

## **Congressional Activities Report for the Council Coordination Committee**

### **Submitted to the New England Fishery Management Council**

**May 1, 2017**

#### **Overview of Work Provided:**

- Provided information on Congressional activities of interest to the Regional Fishery Management Councils (see below for updates on, and links to, House and Senate Magnuson-related hearings or other hearings of interest)
- Monitored Congressional hearing and markup schedules related to fisheries management, international fisheries, or other issues of interest to the Regional Fishery Management Councils
- Provided notice of legislation of interest moving through the House, Senate, or to the President
- Provided Regional Fishery Management Councils' meeting schedule information to House and Senate staff for consideration in the scheduling of Congressional activities related to the Magnuson-Stevens Act reauthorization or other fisheries issues of interest to the Councils
- Met with Congressional staff to discuss upcoming activities, hearings and legislation
- Provided Council information to appropriate Congressional staff on fisheries issues of interest

#### **Upcoming Magnuson-Stevens Act Hearings:**

No Magnuson-Stevens Act reauthorization hearings have been scheduled at this time; however, the Senate Commerce, Science and Transportation Committee is planning a hearing related to the National Marine Sanctuaries Program. This hearing could touch on the issue of conflicts between the National Marine Sanctuaries Act and the Magnuson-Stevens Fishery Conservation and Management Act.

In addition, the Senate Commerce, Science and Transportation Committee is currently developing a plan for a series of MSA reauthorization hearings.

#### **Other Upcoming Fisheries Hearings or Other Issues of Interest:**

May 2, 2017, the House Oversight and Government Reform Committee's Subcommittee on the Interior, Energy, and Environment will hold a hearing titled "Examining the Management of Red Snapper Fishing in the Gulf of Mexico". Invited witnesses include: Mr. Earl Comstock, Director, Office of Policy and Strategic Planning U.S. Department of Commerce; Mr. Jamie M. Miller, Executive Director, Mississippi Department of Marine Resources State of Mississippi; Mr. Christopher Brown, President, Seafood Harvesters of America; and Mr. Mark Ray, Vice Chairman, Coastal Conservation Association.

The hearing and archive can be viewed at: <https://oversight.house.gov/hearing/examining-management-red-snapper-fishing-gulf-mexico/>

May 2, 2017, the House Natural Resources Committee's Subcommittee on Federal Lands will hold a hearing titled "Oversight Hearing on the Consequences of Executive Branch Overreach of the Antiquities Act". Witnesses will include: the Honorable Paul LePage, Governor, The State of Maine; Ms. Kathleen Clarke, Director, Utah Public Lands Coordinating Office, Salt Lake City, UT; Mr. Lucas St. Clair, Board Member, Quimby Family Foundation, Portland, ME; Mr. Knox Marshall, Vice President of Resources, Murphy Timber Investments LLC, Eugene, Oregon.

The hearing and archive can be viewed at:

<http://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=401854>

### **Appropriations Update:**

The current Continuing Resolution provides appropriations for the Federal government through Friday, May 5, 2017.

The House Appropriations Committee has released draft legislation to fund the Federal government through the end of the fiscal year (through September 30, 2017). The House and Senate must still take up this legislation this week and both plan to do so before the current Continuing Resolution expires. Details once the bill has been passed will be provided; however, according to the Committee, the draft legislation includes a slight decrease to NOAA (NOAA would be funded at \$5.7 billion which is a \$90 million decrease) and \$34.254 million is provided for "Regional Councils and Fisheries Commissions". Again, these numbers are based on draft legislation and are not final.

### **Previous Hearings, Markups, or Meetings of Interest:**

- The Senate Commerce, Science and Transportation Committee held a markup of a number of bills on Wednesday, April 5, 2017 at 10:00 a.m. The bills that were marked up include (bills of interest to the Councils are in bold):

- \* S. 763, Surface and Maritime Transportation Security Act

- \* **S. 61, a bill to remove the sunset provision of section 203 of Public Law 105-384 (the Dungeness Crabs bill)**

- \* S. 74, Marine Oil Spill Prevention Act

- \* S. 701, a bill to improve the competitiveness of United States manufacturing by designating and supporting manufacturing communities

- \* S. 755, Fairness For Pilots Act

- \* S. 756, Save Our Seas Act of 2017

- \* S. 770, Making Available Information Now to Strengthen Trust and Resilience and Enhance Enterprise Technology (MAIN STREET) Cybersecurity Act

The markup can be viewed at:

<http://www.commerce.senate.gov/public/index.cfm/hearings?ID=7D645C69-762C-48E8-B264-4E95EBA6F143>

*(Note: S. 396, a bill to make technical amendments to certain marine fish conservation statutes had be scheduled to be marked up, but was withdrawn from consideration.)*

- The House Natural Resources Committee’s Subcommittee on Water, Power and Oceans held a legislative hearing on three bills (bills of interest to the Councils are in bold) on April 4, 2017 at 10:00 a.m.:
  - \* H.R. 220, to authorize the expansion of the existing Terror Lake hydroelectric project, and or other purposes.
  - \* **H.R. 1411, the “Transparent Summer Flounder Quotas Act.” A bill to exempt the summer flounder fishing from current federal fishery regulations.**
  - \* Discussion Draft of H.R. \_\_\_\_\_, the “Bureau of Reclamation Pumped Storage Hydropower Development Act.” A bill to amend the Reclamation Project Act of 1939 to authorize pumped storage hydropower development utilizing multiple Bureau of Reclamation reservoirs.

The hearing can be viewed at:

<http://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=401759>

- April 4, 2017 - House Transportation and Infrastructure Committee’s Subcommittee on Coast Guard and Maritime Transportation will hold an oversight hearing on the “Authorization of Coast Guard and other Maritime Transportation Programs” on Tuesday, April 4, 2017 at 2:00 p.m.

The hearing can be viewed at:

<http://transportation.house.gov/calendar/eventsingle.aspx?EventID=401288>

- March 15, 2017 – House Natural Resources Committee’s Subcommittee on Water, Power and Oceans held an oversight hearing titled “Examining the Creation and Management of Marine Monuments and Sanctuaries”. Link:  
<http://naturalresources.house.gov/calendar/default.aspx?Year=2017&Month=03&Earliest=3/15/2017>
- February 7, 2017 – House Natural Resources Committee’s organizational meeting. Link to the meeting:  
<http://naturalresources.house.gov/calendar/default.aspx?Year=2017&Month=02&Earliest=2/7/2017>

- January 24, 2017 – Senate Commerce, Science, and Transportation Committee Executive Session on a number of issues including the vote on the nomination of Wilbur Ross, President-elect Donald Trump’s Secretary of the Department of Commerce designee.  
Link: <http://www.commerce.senate.gov/public/index.cfm/hearings?ID=2D5C496A-1B0C-4DA4-861A-607187402E38>
- January 18, 2017 - Senate Commerce, Science, and Transportation Committee Hearing on the nomination of Wilbur Ross, President-elect Donald Trump’s Secretary of the Department of Commerce designee.  
Link: <http://www.commerce.senate.gov/public/index.cfm/hearings?ID=D31485C6-69E7-4AA5-A9B4-1025C364B3DF>

**Other hearings (not directly related to fisheries) of possible interest:**

**Invasive Species:**

- The Senate Committee on Environment and Public Works held a hearing entitled, “Examining Innovative Solutions to Control Invasive Species and Promote Wildlife Conservation” on Wednesday, March 15, 2017.

The hearing archive can be viewed at:

<https://www.epw.senate.gov/public/index.cfm/hearings?ID=40C0CE17-9913-4336-AE5A-5EEF87975159>

**Endangered Species Act:**

- The House Natural Resources Committee’s Oversight and Investigations Subcommittee held an oversight hearing titled “ESA Consultation Impediments to Economic and Infrastructure Development” on Tuesday, March 28, 2017.

The hearing archive can be viewed at:

<http://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=401724>

- The Senate Committee on Environment and Public Works held a hearing titled “Oversight: Modernization of the Endangered Species Act” on Wednesday, February 15, 2017.

The hearing archive can be viewed at:

<https://www.epw.senate.gov/public/index.cfm/hearings?ID=72694EEF-F5BB-40CC-A382-1E8B6F7CA28C>

**Legislation of Interest and Legislative Activities (updates in red):**

**House Fisheries-Related Bills:**

**H.R. 200**, the “Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act” (Rep. Young, R-Alaska). Introduced on January 3, 2017 and referred to the House Natural Resources Committee.

**H.R. 204**, the “Genetically Engineered Salmon Labeling Act” (Rep. Young, R-Alaska). Introduced on January 3, 2017 and referred to the House Energy and Commerce Committee.

**H.R. 205**, a bill to “amend the Federal Food, Drug, and Cosmetic Act to require labeling of genetically engineered fish” (Rep. Young, R-Alaska). Introduced on January 3, 2017 and referred to the House Energy and Commerce Committee.

**H.R. 206**, the “Prevention of Escapement of Genetically Altered Salmon in the United States Act (Rep. Young, R-Alaska). Introduced on January 3, 2017 and referred to the House Natural Resources Committee.

**H.R. 214**, the “American Fisheries Advisory Committee Act” (Rep. Young, R-Alaska). Introduced on January 3, 2017 and referred to the House Natural Resources Committee.

**H.R. 223**, a bill to “prohibit the Secretary of the Interior and the Secretary of Commerce from authorizing commercial finfish aquaculture operations in the Exclusive Economic Zone except in accordance with a law authorizing such action.” (Rep. Young, R-Alaska). Introduced on January 3, 2017 and referred to the House Natural Resources Committee.

**H.R. 374**, a bill to remove the sunset provision of section 203 of Public Law 105–384, and for other purposes (Rep. Beutler, R-Washington). Introduced on January 9, 2017 and referred to the House Natural Resources Committee. *(Note: This is the bill to extend state jurisdiction over the Dungeness crab fishery.)* **This legislation passed the House of Representatives on January 30, 2017 under Suspension of the Rules.**

**H.R. 943**, the “Finding Innovative Lionfish Elimination Technologies Act of 2017”, (Rep. Curbelo, R-Florida), to authorize the Secretary of Commerce to award competitive grants to combat the certain species of lionfish in the Atlantic Ocean and the Gulf of Mexico. Introduced on February 23, 2017 and referred to the House Natural Resources Committee.

**H.R. 1195**, the “Local Fishing Access Act”, (Rep. Zeldin, R-New York), to authorize the Secretary of Commerce to permit striped bass fishing in the Exclusive Economic Zone transit zone between Montauk, New York, and Point Judith, Rhode Island, and for other purposes. Introduced on February 16, 2017 and referred to the House Natural Resources Committee.

**H.R. 1382**, the “Give Our Fishermen Immediate Snapper Help Act” or the “GOFISH Act”, (Rep. Weber, R-Texas), to establish requirements and restrictions for the commercial, charter, and recreational red snapper fishing seasons in the Gulf of Mexico for the 2017 and 2018 fishing seasons, and for other purposes. Introduced on March 7, 2017 and referred to the House Natural Resources Committee.

**H.R. 1411**, the “Transparent Summer Flounder Quotas Act”, (Rep. Pallone, D-New Jersey), to continue in effect for the 2017 and 2018 fishing seasons certain fishing specifications for the summer flounder

fishery, and for other purposes. Introduced on March 7, 2017 and referred to the House Natural Resources Committee. **Note: as noted above, a hearing on this legislation was held on April 4, 2017 by the House Natural Resources Committee's Subcommittee on Water, Power and Oceans.**

**H.R. 1456**, the "Shark Fin Sales Elimination Act of 2017", (Rep. Royce, R-California), to prohibit the sale of shark fins, and for other purposes. Introduced on March 9, 2017 and referred to the House Natural Resources Committee.

**H.R. 1887**, a bill to amend the Billfish Conservation Act of 2012 to clarify an exemption for traditional fisheries and markets (Rep. Diaz-Balart, R-Florida). This legislation is similar to the Senate billfish bill (S. 396) but not identical.

**H.R. 2023**, the "Modernizing Recreational Fisheries Management Act of 2017", (Rep. Graves, R-Louisiana), the bill would amend the MSA, but would not reauthorize the Act. The bill would: 1) establish a process for allocation review for SA and Gulf (based on NAS guidelines); 2) allow alternatives for management of recreational fisheries; 3) institute a moratorium on any new catch shares for recreational only or mixed-sector fisheries; 4) provide flexibility in rebuilding timeframes; 5) provide flexibility in establishing ACLs; 6) implement new requirements prior to authorizing Exempted Fishing Permits; 7) require increased data incorporation in stock assessments, etc.; 8) require that the Secretary establish new partnerships with States for recreational data collection (NAS study). The bill was introduced on April 20, 2017 and was referred to the House Natural Resources Committee.

**H.R. 2079**, the "Young Fishermen's Development Act of 2017", (Rep. Young, R-Alaska) – requires the creation a new grant program to provide training, education, outreach and technical assistance to "young fishermen" for new entrants, captains, crew, etc. The bill was introduced on April 24, 2017 and was referred to the House Natural Resources Committee.

#### **Senate Fisheries-Related Bills:**

**S. 61**, a bill to remove the sunset provision of section 203 of Public Law 105–384 and for other purposes (Sen. Cantwell, D-Washington). Introduced on January 9, 2017 and referred to the Senate Commerce, Science, and Transportation Committee. (*Note: This is the bill to extend state jurisdiction over the Dungeness crab fishery.*) *Note: as mentioned above, this legislation was marked up by the Senate Commerce, Science and Transportation Committee on April 5, 2017.*

**S. 396**, (Sen. Nelson, D-Florida) to make technical amendments to certain marine fish conservation statutes, and for other purposes. Introduced on February 15, 2017 and referred to the Senate Commerce, Science, and Transportation Committee. (*Note: this legislation would amend the Billfish Conservation Act of 2012 and the Shark Conservation Act of 2010.*) *Note: as mentioned above, this legislation was scheduled to be marked up by the Senate Commerce, Science and Transportation Committee on April 5, 2017, but was withdrawn.*

**S. 793**, (Sen. Booker, D-NJ) - Shark Finning prohibition – would prohibit the possession, transportation, the sale or purchase of shark fins or products containing shark fins (with limited exceptions if the shark fin is separated from the shark in a manner consistent with the license or permit and is: 1) destroyed or discarded upon separation; 2) used for noncommercial subsistence purposes in accordance with State or

territorial law; or 3) used solely for display or research purposes by a museum, college, or university, or other person under a State or Federal permit to conduct non-commercial scientific research. The bill would impose MSA penalties for violations.

**Other House Bills of Interest:**

**H.R. 169**, the “West Coast Ocean Protection Act of 2017” (Rep. Huffman, D-California) to amend 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. Introduced on January 3, 2017 and referred to the House Natural Resources Committee.

**H.R. 222**, a bill to “amend the National Marine Sanctuaries Act to prescribe an additional requirement for the designation of marine sanctuaries off the coast of Alaska and for other purposes” (Rep. Young, R-Alaska). Introduced on January 3, 2017 and referred to the House Natural Resources Committee.

**H.R. 310**, the “Southwestern Oregon Watershed and Salmon Protection Act” (Rep. DeFazio, D-Oregon) to withdraw certain land located in Curry County and Josephine County, Oregon, from all forms of entry, appropriation, or disposal under the public land laws, location, entry, and patent under the mining laws, and operation under the mineral leasing and geothermal leasing laws, and for other purposes. Introduced on January 5, 2017 and referred to the House Natural Resources Committee.

**H.R. 368**, the “Safeguard Aquaculture Farmers Act” (Rep. Crawford, R-Arkansas) to provide the force and effect of law for certain regulations relating to the taking of double-crested cormorants to reduce depredation at aquaculture facilities and protect public resources. Introduced on January 9, 2017 and referred to the House Natural Resources Committee.

**H.R. 717**, the “Listing Reform Act” (Rep. Olson, R-Texas), to amend the Endangered Species Act of 1973 to require review of the economic cost of adding a species to the list of endangered species or threatened species, and for other purposes. Introduced on January 27, 2017 and referred to the House Natural Resources Committee.

**H.R. 845**, the “Ocean Acidification Research Partnerships Act” (Rep. Carbajal, D-California) provide for ocean acidification collaborative research grant opportunities. Introduced on February 3, 2017 and referred to the House Science, Space, and Technology Committee.

**H.R. 961**, the “Ban Aquaculture in the Great Lakes Act” (Rep. Kildee, D-Michigan) to prohibit aquaculture in the Great Lakes. Introduced on February 7, 2017 and referred to the House Natural Resources Committee and the House Agriculture Committee.

**H.R. 1489**, the “Marine Access and State Transparency” or the “MAST Act”, (Rep. Young, R-Alaska), to amend title 54, United States Code, to provide for congressional approval of national monuments and restrictions on the use of national monuments, to establish requirements for declaration of marine national monuments, and for other purposes. Introduced on March 9, 2017 and referred to the House Natural Resources Committee.

**H.R. 2074**, “Public Input for National Monuments Act”, (Rep. Walden, R-Oregon) to require the President to comply with NEPA in designating monuments. Introduced on April 24, 2017 and referred to the House Natural Resources Committee.

**H.R. 2083**, “Endangered Salmon and Fisheries Predation Prevention Act”, (Rep. Beutler, R-Washington), to amend the MMPA to give temporary authorization to issue “eligible entities” to lethally take sea lions on the Columbia River. Introduced on April 24, 2017 and referred to the House Natural Resources Committee.

**H. R. 2134**, the “Endangered Species Management Self-Determination Act” (Rep. Luetkemeyer, R-Missouri) to amend the Endangered Species Act of 1973 to permit Governors of States to regulate intrastate endangered species and intrastate threatened species, and for other purposes. Introduced on April 25, 2017 and referred to the House Natural Resources Committee.

**Other Senate Bills of Interest:**

**S. 31**, the “West Coast Ocean Protection Act of 2017” (Sen. Wyden, D-Oregon) to amend 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. Introduced on January 4, 2017 and referred to the Senate Energy and Natural Resources Committee.

**S. 33**, the “Improved National Monument Designation Process Act” (Sen. Murkowski, R-Alaska), to provide for congressional approval of national monuments and restrictions on the use of national monuments, to establish requirements for the declaration of marine national monuments, and for other purposes. Introduced on January 5, 2017 and referred to the Senate Energy and Natural Resources Committee.

**S. 132**, the “National Monument Designation Transparency and Accountability Act of 2017” (Sen. Crapo, R-Idaho), to amend title 54, United States Code, to provide for congressional and State approval of national monuments and restrictions on the use of national monuments. Introduced on January 12, 2017 and referred to the Senate Energy and Natural Resources Committee.

**S. 376**, the “21st Century Endangered Species Transparency Act”, (Sen. Cornyn, R-Texas), to amend the Endangered Species Act of 1973 to require publication on the Internet of the basis for determinations that species are endangered species or threatened species, and for other purposes. Introduced on February 14, 2017 and referred to the Senate Environment and Public Works Committee.