Commerce, Science, and Transportation.
- There have been **no changes** to this status since the April Council meeting.

S 518: H2O Visa for Seafood Processing Act

A bill to authorize the issuance of H2O nonimmigrant visas for aliens temporarily performing labor in the seafood processing industry.

- **Introduced by** Mark Begich (D-Alaska) on March 11, 2013; no cosponsors.
- **Status:** Referred to the State Judiciary Committee.
- There have been **no changes** to this status since the April Council meeting.

## OTHER BILLS

Several other bills that are not directly relevant to Council activities, but may be of interest, are listed below.

The following bills were introduced after the April Council meeting:

- HR 1966 – Genetically Engineered Food Right-to-Know Act. To amend the Federal Food, Drug, and Cosmetic Act to require that genetically-engineered food and foods that contains genetically-engineered ingredients [including fish] be labeled accordingly. Companion bill to S. 809. (Peter DeFazio, D-Oregon).
- S. 713 – Rhode Island Fishermen’s Fairness Act. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to add Rhode Island to the Mid-Atlantic Fishery Management Council. (Jack Reed, D-Rhode Island). Companion bill to HR 1504.
- S. 747 – No title. A bill to grant exclusive fishery management authority over the red snapper fish in the Gulf of Mexico to Alabama, Florida, Louisiana, Mississippi, and Texas. (David Vitter, R-Louisiana). Similar to HR 1430, the “Offshore Fairness Act.”

There has been no major activity on the following bills since the April Council meeting:

- HR 322 – Hunting, Fishing, and Recreational Shooting Protection Act. (Seeks to exclude lead shot and fishing sinkers from applicability under the Toxic Substances and Chemicals Act).
- HR 764 – Coastal State Climate Change Planning Act. To amend the Coastal Zone Management Act of 1972 to require the Secretary of Commerce to establish a coastal climate change adaptation planning and response program.
- HR 843 – San Francisco Bay Restoration Act. A bill to amend the Federal Water Pollution Control Act to establish a grant program to support the restoration of San Francisco Bay.
- HR 996 – Invasive Fish and Wildlife Prevention Act. A bill to establish an improved regulatory process for injurious wildlife to prevent the introduction and establishment in the United States of nonnative wildlife and wild animal pathogens and parasites that are likely to cause harm.
- S. 96 – Rigs to Reef Habitat Protection Act. A bill to authorize the use of certain offshore oil and gas platforms in the Gulf of Mexico for artificial reefs, and for other purposes.
- S. 221 – Saving Fishing Jobs Act. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to permit eligible fishermen to approve certain limited access privilege programs, and for other purposes.
- S. 332 – Climate Protection Act of 2013. To address climate disruptions, reduce carbon pollution, enhance the use of clean energy, and promote resilience in the infrastructure of the United States, and for other purposes.