

## SUMMARY OF FEDERAL LEGISLATION IN THE 117TH U.S. CONGRESS

A summary of recent Federal legislation is provided below. Bill status is up to date as of October 22, 2021. The full text of these bills can be found at the Library of Congress website (<http://thomas.gov>) or at <http://govtrack.us>. Numbers in parentheses are the bill's estimated chance of passage according to Skopos Labs.

Bills covered in previous staff summaries of Federal legislation that have not moved forward are generally not included in this report. See [this web page](#) for a full list of bills the Council is tracking.

Of note, a hearing on H.R. 4690 and H.R. 59, which reauthorize and amend the Magnuson-Stevens Fishery Conservation and Management Act (MSA), is tentatively scheduled for November 16 in the [House Natural Resources Committee](#).

### New Bills

The following bills have been introduced since the September briefing book deadline. Although H.R. 570 and H.R. 2643 were introduced earlier this year, they have received renewed attention due to the oil spill off the coast of California in early October. A [hearing on the oil spill](#) was held in Irvine, California on October 18.

#### [H.R. 570: Offshore Accountability Act of 2021](#)

- Introduced by Donald McEachin (D-VA) on January 28, 2021.
- Reported by committee on October 13, 2021. (2%)

Requires operators of offshore oil and gas facilities to report failures of critical systems to the Secretary of the Interior.

#### [H.R. 2643: Offshore Pipeline Safety Act](#)

- Introduced by Julia Brownley (D-CA) on April 19, 2021.
- Reported by committee on October 13, 2021. (2%)

Requires the Bureau of Safety and Environmental Enforcement to further develop, finalize, and implement updated regulations for offshore oil and gas pipelines to address long-standing limitations regarding its ability to ensure active pipeline integrity and address safety and environmental risks associated with decommissioning.

#### [HR 5453/S 2923: Fishery Resource Disasters Improvement Act](#)

- Introduced by Jared Huffman (D-CA) and Roger Wicker (R-MS) on September 30, 2021. (81%)

These bills aim to improve NMFS' fishery disaster relief program. They are virtually identical to the disaster relief section included in H.R. 4690, Huffman's MSA reauthorization bill, except that they authorize \$377 million for disaster relief for FY 2021-2026.

Specifically, the bills define allowable causes for disaster relief, including anthropogenic causes; clarify authority over the disaster relief program; set out a process for applying for disaster relief, including eligibility and required information; and outline the review process, evaluation of

requests, criteria (including revenue loss thresholds), disbursal of funds, notification, and timeframe.

[H.R. 5389: REDUCE \(“Rewarding Efforts to Decrease Unrecycled Contaminants in Ecosystems”\) Act](#)

- Introduced by Thomas Suozzi (D-NY) on September 27, 2021. (1%)

Amends the IRS code to establish an excise tax on virgin plastic resins and creates a Plastic Waste Reduction Fund to support marine debris cleanup, among other things. A similar, but not identical, bill is included in the Ocean-Based Climate Solutions Act (H.R. 3764).

Bill movement since September

The following bill has moved forward since September:

[H.R. 3075: Illegal Fishing and Forced Labor Prevention Act](#)

- Introduced by Jared Huffman (D-CA) on May 11, 2021.
- Reported by committee October 13, 2021. (2%)

To address seafood slavery and combat illegal, unreported, or unregulated fishing, and for other purposes. According to its sponsors, the bill would:

- Expand the Seafood Import Monitoring Program (SIMP) to all species; increase data requirements for SIMP, including consideration of labor conditions; improve detection of imports at risk of illegal, unreported, and unregulated fishing (IUU) fishing and labor violations; and increase interagency coordination and data sharing.
- Establish seafood traceability and labelling requirements; increase outreach on seafood safety and fraud; and improve seafood inspections and Federal enforcement of seafood fraud.
- Strengthen international fisheries management, including expanding U.S. authority to revoke port privileges for fishing vessels associated with IUU fishing and expanding IUU determination criteria to include human trafficking, forced labor, and other labor rights violations.
- Update the responsibilities of the IUU Interagency Working Group.
- Authorize funding for new Automatic Identification Systems (AIS) on vessels and amend requirements for where AIS must be used by U.S. vessels in Federal waters and on the high seas.

## Older Legislation

[H.R. 3764: Ocean-Based Climate Solutions Act of 2021](#)

Introduced by Rep. Grijalva, D-Arizona – Chair of the House Natural Resources Committee

- 290-pages
- June 22, 2021, the House Natural Resources Committee held a hearing on the legislation.
- July 14, 2021, the House Natural Resources Committee ordered the bill to be Reported (amended) by the Yeas and Nays: 23 – 19.

Provisions of possible interest to the Councils (*Note: this is not a complete list of provisions in the bill, but a list of provisions that might affect domestic fisheries or fisheries management*):

#### Title 1 – Marine and Coastal Blue Carbon

- Creates a new Blue Carbon program within NOAA and a new grant program
- Requires a new map of coastal and marine blue carbon ecosystems and an assessment of anthropogenic threats to blue carbon ecosystems
- Creates two new marine designations – blue carbon ecosystems and blue carbon areas of significance

#### Title 2 – Offshore Energy

- Prohibits oil/gas leasing in certain offshore areas
- Requires the Secretary of the Interior to grant leases to meet a minimum output of offshore wind energy
- Requires the Secretary of the Interior to conduct feasibility studies for the leasing of areas for offshore wind within the jurisdiction of the territories
- Requires that 30% of offshore wind revenues fund coastal conservation and resilience

#### Title 3 – Climate-Ready Fisheries, Efficient Fishery Vessels, and Buy American Seafood

- Promotion of US seafood
- Elimination of fish subsidies
- Fuel-efficient fishing vessels
- Promotion of precautionary approach and increased resilience in fisheries management
- Climate-ready fisheries innovation program
- Report on shifting stocks
- Essential Fish Habitat consultations
- Ocean aquaculture research and policy program

#### Title 5 – Coastal Zone Management Act Amendments

- Working Waterfront Grant Program

#### Title 6 – Insular Areas

- Coral Reef prize competitions

#### Title 7 – Strengthening Marine Mammal Conservation

- Conservation of marine mammals adversely affected by climate change
- Requires a comprehensive conservation and recovery strategy to: monitor, reduce, and prevent interactions with fisheries and other human activities; and increase resiliency by materially reducing other human impacts
- Requires the Secretary, when calculating PBR, to consider the adverse impacts of climate change
- Amends the MMPA to require the Secretary with the Coast Guard and the Marine Mammal Commission to identify “areas of importance” to marine mammals known to experience

vessel strikes and establish seasonal or year-round mandatory vessels restrictions for these areas

- Monitoring Ocean Noise for Marine Mammal Protection

#### Title 8 – International Agreements, Efforts in the Arctic, and Bureau of Indian Affairs Trial Resilience Program

- Marine protected areas in areas beyond national jurisdiction – requires the Secretary to provide technical assistance for identifying and establishing strongly protected areas of the ocean in areas beyond national jurisdiction

#### Title 9 – Coastal Resiliency and Adaptation

- Shovel-ready Restoration Grants for Coastlines and Fisheries
- Initiate designation process for successful sanctuary nominations and technical corrections to the National Marine Sanctuaries Act – would require the Secretary to initiate a process to designate all of the areas identified in the Inventory of Successful Nominations

#### Title 10 – Ocean Health: Ocean Acidification and Harmful Algal Blooms

- Vulnerability assessments and forecasting

#### Title 11 – Ocean Data and Collaborative Efforts

- Automatic Identification Systems – requires all commercial vessels over 49 feet and any vessel carrying passengers for hire (as determined by the Secretary) to be equipped and operate AIS while operating in the navigable waters of the U.S., in the EEZ, or on the high seas
- Requires the establishment of a Quiet Seas and Clear Skies Program to reduce harmful underwater vessel noise and reduce air pollution (voluntary participation in vessel speed reduction)

#### Title 13 – Virgin Plastic Excise Tax

#### Title 14 – Studies and Reports

- Report on the ecological and economic effects of high seas fishing in the ocean Areas Beyond National Jurisdiction
- Marine protected areas inventory
- Marine biodiversity census
- Marine biodiversity gap analysis
- Study and action on derelict fishing gear

While passage of this bill is unlikely in this session, certain portions within this bill are expected to be incorporated into other legislation.