

STAFF SUMMARY OF EXECUTIVE ACTIONS AND
FEDERAL LEGISLATION IN THE 116TH U.S. CONGRESS

A summary of recent Federal legislation is provided below (see table below for full summary). 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>.

Signed Into Law

John D. Dingell, Jr. Conservation, Management, and Recreation Act (S. 47)

- Introduced by Lisa Murkowski.
- Signed into law on March 12, 2019.

This 662-page bill relates to a variety of specific land conveyances and exchanges, public land and National Forest management, wilderness designations and withdrawals, and other matters.

In Washington, the bill redesignates Federal land in the Methow Valley, establishes the Maritime Washington National Heritage Area along certain parts of Washington coastline, establishes the Mountains to Sound Greenway National Heritage Area, and establishes the Yakima River Water Basin Enhancement Project (among other things).

In Oregon, it designates certain creeks or river reaches in the Rogue, Mollala, Elk, Nestucca, Chetco, and other watersheds as Wild and Scenic; creates the Frank and Jeanne Moore Wild Steelhead Special Management Area in southern Oregon; and adjusts the boundary of the Deschutes Canyon-Steelhead Falls Wilderness Study Area, among other things.

In California, it authorizes various small projects; establishes the California Desert Conservation Area; designates sections of Wild and Scenic Rivers (Armargosa, Whitewater River, others); authorizes a land transfer related to the Contra Costa Canal; and creates the Sacramento/San Joaquin Delta National Heritage Area, among other actions.

It also reauthorizes the Partners for Fish and Wildlife Program and certain wildlife conservation funds, and establishes an “Every Kid Outdoor” program to provide free access to Federal land and waters for all fourth-graders and their accompanying adults.

Other Relevant Bills

FISH Act (H.R. 548)

- Reintroduced by Ken Calvert (R-CA)
- Has not yet been reported by committee, but is given a >80% chance of passage by Skopos Labs.

This bill is the same as H.R. 3916, which was the subject of a Council letter to Congressman Calvert on November 30, 2017 (<http://tinyurl.com/yy7pvqk3>).

The bill transfers all functions with respect to anadromous species and catadromous species under the Endangered Species Act from the Secretary of Commerce or National Marine Fisheries Service (NMFS) to the Secretary of the Interior. Current orders, determinations, regulations, etc. would remain in effect until modified, terminated, etc., by the President, other authorized officials, Courts, or law. It does not affect ongoing lawsuits.

Rep. Calvert has stated that multiple agencies should not be responsible for enforcing the ESA, and that a more unified approach is needed. Opposing groups believe the bill would weaken protections that currently exist under NMFS jurisdiction.

American Fisheries Advisory Committee Act (S 494)

- Reintroduced by Dan Sullivan (R-AK).
- Given a 38% chance of passage.

Establishes the American Fisheries Advisory Committee to assist in the awarding of fisheries research and development grants.

Water Rights Protection Act (HR 579)

- Reintroduced by Scott Tipton (R-CO). Introduced in the 113th, 114th, and 115th Congresses.
- Given a 27% chance of passage.

Prohibits the conditioning of any permit, lease, or other use agreement on the transfer of any water right to the United States by the Secretaries of the Interior and Agriculture.

Previous versions of the bill have drawn fire from conservation groups, which note that the bill could block Federal agencies like the U.S. Fish and Wildlife Service from requiring flows to assist in salmonid migration. The bill could also threaten certain settlement agreements focused on restoring American shad, salmon, and steelhead fisheries on rivers affected by hydropower dams.

Columbia River In-Lieu and Treaty Fishing Access Sites Improvement Act (S 50/HR 91)

- Introduced by Jeff Merkley/Earl Blumenauer (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 to construct facilities and structures to improve those conditions.

Shark Fin Sales Elimination Act (HR 737)

- Introduced by Gregorio Sablan (D-CNMI).

Prohibits the possession, sale, or purchase of shark fins and products containing shark fins. Does not apply to fins taken lawfully under a permit under certain conditions.

In regard to dogfish, it is not a violation to possess, sell, etc., any fresh or frozen raw fin or tail from *Mustelus canis* (smooth dogfish) or *Squalus acanthias* (spiny dogfish). However, by 2027, the Secretary of Commerce must review this exemption and submit a report to Congress on whether the exemption should continue or be terminated. This includes looking at the economic viability of dogfish fisheries, their impact on ocean ecosystems, the impact on enforcement caused by the exemption, and the impact of the exemption on shark conservation.

House and Senate Bills by Topic

Bills that are most relevant to fisheries, and that are most likely to move forward, are bolded. Figures in percentages (x%) are the bill's chance of passage as assigned by Skopos Labs based on bill text, number of similar bills, committee activity, sponsors, and other factors as of March 18, 2019.

Topic	No.	Name	Sponsor	Notes	Current status
Algal blooms	HR 414	Protecting Local Communities from Harmful Algal Blooms Act	Rooney (R-FL)	Includes algal bloom in the definition of a “major disaster.”	Introduced (5%)
Climate	HR 330	Climate Solutions Act	Lieu (D-CA)	Creates a national renewable energy standard and a national energy efficiency standard. One of many climate-related bills.	Introduced (3%)
ESA	HR 30	Saving America's Endangered Species Act	Gohmert (R-TX)	Important, but unlikely to move. Increases state jurisdiction in listing ESA species.	Introduced (3%)
Fishing businesses	HR 629	Maritime Lien Reform Act	Young (R-AK)	Prohibits liens on fishing permits and vessels.	Introduced (3%)
Fines	HR 864	Wildlife Conservation and Anti-Trafficking Act	Garamendi (D-CA)	Fines from illegal, unregulated and unreported fisheries enforcement must be used for fisheries enforcement.	Introduced (26%)
NEPA	HR 363	REBUILD Act	Calvert (R-CA)	Amends the National Environmental Policy Act to allow states to take over Federal environmental review responsibilities.	Introduced (3%)
Oil and gas	HR 279	California Clean Coast Act	Cabajal (D-CA)	Permanently prohibits oil and gas leasing off the coast of the State of California.	Introduced (3%)
	HR 309	Stop Arctic Ocean Drilling Act of 2019	Huffman (D-CA)	Prohibits drilling in the Arctic Ocean.	Introduced (3%)
	HR 310	West Coast Ocean Protection Act	Huffman (D-CA)	Amends the Outer Continental Shelf Lands Act to permanently prohibit offshore drilling off the west coast.	Introduced (3%)

	HR 1146	Arctic Cultural and Coastal Plain Protection Act	Huffman (D-CA)	Amends the Tax Cuts and Jobs Act to repeal the Arctic National Wildlife Refuge oil and gas program.	Introduced (6%)
Ocean acidification	HR 988	National Estuaries and Acidification Research Act	Posey (R-FL)	Directs the Ocean Studies Board to examine impacts of ocean acidification and other stressors in marine environments.	Introduced (6%)
Poaching, invasives, sea turtles	HR 872/ S 268	WILD Act	Lowenthal (D-CA)/ Barrasso (R-WY)	Reauthorizes the Partners for Fish and Wildlife Program and other wildlife conservation funds, establishes prize competitions relating to the prevention of wildlife poaching and trafficking, management of invasive species, etc; amends the Marine Turtle Conservation Act to modify the protections provided by that Act.	Signed into law (incorporated into S 47)
Regulations, Jurisdiction	HR 548	FISH Act	Calvert (R-CA)	Amends the Endangered Species Act to vest in the Secretary of the Interior certain functions with respect to anadromous fish. The Council commented on this bill in 2017.	Introduced (86%)
	S 92	Regulations from the Executive in Need of Scrutiny (REINS) Act	Paul (R-KY)	Amends the Congressional Review Act, under which Congress may issue resolutions of disapproval to nullify agency regulations. The REINS Act would require congressional approval of certain major agency regulations before those regulations can be implemented.	Introduced (11%)
Salmon habitat, public lands	HR 992	Southwestern Oregon Watershed and Salmon Protection Act	deFazio (D-OR)	Withdraws certain land located in Curry County and Josephine County from mining and geothermal leasing activity.	Introduced (3%)
	HR 993/ HR 1056/ S 82	Frank and Jeanne Moore Wild Steelhead Special Management Area Designation Act	deFazio/ Wyden (D-OR)	Designates the Frank and Jeanne Moore Wild Steelhead Sanctuary in southern Oregon.	Signed into law (incorporated into S 47)
	HR 1225	Restore our Parks and Public Lands Act	Bishop (R-UT)	Establishes a National Park Service and Public Lands Legacy Restoration Fund to address the maintenance backlog of the National Park Service, Fish and Wildlife	Introduced (10%)

				Service, Bureau of Land Management, and Bureau of Indian Education.	
	S 47	John D. Dingell, Jr. Conservation, Management, and Recreation Act	Lisa Murkowski (R-AK)	This extensive bill includes dozens of bipartisan bills that expand protections for national parks, designate new wilderness areas and provide funds for multiple projects across the United States. (See Info Report 2, March 2019).	Signed into law
	S 316	Sacramento-San Joaquin Delta National Heritage Area Act	Dianne Feinstein (D-CA)	Establishes the Sacramento-San Joaquin Delta National Heritage Area.	Signed into law (incorporated into S 47)
Salmon: genetically modified	HR 1103/S 282	Genetically Engineered Salmon Labeling Act	Young/Murkowski (R-AK)	Amends the market name of genetically altered salmon in the U.S.	Introduced (6-7%)
	HR 1104	No title.	Young (R-AK)	Amends the Federal Food, Drug, and Cosmetic Act to require labeling of genetically modified fish.	Introduced (6%)
	HR 1105	No title.	Young (R-AK)	To prevent the escapement of genetically modified salmon.	Introduced (6%)
Saltonstall-Kennedy	S 494	American Fisheries Advisory Committee Act	Sullivan (R-AK)	A bill to establish the American Fisheries Advisory Committee to assist in the awarding of fisheries research and development grants.	Introduced (38%)
Sharks	HR 614	Shark Sales Elimination Act	Lieu (D-CA)	Prohibits the sale of any shark part, possibly including Pacific dogfish.	Introduced (2%)
	HR 737	Shark Fin Sales Elimination Act	Sablan (D-CNMI)	Prohibits sales of shark fins. Dogfish exempted.	Introduced (42%)
	HR 788	Sustainable Shark Fisheries and Trade Act	Webster, R-FL	Aims at prohibiting importation of shark parts.	Introduced (6%)
Tribes	HR 91/S 50	Columbia River In-Lieu and Treaty Fishing Access Sites Improvement Act	Blumenauer/Merkley (D-OR)	Authorizes Interior to assess and improve sanitation and safety conditions at Bureau of Indian Affairs facilities that were constructed to provide Columbia River Treaty tribes access to traditional fishing grounds.	HR 91 introduced. S 50 reported by two committees (65%)

	HR 729	Tribal Coastal Resiliency Act	Kilmer (D-WA)	Amends the Coastal Zone Management Act to authorize grants to Tribes for use in achieving Tribal coastal zone objectives.	Introduced (3%)
Training	HR 1240/S 496	Young Fishermen's Development Act	Young/Sullivan (R-AK)	Creates a national program dedicated to training and assisting the next generation of commercial fishermen	Introduced (7%)
Water	HR 579	Water Rights Protection Act	Tipton (R-CO)	Prohibits putting conditions on water rights transfers to the U.S. by the Secretaries of Interior and Agriculture.	Introduced (27%)

PFMC
03/19/19