

STAFF SUMMARY OF EXECUTIVE ACTIONS AND FEDERAL LEGISLATION IN THE 115TH 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. Figures in percentages (x%) are the bill's chance of passage as assigned by Skopos Labs.

Newly Passed in House or Senate

HR 3043: Hydropower Policy Modernization Act

- Introduced by Cathy McMorris-Rodgers (R-WA) on June 23, 2017
- Passed House on November 8, 2017 (43%)

This bill aims to streamline the hydropower permitting process and encourage expansion of hydropower generation. Specifically, it establishes the Federal Energy Regulatory Commission (FERC) as the lead agency for coordinating all Federal authorizations, approvals, etc., including compliance with environmental laws.

Under the bill, when a hydropower license expires, its license is automatically renewed every year in perpetuity until a new license is issued.

The bill modifies the definition of renewable energy to include hydropower, extends the timeframe for a preliminary permit from 3 to 4 years, and extends the time limit for construction “for not more than 8 additional years.”

The bill expands the use of trial-type hearings—where industry can challenge the conditions proposed by a Federal agency—through an Administrative Law Judge at FERC, and aims to minimize “duplication of studies” by establishing a program to compile a comprehensive collection of studies and data on a regional or basin-wide scale.

There is concern among some environmental organizations that the bill would undermine the ability to protect water quality and salmon runs. The West Coast Governors’ Association has written a letter expressing concerns with the bill (<http://tinyurl.com/y77abfy4>). [Information in this summary is from Govtrack.com, Congressman Seth Moulton].

Newly Reported by Committee

HR 717: Listing Reform Act

- Introduced by Pete Olson (R-TX) in January 2017.
- Reported by committee February 14, 2018 (12%)

This bill amends (and weakens) the Endangered Species Act (ESA) by requiring review of the economic cost of adding a species to the list of threatened or endangered species. The bill removes deadlines for the U.S. Fish and Wildlife Service to make findings in response to listing petitions; prohibits prioritizing “listing” petitions over “delisting” petitions; and allows listing decisions to be made based on economic impacts.

HR 1274: State, Tribal, and Local Species Transparency and Recovery Act

- Introduced by Dan Newhouse (R-WA) on March 1, 2017.
- Status: **Reported by committee** on February 14, 2018 (13%)

This bill amends (and weakens) the ESA by requiring any information provided by states, tribes, or counties to be considered “best available science.” The bill directs the Federal government to use state and local data in listing decisions, regardless whether or not it is the best available science.

HR 3131: Endangered Species Litigation and Reasonableness Act

- Introduced by Bill Huizenga (R-MI) on June 29, 2017.
- Status: **Reported by committee** February 15, 2018 (13%)

This bill places a cap on the recovery of attorneys’ fees in suits brought under the ESA, making it difficult for many citizens to sue to uphold the ESA.

S. Res 430: A resolution expressing support for the designation of March 9, 2018, as a national day of remembrance in honor of the life, legacy, and many accomplishments of Billy Frank, Jr.

- Introduced by Maria Cantwell (D-WA) on March 12, 2018.

Honors Billy Frank, Jr. See full text at <http://tinyurl.com/yb9x854z>.

HR 5248: The Sustainable Shark and Fisheries Trade Act of 2018

- Introduced by Daniel Webster (R-FL) on March 13, 2018.

This bill requires the U.S. Secretary of Commerce to create a three-year certification process for nations exporting shark products to the U.S. Any nation seeking to export shark products to the U.S. must receive certification that it has an effective ban on shark finning, and that it has a similar conservation and management program for sharks, skates, and rays. The bill also increases traceability of imported shark products.

HR 5269: To require State or territorial approval of restriction by the Secretary of the Interior and the Secretary of Commerce of recreational or commercial fishing access to certain State or territorial waters, respectively.

- Introduced by Aumua Amata (R-American Samoa) on March 14, 2018

No text available as of briefing book deadline.

Other Previously Discussed Bills

Note: Unless bill directly relates to West Coast fisheries, it is not included here if it has not progressed beyond being introduced.

Bill Number(s)	Title	Sponsor	Introduced	Chance of passage	Notes
HR 23	Gaining Responsibility on Water Act	David Valadao (R-CA)	January 2017	43%	Passed House in July 2017.
HR 26/S 21	Regulations from the Executive in Need of Scrutiny (REINS) Act	Paul (R-KY)/Collins (R-GA)	January 2017	28%/15%	Requires Congressional approval of major regulations. Reported by committee in October 2017.
HR 204/S 1528	Genetically Engineered Salmon Labeling Act	Murkowski/Young (R-AK)	July 2017	8%/5%	Hearing held October 4.
HR 214/S 1322	American Fisheries Advisory Committee Act	Don Young/Dan Sullivan (R-AK)	June 2017	56%	Reported by Committee Dec 2017
HR 654	Pacific Northwest Earthquake Preparedness Act	Peter DeFazio (D-OR)	January 2017	24%	Passed House March 2017.
HR 1154/S 168	Commercial Vessel Incidental Discharge Act	Duncan Hunter (R-CA)/Roger Wicker (R-MS)	February 2017	27%	S 168 reported by committee March 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	28%/34%	S 513 reported by committee May 2017.
HR 1430	Honest and Open New EPA Science Treatment Act of 2017	Smith (R-FL)	March 2017	30%	Limits the types of data that can be used by the EPA. Passed House March 2017.

HR 1431	EPA Science Advisory Board Reform Act	Lucas (R-OK)	March 2017	32%	Limits who can serve on the EPA's Science Advisory Board. Passed House March 2017
HR 1456/S 793	Shark Fin Trade Elimination Act	Cory Booker (D-NJ)/Ed Royce (R-CA)	March 2017	21%/9%	Reported May 2017.
HR 1630/S 669	Columbia River In-Lieu and Treaty Fishing Access Sites Improvement Act	Jeff Merkley (D-OR)	March 2017	45%	S 669 passed Senate Nov 2017
HR 2023	Modernizing Recreational Fisheries Management Act (relates to MSA)	Garrett Graves (R-LA)	April 2017	17%/16%	Introduced only, but elements included in HR 200.
HR 2079/S 1323	Young Fishermen's Development Act	Don Young/Dan Sullivan (R-AK)	June 2017	17%/16%	Introduced only.
HR 2083	Endangered Salmon and Fisheries Predation Prevention Act	Jaime Herrera-Beutler (R-WA)	April 2017	16%	Facilitates "lethal taking" of Columbia River sea lions. Reported by committee June 2017.
HR 2330	Yurok Tribe Klamath River Chinook Salmon Emergency Disaster Assistance Act	Jared Huffman (D-CA)	May 2017	13%	Introduced only.
HR 2637	Fishing Safety Training and Research Act	William Keating (D-MA)	May 2017	15%	Introduced only.
HR 2748/S 756	Save Our Seas Act	Don Young/Lisa Murkowski (R-AK)	May/March 2017	16%/34%	Reauthorizes, amends Marine Debris Act. Reported by committee July 2017.
HR 2936	Resilient Federal Forests Act	Bruce Westerman (R-AR)	June 2017	49%	Passed House Nov 2017
HR 3108	Protecting Honest Fishermen Act	Blake Farenthold (R-TX)	June 2017	10%	Relates to seafood traceability/consumer protection. Hearing held October 2017.

HR 3133	SEA Act (Amends MMPA to streamline oil, gas exploration)	Mike Johnson (R-LA)	June 2017	33%	Reported by committee January 2018
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	Kathy McMorris-Rodgers (R-WA)	June 2017	30%	Hearing held October 2017. Among other things, would reduce spill at Columbia River dams.
HR 3916	FISH (Federal Integrated Species Health) Act	Ken Calvert (R-CA)	October 2017	10%	Hearing held October 2017.
HR 4656/S 2194	Fishing and Small Vessel Relief Act	Jaime Herrera-Beutler (R-WA)/Maria Cantwell (D-WA)	December 2017	25%	Introduced only.
S 129	National Sea Grant College Program Amendments Act	Roger Wicker (R-MS)	January 2017	53%	Passed Senate in Sept 2017.
S 396	A bill to make technical amendments to certain marine fish conservation statutes, and for other purposes.	Bill Nelson (D-FL)	February 2017	56%	Passed Senate October 2017.
S 1425	Coordinated Ocean Monitoring and Research Act	Roger Wicker (R-MS)	June 2017	49%	Passed Senate January 2018
S 1520	Modernizing Recreational Fisheries Management Act (relates to MSA)	Roger Wicker (R-MS)	July 2017	12%	Introduced only.
S 1748	Florida Fisheries Improvement Act (relates to MSA)	Marco Rubio (R-FL)	August 2017	18%	Introduced only.
S 2229	Coastal Communities Ocean Acidification Act	Lisa Murkowski (R-AK)	December 2017	30%	Reported by committee October 2017

S 2331	(Extends EPA NPDES exemption for certain vessels until March 23, 2018)	Dan Sullivan (R-AK)	January 2018	30%	Introduced only.
Washington S.J.M. 8004	Requesting that certain Federal officials prevent the breaching of any dam in the Columbia River.		January 2017	n/a	Reintroduced January 2018.

PFMC
03/20/18