

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

**Submitted to the Caribbean Fishery Management Council**

**October 31, 2016**

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

- Provided information on hearings of interest to the Regional Fishery Management Councils (see below for updates on and links to House and Senate Magnuson-related hearings)
- Monitored Congressional activities, 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
- Provided Council information to appropriate Congressional staff on fisheries issues of interest

### **Timing/Schedule for the remainder of the 114<sup>th</sup> Congress and the beginning of the 115<sup>th</sup> Congress:**

- **Thirty-four Senate seats are up for election in 2016 - 7 Democrats and 21 Republicans are seeking re-election and 5 Senators (3 Democrats, 2 Republicans) are retiring. If the Clinton/Kaine ticket wins the election, Senator Kaine will need to resign his Senate seat and a special election will need to be scheduled to fill his seat; however, the Governor of Virginia could appoint someone to the seat to serve until the special election is held.**
- **The House of Representatives and the Senate will return the week of November 14, 2016. It is unclear how long they will remain in session.**
- **The current Continuing Resolution runs until December 9, 2016.**
- **The 115th Congress will begin at noon January 3, 2017.**
- **The new president will be sworn in at noon on January 20, 2017. President Obama remains in office until the new president is sworn in.**
- **At the beginning of the 114<sup>th</sup> Congress, the House Natural Resources Committee announced Subcommittee Chairs and the membership of the subcommittees on January 15, 2015. It is likely this Committee will follow a similar schedule for the beginning of the 115<sup>th</sup> Congress.**
- **At the beginning of the 114<sup>th</sup> Congress, the Senate Commerce, Science, and Transportation Committee named Subcommittee Chairs on January 8, 2015. The organizational meeting of the Committee was held on January 13, 2015 and members of the subcommittees were approved at that meeting.**
- **Regardless of whether control of the House or Senate changes, Committee Chairs can change the jurisdictions and names of Subcommittee within their Committees.**

### **Upcoming Magnuson-Stevens Act or Fisheries Related Hearings:**

No hearings have been scheduled at this time.

### **Politics, Politics, Politics:**

With the elections looming (for the White House, 1/3 of the Senate, and all of the House of Representatives), the rest of the 114<sup>th</sup> session may depend on a number of things – will the Senate remain in control of the republicans or will the democrats take control (and how big of a margin will either party have), will the House of Representatives remain in control of the republicans or could there be a larger-than-expected anti-incumbent vote giving the democrats control, and one of the biggest questions is who will win the White House.

These questions are important because control of the House and Senate in the 115<sup>th</sup> Congress may determine what happens during the remainder of the 114<sup>th</sup> Congress in November and December. If the republicans lose the White House and lose control of the Senate and the House, there will likely be a push (by republicans that are currently in control of the agenda) to move a number of more controversial bills including those that would restrict the authority of the President. In addition, the current leadership is more likely to pass long-term appropriation bills (that may include riders that also restrict the authority of the President). Obviously, if the republican leadership is on the way out at the end of the 114<sup>th</sup> Congress, the democrats in both the House and Senate will oppose any long-term appropriation bills - especially if they contain any policy riders.

If the Senate and House remain in republican control, there will likely not be much change in the calendar for November and December (with not many days in session after the election) and it is likely that appropriation bills will be short-term (rumors are that appropriation bill might only run through March, 2017). This is especially true if the republicans remain in control of both houses of Congress and the republican ticket wins the White House.

The amount of time the House and Senate will be in session in November and December may determine whether some bills of interest to the Councils will be finalized and sent to the President (the international fisheries package and the Dungeness crab legislation in particular). With the Continuing Resolution funding the federal government only through December 9<sup>th</sup>, Congress will need to pass further appropriations bills (which could be another Continuing Resolution) to fund the federal government until sometime in the new year and after the new 115<sup>th</sup> Congress is in place.

As mentioned before, the House Subcommittee on Water, Power, and Oceans of the House Natural Resources Committee will have a new chairman regardless of the outcome of the elections due to the current chairman, (John Fleming, R-Louisiana) running for the Senate. If the democrats take control of the House of Representatives, there could be a restructuring of the subcommittees at the House Natural Resources Committee and there will certainly be new full committee and subcommittee chairs.

In addition, if the democrats take control of the Senate, there will be new full committee and subcommittee chairs at the Senate Commerce, Science and Transportation Committee. If the republicans maintain control of the Senate, it is unclear if the current chairs of the Senate Commerce, Science, and Transportation Committee and the Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard will remain as chairs in the 115<sup>th</sup> Congress.

And no matter who wins the White House, there will likely be a complete turnover of the higher-level and political staff at the executive branch agencies including the Department of Commerce, NOAA, and NMFS.

Since this has been one of the strangest election years I have seen, I will refrain from making any predictions. Feel free to call me if you want to discuss politics and the elections in more detail, but in any case, my crystal ball is very foggy so I may not be able to shed any light on things.

#### **Recent Hearings, Markups, or Activities of Interest:**

- September 29, 2016 – The House of Representatives passed H.R. 5303, the “Water Resources Development Act of 2016”. An amendment - offered by Rep. Byrne (R-Alabama) to require the Secretary of the Army to coordinate with all of the Gulf States on developing an oyster bed recovery assessment for beds that were damaged due to Hurricane Katrina, Deepwater Horizon, and recent floods - was passed by voice vote. The Senate has passed similar legislation and the differences between the bills will need to be worked out. Similar language to the Byrne amendment is already in the Senate-passed version of the bill.

The Senate legislation (S. 2848) also includes a provision which would require the Comptroller General to assess (and report to Congress on his findings) the domestic shellfish aquaculture industry, the federal and state laws affecting the industry, and information on the permitting process for the shellfish aquaculture industry in the following regions: the Chesapeake Bay; the Gulf Coast States; the State of California; and the State of Washington.

- September 22, 2016 – The House Natural Resources Committee marked up H.R. 564, the “Endangered Salmon and Fisheries Predation Prevention Act” (Rep. Herrera Beutler, R-Washington). At the markup, the bill was amended, two amendments were not adopted, and the bill was ordered to be reported. The text of the amendments and the video of the markup can be viewed at:  
<http://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=401184>
- September 22, 2016 - The Senate Energy and Natural Resources Committee held a hearing on 21 bills - 3 of which may be of interest to the Councils. The three bills of possible interest are: S. 346, (Sen. Wyden, D-OR) the Southwestern Oregon Watershed and Salmon Protection Act of 2015; S. 437, (Sen. Murkowski, R-AK) the Improved National Monument Designation Process Act; and S. 1416, (Sen. Flake, R-AZ) a bill to limit the authority to reserve water rights in designating a national monument. The hearing can be watched at:  
<http://www.energy.senate.gov/public/index.cfm/live-webcast>
- July 12, 2016 – The House Natural Resources Committee marked up H.R. 4576, the Ensuring Access to Pacific Fisheries Act. The opening statement of Congresswoman Radewagen (R-

American Samoa) regarding the bill (including a nice shout out to the Western Pacific Council and Kitty) can be found at:

<http://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=400948>

The votes on amendment(s) offered and on passage of the bill can be found at:

<http://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=400947>

- June 29, 2016 - the Senate Commerce, Science and Transportation Committee marked up a number of bills including a few that could affect fisheries management, could affect operations of the Regional Fishery Management Councils, or might be of interest to the Councils. The markup can be viewed at:  
<http://www.commerce.senate.gov/public/index.cfm/hearings?ID=9C0C8E6C-E0B8-4EC8-A136-ABECB4FB94D3>
  - S. 3087, the American Fisheries Advisory Committee Act, introduced by Senator Dan Sullivan (R-Alaska) and Senator Maria Cantwell (D-Washington) on June 22, 2016, would amend the Saltonstall-Kennedy Act to require the Secretary of Commerce to create an American Fisheries Advisory Committee (Committee) and establish 5 regions within the Committee. The bill would establish the number and qualifications of members to be appointed to the Committee and how they are to be appointed. The bill would establish meeting requirements, staffing authorization, and conflict-of-interest rules. The bill would require that grants approved for funding by the Secretary of Commerce through the Saltonstall-Kennedy Act be selected by the Committee. The bill was ordered reported with a number of amendments.
  - S. 3059, the Marine Mammal Research and Response Act of 2016, introduced by Senator Maria Cantwell (D-Washington) and Senator Dan Sullivan (R-Alaska) on June 15, 2016, would reauthorize and amend the John H. Prescott Marine Mammal Rescue and Response Grant Program. In addition, the bill would require the Secretary of Commerce to create a new "Marine Mammal Health Map" which would allow information on marine mammal health, strandings, entanglements, and mortality data to be publicly available. The bill was ordered reported with a number of amendments.
  - S. 3099, The Access for Sportfishing Act of 2016 is to be sponsored by Senator Bill Nelson (D-Florida) and Senator Marco Rubio (R-Florida). The bill would place restrictions on the ability of the Secretary of the interior to implement restrictions on fishing in Biscayne National Park unless certain criteria are met. The bill would also amend the Magnuson-Stevens Act and the High Seas Driftnet Fishing Moratorium Protection Act to prohibit shark feeding. The bill would also make a change to the Billfish Conservation Act of 2012 and require the Secretary of Commerce to issue final regulations to implement that Act. The bill was ordered reported by voice vote (with Senators Markey and Cantwell being recorded as no votes).

- June 14<sup>th</sup> & 15<sup>th</sup>, 2016 – the House Natural Resources Committee marked up a number of bills including:
  - H.R. 3094 (Cong. Graves, R-Louisiana), the “Gulf States Red Snapper Management Authority Act” which was amended and ordered reported by a roll-call vote;
  - H.R. 4245 (Cong. Pingree, D-Maine), a bill to exempt importation and exportation of sea urchins and sea cucumbers from licensing requirements under the Endangered Species Act of 1973 which was amended and ordered reported by unanimous consent; and
  - H.R. 4582 (Cong. Denham, R-California), the “Save Our Salmon Act” which was amended and ordered reported by unanimous consent.

Link: <http://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=400702>

- International Fisheries Package - The Senate, on May 17th, passed S. 1335, which was introduced by Senator Sullivan (R-Alaska) and had originally had been titled the North Pacific Fisheries Convention Implementation Act. In moving the bill, they changed the name of the bill to “Ensuring Access to Fisheries Act” and added both the South Pacific Fisheries Convention Implementation Act (S.1336) and the Northwest Atlantic Fisheries Convention Amendments Act (S.1251). There are some differences between this bill and the House international fisheries package, but staff from the relevant House and Senate committees continue to meet to look at options for moving the package. The House Ways and Means Committee raised concerns with specific provisions of the bills and staff of the committees continue to work on the bill to resolve these and other concerns.
- Dungeness Crab - The Senate Commerce, Science and Transportation Committee has now filed the report on the Dungeness crab bill (S. 1143) which could mean they have been given the okay to take the bill to the Senate Floor. We had been told previously that there was a hold on the bill – presumably in relation to the red snapper issue – but it is unclear whether this hold is still in place. The report was filed on May 23, 2016. The report can be found at: <https://www.gpo.gov/fdsys/pkg/CRPT-114srpt260/pdf/CRPT-114srpt260.pdf>
- National Ocean Policy - Northeast Regional Planning Body announced the availability of the draft Northeast Regional Ocean Plan and held a webinar to discuss the public comment process. The RPB also plans to host public meetings in each New England state in June. According to previous documents, the RPB plans to have this plan finalized by October 2016. The Mid-Atlantic Regional Plan is expected to be finalized by December 2016. The Draft Plan can be found at: <http://neooceanplanning.org/plan/>

- Marine Protected Areas - The Marine Protected Area Federal Advisory Committee met May 24-26<sup>th</sup> in Maine and the meeting included a presentation on the Northeast Regional Planning Body and also a presentation by NOAA's Office of National Marine Sanctuaries on community-based nominations for sanctuaries. More information can be found at: <http://marineprotectedareas.noaa.gov/fac/meetings/>

#### **Fiscal Year 2017 Appropriations – Senate Actions:**

- The Senate Appropriations Committee's Subcommittee on Commerce, Justice, Science, and Related Agencies held an oversight hearing on the Department of Commerce's Fiscal Year 2017 budget request on March 3, 2016. The only witness was The Honorable Penny Pritzker, Secretary, U.S. Department of Commerce.
- The Senate Appropriations Committee reported S. 2837, the Commerce, Justice, Science, and Related Agencies Appropriations Act, Fiscal Year 2017, on April 21, 2016. The report to accompany the bill (Senate Report 114-239) can be found at: <https://www.congress.gov/congressional-report/114th-congress/house-report/531/1>
- The Senate continues to debate H.R. 2578 (Rep. Culberson) *(Note: The Senate is using this House legislation as the vehicle for Senate consideration of the Fiscal Year 2017 Departments of Commerce and Justice, Science, and Related Agencies Appropriations.)* The Senate consideration of this legislation has been hampered by the gun control debate and amendments dealing with gun control and it is unclear when or if the Senate will return to consideration of the bill.
- The Senate Appropriations Committee reported S. 3068, the Department of the Interior, Environment, and Related Agencies Appropriations Act for Fiscal Year 2017 on June 16, 2016. The text of the bill can be found at: <https://www.congress.gov/114/bills/s3068/BILLS-114s3068pcs.pdf> and the report can be found at: <https://www.congress.gov/114/crpt/srpt281/CRPT-114srpt281.pdf>.

#### **Fiscal Year 2017 Appropriations – House Actions:**

- The House Appropriations Committee, Subcommittee on Commerce, Justice, Science, and Related Agencies held an oversight hearing on the Department of Commerce's budget request on February 23, 2016.
- The House Appropriations Committee has marked up and reported H.R. 5393, the Departments of Commerce and Justice, Science, and Related Agencies for fiscal year 2017 on May 24, 2016. *Note: See separate memo for information on the Committee-reported bill.* The bill can be found at: <https://www.congress.gov/114/bills/hr5393/BILLS-114hr5393rh.pdf> and the report to accompany the bill (H. Rept. 114-605) can be found at: <https://www.congress.gov/114/crpt/hrpt605/CRPT-114hrpt605.pdf>

- House consideration of this legislation is also being complicated by the potential for gun control amendments and it is unclear whether the House will take up the bill as a free-standing bill. It is likely that remaining appropriations bills, including this one, will be rolled into one or more continuing resolutions in September.
- The House took up and passed H.R. 5538, the Department of the Interior, Environment, and Related Agencies Appropriations Act for Fiscal Year 2017 – This legislation includes provisions dealing with: the mass marking of salmon; language dealing with the implementation of biological opinions on smelt and salmonids; and restrictions on the designation of monuments in specifically-named counties. The House Appropriations Committee reported the bill on June 21, 2016. The bill language can be found at <https://www.congress.gov/114/bills/hr5538/BILLS-114hr5538rh.pdf>. The report (H. Rept. 114-632) can be found at: <https://www.congress.gov/114/crpt/hrpt632/CRPT-114hrpt632.pdf>.

### **Overview of Congressional Legislative Activities:**

#### **Bills that have become Public Law:**

- **H.R. 774**, the Illegal, Unreported, and Unregulated Fishing Enforcement Act of 2015. Introduced by Congresswoman Bordallo (D-Guam) on February 5, 2015. The bill was referred to the House Natural Resources Committee. The bill implements the Agreement of Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, implements the Antiqua Convention, amends 8 other existing international fishery agreements to impose the sanctions of the High Sea Driftnet Fishing Moratorium Protection Act, and provides additional authorities for the Secretary of Commerce to regulate IUU fishing. (The 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.
- **H.R. 2029**, the Consolidated Appropriations Act, 2016. Introduced by Congressman Charles Dent (R-Pennsylvania) on April 24, 2015. The bill includes a number of fisheries-related provisions including an extension of State waters to 9 miles for all Gulf States for the Reef Fish FMP. The President signed the bill on December 18, 2015 and the bill became Public Law 114-113.

#### **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-Washington) – 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).

**H.R. 2406**, the “Sportsmen’s Heritage and Recreational Enhancement Act of 2015” or SHARE Act (Wittman, R-Virginia) – Reported by the House Natural Resources Committee on December 10, 2015 (the bill was also referred to a number of other House Committees). On February 26, 2016, the House of Representatives passed the legislation by recorded vote. *[While the House legislation does not contain fisheries provisions, there are two Senate versions of the bill (S.556, the Sportsmen's Act of 2015 and S. 659, the Bipartisan Sportsmen’s Act of 2015). As reported by the Senate Environment and Public Works Committee, S. 659 includes a provision regarding the management of the Gulf of Mexico red snapper fishery.]*

**H.R. 3070**, the EEZ Clarification Act (Zeldin, R-New York) - House Natural Committee’s Subcommittee on Water, Power and Oceans hearing held on February 2, 2016. Ordered reported by the House Natural Resources Committee (amended) on March 16, 2016. Passed the House by voice vote on June 7, 2016.

**H.R. 4245**, a bill to exempt exportation of certain echinoderms and mollusks from licensing requirements under the Endangered Species Act of 1973 (Pingree, D-Maine). The House Natural Resources Committee passed the bill on June 15, 2016. The bill passed the House of Representatives on September 6, 2016.

**H.R. 4576**, Ensuring Access to Pacific Fisheries Act (Radewagen, R-American Samoa). The House Natural Resources Committee ordered the bill to be reported (amended) on July 13, 2016. The bill passed the House of Representatives on September 12, 2016. [Note: the bill includes the text of H.R. 3269, the North Pacific Fisheries Convention Implementation Act. Introduced by Congressman Young (R-Alaska)].

**H.R. 4582**, Save Our Salmon Act (Denham, R-California) - House Natural Resources Committee’s Subcommittee on Water, Power and Oceans hearing held on March 1, 2016. Ordered reported (amended) by the House Natural Resources Committee on June 15, 2016. Passed the House on July 5, 2016.

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

**S. 1335**, Ensuring Access to Fisheries Act (Sullivan, R-Alaska) – Reported by the Senate Commerce, Science and Transportation Committee on March 28, 2016. On May 17, 2016, the bill was passed by the Senate by unanimous consent with an amendment (which added the text of S. 1336 and S. 1251).

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



**S. 1143**, the West Coast Dungeness Crab Management Act (Cantwell, D-Washington) - Ordered reported by the Senate Commerce, Science and Transportation Committee on November 18, 2015.

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

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

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

**S. 3059**, Marine Mammal Research and Response Act of 2016 (Cantwell, D-Washington) - Ordered reported by the Senate Commerce, Science, and Transportation Committee on June, 29 2016.

**S. 3087**, American Fisheries Advisory Committee Act (Sullivan, R-Alaska) - Ordered reported by the Senate Commerce, Science and Transportation Committee on June 29, 2016.

**S. 3099**, Access For Sportfishing Act of 2016 (Nelson, D-Florida) – Ordered reported by the Senate Commerce, Science and Transportation Committee on June 29, 2016.

**Other bills of potential interest with action taken by other Senate Committees:**

**S.556**, Sportsmen's Act of 2015 (Murkowski, R-Alaska). Ordered reported by the Senate Energy and Natural Resources Committee on December 16, 2015.

**Bills that have been ordered reported by the House Natural Resources Committee:**

**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. Ordered reported (amended) by the House Natural Resources Committee on June 15, 2016.

**Politics (Part II):**

Senator Rubio (R-Florida) – who had been a Presidential candidate and had announced he would not run for re-election to his U.S. Senate seat even if he lost the republican primary for President, after further consideration, has announced he will run for re-election to his current U.S. Senate seat.

Congressman Jolly (R-Florida) – who had announced that he was running for the U.S. Senate – has now announced he will run for re-election to his current U.S. House seat.

**Note:** According to the tentative calendar for the House of Representatives, as of August 31<sup>th</sup>, the House of Representatives has 0 days of legislative session remaining prior to the election and an estimated 16 days after the election – although it is likely that the schedule for session after the election will change. (The Senate schedule is a little harder to describe because the schedule lists days when the Senate will not be in session rather than the days they will be in session.) The House of Representatives is currently in recess until November 14, 2016.

**Note:** As of September, 2016, 52 House Members are retiring, running for other office, resigning, or have passed away and 6 Senate Members are retiring, or running for other office.

**Note:** Concerns have been raised about whether the unpopularity of one or both parties' presidential nominees might affect Senate races. While the same concern has been raised about House races as well, there are not as many toss-up seats in play for this to be a major concern. In addition, both likely presidential nominees have high negatives so turnout may be an issue for many contests including those for the U.S. House and the U.S. Senate.

**Note:** Whether control of either the House or Senate changes parties, there will be a new Subcommittee chair for the House Subcommittee on Water, Power and Oceans. The Chairman of the Senate Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard is currently Senator Rubio (R-Florida); however, it is unclear whether he would remain as chair in the new Congress so it is possible that both of these important chairmanships will change hands.

**Note:** Generally when a new President is elected - no matter whether there is a change in party or not – all political appointees are expected to resign and it can take up to six months or more before the new political appointees are in place and making policy decisions.

**Below are some specific changes that may be of interest to the fish world:**

**House Members retiring or running for other office:**

Congressman Fleming (R-Louisiana) – running for Senate – of interest because he is currently the chair of the Subcommittee on Water Power and Oceans.

Congressman Bustany (R-Louisiana) – running for Senate.

Congressman Wittman (R-Virginia) – in 2017 running for governor but does not have to give up House seat – of interest because of his seat on the House Natural Resources Committee and leadership role on the Congressional Sportsmen's Caucus.

Congressman Perluisi (D-Puerto Rico) – is the Resident Commissioner for Puerto Rico and is a Member of the House Natural Resources Committee. He had been running for Governor; however, he lost in the primary on June 5, 2016.

**Other Retiring Members of interest:**

Dan Benishek (R-Michigan) – Member of the House Natural Resources Committee

Sam Farr (D-California) – Member of the House Appropriations Committee

Lois Capps (D-California) – Member of the House Natural Resources Committee

Cynthia Lummis (R-Wyoming) – Member of the House Natural Resources Committee

Jeff Miller (R-Florida) – has been involved in the red snapper issue

Jim McDermott (D-Washington)

Gwen Graham (D-Florida)

Mark Takai (D-Hawaii)

**Links to Previous Hearings or Markups of Interest in the 114<sup>th</sup> Congress:**

- June 1, 2016 - The House Natural Resources Committee held an oversight hearing titled “Field Hearing on Elevating Local Voices and Promoting Transparency for a Potential Monument Designation in Maine” in East Millinocket, Maine. While the hearing was primarily focused on the potential land-based monument in Maine, it was likely that the issue of marine monuments would come up. *Note: Unfortunately, the video quality from the hearing is not very good.*

Witnesses included: Mr. Bob Meyers, Executive Director, Maine Snowmobile Association; Mr. Paul Sannicandro, Councilman, Millinocket Town Council; Mr. Stephen Stanley, Representative, District 143, Maine House of Representatives; Mr. David Trahan, Executive Director, Sportsman’s Alliance of Maine; Mr. Lucas St. Clair, Elliotsville Plantation Inc.; and Mr. Matt Polstein, Owner, New England Outdoor Center.

Link: <http://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=400497>

- May 17, 2016 – House Natural Resources Committee, Subcommittee on Water, Power and Oceans Oversight Hearing titled "The Implications of President Obama's National Ocean Policy"

Witnesses: Mr. Bob Zales, President, National Association of Charterboat Operators, Hurley, Mississippi; Ms. Meghan Lapp, Fisheries Liaison, Seafreeze, Ltd., North Kingstown, Rhode Island; Mr. Jim Lanard, Chief Executive Officer, Magellan Wind, Collingswood, New Jersey; Mr. Dan Keppen, Executive Director, Family Farm Alliance, Klamath Falls, Oregon. Note: Ms. Beth Kerttula, Director of the National Ocean Council was invited to testify, but was unable to attend the hearing.

Link: <http://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=400425>

- April 20, 2016 – House Natural Resources Committee, Subcommittee on Water, Power and Oceans Legislative Hearing on H.R. 1869 (“Environmental Compliance Cost Transparency Act of 2015”), H.R. 2993 (“Water Recycling Acceleration Act of 2015”), and H.R. 4582 (“Save Our Salmon (SOS) Act”).

Witnesses: Congresswoman Doris Matsui (D-California); Dr. Charles H. Hanson, Senior Fishery Biologist, Hanson Environmental, Inc. and the State Water Contractors, Walnut Creek, California (Testifying on H.R. 4582); Mr. Jim Herberg, General Manager, Orange County Sanitation District, Fountain Valley, California (Testifying on H.R. 2993); Mr. Tom Iseman, Deputy Assistant Secretary of Water and Science, U.S. Department of the Interior, Washington, D.C. (Testifying on H.R. 2993, 4582); Mr. Bo Downen, Senior Policy Analyst, Public Power Council, Portland, Oregon (Testifying on H.R. 1869); and Mr. Patrick F. Ledger, CEO, Arizona G&T Cooperatives, Benson, Arizona (Testifying on H.R. 1869).

Link: <http://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=400211>

- April 19, 2016 - House Natural Resources Committee Oversight Hearing on Recent Changes to Endangered Species Critical Habitat Designation and Implementation

Witnesses: The Honorable Dan Ashe, Director, U.S. Fish and Wildlife Service, Department of the Interior; Mr. David L. Bernhardt, Shareholder, Brownstein Hyatt Farber Schreck, LLP (former Solicitor for the U.S. Department of the Interior, 2006-2008); Dr. Loyal Mehrhoff, Endangered Species Recovery Director, Center for Biological Diversity; Ms. Robbie LeValley, County Administrator, Delta County (former President, Colorado Cattlemen's Association); Ms. Karen Budd-Falen, Senior Partner, Budd-Falen Law Offices, LLC.

*Note: This hearing primarily focused on land-based endangered species and a recent rule issued by the U.S. Fish and Wildlife Service dealing with how critical habitat can be designated.; however, additional fisheries related issues did come up including: the issues of fish and the relationship to water users; Delta smelt and salmon biological opinions; Delta smelt recovery plans and the impact of that species on farming; the effects of warm water discharges and potential closures of power plants on listed manatees; and climate change and critical habitat for sea turtles.*

Link: <http://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=400213>

- March 22, 2016 - The House Natural Resources Committee's Subcommittee on Water, Power and Oceans held an oversight hearing titled "Examining the Missions and Impacts of the President's Proposed Fiscal Year 2017 Budgets of the U.S. Fish and Wildlife Service, the National Ocean and Atmospheric Administration, the Bureau of Reclamation and the Power Marketing Administrations".

Witnesses: Mr. Jim Kurth, Deputy Director, U.S. Fish and Wildlife Service, Washington, D.C.; The Honorable Estevan López, Commissioner, U.S. Bureau of Reclamation, Washington, D.C.; Mr. Mark Gabriel, Administrator, Western Area Power Administration, Lakewood, Colorado; Ms. Claudia Andrews, Chief Operating Officer, Bonneville Power Administration, Damascus, Oregon; Ms. Eileen Sobeck, Assistant Administrator, National Oceanic and Atmospheric Fisheries, Silver Spring, Maryland

Link: <http://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=400061>

- March 15-16, 2016 - The House Natural Resources Committee held a markup of a number of bills on including: H.R. 3070 (Rep. Lee Zeldin), the “EEZ Clarification Act”, a bill to clarify that for purposes of all Federal laws governing marine fisheries management, the landward boundary of the exclusive economic zone between areas south of Montauk, New York, and Point Judith, Rhode Island, and for other purposes. (Note: the Committee had originally planned on considering H.R. 4245 (Rep. Chellie Pingree), a bill to exempt importation and exportation of sea urchins and sea cucumbers from licensing requirements under the Endangered Species Act of 1973; however, that legislation will be considered at a later date. (Additional note: At the markup, Congressman Graves mentioned recent legislation extending state water jurisdiction in the Gulf of Mexico – approximately 1:06:30)

Link: <http://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=400090>

- March 3, 2016, 10:00 am - Senate Small Business and Entrepreneurship Committee held an Oversight Hearing titled “The Impacts of Federal Fisheries Management on Small Businesses (the Committee is chaired by Senator Vitter, R-Louisiana).

Witnesses: Ms. Pam Anderson, Operations Manager, Capt. Anderson's Marina; Mr. Hughes Andry, Regional Manager, Sportco Marketing; Mr. Brad Gentner, President, Gentner Group Consulting, LLC; Mr. James Hayward, President, XI Northeast Fisheries Sector, Inc.; Dr. Joshua Wiersma, Manager, Northeast Fisheries, Environmental Defense Fund

Link: [http://www.sbc.senate.gov/public/index.cfm?p=Hearings&ContentRecord\\_id=C9AC5BF4-B3B5-48E2-8083-2EBA23A32BC1](http://www.sbc.senate.gov/public/index.cfm?p=Hearings&ContentRecord_id=C9AC5BF4-B3B5-48E2-8083-2EBA23A32BC1)

- March 1, 2016, 2:00 pm – House Natural Resources Committee, Subcommittee on Water, Power, and Oceans held a Legislative Hearing on H.R. 4576, the “Ensuring Access to Pacific Fisheries Act”

Witnesses: Ambassador David Balton, Deputy Assistant Secretary for Oceans and Fisheries, U.S. Department of State, Washington, D.C.; Mr. Brian Hallman, Executive Director, American Tunaboat Association, San Diego, California; Mr. Dan Hull, Chairman, North Pacific Fishery Management Council, Anchorage, Alaska; Ms. Kitty Simonds, Executive Director, West Pacific Fishery Management Council, Honolulu, Hawaii; Mr. Russell Smith, Deputy Assistant Secretary for International Fisheries, National Oceanic and Atmospheric Administration, Washington, D.C.

Link: <http://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=399969>

- The Senate Commerce, Science, and Transportation Committee held an Oversight Hearing on February 23, 2016 titled “The Magnuson-Stevens Act at 40: Successes, Challenges and the Path Forward.” The hearing was chaired by Senator Sullivan (R-Alaska) and was attended by 9 other Senators (listed alphabetically) – Senator Ayotte (R-New Hampshire), Senator Blumenthal (D-

Connecticut), Senator Booker (D-New Jersey), Senator Cantwell (D-Washington), Senator Markey (D-Massachusetts), Senator Nelson (D-Florida), Senator Peters (D-Michigan), Senator Schatz (D-Hawaii), and Senator Wicker (R-Mississippi).

Witnesses: Sam Rauch from NMFS was the only witness.

Link: <http://www.commerce.senate.gov/public/index.cfm/hearings?ID=6A78AA91-F806-4C75-A0A3-DAC399CEE96B>

- The House Natural Resources Committee, Subcommittee on Oversight and Investigations held an Oversight Hearing on February 24, 2016, titled “The President’s Imposition of New Environmental Mitigation Regulations”.

Witnesses: Mr. Michael Bean, Principal Deputy Assistant Secretary, U.S. Fish and Wildlife Service, U.S. Department of the Interior; Mr. Brian Ferebee, Associate Deputy Chief, National Forest System, U.S. Forest Service, U.S. Department of Agriculture; Ms. Christy Goldfuss, Managing Director, Council on Environmental Quality, The White House.

Link: <http://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=399897>

- The House Natural Resources Committee’s Subcommittee on Water, Power and Oceans held a Legislative Hearing on February 2, 2016 on H.R. 3070, the EEZ Clarification Act (Zeldin, R-New York) and H.R. 4245, a bill to exempt importation and exportation of sea urchins and sea cucumbers from licensing requirements under the Endangered Species Act of 1973 (Pingree, D-Maine).

Witnesses: Mr. Joe Leask, Chairman, Department of Marine Resources Sea Urchin Zone Council, Rockwood, Maine; Mr. William Woody, Assistant Director, U.S. Fish and Wildlife Service Office of Law Enforcement, Washington, D.C.; Mr. Atchan Tamaki, Founder, ISF Trading, Inc.; Portland, Maine; Mr. Daniel Morris, Deputy Regional Administrator, Greater Atlantic Region, National Marine Fisheries Service, Gloucester, Massachusetts; Captain John McMurray, One More Cast Charters, Oceanside, New York; and Captain Joe McBride, Montauk Boatmen & Captains Association, East Hampton, New York.

Link: <http://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=399795>

- The Senate Environment and Public Works Committee marked up S. 659, the Bipartisan Sportsmen’s Act of 2015 on January 20, 2016. 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.
  - o 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.

o 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.

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

- 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: 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.

Link: <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.

Witnesses: Mr. Robert Barham, Secretary, Department of Wildlife and Fisheries, State of Louisiana, Baton Rouge, Louisiana; Mr. Alan Risenhoover, Director of the Office of Sustainable

Fisheries, NOAA Fisheries, Silver Spring, Maryland; Mr. Nick Wiley, Executive Director, Florida Fish and Wildlife Conservation Commission, Tallahassee, Florida; Mr. Christopher M. Horton, Fisheries Program Director, Congressional Sportsmen's Foundation, Bismarck, Arkansas; Captain Gary Jarvis, Owner, Back Down 2 Charters, Destin, Florida; Mr. Bob Zales, President, National Association of Charterboat Operators, Hurley, Mississippi; Mr. Jason De La Cruz, President and Chief Operating Officer, Wild Seafood Co., E. Madeira Beach, Florida; Ms. Haley Bitterman, Corporate Executive Chef & Director of Operations, Ralph Brennan Restaurant Group, New Orleans, Louisiana; Mr. David Cresson, Executive Director/CEO, Coastal Conservation Association, Baton Rouge, Louisiana.

Link: <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. Links are below:

<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.

Witnesses: Mr. Jon Williams, Owner, The Atlantic Red Crab Company, New Bedford, Massachusetts; Dr. Holly Bamford, Acting, Assistant Secretary for Conservation and Management, National Ocean Service, Silver Spring, Maryland; Dr. Andrew A. Rosenberg, Director, Center for Science and Democracy, Union of Concerned Scientists, Cambridge, Massachusetts; Mr. Rod Moore, Executive Director, West Coast Seafood Processors Association, Portland, Oregon; Mr. Chris Oliver, Executive Director, North Pacific Fishery Management Council, Anchorage, Alaska.

Link: <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. Links are below:

<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.

Witnesses: Mr. Carl Liederman, Owner, Captain Harry’s Fishing Supply, Miami, Florida; Mr. Brian Carlstrom, Superintendent, Biscayne National Park, Homestead, Florida; Ms. Jessica McCawley, Director, Division of Marine Fisheries Management, Florida Fish and Wildlife Conservation Commission, Tallahassee, Florida; Dr. Jerry Ault, Professor, University of Miami, Miami, Florida; Mr. Bouncer Smith, Owner, Bouncer’s Dusky 33 Fishing Charters, Miami, Florida; Mr. Ernie Piton, Florida Keys Commercial Fishermen’s Association, Key Largo, Florida; Mr. Bryan Boyd, Owner, Ocean Blue Yacht Sales, Stuart, Florida; Mr. Scott Salyers, Fishing Group Publisher, Bonnier Corporation, Palmetto Bay, Florida; Mr. Jimbo Thomas, Captain, Thomas Flyer, Miami, Florida.

*Note: 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.

Witnesses: The Honorable Jaime Herrera Beutler, Member of Congress, Washington's 3rd District; The Honorable John Carney, Member of Congress, Delaware's At-Large District; The Honorable Leotis McCormack, Commissioner, Columbia River Inter-Tribal Fish Commission, Lapwai, Idaho (Testifying on H.R. 564); Mr. Collin O’Mara, President and CEO, National Wildlife Federation, Merrifield, Virginia (Testifying on H.R. 1772); Ms. Wendi Webber, Northeast Regional Director, U.S. Fish and Wildlife Service, Hadley, Massachusetts (Testifying on H.R. 1772); Mr. Barry Thom, Deputy Regional Administrator, West Coast Region, National Marine Fisheries Service, Portland, Oregon (Testifying on H.R. 564 and H.R. 2168); Mr. Dale Beasley, President, Columbia River Crab Fisherman’s Association, Ilwaco, Washington (Testifying on H.R. 2168).

Link: <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.

Link: <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.

Link: <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.

Witnesses: Mr. Steve Ellis, Deputy Director for Operations, Bureau of Land Management, U.S. Department of the Interior, Washington, D.C.; Ms. Leslie Weldon, Deputy Chief, National Forest System, U.S. Forest Service, U.S. Department of Agriculture, Washington, D.C.; Mr. John Annoni, Founder, Camp Compass Academy and 2 Million Bullets, Allentown, Pennsylvania; Mr. Jeff Crane, President, Congressional Sportsmen's Foundation, Washington, D.C.; Mr. Jorge Gutierrez, Past President, Everglades Coordinating Council, Fort Lauderdale, Florida.

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

- The Senate Commerce, Science and Transportation Committee's Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard held an Oversight Hearing titled "Improvements and Innovations in Fishery Management and Data Collection" on Wednesday, May 20, 2015

Witnesses: The Honorable Kathryn Sullivan, Ph.D., Administrator, National Oceanic and Atmospheric Administration; Mr. Robert Beal, Executive Director, Atlantic States Marine Fisheries Commission; Mr. Brett Fitzgerald, Executive Director, Snook and Gamefish Foundation; Dr. Steven A. Murawski, Professor and Peter Betzer Endowed Chair of Biological Oceanography, University of South Florida.

Link: <http://www.commerce.senate.gov/public/index.cfm/hearings?ID=0D31F7DF-1CB0-476A-9D64-A848B874B1A7>

- 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.

Link: <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.

Witnesses: Mr. James Farley, President, Kirby Offshore Marine; Mr. James Weakley, President, Lake Carriers Association; Ms. Claudia Copeland, Specialist in Resources and Environmental Policy, Congressional Research Service; Captain Robert Zales, President, National Association of Charter Boat Operators.

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