

## Congressional Activities Report for the Council Coordination Committee

### Submitted to the Caribbean Fishery Management Council

January 31, 2016

#### Overview of Work Provided:

- Provided information on hearings of interest to the Regional Fishery Management Councils (see below for update on House and Senate Magnuson-related hearings)
- Monitored Congressional hearings and markups 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 hearings related to the Magnuson-Stevens Act reauthorization or other fisheries issues of interest to the Councils
- Met with Congressional staff to discuss upcoming hearings and legislation

#### Update on Magnuson-Stevens Act Related Hearings:

Both the House Natural Resources Committee and the Senate Commerce, Science, and Transportation Committee had expressed interest in holding hearings of interest to Councils in December, 2015; however, due to scheduling concerns, both Committees have rescheduled the hearings for early 2016 (see below for the latest tentative dates).

- The House Natural Resources Committee staff had expressed interest in holding a hearing on H.R. 3269, the North Pacific Fisheries Convention Implementation Act, and the South Pacific Fisheries Convention Implementation Act similar to S. 1336 (even though legislation has not yet been introduced in the House). They had been looking at either the first or second week in December; however, after reviewing the North Pacific Council's meeting schedule and the potential that interested members of the Western Pacific Council might be attending the Western and Central Pacific Fisheries Commission meeting, the House Committee staff decided to postpone the hearing until a later date. The hearing is expected to focus on draft legislation combining both the North Pacific and South Pacific Fisheries Convention Implementation Acts with modifications. **It is expected that this House hearing will occur on Tuesday, March 1, 2016. I believe committee staff have been in contact with the North Pacific, Western Pacific, and the Pacific Councils about this hearing.**
- The Senate Commerce Committee staff has been interested in holding a Magnuson-related hearing and had narrowed the scope to the National Standard Guidelines and proposed changes to those Guidelines with NOAA likely to be the only witness invited to testify. The hearing now may be more of a review of the Magnuson-Stevens Act at 40. Due to scheduling concerns, this hearing had also been postponed. **It is now expected that this Senate hearing will be held on Tuesday, February 23, 2016.**

### **Fiscal Year 2016 Appropriations Review:**

On December 18, 2015, the House of Representatives passed H.R. 2029, the Consolidated Appropriations Act for Fiscal Year 2016. The same day, the Senate also passed the legislation clearing it for the President. The President signed the bill on December 18, 2015 and the bill became Public Law 114-113.

The text of the Public Law is not yet available online, but the text of the bill language can be found at:

<http://docs.house.gov/billsthisweek/20151214/CPRT-114-HPRT-RU00-SAHR2029-AMNT1final.pdf>

The report is broken down into titles. The report to accompany the Commerce, Justice, Science, and Related Agencies title of the bill can be found at:

<http://docs.house.gov/meetings/RU/RU00/20151216/104298/HMTG-114-RU00-20151216-SD003.pdf>

### **Recent Hearings of Interest:**

- The House Natural Resources Committee held an oversight hearing on December 7, 2015 titled "Restoring Atlantic Fisheries and Protecting the Regional Seafood Economy". The hearing was held in Riverhead, New York. Witnesses included: Captain Joe McBride, Montauk Boatmen & Captains Association, East Hampton, New York; Mr. Jim Donofrio, Executive Director, Recreational Fishing Alliance, New Gretna, New Jersey; Mr. Kerry Heffernan, Chef, Grand Banks, Hudson River Park, New York; Dr. Paul Rago, Branch Chief, Northeast Fisheries Science Center National Oceanic and Atmospheric Administration, Woods Hole, Massachusetts; Mr. Patrick Paquette, Basic Strategies, Hyannis, Massachusetts; Ms. Bonnie Brady, Executive Director, Long Island Commercial Fishing Association, Montauk, New York; and Mr. Greg DiDomenico, Executive Director, Garden State Seafood Association, Trenton, New Jersey.

The video of the hearing can be viewed at:

<http://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=399649>

- **S. 556, the Sportsmen's Act of 2015 (Murkowski, R-Alaska)** - While not directly related to the Magnuson-Stevens Act reauthorization or the red snapper fishery, the Senate Energy and Natural Resources Committee ordered S. 556, the Bipartisan Sportsmen's Act of 2015 to be reported on November 19, 2015. The "sportsmen's package", a combination of several pieces of legislation of interest to the hunting and fishing communities, has been a vehicle for red snapper amendments in the past. No red snapper language was included in the underlying bill and no red snapper related amendments were offered during the Senate Energy and Natural Resources Committee consideration. A hearing had been held on the legislation on March 12, 2015.

- **S. 659, the Bipartisan Sportsmen’s Act of 2015 (Sullivan, R-Alaska)** - On January 20, 2016, the Senate Environment and Public Works Committee marked up S. 659, the Bipartisan Sportsmen’s Act of 2015. Senator Vitter (R-Louisiana) offered two amendments related to management of the Gulf of Mexico red snapper fishery. The bill was ordered reported by a vote of 12-8.
  - The first amendment (Vitter Amendment #2) would require the Administrator of NOAA to incorporate data related to fisheries that utilize offshore infrastructure directly into stock assessments carried out for the reef fish in the Gulf of Mexico, to develop new technologies and alternative approaches to accurately assess fish populations surrounding offshore infrastructure, and to use such data for fishery management decisions in fiscal year 2016. The amendment would also require the Administrator, if an increase is made to the acceptable biological catch of the Gulf of Mexico red snapper fishery as a result of the new data required by the amendment, to allocate no less than 80 percent of that increase that is more than the historical high of 10 million pounds to the recreational sector of the fishery. The amendment would also require that the Administrator submit a report to Congress that details how new data will be incorporated and used in fiscal year 2016. The amendment was offered and withdrawn.
  - The second amendment was modified and then offered. The amendment would extend the State boundaries to 3 marine leagues for the five States in the Gulf of Mexico for management activities pursuant to the fishery management plan for (or any amendments to) the reef fish resources of the Gulf of Mexico. The amendment passed 11-9.

At the markup, it was noted by Senator Boxer (D-California) that she had heard from Senators Nelson (D-Florida) and Cantwell (D-Washington) that management of the red snapper fishery was under the jurisdiction of the Senate Commerce, Science and Transportation Committee and that those Senators objected to the consideration of red snapper-related amendments by the Senate Environment and Public Works Committee. A hearing on the legislation had been held by the Senate Environment and Public Works Committee on March 17, 2015.

A link to the markup can be found below:

<http://www.epw.senate.gov/public/index.cfm/hearings?ID=E4B9C176-46DC-40EB-A4E9-9A7E2C4D57EC>

**Overview of Congressional Legislative Activities (updates in red):**

**Bills that have passed both the House and Senate (awaiting signature of the President):**

**H.R. 774**, Illegal, Unreported, and Unregulated Fishing Enforcement Act of 2015 (Bordallo, D-Guam) – Reported by the House Natural Resources Committee on July 20, 2015 (House Committee on Transportation and Infrastructure discharged the bill on July 20, 2015), passed the House on July 27, 2015, Senate Commerce, Science and Transportation discharged the bill

on October 21, 2015, passed the Senate on October 21, 2015. **The bill was signed by the President on November 5, 2015 and became Public Law 114-81.**

**Bills that have passed the House (awaiting action in the Senate):**

**H.R. 1335**, the Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act (Young, R-Alaska) – Reported by the House Natural Resources Committee on September 30, 2015, passed the House on October 6, 2015.

**H.R. 2168**, West Coast Dungeness Crab Management Act (Herrera Beutler, R-WA) – Reported by the House Natural Resources Committee on September 30, 2015, and passed the House on October 6, 2015. **Identical legislation (S. 1143) was ordered to be reported by the Senate Commerce, Science, and Transportation Committee on November 18, 2015. I have been told that a “hold” has been placed on this legislation by Senator Rubio (R-Florida).**

**Bills that have been ordered reported by the Senate Commerce Committee:**

**S. 1251**, Northwest Atlantic Fisheries Convention Amendments Act (Markey, D-MA) - Ordered reported by the Senate Commerce, Science and Transportation Committee on August 28, 2015.

**S. 1334**, Illegal, Unreported, and Unregulated Fishing Enforcement Act of 2015 (Murkowski, R-AK) – Ordered reported by the Senate Commerce, Science and Transportation Committee on July 28, 2015.

**S. 1335**, North Pacific Fisheries Convention Implementation Act (Sullivan, R-AK) – Ordered reported by the Senate Commerce, Science and Transportation Committee on May 20, 2015.

**S. 1336**, South Pacific Fisheries Convention Implementation Act (Schatz, D-HI) - Ordered reported by the Senate Commerce, Science and Transportation Committee on May 20, 2015.

**S. 1403**, Florida Fisheries Improvement Act (Rubio, R-FL) – Ordered reported by the Senate Commerce, Science and Transportation Committee on June 25, 2015.

**Bills that have had a hearing in either House or Senate Committees:**

**H.R. 564**, Endangered Salmon and Fisheries Predation Prevention Act (Herrera Beutler, R-Washington) – House Natural Resources Committee’s Subcommittee on Water, Power and Oceans hearing held on July 23, 2015

**H.R. 3094**, the Gulf States Red Snapper Management Authority Act (Graves, R-Louisiana) – House Natural Resources Committee’s Subcommittee on Water, Power and Oceans hearing held on October 22, 2015.

**Politics:**

Governor John Bel Edwards (D-Louisiana) - With the election of Governor John Bel Edwards (D-Louisiana), a new Secretary of the Louisiana Department of Wildlife and Fisheries has been named. Former Member of the U.S. House of Representatives, Charlie Melancon (D-Louisiana), has been appointed as the new Secretary. Whether there will be a change in the management of the red

snapper fishery at the State level or a change in policy at the Gulf of Mexico Fishery Management Council is unclear at this point.

Senator Rubio (R-Florida): Next year is a Presidential election year, with all U.S. House Members up for election and one-third of the U.S. Senate up for election. In particular, Senator Marco Rubio (R-Florida), currently the Chair of the Ocean, Atmosphere, Fisheries and Coast Guard Subcommittee of the Senate Commerce, Science, and Transportation Committee, is running for President of the United States. His Senate term ends at the end of 2016 and whether he wins the Republican nomination for President or not, he has announced that he will not run for his Senate seat in 2016 leaving that seat open. Because the Chairman has been running for President, his time in D.C. has been somewhat limited which has had an impact on hearings scheduled before the Subcommittee. While the Chairman has been willing to allow other Senators to take the lead on some issues, the red snapper issue has complicated Senators' interest in pursuing Magnuson-related hearings without Senator Rubio being in D.C. and able to participate in the hearing. Senator Sullivan (R-Alaska) has shown an interest in taking the lead on fisheries and Magnuson-related hearings. As a way of moving forward on the reauthorization, Senator Sullivan's staff - along with Committee staff - have determined that holding a hearing on the National Standard Guidelines would allow Senators to ask NOAA questions on other Magnuson-related issues, but would be narrow enough in scope to limit the discussion on other fisheries issues such as red snapper. While they had hoped to hold a hearing along these lines this December, it has now been pushed until next year.

Senator Vitter (R-Louisiana): Senator Vitter has been a major proponent of legislation to transfer management of the red snapper fishery to the five Gulf States. He recently ran for Governor and was defeated in the run-off election held in December. Following this defeat, he announced he would not run for his Senate seat leaving that seat open in 2016.

Congressman Fleming (R-Louisiana) and others: Several current and former House Members have already expressed interest in running for the U.S. Senate seat being vacated by Senator Vitter. This list includes Congressman John Fleming (R-Louisiana), Congressman Charles Boustany, Jr. (R-Louisiana), former Congressman Joseph Cao (R-Louisiana), former Congressman Vance McAllister (R-Louisiana), and former Congressman Charlie Melancon (D-Louisiana). Congressman Fleming is currently the Chair of the Water, Power and Oceans Subcommittee of the House Natural Resources Committee and has been neutral on H.R. 3094 (the Gulf States Red Snapper Management Authority Act). It is unclear how his interest in running for the open U.S. Senate seat will affect his work as Chairman of the Subcommittee in the House.

Congressman Rob Wittman (R-Virginia): Congressman Wittman (R-Virginia), a member of the House Natural Resources Committee and the Subcommittee on Water, Power and Oceans, has announced that while he plans to run for his current seat in the U.S. House of Representatives in 2016, he will also run for Governor of Virginia in 2017. Because the election for governor is a mid-term election, Congressman Wittman would not need to give up his House seat to run for governor.

Congressman David Jolly (R-Florida): Congressman Jolly (R-Florida), as well as Congressman Ron DeSantis (R-Florida), Congressman Alan Grayson (D-Florida), and Congressman Patrick Murphy (D-Florida), has announced he will run for the U.S. Senate seat being vacated by Senator Marco Rubio (R-Florida). The filing deadline is May 6, 2016.

### **Other Activities Related Specifically to Gulf of Mexico Fisheries Legislation:**

On October 7<sup>th</sup> and 8<sup>th</sup>, the House Natural Resources Committee marked up H.R. 2406, a bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes or "SHARE Act" (Wittman, R-VA). This legislation has been offered every year for many years and has traditionally been a vehicle to bundle individual pieces of legislation important to the hunting and angling constituencies. In past years, attempts have been made to include red snapper related legislation to this package.

While the bill this year did not contain any marine fisheries related provisions, an amendment was offered by Delegate Radewagen (R- American Samoa) to prohibit the Secretary of Commerce or the Secretary of the Interior from restricting fishing access in any State or territorial marine waters or the Great Lakes under the jurisdiction of the National Park Service or the Office of National Marine Sanctuaries unless the restrictions have been developed with and approved by the fish and wildlife agency of the affected State or territory.

During the debate on this amendment, Congressman Graves (R-LA) discussed the actions by the Committee to extend State jurisdiction on the west coast - the Dungeness crab legislation (H.R. 2168), and the upcoming hearing on his red snapper legislation (H.R. 3094).

The link below is of the entire markup, with the discussion on the Radewagen Amendment beginning at approximately minute 24:30. Congressman Graves' statements begin at approximately minute 33:08.

<http://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=399405>

### **Links to Other Hearings of Interest:**

- House Natural Resources Committee Oversight Hearing titled "Restoring Atlantic Fisheries and Protecting the Regional Seafood Economy" - December 7, 2015 in Riverhead, New York. The video of the hearing can be viewed at:

<http://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=399649>

- House Natural Resources Committee, Subcommittee on Water, Power and Oceans Legislative Hearing on H.R. 3094, the Gulf States Red Snapper Management Authority Act (Graves, R-Louisiana) - October 22, 2015:

<http://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=399448>

- House Natural Resources Committee Markup of a number of bills including H.R. 2406, To protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes or "SHARE Act" (Wittman, R-VA) - October 7 & 8, 2015:

<http://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=399404>

<http://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=399405>

- House Natural Resources Committee, Subcommittee on Water, Power and Oceans Oversight Hearing on Marine National Monument Designations - September 29, 2015:

<http://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=399339>

- House Natural Resources Committee Markup of a number of bills including H.R. 2168, West Coast Dungeness Crab Management Act (Herrera Beutler, R-WA) – September 9 & 10, 2015:

<http://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=399239>

<http://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=399240>

- House Committee on Natural Resources and House Committee on Small Business Joint Oversight Field Hearing in Homestead, Florida on “Restricted Access at Biscayne National Park and Implications for Fishermen, Small Businesses, the Local Economy and Environment” - August 3, 2015 (Video of the field hearing is not available; however, testimony and other information is available at the link below):

<http://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=399137>

- House Natural Resources Committee, Subcommittee on Water, Power and Oceans Legislative Hearing on H.R. 564, Endangered Salmon and Fisheries Predation Prevention Act (Herrera Beutler, R-WA), and H.R. 2168, West Coast Dungeness Crab Management Act (Herrera Beutler, R-WA) - July 23, 2015:

<http://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=399077>

- Senate Commerce, Science and Transportation Committee Markup of S. 1403, Florida Fisheries Improvement Act (Rubio, R-FL) and other legislation - June 25, 2015:

<http://www.commerce.senate.gov/public/index.cfm/hearings?ID=FC4FFE29-8386-43AA-835F-2703329209A5>

- Senate Commerce, Science and Transportation Committee Markup of S. 1334, Illegal, Unreported, and Unregulated Fishing Enforcement Act (Murkowski, R-AK), S. 1335, North Pacific Fisheries Convention Implementation Act (Sullivan, R-AK), S. 1251, Northwest Atlantic Fisheries Amendments Act (Markey, D-MA), S. 1336, South Pacific Fisheries Convention Implementation Act (Schatz, D-HI) - May 20, 2015:

<http://www.commerce.senate.gov/public/index.cfm/hearings?ID=D82FC137-2F21-4008-969A-67A1CFD53D30>

- House Natural Resources Committee Joint Legislative Hearing by the Subcommittee on Federal Lands and the Subcommittee on Water, Power and Oceans titled "To protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes" – May 20, 2015:

<http://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=398523>

- House Natural Resources Committee Markup of H.R. 774, Illegal, Unreported, and Unregulated Fishing Enforcement Act of 2015 (Bordallo, D-Guam) and H.R. 1335, the Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act (Young, R-Alaska) - April 30, 2015:

<http://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=398439>

- Senate Commerce, Science and Transportation Committee hearing on "The Impacts of Vessel Discharge Regulations on our Shipping and Fishing Industries" – February 4, 2015:

<http://www.commerce.senate.gov/public/index.cfm/hearings?ID=3D96309E-7F98-445B-9FDF-9483E042CD5E>