

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

A summary of Federal legislation introduced in the 113th 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.

Most Relevant Bills

HR 1526: Restoring Healthy Forests for Healthy Communities Act (NEW TO COUNCIL)

- **Introduced by** Doc Hastings (R-Washington) on April 12, 2013; 22 cosponsors.
- **Status:** Passed in the House of Representatives 244-173.

This bill is intended to improve the economic stability of timber-dependent counties by ensuring that such counties have a dependable source of revenue from National Forest System land. It would increase logging on Bureau of Land Management forests in exchange for protecting other lands for fish and wildlife habitat.

Specifically, the bill places statutory requirements on the board feet of timber to be harvested annually, doubling the current amount. Sections of national forests would be designated as “forest reserve revenue areas,” designed for the purpose of logging and revenue generation for specific counties. Timber harvesting projects within these forest reserve revenue areas would be exempt from judicial review that is otherwise required under several key environmental statutes. The bill curtails environmental review of proposed projects within these revenue areas.

Among other things, the bill calls for slightly more than half of the “O&C lands” – 1.47 million acres of previously managed timber lands – to be sustainably managed for timber production, with a portion of the revenues going to the 18 O&C counties in Western Oregon. The remainder of the O&C lands would be managed by the US Forest Service as old-growth forest preserves. The bill would also add 58,100 acres to the Rogue Wilderness Area in southern Oregon, and would designate 93 miles of 35 tributaries of the Rogue as either “wild,” “scenic,” or “recreational” under the Wild and Scenic Rivers Act. In addition, it would ban mining on 19 tributaries on the Rogue and 11 miles on the Chetco River.

Notably, the bill contains a clause that “If the Secretary [of the Department of Agriculture] determines that a proposed covered forest reserve project may affect the continued existence of any species listed as endangered or threatened... the Secretary shall issue a determination explaining the view of the Secretary that the proposed covered project is not likely to jeopardize the continued existence of the species.”

The Obama administration has threatened to veto the bill, saying it would harm the long-term management strategy of national forest lands, and that it conflicts with existing statutory requirements.

HR 3080: Water Resources Reform and Development Act of 2013 (NEW)

- **Introduced by** Bill Shuster (R-Pennsylvania) on September 11, 2013; 30 cosponsors.
- **Status:** Referred to the House Natural Resources, House Budget, House Transportation and Infrastructure, and House Ways and Means Committees. Discussed, marked up, and reported by the House Transportation and Infrastructure Committee on September 19.
- **Note:** Govtrack.us gives this bill a 67 percent chance of being enacted.

This 160-page bill, known as the WRRDA, authorizes the U.S. Army Corps of Engineers to carry out its missions to develop, maintain, and support port and waterways infrastructure needs, and support flood protection and environmental restoration needs. Historically, Congress has passed such legislation every two years to provide clear direction to the Administration and the Corps, but no bill has been signed into law since 2007.

The bill makes reforms to increase transparency, accountability, and Congressional oversight of Federal water resource development. It would increase the amount of money spent from the Harbor Maintenance Trust Fund, authorize the U.S. Army Corps of Engineers' key missions and projects, require the Army Corps of Engineers to send Congress annual reports on proposed activities, and set up a process to deauthorize \$12 billion in inactive projects. It also would include provisions to speed up the environmental review process, mandating that studies may only take three years, cost no more than \$3 million and work through no more than three levels within the Corps.

The bill is intended to create jobs by lowering the cost of shipping freight by water, provide flood protection, and create sunset dates for newly authorized projects. WRRDA also would authorize 23 projects in the U.S. that already have been reviewed and recommended by the Army Corps, including levee improvements for the Sacramento area.

This bill incorporates HR 399, the Levee Vegetation Review Act of 2013, introduced by Doris Matsui (D-California) on January 23, which directs the Secretary of the Army to undertake a comprehensive review of the Corps of Engineers' policy guidelines on vegetation management for levees in order to determine whether current Federal policy is appropriate for all regions of the United States.

The bill also amends the River and Harbor Act to include aquatic invasive species.

HR 2646 and S. 1275: Revitalizing the Economy of Fisheries in the Pacific (REFI) Act (Ongoing)

- **HR 2646 was introduced by** Jaime Herrera-Beutler (D-Washington) on July 10, 2013; has 16 cosponsors. Two cosponsors have been added since the September Council meeting.
- **S. 1275 was introduced by** Maria Cantwell (D-Washington) on July 10, 2013; has 6 cosponsors. There have been no changes to the status of this bill since the September Council meeting.

Under both of these bills, which are essentially the same, the Secretary of Commerce would issue a loan to refinance the existing debt obligation funding the fishing capacity reduction program for the West Coast groundfish fishery implemented under section 212 of the Department of Commerce and Related Agencies Appropriations Act, 2003.

At the September Council meeting, the Council approved a letter to Representative Herrera-Beutler expressing the Council's support for the bills (Agenda Item I.2.a, Attachment 5).

HR 69: Illegal, Unreported, and Unregulated Fishing Enforcement Act of 2013, and S 269: International Fisheries Stewardship and Enforcement Act (Ongoing)

- **HR 69 was introduced** by Madeleine Bordallo (D-Guam) on February 12, 2013; has 16 cosponsors. There have been no changes since the September Council meeting.
- **S 269 was introduced** by Jay Rockefeller (D-West Virginia) on February 11, 2013; 11 cosponsors. There have been no changes since the September Council meeting.
- **Status:** Reported to the Senate. A hearing was held on this bill on July 30, 2013. A substitute bill was passed by the Senate Commerce, Science, and Transportation Committee.

Both of these bills strengthen enforcement mechanisms to stop illegal, unreported, and unregulated fishing, amend the Tuna Conventions Act of 1950 to implement the Antigua Convention, and make other changes. However, they address these issues in different ways.

At the September Council meeting, the Council called for development of a draft letter to Delegate Bordallo and Senator Rockefeller in the event that a request for comment is received. To date, such as request has not been received; however the letter is attached (Agenda Item I.2.a, Attachment 4).

The letter notes that during a markup held on July 30 of this year, S. 269, Title IV, Section 405 was changed to remove most of Section 6(c) of the Tuna Conventions Act. The language that was removed benefits domestic commercial fishermen and should be retained; this would help ensure that the U.S. fleet fishing for highly migratory species is not disadvantaged in the face of competition from foreign fleets fishing for the same species.

The letter also notes that S. 269 would add a member of the Pacific Fishery Management Council to the IATTC Commission, which the Council favors.

S 1521: Responsible Seafood Certification and Labeling Act (NEW)

- **Introduced by** Lisa Murkowski (R-Alaska) on September 18, 2013; no cosponsors.
- **Status:** Referred to the Senate Health, Education, Labor, and Pensions Subcommittee.

This bill would prohibit Federal agencies from requiring seafood to be certified as sustainable by a third party nongovernmental organization.

Other House Bills

These bills were described in more detail in the summary of legislation provided at the June and September 2013 Council meetings (<http://tinyurl.com/mh9mc4z>). None of these bills have changed since the September Council meeting.

- HR 71: Coral Reef Conservation Act Reauthorization and Enhancement Amendments of 2013. (*Madeline Bordallo, D-Guam*)
- HR 584: To amend the Federal Food, Drug, and Cosmetic Act to require labeling of genetically engineered fish. (*Don Young, R-Alaska*)
- HR 753: Untitled; prohibits finfish aquaculture in the EEZ. (*Don Young, R-Alaska*)
- HR 799: Fisheries Disaster Relief and Research Investment Act. (*John Tierney, D-Massachusetts*)
- HR 1012: Safety and Fraud Enforcement for Seafood Act. (*Ed Markey, D-MA*)
- HR 1147: To provide limitations on maritime liens on fishing permits, and for other purposes. (*Don Young, R-Alaska*)
- HR 1308: Endangered Salmon and Fisheries Predation Prevention Act. (*Doc Hastings, R-Washington*)
- HR 1667: Prevention of Escapement of Genetically Altered Salmon in the United States Act (*Don Young, R-AK*)
- HR 1788: Cormorant Management and Natural Resources Protection Act. (*Michelle Bachmann, R-Minnesota*)
- HR 1927: More Water and Security for Californians Act. (*Jim Costa, D-California*)
- HR 3063: Healthy Fisheries through Better Science Act. (*Robert Wittman, R-VA*)

Other Senate Bills

New Bills

S 1528: Comprehensive National Mercury Monitoring Act

- **Introduced by** Susan Collins (R-Maine) on September 19, 2013; one cosponsor.
- **Status:** Referred to the Senate Committee on Environment and Public Works.

This bill would establish a comprehensive national mercury monitoring network to accurately quantify regional and national changes in atmospheric deposition, ecosystem contamination, and bioaccumulation of mercury in fish and wildlife in response to changes in mercury emissions would help policy makers, scientists, and the public to better understand the sources, consequences, and trends in United States mercury pollution.

Ongoing Bills

These bills were described in more detail in the summary of legislation provided at the June and September 2013 Council meetings. None of these bills have changed since the September Council meeting.

- S 267: Pirate Fishing Elimination Act (*John “Jay” Rockefeller, D-WV*)
- S 520: Safety and Fraud Enforcement for Seafood Act (*Mark Begich, D-AK*)
- S 839: Coral Reef Conservation Amendments Act of 2013 (*Bill Nelson, D-FL*)
- S 45: West Coast Ocean Protection Act of 2013 (*Barbara Boxer, D-California*)
- S 246: Prevention of Escapement of Genetically Altered Salmon in the United States Act (*Mark Begich, D-Alaska*)
- S 248: (Untitled). A bill to amend the Federal Food, Drug, and Cosmetic Act to require labeling of genetically engineered fish (*Mark Begich, D-Alaska*)
- S 518: H2O Visa for Seafood Processing Act (*Mark Begich, D-Alaska*)
- S 601: Water Resources Development Act of 2013 (*Barbara Boxer, D-California*) (Passed Senate in May 2013)
- S 646: National Endowment for the Oceans Act (*Sheldon Whitehouse, D-RI*)

Less Relevant 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 September Council meeting:

- **HR 3105: Aquaculture Risk Reduction Act.** To amend the Lacey Act Amendments of 1981 to exempt from such Act animals accidentally included in shipments of aquatic species produced in commercial aquaculture, and for other purposes. (*Rick Crawford, R-AR*)
- **HR 2935: Conservation Reform Act of 2013.** Establishes an Interagency Working Group on Global Conservation; and establishes the International Conservation Strategy to strengthen the capacity of the United States to collaborate with other countries, international organizations, the private sector, and private voluntary organizations to conserve natural resources and enhance biodiversity. (*Jeff Fortenberry, R-NE*)
- **HR 3099: Gulf of Mexico Red Snapper Conservation Act of 2013.** Provides for the development of a fishery management plan for Gulf of Mexico red snapper. (*Joe Garcia, D-FL*)

There has been no major activity on the following bills since the September Council meeting (or before):

- *HR 2842:* To create competition in the Department of Agriculture’s canned tuna purchasing program. (*Linda Sanchez, D-California*)
- *HR 2735: Protecting Lands Against Narcotics Trafficking Act of 2013.* (*Jared Huffman, D-California*)
- *HR 2705: Stanislaus River Native Anadromous Fish Improvement Act.* (*Jeff Denham, R-California*)
- *HR 2588: FORESTS Act of 2013 (Fulfilling Our Responsibility for Efficient and Sustainable Timber Supply).* (*Sean Duffy, R- Wisconsin*)
- *HR 2261: National Mitigation Fisheries Coordination Act.* (*Rick Crawford, R-Arkansas*)

- *HR 2162: Environmental Compliance Cost Transparency Act of 2013.* (Paul Gosar, R-Arizona)
- *HR 2044: To prohibit the use, production, sale, importation, or exportation of any pesticide containing atrazine.* (Keith Ellison, D-Minnesota)
- *HR 1699: Genetically Engineered Food Right-to-Know Act.* (Peter DeFazio, D-Oregon)
- *HR 996/S 1153: Invasive Fish and Wildlife Prevention Act.* (Louise Slaughter, D-New York)
- *HR 843: San Francisco Bay Restoration Act.* (Jackie Speier, D-California)
- *HR 764: Coastal State Climate Change Planning Act.* (Lois Capps, D-California)
- *HR 322/S 1505: Hunting, Fishing, and Recreational Shooting Protection Act.* (Seeks to exclude fishing sinkers from the Toxic Substances and Chemicals Act). (Jeff Miller, R-Florida)
- *S 1359: Clean Cruise Ship Act of 2013.* (Dick Durbin, D-Illinois)
- *S 1335: Sportsmen's Act.* (Lisa Murkowski, R-Alaska)
- *S 1254: Harmful Algal Bloom and Hypoxia Research and Control Amendments Act of 2013.* (Bill Nelson, D-Florida)
- *S. 1202: Safeguarding America's Future and Environment Act.* (Sheldon Whitehouse, D-Rhode Island)
- *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)
- *S. 713: Rhode Island Fishermen's Fairness Act.* Adds Rhode Island to the Mid-Atlantic Fishery Management Council. (Jack Reed, D-Rhode Island)
- *S. 332: Climate Protection Act of 2013.* (Bernie Sanders, D-Vermont)
- *S. 221: Saving Fishing Jobs Act.* Permits eligible fishermen to approve certain limited access privilege programs, and for other purposes. Does not apply to the Pacific Council region. (Kelly Ayotte, R-New Hampshire)
- *S. 96: Rigs to Reef Habitat Protection Act.* Applies only to Gulf of Mexico. (David Vitter, R-Louisiana)

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