

FEDERAL LEGISLATION IN THE 113TH U.S. CONGRESS

A summary of recent Federal legislation 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 GovTrack.us website, further summarized by Council staff.

New, Relevant Bills Since September

HR 5546: Marine Disease Emergency Act

- **Introduced by** Denny Heck (D-WA) on September 18, 2014; six cosponsors
- **Status:** Referred to House Natural Resources Committee, House Agriculture Committee.
- **GovTrack chance of passage:** 1%

This bill, developed in response to sea star wasting syndrome, allows the Secretary of Commerce, through NOAA, to declare a marine disease emergency (for any marine disease that meets certain criteria) and to make grants and conduct investigations into the cause, treatment, or prevention of the emergency. Establishes a Marine Disease Emergency Working Group to advise the Secretary on risk assessment, preparation, monitoring, research, and response to marine diseases. Establishes an emergency fund and a National Data Repository for marine disease research and services. The bill declares sea star wasting syndrome as a marine disease emergency, with all that follows. Appropriates \$15 million per year through 2020.

HR 5609: Vessel Incidental Discharge Act

- **Introduced by** Duncan Hunter (R-CA) on September 18, 2014; ten bipartisan cosponsors
- **Status:** Referred to committee (House Transportation and Infrastructure/Coast Guard and Maritime Transportation)
- **GovTrack chance of passage:** 29%
- **Companion bill:** S 2094 (Vessel Incidental Discharge Act; essentially identical)

This bill would provide for the establishment of nationally uniform and environmentally sound standards governing discharges incidental to the normal operation of a vessel. The bill is similar to Rep. Frank LoBiondo's Commercial Vessel Discharges Reform Act (HR 3464), and is cosponsored by Rep. LoBiondo.

HR 5609/S 2094 (Hunter/Begich) and HR 3464 (LoBiondo) address the question of discharges in different ways. The Hunter/Begich version requires the Coast Guard department's Secretary to put uniform national standards in place for discharges, and to issue **within two years** a rule establishing best management practices (BMPs) for discharges incidental to the normal operations of a vessel, other than ballast water. The act would also authorize the Secretary to create regulations establishing alternative programs for compliance with ballast water discharge regulations for "specified discharges and vessels." In contrast, the LoBiondo version amends the Federal Water Pollution Control Act to prohibit from being required under the act incidental to

the normal operation of a covered vessel¹. These exemptions would **only last one year**. Meanwhile, the director of the Environmental Protection Agency would be required to determine the discharges incidental to the normal operation of the covered vessels that can reasonably have best management practices developed for them. It also directs the secretary of the department in which the U.S. Coast Guard is operating to create regulations on the use of these BMPs.

Bills Signed Into Law Since September

None.

Bills Reported by Committee Since September

HR 69: Illegal, Unreported, and Unregulated (IUU) Fishing Enforcement Act

- **Introduced by** Madeleine Bordallo (D-Guam) on January 3, 2013; 16 bipartisan cosponsors
- **Status:** Reported favorably by committee (House Natural Resources: Fisheries, Wildlife, Oceans and Insular Affairs).
- **GovTrack chance of passage:** 34%

H.R. 69 provides increased enforcement authority to the U.S. Coast Guard and the National Oceanic and Atmospheric Administration (NOAA) to combat IUU fishing, including strengthening NOAA's ability to penalize nations that do not comply with Regional Fisheries Management Organizations' recommendations. The bill also implements the Agreement on Port State Measures to ensure that illegally-caught fish do not enter U.S. ports.

The bill will be sent to the Full House of Representatives for consideration.

HR 5266: To reauthorize the National Estuary Programs, and for other purposes.

- **Introduced by** Frank LoBiondo (D-FL) on July 30, 2014; four bipartisan cosponsors
- **Status:** Reported by committee (House Transportation and Infrastructure: Water Resources and Environment).
- **GovTrack chance of passage:** 44%

Reauthorizes National Estuary Programs under the Federal Water Pollution Control Act and establishes a grant program focusing on issues such as seagrass habitat loss, harmful algae blooms, aquatic invasive species, jellyfish proliferation, flooding, and low dissolved oxygen conditions.

¹ The bill defines a "covered vessel" as every watercraft or other artificial contrivance used or capable of being used as a means of transportation on water that's engaged in a commercial service and is either less than 79 feet long or a fishing vessel, regardless of length.

SUMMARY OF FEDERAL LEGISLATION IN THE 113TH U.S. CONGRESS

A summary of relevant Federal legislation introduced in the 113th Congress is provided below. 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>.

Bills that have experienced change since September are highlighted. Bills that are greyed out have not progressed in at least 12 months, although their text may have been incorporated into another bill.

HOUSE BILLS

Number	Name of Bill	Notes	Introduced by	Status	Chance of Passage (govtrack.com) ²
HR 69	Illegal, Unreported, and Unregulated (IUU) Fishing Enforcement Act of 2013	Strengthens enforcement mechanisms to stop IUU fishing, to amend the Tuna Conventions Act to implement the Antigua Convention, etc.	Madeleine Bordallo, D-Guam (Jan 2013)	Reported by Committee 9/18/2014	34%
HR 71	Coral Reef Conservation Act Reauthorization and Enhancement Amendments of 2013	Self-explanatory.	Madeleine Bordallo, D-Guam (Jan 2013)	Referred to committee	3%
HR 584	To amend the Federal Food, Drug, and Cosmetic Act to require labeling of genetically engineered fish	Self-explanatory. Companion bill to S 248 (Mark Begich)	Don Young, R-Alaska (Feb 2013)	Referred to committee	1%
HR 753	Untitled	Prohibits finfish aquaculture in the EEZ	Don Young, R-Alaska (Feb 2013)	Referred to committee	3%
HR 764	Coastal State Climate Change Planning Act	Amends the Coastal Zone Management Act of 1972 to require the Secretary of Commerce to establish a coastal climate change adaptation planning and response program	Lois Capps, D-California (Feb 2013)	Referred to committee	6%
Number	Name of Bill	Notes	Introduced by	Status	Chance of

² The GovTrack.us chance of passage is based on an analysis of over 50 variables including similarity to other bills, committee membership of the sponsors, etc. While this rating system may be used to compare the relative chance of passage of various bills among the thousands introduced during a Congressional session, it should be taken advisedly.

					Passage
HR 799	Fisheries Disaster Relief and Research Investment Act	Amends the Saltonstall-Kennedy Act to protect fishing communities.	John Tierney, D-Massachusetts (Feb 2013)	Referred to committee	5%
HR 1147	To provide limitations on maritime liens on fishing permits, and for other purposes	Limits liens on fishing permits. Incorporated into Coast Guard reauthorization bill (HR 4005).	Don Young, R-Alaska (March 2013)	Referred to committee	2%
HR 1308	Endangered Salmon and Fisheries Predation Prevention Act	To reduce predation on Columbia River salmon.	Doc Hastings, R-Washington (March 2013)	Reported by committee 11/14/13.	24%
HR 1667	Prevention of Escapement of Genetically Altered Salmon in the United States Act	Self-explanatory	Don Young, R-Alaska (April 2013)	Referred to committee	21%
HR 1927	More Water and Security for Californians Act	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.	Jim Costa, D-California (May 2013)	Referred to committee	3%
HR 3063	Healthy Fisheries through Better Science Act	Amends MSA to require stock assessments for all FMP species.	Robert Wittman, R-Virginia (August 2013)	Referred to committee	6%
HR 3105	Aquaculture Risk Reduction Act	Exempts animals accidentally included in aquaculture shipments from the Lacey Act.	Rick Crawford, R-Arkansas	Referred to committee	4%
HR 3414	Fundamentally Improving Salmon Habitat Act	Would amend WRRDA to provide funding for ecosystem restoration in the Columbia and Tillamook basins.	Jaime Herrera-Beutler, D-Washington (October 2013)	Referred to committee	3%

Number	Name of Bill	Notes	Introduced by	Status	Chance of Passage
HR 3464	Commercial Vessel Discharges Reform Act of 2013	Exempts small vessels from certain discharge regulations. Substance incorporated into Coast Guard reauthorization bill (HR 4005).	Frank LoBiondo, R-New Jersey (Nov 2013)	Referred to committee	17%
HR 3533	Endangered Species Management Self-Determination Act	Allow states to manage endangered species protections. Identical to S. 1731.	Mark Amodei, R-Nevada (Nov 2013)	Referred to committee	3%
HR 3964	Sacramento-San Joaquin Valley Emergency Water Delivery Act	Directs water to agriculture; repeals environmental laws.	David Valadeo, R-California (Jan 2014)	Passed House 2/5/14. No action since.	20%
HR 4005	Coast Guard and Maritime Transportation Act of 2013	Authorizes appropriations for the Coast Guard for 2015 and 2016.	Duncan Hunter (R-CA)	Passed House 4/1/14.	56%
HR 4025	Fishing Safety Training and Research Act	Reauthorizes and amends the Fishing Safety Training Grant Program and the Fishing Safety Research Grant Program. (Both programs reauthorized in Coast Guard bill, HR 4005).	William Keating, D-Massachusetts (Feb 2014)	Referred to committee	2%
HR 4039	California Emergency Drought Relief Act of 2014	Similar to S 2016; emphasizes flexibility in existing water programs.	Jim Costa, D-California (Feb 2014)	Referred to committee	4%
HR 4097	Salmon Solutions and Planning Act	To ensure that proper information gathering and planning are undertaken to secure the preservation and recovery of the salmon and steelhead of the Columbia River Basin.	Jim McDermott, D-Washington (Feb 2014)	Referred to committee	1%
HR 4300	Sacramento Valley Water Storage and Restoration Act of 2014	Directs the Secretary of the Interior to take actions to support non-Federal investments in water infrastructure improvements in the Sacramento Valley.	Doug LaMalfa, R-California (March 2014)	Referred to committee	11%

Number	Name of Bill	Notes	Introduced by	Status	Chance of Passage
HR 4692	Coastal Communities Ocean Acidification Act of 2014	Directs Commerce/NOAA to conduct coastal community vulnerability assessments related to ocean acidification.	Chellie Pingree (D-ME)	Referred to committee	2%
HR 4742	Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act	MSA reauthorization bill. Incorporates REFI Act.	Doc Hastings, R-Washington (May 2014)	Reported by committee 4/29/14	31%
HR 4988	Marine Access and State Transparency Act	Requires Congressional approval, NEPA analysis of new National Monuments (see description above)	Steve Southerland (R-FL) (June 2014)	Referred to committee	13%
HR 5026	Fish Hatchery Protection Act	Requires an Act of Congress to decommission Department of Interior hatcheries, programs. (See description above)	Paul Gosar (R-AZ) (July 2014)	Reported by committee 7/30/14	31%
HR 5117	Estuary Urgent Needs Priority Program Act (now included in HR 5266)	Amends the Federal Water Pollution Control Act by adding a competitive award program, awarding recipients that are best able to address issues threatening the economic and ecological well-being of coastal areas. Such issues include seagrass habitat losses resulting in significant impacts on fisheries and water quality, recurring harmful algae blooms, unusual marine mammal mortalities, invasive exotic species, and jellyfish proliferation.	Bill Posey (R-FL) (July 2014)	Referred to committee	2%
HR 5216	Columbia Basin Restoration Act	See S 2674 (identical companion bill)	Earl Blumenauer (D-OR) (July 2014)	Referred to committee	6%
HR 5266	To reauthorize the National Estuary Programs, and for other purposes	To reauthorize the National Estuary Programs and to create a competitive award program.	Frank LoBiondo (R-NJ) (July 2014)	Reported by Committee 9/17/2014	44%
HR 5283	Land-Based Marine Debris Reduction Act	To establish national goals for the reduction and recycling of municipal solid waste and to address the growing problem of marine debris.	Mike Honda (D-CA) (July 2014)	Referred to committee	1%

Number	Name of Bill	Notes	Introduced by	Status	Chance of Passage
HR 5546	Marine Disease Emergency Act	Allows NOAA to declare and respond to a marine disease emergency.	Denny Heck (D-WA)	Referred to Committee	1%
HR 5609	Vessel Incidental Discharge Act	To provide for the establishment of nationally uniform and environmentally sound standards governing discharges incidental to the normal operation of a vessel.	Duncan Hunter (R-CA)	Referred to Committee	29%

SENATE BILLS

Number	Name of Bill	Notes	Introduced by	Status	Chance of Passage
S 45	West Coast Ocean Protection Act of 2013	Prohibits drilling off the coast of California, Oregon, and Washington	Barbara Boxer, D-California (Jan 2013)	Referred to committee	1%
S 224	San Francisco Bay Restoration Act	Amends the Federal Water Pollution Control Act to establish a grant program to support the restoration of San Francisco Bay	Dianne Feinstein, D-California (Feb 2013)	Reported by committee 4/3/14	35%
S 248	Untitled	Amends the Federal Food, Drug, and Cosmetic Act to require labeling of genetically engineered fish	Mark Begich, D-Alaska (Feb 2013)	Referred to committee	1%
S 267	Pirate Fishing Elimination Act	To prevent, deter, and eliminate illegal, unreported and unregulated fishing through port State measures	John "Jay" Rockefeller, D-West Virginia (Feb 2013)	Reported by committee 7/13/13	24%
S 269	International Fisheries Stewardship and Enforcement Act	Establishes uniform authorities for the enforcement of the High Seas Driftnet Fishing Moratorium Protection Act and similar statutes	Jay Rockefeller, D-West Virginia (Feb 2013)	Council commented on this. Reported by committee 7/30/13	24%

Number	Name of Bill	Notes	Introduced by	Status	Chance of Passage
S 518	H2O Visa for Seafood Processing Act	Authorizes the issuance of H2O nonimmigrant visas for aliens temporarily performing labor in the seafood processing industry	Mark Begich, D-Alaska (March 2013)	Referred to committee	2%
S 520	Safety and Fraud Enforcement for Seafood Act	Replaces HR 1012 (Ed Markey, D-MA). To reduce seafood fraud.	Mark Begich, D-Alaska (March 2013)	Referred to committee	5%
S 542	Maritime Lien Reform Act	Limits maritime liens on fishing licenses. Included in HR 4005.	Lisa Murkowski, R-Alaska (March 2013)	Referred to committee	1%
S 646	National Endowment for the Oceans Act	Creates a National Endowment for the Oceans to promote the protection and conservation of ocean, coastal, and Great Lakes ecosystems	Sheldon Whitehouse, D-Rhode Island (March 2013)	Referred to committee	3%
S 839	Coral Reef Conservation Amendments Act of 2013	Reauthorizes the Coral Reef Conservation Act of 2000.	Bill Nelson, D-Florida (April 2013)	Reported by committee 7/30/13	24%
S 1153	Invasive Fish and Wildlife Prevention Act	Self-explanatory.	Kirsten Gillibrand, D-New York (June 2013)	Referred to committee	3%
S 1275	Revitalizing the Economy of Fisheries in the Pacific (REFI) Act	Replaces HR 2646 (Jaime Herrera-Beutler, R-WA). Directs the Secretary of Commerce to issue a fishing capacity reduction loan to refinance the existing loan funding the Pacific Coast groundfish fishing capacity reduction program. Incorporated into HR 4742 (MSA reauth.)	Maria Cantwell, D-Washington (July 2013)	Reported by committee 4/9/14.	24%
S 1335	Sportsmen's Act.	Aims to ensure public lands are open to fishing and hunting. (Several other bills have the same goal)	Lisa Murkowski, R-Alaska (July 2013)	Reported by committee 7/18/13.	24%
S 1521	Responsible Seafood Certification and Labeling Act	Prohibits Federal agencies from requiring seafood to be certified as sustainable by a third party nongovernmental organization.	Lisa Murkowski, R-Alaska (Sept 2013)	Referred to committee	0%

Number	Name of Bill	Notes	Introduced by	Status	Chance of Passage
S 1731	Endangered Species Management Self-Determination Act	Amends the Endangered Species Act to permit Governors of states to regulate intrastate endangered species and intrastate threatened species.	Rand Paul, R-Kentucky (Nov 2013)	Referred to committee	3%
S 2028	Sport Fish Restoration and Recreational Boating Safety Act of 2014	Amends laws relating to sport fish restoration and recreational boating safety.	Jay Rockefeller, D-West Virginia (Feb 2014)	Reported by committee 4/9/14.	43%
S 2016	California Emergency Drought Relief Act of 2014	A “compromise” drought bill focused on flexibility in water allocations rather than repealing environmental laws	Dianne Feinstein, D-California (Feb 2014)	Referred to committee	4%
S 2042	Clean Estuaries Act of 2014 (also see HR 5266)	Amends the Federal Water Pollution Control Act to reauthorize the National Estuary Program.	Sheldon Whitehouse, D-Rhode Island (Feb 2014)	Reported by committee 4/3/14.	43%
S 2080	National Fish Habitat Conservation Act	A bill to conserve fish and aquatic communities through partnerships that foster fish habitat conservation, enhance fish and wildlife-dependent recreation, etc.	Benjamin Cardin, D-Maryland (March 2014)	Reported by committee 4/3/14.	31%
S 2094	Vessel Incidental Discharge Act (see HR 5609)	To establish uniform and environmentally sound standards governing discharges incidental to the normal operation of a vessel.	Mark Begich, D-Alaska (March 2014)	Reported by committee 7/23/14	57%
S 2198	Emergency Drought Relief Act of 2014	Directs Interior, Commerce, Agriculture, and EPA to provide additional water supplies to the State of California due to drought.	Dianne Feinstein, D-California (April 2014)	Passed Senate 5/22/14.	20%
S 2379	Klamath Basin Water Recovery and Economic Restoration Act of 2014 (see instead S 2727)	Would formalize the Upper Klamath Basin Comprehensive Agreement and authorize the Klamath Basin Restoration Agreement and Klamath Hydroelectric Settlement Agreement.	Ron Wyden and Jeff Merkley (D-OR) (May 2014)	Referred to committee	4%

Number	Name of Bill	Notes	Introduced by	Status	Chance of Passage
S 2560	United States Fish and Wildlife Resource Protection Act	A bill to authorize the United States Fish and Wildlife Service to seek compensation for injuries to trust resources and use those funds to restore, replace, or acquire equivalent resources, and for other purposes.	Benjamin Cardin (D-MD) (June 2014)	Referred to committee	15%
S 2608	Improved National Monument Designation Process Act	A bill to provide for congressional approval of national monuments and restrictions on the use of national monuments, to establish requirements for the declaration of marine national monuments, and for other purposes.	Lisa Murkowski (R-WA) (July 2014)	Referred to committee	2%
S 2674	Columbia River Basin Restoration Act	A bill to amend the Federal Water Pollution Control Act to establish within the Environmental Protection Agency a Columbia River Basin Restoration Program.	Jeff Merkley (D-OR)	Referred to committee	12%
S 2727	Klamath Basin Water Recovery and Economic Restoration Act	A bill to approve and implement the Klamath Basin agreements, to improve natural resource management, support economic development, and sustain agricultural production in the Klamath River Basin in the public interest and the interest of the United States, and for other purposes.	Ron Wyden (D-OR) (July 2014)	Referred to committee	5%

SIGNED INTO LAW

Number	Name of Bill	Notes	Introduced by	Status	Chance of Passage
HR 3080	Water Resources Reform and Development Act (WRRDA) of 2013	Wide-ranging bill authorizes Army Corps of Engineers projects; reforms water resource policy; increases transparency; requires review of levee vegetation policies	Bill Schuster, R-Pennsylvania (Sept 2013)	Signed by President 6/10/14	PASSED
S 1254	Harmful Algal Bloom and Hypoxia Research and Control Amendments Act of 2013	Amends the Harmful Algal Blooms and Hypoxia Research and Control Act. Creates a national algal bloom and hypoxia program and requires a research plan and action strategy under NOAA. Creates a grant program in support of this strategy. Authorizes \$20.5 million per year through 2018.	Bill Nelson, D-Florida (June 2013)	Signed by President 6/30/14	PASSED