

STAFF SUMMARY OF EXECUTIVE ACTIONS AND
FEDERAL LEGISLATION IN THE 115TH 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>.

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.

Signed into Law

HR 5895 Energy and Water, Legislative Branch, and Military Construction and Veterans Affairs Appropriations Act, 2019

- HR 5895 was introduced by Mike Simpson on May 21, 2018.

Among other things, this bill funds Army Corps of Engineers and Bureau of Reclamation activities, including the Harbor Maintenance Trust Fund. \$1.565 billion is allotted to water resource projects including conservation, reuse, reclamation, drought activities, and rural water projects.

There were attempts to include the following provisions in the bill, but they were not successful:

- A prohibition on funds for certain operations of the Federal Columbia River Power System to prevent additional spill at dams on the Columbia and Lower Snake Rivers for fish passage of ESA-listed salmon (HR 3144)
- A prohibition on allowing the Bureau of Reclamation to purchase water in California to supplement flow within a river basin.
- A prohibition on funds to develop a National Ocean Policy.
- Funds to improve housing for tribal members displaced by Columbia River dams.

California SB 1017 Commercial fishing: drift gill net shark and swordfish fishery

- Introduced by Sen. Allen on February 7, 2018
- Signed by the Governor on September 27.

Phases out shark and swordfish driftnet fishing in California starting in 2019. Described in detail in past legislative materials; today's law as amended is available at <http://tinyurl.com/yca39qa1>.

Newly Introduced Bills

HR 6966 Advancing the Quality and Understanding of American Aquaculture (AQUAA) Act

- Introduced by Steven Palazzo (R-MS) and Collin Peterson (D-MN) on Sept. 28, 2018
- Identical companion bill to S 3138.
- Given a 3-4% chance of passage.

The Council received a request for comment from Senator Cantwell (WA) and Representative Harris (CA) on the AQUAA Act (Attachment 4). Both HR 6966 and S. 3138 seek to create an Office of Marine Aquaculture within NOAA's National Marine Fisheries Service that would streamline the approval process for new aquaculture facilities in Federal waters, three to 200 miles offshore. They would help fund research and extension services for several existing aquaculture priorities. S 3138 was provided as [Agenda Item F.2, Attachment 7, September 2018](#) in September.

HR 6966 was submitted just after a Federal judge in Louisiana ruled that NOAA Fisheries could not use the Magnuson-Stevens Act to regulate fish pen aquaculture in Federal waters (Attachment 5). Judge Jane Triche Milazzo stated that "In analyzing the plain text, statutory scheme, and legislative history of the MSA, this court finds that the term 'harvesting' was intended to refer to the traditional fishing of wild fish. There is nothing in the MSA or its legislative history to suggest that Congress might have intended that the term be defined to include the farming of fish."

In January 2016, NMFS and the Gulf Council finalized regulations to authorize a Federal commercial aquaculture permitting scheme in the Gulf, allowing up to 20 industrial facilities and 64 million pounds of fish to be grown each year in the area.

NOAA is considering whether to appeal. As a result of the decision, the Stronger America through Seafood coalition has been lobbying for new legislation to allow NOAA to permit aquaculture. The coalition is made up of 14 large companies including Cargill (which grows soybeans for aquaculture feed), Sysco, Pacific Seafood, Hubbs SeaWorld Research Institute, Red Lobster, and others. The co-sponsor of HR 6966, Rep. Collin Peterson (D-MN) is a ranking member on the House Agriculture Committee. Minnesota is the country's largest producer of soybeans.

There is little time to pass this legislation during this Congress. The House is on recess until after the Nov. 6 mid-term election and, upon return, have a short window to pass numerous bills.

Other Bills

S 1322/HR 214 American Fisheries Advisory Committee Act

- Introduced by Dan Sullivan (R-AK) on June 8, 2017
- Passed Senate on August 22 (78%)

Establishes the American Fisheries Advisory Committee to assist in the awarding of fisheries research and development grants. The Committee will set the yearly priorities of the Saltonstall-Kennedy Competitive Grant Program.

S 3021 America’s Water Infrastructure Act

- Introduced by Amy Klobuchar (D-MN) on June 7, 2018
- Passed Senate on Sept. 4 and House on Sept. 13 (now back to Senate) (72%)

Authorizes Corps of Engineers projects related to river and harbor improvements, water conservation and development, water pollution, flood control, and water storage.

HR 5556 Environmental Compliance Cost Transparency Act

- Introduced by Paul Gosar (R-AZ) on April 18, 2018
- Reported by House Committee on Natural Resources September 20 (13%)

Requires the Bonneville, Western Area, Southwestern, and Southeastern Power Administrations to include a report of all factors affecting power costs in monthly bills to customers, including the costs of the customer’s share that are incurred by conservation of fish and wildlife.

Previously Discussed Bills

The following previously-discussed bills have not moved since September.

Bill No.	Name	Sponsor	Key words	Status
HR 200	Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act	Young, AK	MSA reauthorization	Passed House July 2018
HR 2083	Endangered Salmon and Fisheries Predation Prevention Act	Herrera-Beutler, WA	Sea lions and salmon	Passed House June 2018
HR 2936	Resilient Federal Forests Act	Westerman, AR	Forests, salmon habitat	Passed House November 2017
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	McMorris-Rodgers, WA	Hydro, spill, salmon	Passed House April 2018
HR 3916	FISH Act	Calvert, CA	Jurisdiction over salmonids	Reported by committee July 2018

HR 6212	Imported Seafood Safety Standards Act	Higgins, LA	Seafood testing/labeling	Introduced
HR 6267	COAST Research Act	Bonamici, OR	Ocean acidification	Introduced
HR 6300	National Ocean Policy Act	Panetta, CA	Ocean policy Executive Order	Introduced
S 756	Save Our Seas Act	Sullivan, AK	Marine debris	Passed House and Senate (July 2018)
S 1425	Coordinated Ocean Monitoring and Research Act	Wicker, MS	Monitoring/research	Passed Senate in January
S 1520	Modernizing Recreational Fisheries Management Act	Wicker, MS	MSA reauthorization	Reported by committee June 2018
S 1702	Endangered Salmon and Fisheries Predation Prevention Act	Risch, ID	Sea lions and salmon	Introduced
S 2773/ HR 5638	Driftnet Modernization and Bycatch Reduction Act	Feinstein, CA	Drift gillnets	Reported by committee Sept 2018
S 3119	Endangered Salmon Predation Prevention Act	Risch, ID	Sea lions and salmon	Reported by committee August 2018
S 3315	Predation Reduction of Salmon Act	Merkley, OR	Sea lions and salmon	Introduced

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