

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

A summary of recent Federal legislation is provided below. The full text of these bills can be found at the Library of Congress website.

Bills covered in previous staff summaries of Federal legislation that have not moved forward are generally not included in this report.

Of note is [H.R. 4690, the Sustaining America's Fisheries Act](#), which was adopted by the House Natural Resources Committee and favorably reported to the House of Representatives. A summary of this Bill, and others of interest is contained below.

MAGNUSON-STEVENS ACT REAUTHORIZATION

On Wednesday, September 21, 2022, the House Natural Resources Committee met to consider H.R. 4690, the “Sustaining America’s Fisheries for the Future Act of 2021”.

The video can be viewed at [the Committee’s website](#).

Roll call votes requested on September 21, 2022 were taken on Thursday, September 29, 2022. The video can be found at [the Committee’s website](#). Actions taken on September 29, 2022 can be found below.

H.R. 4690, as amended, was adopted and favorably reported the House of Representatives by a roll call vote of 21 yeas and 18 nays.

Grijalva ANS - The Committee considered the Amendment in the Nature of a Substitute (ANS) offered by Chairman Grijalva (D-Arizona). The ANS as amended was agreed to by voice vote.

All further amendments were offered to the text of the Grijalva ANS.

Huffman Amendment #1 - The Committee considered an amendment offered by Subcommittee Chairman Huffman (D-California) which would add the phrase “to the extent practicable” to the ANS rewrite of National Standard 8 regarding the sustained participation of fishery dependent communities and would remove the sections of the ANS dealing with the American Fisheries Advisory Committee as these provisions had already been enacted. **The amendment passed by voice vote.**

Peltola Amendment #1 - The Committee considered an amendment offered by Congresswoman Peltola (D-Alaska) to clarify the qualifications and how the new Tribal seats (which would be added by the ANS) to the North Pacific Fishery Management Council would be selected. **The amendment passed by voice vote.**

Wittman Amendment #1 – The Committee considered an amendment offered by Congressman Wittman (R-Virginia) which would have struck section 503 (Reducing Bycatch) of the ANS. **The amendment failed by voice vote, but a roll call vote was requested. The vote was postponed. The amendment failed 14 yeas and 21 nays.**

Wittman Amendment #2 – The Committee considered an amendment offered by Congressman Wittman (R-Virginia) which would remove the language in section 505 (Overfished Fisheries and Preventing Overfishing) of the ANS which would have required that recommendations of the Councils regarding criteria for identifying when a stock is overfished or subject to overfishing and that must be no less precautionary than the recommendation of the Scientific and Statistical Committee (SSC). **The amendment failed by voice vote.**

Wittman Amendment #3 – The Committee considered an amendment offered by Congressman Wittman (R-Virginia) which would exempt the Department of Defense from the essential fish habitat provisions in section 502 of the ANS. **The amendment failed by voice vote, but a roll call vote was requested. The vote was postponed. The amendment failed 15 yeas and 21 nays.**

Bentz Amendment #8 – The Committee considered an amendment offered by Subcommittee Ranking Member Bentz (R-Oregon) to strike section 502 (Essential Fish Habitat Consultation) of the ANS. **The amendment failed by voice vote, but a roll call vote was requested. The vote was postponed. The amendment failed 18 yeas and 21 nays.**

Westerman #1 – The Committee considered an amendment offered by Ranking Member Westerman (R-Arkansas) which would amend section 504 (Improving Rebuilding Outcomes) of the ANS to authorize the Secretary to issue permits to allow the intentional lethal take of sea lions or seals (that are not depleted or strategic) in Puget Sound and its tributaries for the purposes of protecting salmon, steelhead, or eulachon that are listed under the Endangered Species Act. **The amendment failed by voice vote, but a roll call vote was requested. The vote was postponed. The amendment failed 14 yeas and 21 nays.**

Westerman #2 – The Committee considered an amendment offered by Ranking Member Westerman (R-Arkansas) which would change the effective date of this legislation until the Secretary certifies that the Department of Commerce will not issue any new regulations (including speed regulations for right whales) that would restrict fishing opportunities. **The amendment failed by voice vote, but a roll call vote was requested. The vote was postponed. The amendment failed 19 yeas and 23 nays.**

Westerman #11 – The Committee considered an amendment offered by Ranking Member Westerman (R-Arkansas) which would strike section 508 (Forage Fish Conservation) of the ANS. **The amendment failed by voice vote, but a roll call vote was requested. The vote was postponed. The amendment failed 19 yeas and 23 nays.**

Carl #1 – The Committee considered an amendment offered by Congressman Carl (R-Alabama) which would prohibit the amendments made by this legislation from becoming effective if National Oceanic and Atmospheric Administration (NOAA) finalizes the rule “Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Red Snapper Data Collection and Harvest Levels” in any form. **The amendment failed by voice vote.**

Graves #1 – The Committee considered an amendment offered by Congressman Graves (R-Louisiana) which would strike language dealing with the disbursal of funds from fisheries disasters and replace with identical language. **The amendment was withdrawn.**

Graves #2, 3, 4, 12, 13 (offered en bloc) – The Committee considered 5 amendments offered by Congressman Graves (R-Louisiana) which were offered en bloc - amendments #2 and #3 deal with shark population analyses; amendment #4 would require an audit by the Commerce Department Inspector General regarding federally-managed Limited Access Privilege Programs; amendment #12 would require that recommendations of the SSCs (as those recommendations would be changed by the ANS) be based solely on objective and measurable criteria as required under section 302 of the Act; and amendment #13 would require the Secretary to study (and report to Congress) on the effects of inshore and shallow water mobile gear on habitat and nontarget species and the effects between interstate boundaries and state and Federal fisheries. **The en bloc amendment passed by voice vote.**

Carl #2 – The Committee considered an amendment offered by Congressman Carl (R-Alabama) which would prohibit the amendments made by this legislation from becoming effective until the catch data from the Great Red Snapper Count is integrated into the SEDAR red snapper stock assessment. **The amendment failed by voice vote.**

Rosendale #2 – The Committee considered an amendment offered by Congressman Rosendale (R-Montana) which would exempt existing hydropower facilities, or sites proposed for future hydropower use from the essential fish habitat provisions of the ANS. **The amendment failed by voice vote. A roll call vote was requested. The amendment failed 18 yeas and 23 nays.**

Webster #1 – The Committee considered an amendment offered by Congressman Webster (R-Florida) which would exempt the spiny lobster from the annual catch limits of the Act. **The amendment failed by voice vote.**

Bentz #5 – The Committee considered an amendment offered by Subcommittee Ranking Member Bentz (R-Oregon) which would delay the implementation of this legislation until the Secretary determines that Act and this legislation will not increase the average amount of litigation against the U.S. government. **The amendment failed by voice vote. A roll call vote was requested. The amendment failed 18 yeas and 21 nays.**

Carl #13 - The Committee considered an amendment offered by Congressman Carl (R-Alabama) which would prohibit the amendments made by this legislation from becoming effective until the Secretary certifies that the average price of gasoline at marinas in the U.S. is below the average price on January 20, 2021. **The amendment failed by voice vote. A roll call vote was requested. The amendment failed 18 yeas and 20 nays.**

Westerman (for Tiffany #4) – The Committee considered an amendment offered by Ranking Member Westerman (R-Arkansas) for Congressman Tiffany (R-Wisconsin) which would prohibit the amendments made by this legislation from becoming effective until the Secretary determines that the national rate of inflation will not increase as a result of this legislation. **The Amendment failed by voice vote. A roll call vote was requested. The amendment failed 18 yeas and 21 nays.**

Rosendale #1 – The Committee considered an amendment offered by Congressman Rosendale (R-Montana) which would prohibit the amendments made by this legislation from becoming effective until the Secretary certifies that cost of school lunches would not increase, there would not be a decrease in the quality and quantity of seafood for the school lunch program and there would not decrease in the availability of seafood to the school lunch program. **The amendment failed by voice vote. A roll call vote was requested. The amendment failed 18 yeas and 21 nays.**

Stauber #3 - The Committee considered an amendment offered by Congressman Stauber (R-Minnesota) which would prohibit the amendments made by this legislation from becoming effective until the Secretary determines the Act and the amendments made by this Act will not increase the price of seafood nor diminish the availability of seafood. **The amendment failed by voice vote. A roll call vote was requested. The amendment failed 18 yeas and 21 nays.**

Graves #15 – The Committee considered an amendment offered by Congressman Graves (R-Louisiana) which would add a new title to the legislation inserting the text of H.R. 2515, “Building United States Infrastructure through Limited Delays and Efficient Reviews Act of 2021” which limits on the environmental review of proposed major Federal actions under the National Environmental Policy Act of 1969 (NEPA) and establishes deadlines and other requirements to expedite the environmental review of such actions. **The amendment failed by voice vote. A roll call vote was requested. The request for a roll call vote was withdrawn.**

Graves #16 - The Committee considered an amendment offered by Congressman Graves (R-Louisiana) which would amend the Sense of Congress language regarding the protection of essential fish habitat in the ANS to include certain “manmade artificial reef structures and other idle offshore infrastructure”. **The amendment failed by voice vote.**

Graves #5 - The Committee considered an amendment offered by Congressman Graves (R-Louisiana) which would strike section 205 (Community Participation in Limited Access Privilege Programs in the ANS and replace it with language the Secretary to conduct an audit of catch share programs in the Gulf of Mexico, reclaim catch shares which are not being fishing in the last 3 years or have leased their shares for each of the last 3 years and auction those shares and use the proceeds to provide direct assistance to the domestic shrimp industry in the Gulf of Mexico. **The amendment failed by voice vote.**

Graves #6 - The Committee considered an amendment offered by Congressman Graves (R-Louisiana) which would strike section 502 (Essential Fish Habitat Consultation) of the ANS and inserts language that would prohibit implementation of this legislation until the Secretary provides a report on the legislation’s “effects on all coastal communities, including subsistence communities, that rely on fisheries for food, economic development, and cultural practices.” **The amendment failed by voice vote.**

Graves #7 - The Committee considered an amendment offered by Congressman Graves (R-Louisiana) which would exempt from the definition of essential fish habitat area that was previously covered by land or a freshwater environment and is in Louisiana and would exempt restoration projects in such an area. **The amendment was withdrawn.**

Graves #8 - The Committee considered an amendment offered by Congressman Graves (R-Louisiana) which would require the Secretary and Councils to use uncalibrated State catch estimates for recreational fisheries managed under state management plans until the Secretary creates a recreational catch estimate program to replace MRIP. **The amendment failed by voice vote. A roll call vote was requested. The amendment failed 18 yeas and 21 nays.**

Graves #9 - The Committee considered an amendment offered by Congressman Graves (R-Louisiana) which would require the Food and Drug Administration to inspect 100 percent of the shrimp imported into the U.S. and to hold the imported shrimp to the same health and quality standards as domestic producers. **The amendment failed by voice vote.**

Graves #10 - The Committee considered an amendment offered by Congressman Graves (R-Louisiana) which would strike the language in a finding in the ANS that states that overfishing is causing harm to coastal communities that are dependent on fishing. **The amendment failed by voice vote.**

Graves #11 - The Committee considered an amendment offered by Congressman Graves (R-Louisiana) which would prohibit the NOAA rule (dated June 29, 2022) that would impose vessel speed regulations for North Atlantic right whales from taking effect. **The amendment failed by voice vote.**

Graves #14 - The Committee considered an amendment offered by Congressman Graves (R-Louisiana) which would add a new section to the ANS requiring a reallocation of tariff revenue collected on imported shrimp and shrimp products and require that the tariffs be used for supporting the domestic shrimp industry. **The amendment failed by voice vote.**

Graves #17 - The Committee considered an amendment offered by Congressman Graves (R-Louisiana) which would add a new title to the ANS to provide an authority to address inadvertent miscalculations and enable offshore energy production while maintaining longstanding marine mammal protections. **The amendment failed by voice vote.**

Copies of the amendments offered on September 21, 2022 can be found at: <https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=115149>

Amendments not available on September 21st can be found at:

<https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=115175>

FISCAL YEAR 2023 APPROPRIATIONS UPDATE

On Friday, September 30th, President Biden signed a Continuing Resolution to provide funding for Federal agencies through December 16, 2022.

UPCOMING HEARINGS AND MARKUPS OF POSSIBLE INTEREST

No upcoming hearings of interest have been announced as of the date of the November Briefing Book.

NEW LEGISLATION

S. 4717, the “Stop the Spread of Invasive Mussels Act of 2022”, (Sen. Bennet, D-Colorado). A bill to authorize the Director of the Bureau of Land Management and the Director of the National Park Service to carry out activities to control the movement of aquatic invasive species into, across, and out of Federal land and waters, to provide for financial assistance from the Commissioner of Reclamation to Reclamation States for watercraft inspection and decontamination stations, to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to make certain technical corrections, and for other purposes. Introduced on August 2, 2022, and referred to the Senate Environment and Public Works Committee.

S. 4740, the “Strengthening Welfare in Marine Settings Act of 2022” or the “SWIMS Act of 2022”, (Sen. Feinstein, D-California), a bill to amend the Marine Mammal Protection Act of 1972 and the Animal Welfare Act to prohibit the taking, importation, exportation, and breeding of certain cetaceans for public display, and for other purposes. Introduced on August 2, 2022, and referred to the Senate Commerce, Science, and Transportation Committee.

S. 4773, the “Fighting Foreign Illegal Seafood Harvests Act of 2022” or the “FISH Act of 2022”, (Sen. Sullivan, R-Alaska), a bill to combat illegal, unreported, and unregulated fishing at its sources globally. Introduced August 4, 2022, and referred to the Senate Commerce, Science, and Transportation Committee.

S. 4802, the “Coast Guard Authorization Act of 2022”, (Sen. Cantwell, D-Washington). Introduced on September 8, 2022, and referred to the Senate Commerce, Science, and Transportation Committee.

S. 4811, the “Boosting Long-term U.S. Engagement in the Pacific Act” or “BLUE Pacific Act”, (Sen. Cortez Masto, D-Nevada), a bill to establish a comprehensive, long-term United States strategy and policy for the Pacific Islands, and for other purposes. Introduced on September 8, 2022, and referred to the Senate Foreign Relations Committee.

S. 4849, the “Oil Spill Response Review Act of 2022”, (Sen. Markey, D-Massachusetts), a bill to require the Commandant of the Coast Guard to establish a process to update the vessel response plan program, and for other purposes. Introduced on September 14, 2022, and referred to the Senate Commerce, Science, and Transportation Committee.

S. 4903, the “Northwest Straits Marine Conservation Initiative Reauthorization Act of 2022”, (Sen. Murray, D-Washington), a bill to reauthorize the Northwest Straits Marine Conservation Initiative Act to promote the protection of the resources of the Northwest Straits, and for other purposes. Introduced on September 21, 2022, and referred to the Senate Commerce, Science, and Transportation Committee.

S. 4927, (Sen. Wicker, R-Mississippi), a bill to direct NOAA to establish a grant program to fund youth fishing projects. Introduced on September 22, 2022, and referred to the Senate Commerce, Science, and Transportation Committee.

S. 4943, (Sen. Rubio, R-Florida), a bill to establish a moratorium on energy development in certain areas of the Gulf of Mexico, and for other purposes. Introduced on September 22, 2022, and referred to the Senate Energy and Natural Resources Committee.

S. 4999, (Sen. Lee, R-Utah), a bill to provide exemptions from certain Jones Act restrictions to vessels providing disaster relief to Puerto Rico for the areas affected by Hurricane Fiona.

Introduced September 28, 2022, and referred to the Senate Commerce, Science, and Transportation Committee.

S. 5032, (Sen. Wicker, R-Mississippi), a bill to provide for the reestablishment of the National Fish and Seafood Promotional Council, and for other purposes. Introduced on September 29, 2022, and referred to the Senate Commerce, Science, and Transportation Committee.

H.R. 8728, the “Oregon Inlet Jetty Feasibility Study Act of 2022”, (Rep. Murphy, R-North Carolina), a bill to authorize the Secretary of the Army to conduct a feasibility study for the project for constructing a dual jetty system at Oregon Inlet, North Carolina, and for other purposes. Introduced on August 18, 2022, and referred to the House Transportation and Infrastructure Committee.

H.R. 8732, the “Imported Seafood Safety Standards Act”, (Rep. Higgins, R-Louisiana), a bill to amend the Federal Food, Drug, and Cosmetic Act to ensure the safety of imported seafood. Introduced August 19, 2022, and referred to the House Energy and Commerce Committee.

H.R. 8965, (Rep. Joyce, R-Ohio), a bill to amend the River and Harbor Act of 1958 to improve provisions relating to invasive species management, and for other purposes. Introduced on September 22, 2022, and referred to the House Transportation and Infrastructure Committee.

H.R. 8977, (Rep. Salazar, R-Florida), a bill to direct the Secretary of Commerce, acting through the Administrator of NOAA, to establish a grant program to fund youth fishing projects, and for other purposes. Introduced on September 22, 2022, and referred to the House Natural Resources Committee.

H.R. 9012, (Rep. Miller-Meeks, R-Iowa), a bill to amend the National Environmental Policy Act of 1969 to limit the scope of environmental reviews required by such Act, and for other purposes. Introduced on September 28, 2022, and referred to the House Natural Resources Committee.

H.R. 9024, (Rep. Tiffany, R-Wisconsin), a bill to direct the Secretary of the Interior to submit a report and maintain publicly available data on expressions of interests, applications for permits to drill, and offshore geological and geophysical survey licenses, and for other purposes. Introduced on September 28, 2022, and referred to the House Natural Resources Committee, and in addition to the House Agriculture Committee, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

LEGISLATIVE ACTIVITY

On Wednesday, September 21, 2022 and Thursday, September 29, 2022, the House Natural Resources Committee marked up H.R. 4690, the “Sustaining America’s Fisheries for the Future Act of 2021” and ordered it to be reported.

On September 14, 2022, the Senate Committee on Commerce, Science, and met in Executive Session to consider the S. 4802, Coast Guard Authorization Act of 2022.

PFMC
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