

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

### **Submitted to the Caribbean Fishery Management Council**

**February 29, 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

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

- March 1, 2016, 2:00 pm – House Natural Resources Committee, Subcommittee on Water, Power, and Oceans Legislative Hearing on H.R. 4576, the “Ensuring Access to Pacific Fisheries Act”
  - Invited witnesses include: 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.
  - Testimony and a video of the hearing can be viewed at:  
<http://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=399969>
- March 3, 2016, 10:00 am - Senate Small Business and Entrepreneurship Committee Oversight Hearing titled “The Impacts of Federal Fisheries Management on Small Businesses (the Committee is chaired by Senator Vitter, R-Louisiana).”
  - Invited witnesses include: 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
  - The hearing information can be found at:

[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)

### **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>

### **Fiscal Year 2017 Appropriations:**

- The President submitted his FY 2017 budget proposal to Congress on February 9, 2016.
- 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 Senate Appropriations hearing has not yet been scheduled ... (last year the Senate Appropriations Committee, Subcommittee held a hearing on the Department of Commerce's budget on February 26, 2015, marked up the Commerce, Justice, Science and Related Agencies bill – Subcommittee on June 10, 2015 and the full committee on June 11, 2015).

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

#### **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.]*

#### **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-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. 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.

**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.

**H.R.4245**, To exempt importation and exportation of sea urchins and sea cucumbers from licensing requirements under the Endangered Species Act of 1973 (Pingree, D-Maine) - House Natural Resources Committee’s Subcommittee on Water, Power and Oceans hearing held on February 2, 2016. (*Note: the bill has been referred to 2 other House Committees.*)

**Politics:**

Note: According to the tentative calendar for the House of Representatives, as of March 1, the House of Representatives has 72 days of legislative session remaining prior to the election and 16 days after the election. (The Senate schedule is a little harder to describe because they list days when the Senate will not be in session rather than the days they will be in session.)

Note: 43 House Members are retiring, running for other office, resigning, or have passed away and 6 Senate Members are retiring, or running for other office.

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

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.

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, 2015. 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. 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 (election to be held 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). Congressman Jolly is the sponsor of several bills dealing with red snapper science issues. The filing deadline is May 6, 2016.

Congressman Perluisi (D-Puerto Rico) – is the Resident Commissioner for Puerto Rico and is a Member of the House Natural Resources Committee. He is running for Governor.

Other Retirements of interest:

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

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

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

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

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

- 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). Sam Rauch from NMFS was the only witness.

Information and a video of the hearing can be found at:

<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 Oversight Hearing on February 24, 2016, titled “The President’s Imposition of New Environmental Mitigation Regulations”. Witnesses included: 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.

Information and a video of the hearing can be found at:

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

- 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.
  - 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>

- 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.

Information and a 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>