

## 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 GovTrack.us website, further summarized by Council staff.

### **New, Relevant Bills Since June**

#### S 2608: Improved National Monument Designation Process Act

- **Introduced by** Lisa Murkowski (R-AK) on July 15, 2014; no cosponsors
- **Status:** Referred to committee.
- **GovTrack chance of passage:** 2%
- **Companion bill:** HR 4988 (essentially identical)

This bill would amend the Antiquities Act to require Congressional approval prior to designation of any National Monument, and application of the National Environmental Policy Act to any proposed National Monument. With respect to any National Monument proposed within the EEZ, the bill would require specific authorization by an Act of Congress; approval by each State legislature within 100 miles of the proposed National Monument; and a stakeholder review process prior to the implementation of any restrictions on public uses within the designated area.

#### S 2674: Columbia River Basin Restoration Act of 2014

- **Introduced by** Jeff Merkley (D-OR) on July 28, 2014; three cosponsors
- **Status:** Referred to committee.
- **GovTrack chance of passage:** 5%
- **Companion bill:** HR 5216 (identical)

This bill would amend the Federal Water Pollution Control Act to establish a Columbia River Basin Restoration Program, within the Environmental Protection Agency (EPA), in order to reduce toxic contamination and clean up contaminated sites throughout the Columbia River Basin. The program would build on the work of the existing Columbia River Toxics Reduction Working Group and would consist of a collaborative stakeholder-based program for reducing toxic contamination throughout the Columbia River Basin. The program would include grants for projects that eliminate or reduce pollution, clean up contaminated sites, improve water quality, protect habitat, etc.

#### S 2727: Klamath Basin Water Recovery and Economic Restoration Act of 2014

- **Introduced by** Ron Wyden (D-OR) on July 31, 2014; cosponsored by Jeff Merkley (D-OR).
- **Status:** Referred to committee.

- **GovTrack chance of passage:** 2%
- **Companion bill:** Similar to S 2379.

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. This bill is identical to S 2379, which was discussed at the June Legislative Committee meeting, except that it appears to create a tax exemption for irrigation companies that are transferring water rights.

S 2771: Water in the 21<sup>st</sup> Century Act (W21)

- **Introduced by** Barbara Boxer (D-CA) on July 31, 2014; two cosponsors
- **Status:** Referred to committee.
- **GovTrack chance of passage:** 19%

This bill is meant to help communities nationwide better prepare for the future by providing new incentives and investments to help residents, businesses and local water agencies to conserve, recycle and manage limited water supplies. Among other things, the legislation would expand incentives for water conservation and efficiency; support local investments in water recycling and improved groundwater management and storage; and invest in research into water-saving technologies and desalination. The bill is meant to compliment the Emergency Drought Relief Act (S 2198), which was discussed at the June Legislative Committee meeting.

S 2771 directs U.S. Fish and Wildlife Service to prepare a salmon drought plan to address the impacts of drought on the salmon population. The plan would include options to protect California salmon populations, particularly actions to aid salmon during drought—for example, relocating the release location and timing of hatchery fish to avoid predation and temperature impacts; barging hatchery release fish to improve survival and reduce straying; coordinating with water users, Reclamation, and California Department of Water Resources regarding voluntary water transfers to provide benefits for salmon; hatchery management modifications; and increasing rescue operations of upstream migrating fish.

HR 4005: Coast Guard and Maritime Transportation Act of 2013

- **Introduced by** Duncan Hunter (R-CA) on February 6, 2014; 2 bipartisan cosponsors
- **Status:** Passed the House on April 1, 2014.
- **GovTrack chance of passage:** 54%

This bill authorizes appropriations for the Coast Guard for 2015 and 2016. In addition to many Coast Guard-related actions, it bars specified Federal shipping laws related to maritime liability from establishing maritime liens on state or federal fishing permits, and authorizing civil actions to enforce maritime liens on such permits. The bill specifies that a “fishing permit” is governed solely by the state or Federal law under which it was issued, and shall not be treated as part of a vessel, or as an appurtenance or intangible of a vessel, for any purpose under federal law.

The bill incorporates the Commercial Vessel Discharge Reform Act of 2014, which makes permanent a provision prohibiting the EPA, or a state with an approved National Pollutant Discharge Elimination System (NPDES) permit program under the Clean Water Act, from requiring an NPDES permit for a

covered vessel (a vessel that is less than 79 feet in length or a fishing vessel) for any discharge of effluent from properly functioning marine engines; of laundry, shower, and galley sink wastes; or that is incidental to the normal operation of a covered vessel. (Currently, such prohibition ends on December 18, 2014.)

In addition, the bill reauthorizes the Fishing Safety Training Grant Program and the Fishing Safety Research Grant Program through FY2016.

#### HR 4988: Marine Access and State Transparency Act

- **Introduced by** Steve Southerland (R-FL) on June 26, 2014; 15 cosponsors
- **Status:** Referred to committee.
- **GovTrack chance of passage:** 23%
- **Companion bill:** S 2608 (essentially identical)

See S 2608 (above).

#### HR 5026: Fish Hatchery Protection Act

- **Introduced by** Paul Gosar (R-AZ) on July 8, 2014; 6 bipartisan cosponsors
- **Status:** Referred to committee.
- **GovTrack chance of passage:** 20%

This very brief bill would prohibit closing, significantly altering, or decommissioning any Department of the Interior fish hatchery or propagation program unless expressly authorized by an Act of Congress. The Act would be in effect for 10 years.

#### HR 5216: Columbia Basin Restoration Act

- **Introduced by** Earl Blumenauer (D-OR) on July 28, 2014; two cosponsors
- **Status:** Referred to committee.
- **GovTrack chance of passage:** 8%
- **Companion bill:** S 2674

See S 2674 (above).

#### HR 5283: Land-Based Marine Debris Reduction Act

- **Introduced by** Mike Honda (D-CA) on July 30, 2014; no cosponsors
- **Status:** Referred to committee.
- **GovTrack chance of passage:** 1%

This bill would establish national goals for the reduction and recycling of municipal solid waste in order to address the growing problem of marine debris, and would require the EPA to promulgate regulations to attain those goals. The Act would require a yearly report on solid waste generation and the amount of solid waste that enters the ocean, and progress in reducing the amount of waste entering the ocean. It would also require a report on how marine debris reaches the ocean, and best practices to reduce such

debris. It would look at products and their packaging and would allow the EPA to promulgate regulations to reduce packaging waste and create packaging standards.

## **Bills Signed Into Law Since June**

### S 1254: Harmful Algal Bloom and Hypoxia Research and Control Amendments Act of 2014

- **Introduced by** Bill Nelson (D-FL) on June 27, 2013; 18 bipartisan cosponsors
- **Status:** Signed by the President.

Among other things, this bill requires the Under Secretary of Commerce for Oceans and Atmosphere to maintain a national harmful algal bloom and hypoxia program, and develop a comprehensive research plan and action strategy to address marine and freshwater harmful algal blooms and hypoxia. It adjusts the responsibilities of the existing Inter-Agency Task Force on Harmful Algal Blooms and Hypoxia to speed up the review process and promote the development of new technologies for predicting, monitoring, and mitigating harmful algal bloom and hypoxia conditions. NOAA will administer the program.

## **Bills Reported by Committee Since June**

S. 2094, the Vessel Incidental Discharge Act (Begich), was reported by committee on July 23 with minor amendments related to ballast water.

HR 5026, the Fish Hatchery Protection Act (Gosar), was reported by committee on July 30.

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

A summary of relevant Federal legislation introduced in the 113<sup>th</sup> 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 June 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) <sup>1</sup>
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)	Referred to committee	15%
HR 71	Coral Reef Conservation Act Reauthorization and Enhancement Amendments of 2013	Self-explanatory.	Madeleine Bordallo, D-Guam (Jan 2013)	Referred to committee	4%
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	7%

<sup>1</sup> 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.

Number	Name of Bill	Notes	Introduced by	Status	Chance of 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	3%
HR 1147	To provide limitations on maritime liens on fishing permits, and for other purposes	Limits liens on fishing permits. <b>Incorporated into Coast Guard reauthorization bill (HR 4005).</b>	Don Young, R-Alaska (March 2013)	Referred to committee	3%
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.	14%
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	24%
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	6%

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. <b>Substance incorporated into Coast Guard reauthorization bill (HR 4005).</b>	Frank LoBiondo, R-New Jersey (Nov 2013)	Referred to committee	22%
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 2013)	Passed House 2/5/14. No action since.	28%
<b>HR 4005</b>	<b>Coast Guard and Maritime Transportation Act of 2013 (NEW TO COUNCIL)</b>	Authorizes appropriations for the Coast Guard for 2015 and 2016. <b>See more details above.</b>	Duncan Hunter (R-CA)	Passed House 4/1/14.	54%
HR 4025	Fishing Safety Training and Research Act	Reauthorizes and amends the Fishing Safety Training Grant Program and the Fishing Safety Research Grant Program. <b>(Both programs reauthorized in Coast Guard bill, HR 4005).</b>	William Keating, D-Massachusetts (Feb 2014)	Referred to committee	3%
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	2%
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	9%

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	28%
<b>HR 4988 (NEW)</b>	<b>Marine Access and State Transparency Act</b>	Requires Congressional approval, NEPA analysis of new National Monuments (see description above)	Steve Southerland (R-FL) (June 2014)	Referred to committee	23%
<b>HR 5026 (NEW)</b>	<b>Fish Hatchery Protection Act</b>	Requires an Act of Congress to decommission Department of Interior hatcheries, programs. (See description above)	Paul Gosar (R-AZ) (July 2014)	<b>Reported by committee 7/30/14</b>	9%
<b>HR 5177 (NEW)</b>	<b>Estuary Urgent Needs Priority Program Act</b>	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	4%
<b>HR 5216 (NEW)</b>	<b>Columbia Basin Restoration Act</b>	See S 2674 (identical companion bill)	Earl Blumenauer (D-OR) (July 2014)	Referred to committee	8%
<b>HR 5266 (NEW)</b>	<b>Untitled</b>	To reauthorize the National Estuary Programs and to create a competitive award program similar to HR 5177.	Frank LoBiondo (R-NJ) (July 2014)	Referred to committee	9%
<b>HR 5283 (NEW)</b>	<b>Land-Based Marine Debris Reduction Act</b>	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%



## 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	20%
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	0%
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	14%
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	14%
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	1%
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	2%
<b>S 542</b>	<b>Maritime Lien Reform Act</b>	Limits maritime liens on fishing licenses. <b>Included in HR 4005.</b>	Lisa Murkowski, R-Alaska (March 2013)	Referred to committee	0%

Number	Name of Bill	Notes	Introduced by	Status	Chance of Passage
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	2%
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	20%
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. <b>Incorporated into HR 4742</b> (MSA reauth.)	Maria Cantwell, D-Washington (July 2013)	Reported by committee 4/9/14.	20%
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.	20%
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%
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.	47%

Number	Name of Bill	Notes	Introduced by	Status	Chance of Passage
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	6%
S 2042	Clean Estuaries Act of 2014	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.	28%
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.	20%
S 2094	Vessel Incidental Discharge Act	To establish uniform and environmentally sound standards governing discharges incidental to the normal operation of a vessel.	Mark Begich, D-Alaska (March 2014)	<b>Reported by committee 7/23/14</b>	<b>53% (up from 24% in June)</b>
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	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	5%
<b>S 2560 (NEW)</b>	<b>United States Fish and Wildlife Resource Protection Act</b>	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	18%
<b>S 2608 (NEW)</b>	<b>Improved National Monument Designation Process Act</b>	See description in text above.	Lisa Murkowski (R-WA) (July 2014)	Referred to committee	2%

Number	Name of Bill	Notes	Introduced by	Status	Chance of Passage
<b>S 2674 (NEW)</b>	<b>Columbia River Basin Restoration Act of 2014</b>	See description in text above.	Jeff Merkley (D-OR)	Referred to committee	5%
<b>S 2727 (NEW)</b>	<b>Klamath Basin Water Recovery and Economic Restoration Act</b>	See description in text above.	Ron Wyden (D-OR) (July 2014)	Referred to committee	2%
<b>S 2771 (NEW)</b>	<b>Water in the 21<sup>st</sup> Century Act</b>	See description in text above.	Barbara Boxer (D-CA) (July 2014)	Referred to committee	19%

#### SIGNED INTO LAW

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
<b>S 1254</b>	<b>Harmful Algal Bloom and Hypoxia Research and Control Amendments Act of 2013</b>	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)	<b>Signed by President 6/30/14</b>	PASSED

PFMC  
08/18/2014