

INFORMATIONAL REPORT ON
FEDERAL LEGISLATION IN THE 115TH AND 116TH U.S. CONGRESS

The 116th Congress convened on January 3, 2019. As a result of the change in party control in the House of Representatives, leadership of the two committees that oversee oceans and fisheries has changed. Raul Grijalva (D-AZ) is now Chairman of the House Natural Resources Committee, and Rob Bishop (R-UT) is ranking member. In addition, the jurisdictions and the names of some of the House Natural Resources Committee's subcommittees have been changed. The new Water, Oceans, and Wildlife Subcommittee will be chaired by Congressman Jared Huffman (D-California) and the ranking republican is Congressman Tom McClintock (R-California). The Committee includes eight members from California and one from Idaho, but none from Oregon or Washington.

In the Senate, some committee leadership has changed. The Senate Commerce, Science, and Technology Committee is now Senator Roger Wicker (R-Mississippi) and the new Ranking Democrat is Senator Maria Cantwell (D-Washington). Apart from Senator Cantwell, there is no West Coast representation on the committee. The new Science, Oceans, Fisheries, and Weather Subcommittee is chaired by Senator Cory Gardner (R-Colorado) and the new ranking democrat for the subcommittee is Senator Tammy Baldwin (D-Wisconsin).

The following relevant bills have been introduced. Of these bills, only S. 47 has moved beyond the introduction phase.

- **H.R. 30, Saving America's Endangered Species Act** (Gohmert, R-TX). Amends the ESA so that nonnative species not be treated as endangered or threatened species under that Act.
- **H.R. 91/S. 50, Columbia River In-Lieu and Treaty Fishing Access Sites Improvement Act** (Blumenauer/Merkley, D-OR). Authorizes Interior to assess sanitation and safety conditions at Bureau of Indian Affairs facilities that were constructed to provide affected Columbia River Treaty tribes access to traditional fishing grounds and expend funds on construction of facilities and structures to improve those conditions.
- **H.R. 279, California Clean Coast Act** (Carbajal, D-CA). Permanently prohibits oil and gas leasing off the coast of the State of California.
- **H.R. 310, West Coast Ocean Protection Act** (Huffman, D-CA). Amends the Outer Continental Shelf Lands Act to permanently prohibit the conduct of offshore drilling on the outer Continental Shelf off the coast of California, Oregon, and Washington.
- **H.R. 358, the California New River Restoration Act** (Vargas, D-California). Establishes the California New River restoration program.
- **H.R. 363, the REBUILD Act** (Calvert, R-CA). Amends the National Environmental Policy Act to give states responsibility for environmental review.
- **H.R. 548: FISH Act** (Calvert, R-CA). Amends the Endangered Species Act (ESA) to give Interior jurisdiction over anadromous fish. (Similar to the FISH Act in the 115th Congress).
- **H.R. 579** (Tipton, R-CO). Prohibits placing conditions on leases, permits, and transfers of water right by Interior and Agriculture.

- **H.R. 614** (Lieu, D-CA), Prohibits the sale of shark parts.
- **H.R. 629** (Young, R-AK). Limits maritime liens on fishing permits.
- **H.R. 729** (Kilmer, D-WA). Amends the Coastal Zone Management Act to authorize grants to Indian Tribes to further achievement of Tribal coastal zone objectives.
- **H.R. 737** (Sablan, D-CNMI). Prohibit the sale of shark fins.
- **H.R. 788** (Webster, R-FL). Amends the High Seas Driftnet Fishing Moratorium Protection Act to improve the conservation of sharks.
- **H.R. 872/S 268** (Lowenthal, D-CA/Barrasso, R-WY). Reauthorizes the Partners for Fish and Wildlife Program and certain wildlife conservation funds to encourage prevention of wildlife poaching and trafficking, encourage wildlife conservation, the management of invasive species, and the protection of endangered species. Amends the Marine Turtle Conservation Act of 2004 to modify the protections provided by that Act.
- **H.R. 1104** (Young, R-AK). To amend the Federal Food, Drug, and Cosmetic Act to require labeling of genetically engineered fish. Reintroduced bill from the 115th Congress.
- **S. 47** (Murkowski, R-AK). This 662-page bill relates to many specific land conveyances and exchanges, public land and National Forest management, wilderness designations and withdrawals, and other matters. *Reported by Senate committee January 9.*
 - *Washington:* Redesignates Federal land in the Methow Valley; establishes Maritime Washington National Heritage Area along certain parts of Washington coastline; establishes Mountains to Sound Greenway National Heritage Area; establishes Yakima River Water Basin Enhancement Project.
 - *Oregon:* Adjusts boundary of Deschutes Canyon-Steelhead Falls Wilderness Study Area; designates certain creeks or river reaches in the Rogue, Mollala, Elk, Nestucca, and other watersheds as Wild and Scenic; includes the Frank and Jeanne Moore Wild Steelhead Special Management Area in southern Oregon.
 - *California:* Authorizes various small projects; establishes California Desert Conservation Area; designates sections of Wild and Scenic Rivers (Armargosa, Whitewater River, others); authorizes Contra Costa Canal transfer.

Final Status of Fisheries Bills in the 115th Congress

Transitions: A few Congressional members did not return to the 116th Congress – Jeff Flake (R-AZ), Bob Goodlatte (R-VA), Jason Chaffetz (R-UT), Michelle Grisham (D-NM), Bill Nelson (D-FL), David Reichert (R-WA), Blake Farenthold (R-TX), Ed Royce (R-CA), Bill Shuster (R-PA), David Valadao (R-CA).

Tracked: Approx. 112 bills (not counting companion bills or executive orders), of which 18 were signed into law or otherwise enacted.

Topics that moved: Regulatory streamlining, vessel discharge exemptions, state management of crab, limitations on driftnets (California), limitations on the Environmental Protection Agency (EPA), funds to deal with marine debris, funds for refuges, housing for tribes.

Topics that didn't move: Prohibitions on aquaculture, labeling genetically modified salmon, climate adaptation, disaster relief and lien reform for fishermen, severe limitations on the EPA

(through legislation), severe limitations on the Endangered Species Act, increasing access for hunting & fishing, limitations on dam breaching, Federal-to-state land transfer, Magnuson-Stevens Act reauthorization (although discussions moved forward), limitations on national monuments, efforts to deal with ocean acidification, coastal protection from oil & gas drilling, pinniped control, renewable energy, seafood labeling, prohibitions on shark finning, programs for young fishermen. Some of these may be included in other legislation or executive orders.

Members of Congress mentioned most in the bills below: Young (R-AK), Sullivan (R-AK), Wicker (R-MS), Murkowski (R-AK), Herrera Beutler (R-WA), Carbajal (D-CA), followed by Merkley (D-OR), Newhouse (R-WA) and Hunter (R-CA). (This is a broad measurement and does not necessarily reflect their success in getting bills passed or shaping other legislation and messaging).

Changes in Governorships:

- In Alaska, **Mike Dunleavy** (R) was elected to replace Bill Walker (I), who dropped out of the gubernatorial race.
- In Idaho, Butch Otter (R) decided not to run for a fourth term, and **Brad Little** (R), the previous Lieutenant Governor, was elected to replace him.
- In Washington, **Jay Inslee** (D) remains Governor (there was no gubernatorial election).
- In Oregon, **Kate Brown** (D) was reelected as Governor.
- In California, **Gavin Newsome** (D) was elected to replace Jerry Brown (D), who was termed out.

Notes: Bills highlighted in gray were signed into law or enacted as part of another law, or as an Executive Order. Some bills may have been included in other bills that are not listed.

Topic	Title or summary	Sponsor	Status
<i>Aquaculture (con)</i>	Prohibition authorization of finfish aquaculture (HR 223)	Young (R-AK)	Did not move
<i>Aquaculture (pro)</i>	AQUAA Act (HR 6966/S 3138)	Wicker (R-MS)	Introduced; will be reintroduced in next session. Council commented on this bill.
<i>Bureaucratic streamlining</i>	BOR Water Project Streamlining Act (HR 875)	Newhouse (R-WA)	Introduced only, but similar goals accomplished through Executive Memorandum.
<i>Coastal Heritage</i>	Central Coast Heritage Protection Act (HR 4072)	Carbajal (D-CA)	Did not move
	Mountains to Sound Greenway National Heritage Act (HR 1791)	<i>Reichert (R-WA)</i> <i>Did not see reelection</i>	Passed House

Climate adaptation (con)	No Tax Dollars for the UN's Climate Agenda Act (HR 673)	Leutkemeyer (R-MO)	Did not move
	Renewable Fuel Standard Elimination Act (HR 1314)	<i>Goodlatte (R-VA)</i> <i>Retired</i>	Did not move
Climate adaptation (pro)	Coastal State Climate Preparedness Act (HR 3533)	Carbajal (D-CA)	Did not move
	SAFE Act (HR 4490)	Cartwright (D-PA)	Did not move
Coast Guard Reauthorization Acts	Coast Guard Authorization Act (S 1129)	Sullivan (R-AK)	Reported by committee
	Frank LoBiondo Coast Guard Authorization Act (S 140)	<i>Flake (R-AZ)</i> <i>Did not seek reelection</i>	Signed by president. Contains funding to keep Newport Coast Guard air facility open permanently.
	Coast Guard Improvement and Reform Act (HR 1726)	Hunter (R-CA)	Passed House
	Coast Guard Authorization Act (HR 2518)	Hunter (R-CA)	Reported by committee
Communities	Working Waterfronts Act (HR 1176)	Pingree (D-ME)	Did not move
Crab	Allowing state management of crab to continue (S 61, HR 374)	Cantwell (D-WA), Herrera Beutler (R-WA)	Herrera Beutler bill signed into law.
	Disaster relief for crab fishers (HR 2344)	Speier (D-CA)	Did not move
Discharges	Fishing and Small Vessel Relief Act (S 2194)	Cantwell (D-WA)	Vessel Incidental Discharge Act is included in Frank LoBiondo Coast Guard Authorization Act (signed into law).
	Other vessel incidental discharge efforts (S 2331, HR 4656, others)	Sullivan (R-AK), Herrera-Beutler (R-WA), Wicker (R-MS), Hunter (R-CA)	
	To temporarily extend exemption from EPA requirements for small vessels (S 2273)	Sullivan (R-AK)	Signed into law
Driftnets	To amend High Seas Driftnet Moratorium Protection Act to protect sharks (S 2764)	Rubio and Webster (R-FL) (companion bills)	Reported by committee

	To improve management of driftnet fishing (S 2773)	Feinstein and Lieu (D-CA) (companion bills)	Reported by committee 9/5 and 12/11 2018
	California SB 1017 to phase out driftnets		Signed into law
<i>Environmental Justice</i>	Environmental Justice Act (S 1996, HR 4114)	Booker (D-NJ) and Ruiz (D-CA), companion bills	Did not move
<i>EPA Limitation</i>	Stopping EPA Overreach Act (HR 637)	Palmer (R-AL)	Did not move
	To Terminate the EPA (HR 861)	Gaetz (R-FL)	Did not move
	To Eliminate Certain EPA Programs (HR 958)	Kobl(R-TX)	Did not move
	EPA Science Advisory Board Reform Act (HR 1431)	Lucas (R-OK)	Passed House. Similar goals accomplished through Executive Order.
	Honest and Open New EPA Science Treatment Act (HR 1430)	Smith (R-TX)	Passed House
<i>ESA Limitation</i>	21 st Century Endangered Species Transparency Act (S 376)	Cornyn (R-TX)	Did not move
	Listing Reform Act (HR 717)	Olson (R-TX)	Reported by committee
	Endangered Species Management Self-Determination Act (S 935)	Paul (R-KY) and Leutkemeyer (R-MO), companion bills	Did not move
	State, Tribal, and Local Species Transparency and Recovery Act (HR 1274)	Newhouse (R-WA)	Reported by committee
	To amend ESA to allow states to assume certain Federal responsibilities regarding highway projects (S 2587)	Cornyn (R-TX)	Did not move
	Saving America's Endangered Species Act (HR 2603)	Gohmert (R-TX)	Reported by committee

	Endangered Species Litigation Reasonableness Act (HR 3131, HR 3608)	Huizenga (R-MI), McClintock (R-CA)	Reported by committee (both)
<i>ESA limitation, cont'd.</i>	Federally Integrated Species Health (FISH) Act (HR 3916)	Calvert (R-CA)	Reported by committee. Council commented on this Act, which would have moved ESA-listed salmon to USFWS jurisdiction.
	Environmental Compliance Cost Transparency Act (HR 5556)	Gosar (R-AZ)	Reported by committee
	Resolution against use of compensatory mitigation under ESA	Newhouse (R-WA)	Did not move
<i>Finances</i>	Maritime Lien Reform Act (HR 2344)	Young (R-AK)	Did not move
<i>Fish Habitat</i>	National Fish Habitat Conservation Act (S 1436)	Crapo (R-ID)	Did not move
<i>Forests</i>	Resilient Federal Forests Act (HR 2936)	Westerman (R-AR)	Passed House. Efforts to include this in the current farm bill are being opposed by Democrats.
<i>Hunting & fishing access</i>	Sportsmen's Act (S 733)	Murkowski (R-AK)	Reported by committee.
	Authorizing Critical Conservation and Enabling Sportsmen and Sportswomen (ACCESS) Act (HR 4489)	Thompson (D-CA)	Did not move
<i>Hydropower</i>	Preventing Snake River dam breaching (HR 3144)	McMorris-Rodgers, (R-WA)	Passed House
	Preventing any Columbia Dam breaching	Washington state bill	Did not pass
	Hydropower Policy Modernization Act (HR 3043)	McMorris-Rodgers, (R-WA)	Passed House
	Promoting Hydropower at Existing Non-	Bucshon (R-IN)	Passed House

	Powered Dams (HR 2872)		
	To amend the Federal Power Act to modernize authorizations for necessary hydropower approvals (S 724)	Murkowski (R-AK)	Passed Senate
Land transfer	Advancing Conservation and Education Act (HR 4257)	Stewart (R-UT)	Passed House
	Disposal of Excess Federal Lands Act (HR 621)	<i>Chaffetz (R-UT). Did not seek reelection</i>	Withdrawn
	Local Enforcement for Local Lands Act (HR 622)	<i>Chaffetz (R-UT)</i>	Did not move
	Acre In, Acre Out Act (HR 2167)	Griffith (R-VA)	Did not move
Marine debris	Save Our Seas Act (S 756, HR 3508)	Sullivan and Murkowski (R-AK)	Signed into law
MSA	Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act (HR 200)	Young (R-AK)	Passed House. Council commented on this bill and other MSA bills.
	Modernizing Recreational Fisheries Management Act (S 1520)	Wicker (R-MS)	Signed into law
	Florida Fisheries Improvement Act (S 1748)	Rubio (R-FL)	Did not move
	Modernizing Recreational Fisheries Management Act (HR 2023)	Graves (R-LA)	Did not move
	To amend the MSA to provide fisheries disaster relief for commercial fishery failures that are due to certain tariffs imposed	Moulton (D-MA)	Did not move

	by other countries (HR 6528)		
Monuments	Improved National Monument Designation Process Act (S 33)	Murkowski (R-AK)	Did not move
	Marine Access and State Transparency Act (HR 1489)	Young (R-AK)	Did not move
	Public Input for National Monuments Act (HR 2074)	Walden (R-OR)	Did not move
	National Monument Designation Transparency and Accountability Act (HR 2284)	Labrador (R-ID)	Did not move
	To require state or territorial approval of restrictions on fishing access... (HR 5269)	Amata (Guam)	Did not move
	Antiquities Act (HR 6410)	<i>Grisham (D-NM). Left office to run for governor; won</i>	Did not move
Ocean acidification	Coastal Communities Ocean Acidification Act (S 2229, HR 2719)	Murkowski (R-AK), Pingree (D-ME), companion bills	Did not move
	Ocean Acidification Research Partnerships Act (HR 845)	Carbajal (D-CA)	Did not move
	COAST Research Act (HR 6267)	Bonamici (D-OR)	Did not move
	Ocean Acidification Innovation Act (HR 2882)	Kilmer (D-WA)	Did not move
Ocean Energy	Marine Energy Act (S 1036)	Wyden (D-OR)	Did not move
Ocean Policy	National Ocean Policy Act (HR 6300)	Panetta (D-CA)	Did not move
Oil and Gas	California Clean Coast Act (HR 731)	Carbajal (D-CA)	Did not move
	West Coast Ocean Protection Act (S 31)	Feinstein, Huffman (D-CA), companion bills	Did not move
	Marine Oil Spill Prevention Act (S 74)	Nelson and Wasserman-Schultz (D-FL), companion bills	Did not move

	Implementing an America-First Offshore Energy Strategy (EO)	Donald Trump	Executive Order
	Disapproving the rule submitted by USFWS relating to management of non-Federal oil and gas rights (House Res 45)	Cramer (R-ND)	Did not move
<i>Pinnipeds</i>	A bill to allow the taking of Pinnipeds on the Columbia River to protect ESA-listed salmon (S 3315)	Merkley (D-OR)	Did not move
	Endangered Salmon and Fisheries Predation Prevention Act (S 1702)	Risch (R-ID)	Did not move
	Endangered Salmon Predation Prevention Act (S 3119)	Risch (R-ID)	Signed into law
	Predation Reduction of Salmon Act (S 3315)	Merkley (D-OR)	Did not move
	Endangered Salmon and Fisheries Predation Prevention Act (HR 2083)	Herrera Beutler (R-WA)	Passed House
<i>Refuges</i>	Keep America's Refuges Operational Act (HR 3979)	Jeffries (D-NY)	Signed into law
<i>Regulations</i>	Regulations from the Executive in Need of Scrutiny Act (S 21)	Paul (R-KY) and Collins (R-GA), companion bills	Reported by committee
	One In, One Out Act (HR 674)	McCaul (R-TX)	Did not move, but similar goals accomplished with Executive Order
	Reducing Regulation and Controlling Regulatory Costs (EO)	Donald Trump	Executive Order
<i>Renewable Energy</i>	Offshore Wind Jobs and Opportunity Act (HR 5291)	Tsongas (D-MA)	Did not move
<i>Research</i>	Coordinated Ocean Monitoring & Research Act (S 1425)	Wicker (R-MS)	Passed Senate

	National Sea Grant College Program Amendments Act (S 129)	Wicker (R-MS)	Passed Senate
	CENOTE Act (funds unmanned maritime research systems)	Wicker (R-MS)	Passed Senate
Salmon	Genetically Engineered Salmon Labelling Act (HR 204)	Young, Murkowski (R-AK), companion bills	Did not move
	(To require labeling of GMO fish) (HR 205)	Young (R-AK)	Did not move
	Prevention of escapement of GMO fish (HR 206)	Young (R-AK)	Did not move
	WILD Act (reauthorizes Partners for Fish and Wildlife program) (S 826)	Barrasso (R-WY)	Passed Senate
	Endangered Salmon and Fisheries Predation Prevention Act (HR 2083)	Herrera-Beutler (R-WA)	Passed House
	Southwestern Oregon Watershed and Salmon Protection Act (HR 310)	DeFazio (D-OR)	Did not move
	Frank and Jeanne Moore Wild Steelhead Special Management Area Designation Act (S 513)	Wyden and DeFazio (D-OR), companion bills	Reported by committee
Saltonstall-Kennedy Funds	American Fisheries Advisory Committee Act (re Saltonstall-Kennedy) (S 1322/HR 214)	Sullivan and Young (R-AK), companion bills	Passed Senate
Seafood Labeling and imports	To strengthen Federal consumer protection and product traceability with respect to commercially marketed seafood (HR 3108)	<i>Farenthold (R-TX)</i> <i>Resigned</i>	Did not move
	To combat human trafficking in connection with	Thune (R-SD)	Passed Senate.

	imported seafood (S 3641)		
	Imported Seafood Safety Standards Act	Higgins (R-LA)	Did not move
<i>Shark fins & finning</i>	Shark Fin Trade Elimination Act (S 793)	Booker (D-NJ)	Reported by committee
	Shark Fin Sales Elimination Act (HR 1456)	<i>Royce (R-CA)</i> <i>Did not seek reelection</i>	Did not move
	JAWS Act (HR 3377)	<i>Farenthold (R-TX)</i> <i>Resigned</i>	Did not move
<i>Technical amendments</i>	A bill to make technical amendments to marine fish conservation statutes (S 396)	<i>Nelson (D-FL)</i> <i>Quit to run for Governor; lost</i>	Signed into law
<i>Training</i>	Young Fishermen’s Development Act (S 1323, HR 2079)	Sullivan and Young (R-AK), companion bills	Included in most recent MSA discussion draft.
	Fishing Safety Training and Research Act (HR 2637)	Keating (D-MA)	Did not move
<i>Tribes</i>	Columbia River In-Lieu and Treaty Fishing Access Sites Improvement Act (S 669, HR 1630)	Merkley, Blumenauer (D-OR), companion bills	America’s Water Infrastructure Act (signed into law) contains related provisions ¹ . S 669 reported by committee 12/3/18
	Yurok Tribe Klamath River Chinook Salmon Emergency Disaster Assistance Act (HR 2330)	Huffman (D-CA)	Did not move
<i>Tsunamis/ Earthquakes</i>	Pacific Northwest Earthquake	DeFazio (D-OR)	Passed House

¹ The language signed into law requires the Secretary of the Army to assess displacement of tribes as a result of construction of Bonneville and John Day Dams, including an assessment of housing and related facilities. The Secretary may provide assistance to tribal members displaced as a result of these dams. For the Dalles Dam, the Secretary (in consultation with Interior) shall complete and carry out a village development plan for any tribal village submerged by the construction of the dam. The plan must include a cost and schedule for replacing the village. HR 91/S 50 (116th Congress), the Columbia River In-Lieu and Treaty Fishing Access Sites Improvement Act, calls for the Bureau of Indian Affairs, in consultation with the Nez Perce, Umatilla, Warm Springs, and Yakama tribes, to assess sanitation and safety conditions on tribal trust lands that were set aside to provide access to traditional fishing grounds.

	Preparedness Act (HR 654)		
Water	Water Resources Development Act (HR 8)	<i>Shuster (R-PA)</i> <i>Did not seek reelection</i>	Passed House
	America's Water Infrastructure Act (S 2800, S 3021)	Barrasso (R-WY) and Kobluchar (D-MN), companion bills	Signed into law. (See S 669, above)
	Disapproving the rule submitted by Interior known as the Stream Protection Rule (HR 38)	Johnson (R-OH)	Signed into law
	GROW Act (water for agriculture) (HR 2344)	<i>Valadao (R-CA)</i> <i>Lost election</i>	Passed House

PFMC
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