

# Federal Legislative Outlook



Review and Discussion  
February 20, 2020



Florida Fish and Wildlife Conservation Commission

This is a review and discussion of recent federal legislative items relating to fish and wildlife in Florida. This presentation may be updated as legislation is introduced by the 116<sup>th</sup> Congress.

Division: Marine Fisheries Management

Authors: Brian McManus, Jessica McCawley, Martha Guyas, and Kristin Foss

Contact Phone Number: 850-487-0554

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Unless otherwise noted, images throughout the presentation are by FWC.

# Outline

## 116<sup>th</sup> Congress

- Public Laws
- Fishery Management
- Conservation and Wildlife Management
- FWC Legislative Action Plan



The 116<sup>th</sup> Congress convened in January 2019, and the first session of the 116<sup>th</sup> Congress adjourned on Dec. 20, 2019. The second session of the 116<sup>th</sup> Congress convened on Jan. 6, 2020. FWC has been engaged on 52 different pieces of legislation and meeting with members of Congress and the executive branch to improve access for Florida's sportsmen while maintaining strong conservation management practices.

These bills range from appropriations bills that fund certain programs to bills that change policy and management practices. Some of these bills became public laws and others are still under consideration by Congress. As the 116<sup>th</sup> Congress continues, staff will continue to monitor legislative activities and as directed by the Commission, advocate for outcomes that are best for Florida. This presentation will cover current and upcoming federal legislative issues that may affect Florida.

# Public Laws

## Bills signed into law

- John D. Dingell, Jr., Conservation, Management, and Recreation Act (P.L.116-9)
- Target Practice and Marksmanship Training Support Act (P.L.116-17)
- Additional Supplemental Appropriations for Disaster Relief Act (P.L.116-20)
- Preventing Animal Cruelty and Torture Act (P.L.116-72)
- Consolidated Appropriations Act, 2020 (P.L.116-93)
- Further Consolidated Appropriations Act, 2020 (P.L.116-94)



Photo courtesy of usgs.gov

Under the 116<sup>th</sup> Congress, a number of bills were signed into law including:

John D. Dingell, Jr., Conservation, Management, and Recreation Act (Public Law 116-9): This comprehensive law permanently established the Land and Water Conservation Fund, but Congress will need to fund the program. It also creates five new Theodore Roosevelt Genius awards for conservation innovation, and creates the “Every Kid Outdoors” program that provides a free annual pass for every fourth grader and their family to enjoy national parks, lands, and waters.

Target Practice and Marksmanship Training Support Act (Public Law 116-17): This law decreases the non-federal share of funding the cost for acquiring land and expanding or constructing public target ranges from 25 to 10 percent.

Additional Supplemental Appropriations for Disaster Relief Act (Public Law 116-20): This law made \$150 million available for fishery disaster assistance due to Hurricane Michael. In September 2019, NOAA released its Fisheries Disaster Assessment for Hurricane Michael’s impact on Florida. NOAA estimated that Florida’s fishing industry and infrastructure suffered \$68.9 million in damage. Despite the assessment, no funding has been released by the federal government.

Preventing Animal Cruelty and Torture Act (Public Law 116-72): This law creates three new federal crimes under the animal cruelty section of the code: (1) animal crushing, (2) the creation of animal crushing videos, and (3) the distribution of animal crushing videos.

Consolidated Appropriations Act, 2020 (Public Law 116-93): This law funds the federal government for the remainder of fiscal year 2020. This law includes \$1.5 million for South Atlantic reef fish data collection, \$5 million for continued state management of Gulf red snapper, and \$1 million for a study on economic impact of Harmful Algal Blooms.

Further Consolidated Appropriations Act, 2020 (Public Law 116-94): This law also continues to fund the federal government for the remainder of fiscal year 2020. This law includes \$67.5 million for State and Tribal Wildlife Grants, allows Pittman Robertson funds to be used for education and marketing, funding across various federal agencies for Harmful Algal Bloom research, funding across various federal agencies for coral reef research, and a study on the scientific literature of sunscreen’s potential risk to the marine environment.

# Fisheries Management Legislation Outline

- Magnuson Act
- Red Snapper
- Forage Fish
- Fishery Disaster Assistance
- Sharks and Lionfish
- Harmful Algal Blooms



Lionfish photo courtesy of Jason Arnold

FWC continues to track and engage on bills that affect fisheries management. These bills relate to amending the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson Act), red snapper, forage fish, fishery disaster assistance, sharks, lionfish, and harmful algal blooms. These bills are summarized on the following slides.

# Magnuson-Stevens

## H.R. 3697

- Provide flexibility in stock rebuilding
- Exempt certain stocks from ACL requirements: spiny lobster
- Increase public involvement and transparency when data is collected



Photo courtesy of noaa.gov

The Magnuson Act is the principal federal law governing marine fisheries in the United States and directs conservation and management of federal fisheries. It was originally passed in 1976 to address concerns about foreign fishing vessels in U.S. waters by creating a 200 nautical mile limit (Exclusive Economic Zone) of U.S. control over waters that were once heavily fished by foreign vessels. It also provides the framework for the federal fishery management councils and directs how federal fisheries regulations are promulgated and implemented. The Magnuson Act includes deadlines for ending overfishing and rebuilding fisheries and also requires the federal councils to set specific harvest limits (i.e., annual catch limits (ACLs)) for federally-managed species. It also outlines the framework for federal limited access privilege programs (LAPPs) like individual fishing quotas (IFQs).

Congress directs U.S. fisheries management and policy by amending the Magnuson Act during reauthorizations. The Magnuson Act has been eligible for reauthorization since 2013. The Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act (H.R. 3697) was introduced by Congressman Young (AK), and is the same bill that the U.S. House of Representatives passed in the 115<sup>th</sup> Congress. This bill would reauthorize the Magnuson Act and make several management improvements. For example, H.R. 3697 would encourage alternative management measures, cooperative data collection, includes a study for allocation in mixed-use fisheries, and would provide flexibility for rebuilding fish stocks. For example, H.R. 3697 includes language that exempts spiny lobster from any annual catch limits (ACLs).

FWC supports H.R. 3697.

# DESCEND Act

H.R. 5126 and S. 2960

- Require boats to have a venting device or descending device onboard
- Applies when fishing for Gulf reef fish



Photo courtesy of SAFMC

The Direct Enhancement of Snapper Conservation and the Economy through Novel Devices Act, or “DESCEND” Act (H.R. 5126 and S. 2960) has been introduced by Congressman Graves (LA) and Senator Cassidy (LA). These bills would require commercial and recreational fishermen to have a venting tool or descending device on board while fishing for reef fish in Gulf of Mexico federal waters. The purpose of this legislation is to reduce fishing mortality due to barotrauma.

Recently, the Deepwater Horizon Open Ocean Trustee Implementation Group announced a project to develop innovative and voluntary tools for commercial fishermen to reduce bycatch of fish and for recreational anglers to help more released fish survive. This bill is not intended to affect the funding or implementation of this project.

FWC supports H.R. 5126 and S. 2960.

# Forage Fish Conservation Act

H.R. 2236

- Require fishery management plans for forage fish
- FWC and other fishery managers have concerns about this bill



Photo courtesy of noaa.gov

The Forage Fish Conservation Act (H.R. 2236) was introduced by Congresswoman Dingell (MI) and would require developing fishery management plans for forage fish.

FWC and many other fishery managers have concerns about the legislation because the legislation defines forage fish as any fish that contributes to the diets of other fish, marine mammals, or birds and is at a low trophic level (low on the food chain). FWC and other fishery managers believe this definition would require fishery management plans for just about all species of fish and is concerned that this new requirement would divert funds from the much needed data collection and stock assessments for higher profile fish.

FWC and other fishery managers have shared our concerns with the bill sponsor and are having ongoing discussions with the bill sponsor and interest groups supporting the legislation. FWC believes H.R. 2236 would not improve fishery management.

# Fishery Failures Urgently Needed Disaster Declarations Act

S. 2346 and H.R. 5548

- Since 2012, Florida has requested four fishery disaster declarations

Natural Disaster	Date Requested	Date Approved	Funds Available	Time Lapsed
Oysters	Sept. 2012	Aug. 12, 2013	Aug. 2014	Almost 2 years
Hurricane Irma	Oct. 2, 2017	Feb. 8, 2018	July 2019	Almost 2 years
Hurricane Michael	Oct. 23, 2018	Oct. 31, 2018	?	?
Red Tide	May 24, 2019	?	?	?

- Expedite fishery disaster determination process by imposing deadlines and criteria for declarations and approving spending plans



The Fishery Failures Urgently Needed Disaster Declarations Act (S. 2346 and H.R. 5548) was introduced by Senator Wicker (MS) and Congressman Huffman (CA). These bills would impose deadlines and criteria for determining fishery disasters and approval of spending plans.

The current process lacks deadlines for federal partners to make decisions and lacks criteria for disaster determinations. Since 2010, Florida has requested fishery disaster on four different occasions, and on each occasion, the time lapsed has fluctuated. This does not help those who have been affected by natural disasters.

FWC supports these bills and has worked with Senator Wicker's office to expedite relief to those who were affected. Additionally, Chairman Spottswood testified in support of S. 2346 and offered improvements to the legislation.

# Sharks and Lionfish

- Sustainable Shark Fisheries and Trade Act – S. 1008 and H.R. 788
- Shark Fins Trade Elimination Act – H.R. 737 and S. 877
- Lionfish on Lacey – H.R. 417



Lionfish photo courtesy of Jason Arnold

The Sustainable Shark Fisheries and Trade Act (S. 1008 and H.R. 788) was introduced by Senator Rubio (FL) and Congressman Webster (FL). These bills would establish a certification process to ensure that any nation engaging in shark trade into or through the U.S. has regulatory conservation programs in place that are comparable to those in place for the U.S. FWC supports these bills.

The Shark Fins Trade Elimination Act (H.R. 737 and S. 877) was introduced by Delegate Sablan (Northern Mariana Island) and Senator Booker (NJ). These bills would make it illegal to possess, buy, sell, transport, or trade shark fins or any product containing shark fins. FWC has had concerns in the past about these bills because the bills: (1) would have significant negative impacts on Florida and U.S. commercial shark fishermen, who are already prohibited from participating in the wasteful practice of “finning” sharks, and (2) it would likely not achieve the goal of reducing the prevalence of these activities in other, less sustainable global fisheries. S. 877 passed the Senate Commerce Committee. H.R. 737 passed the U.S. House of Representatives, and all but six members of the Florida delegation voted for the bill.

The Lionfish on Lacey (H.R. 417) bill was introduced by Congressman Soto (FL). This bill would add lionfish to the injurious species list covered under the Lacey Act. The Lacey Act makes it illegal to import, export, sell, acquire, or purchase fish, wildlife, or plants that are taken, possessed, transported, or sold in violation of federal or state law. However, H.R. 417 would allow deceased lionfish to be sold for commercial purposes. FWC supports H.R. 417.

# Harmful Algal Blooms

- South Florida Clean Coastal Waters Act – S. 10 and H.R. 335
- Protecting Local Communities from Harmful Algal Blooms Act – H.R. 414



The South Florida Clean Coastal Waters Act (S. 10 and H.R. 335) was introduced by Senator Rubio and Congressman Soto. These bills would require the Inter-Agency Task Force to complete an assessment that examines the causes, consequences, and potential approaches to reduce harmful algal blooms (HABs) and hypoxia in South Florida and status of, and gaps within current HAB and hypoxia research, monitoring, management, prevention, response, and control activities that directly affect the region. Also, it would require a plan for reducing, mitigating, and controlling HABs and hypoxia in South Florida. Lastly, biennial reports must be issued on the progress toward achieving the objectives of the plan. The Senate Commerce Committee passed S. 10, and the U.S. House of Representatives passed H.R. 335. FWC supports these bills.

The Protecting Local Communities from Harmful Algal Blooms Act (H.R. 414) was introduced by Congressman Rooney (FL). This bill would add harmful algal blooms to the list of events available for funding through the Robert T. Stafford Disaster Relief and Emergency Assistance Act. FWC supports H.R. 414.

# Conservation and Wildlife Management Legislation Outline

- Coral Reef Restoration
- Recovering America's Wildlife Act
- National Fish Habitat Conservation
- National Firearms Background Check
- Wildlife Trafficking Prevention
- Chronic Wasting Disease
- Sport Fish Restoration Act



Coral photo courtesy of noaa.gov

In the 116<sup>th</sup> Congress, several members introduced legislation related to conservation and wildlife management. These bills include Coral Reef Restoration, the Recovering America's Wildlife Act, National Fish Habitat Conservation, the National Firearms Background Check, Wildlife Trafficking Prevention, Chronic Wasting Disease, and Sport Fish Restoration Act.

# Conservation and Wildlife Management Legislation

Restoring Resilient Reefs Act – S. 2429 and H.R. 4160

- Fund coral reef recovery efforts
- Make coral reefs impacted by disease eligible for emergency funding

Recovering America's Wildlife Act – H.R. 3742

- Provide \$1.3 billion a year for wildlife conservation
- Estimated Florida would receive about \$40 million a year

Defending Our National Marine Sanctuaries from Damaging Chemicals Act – H.R. 1834

- Prohibit the use of sunscreen containing oxybenzone or octinoxate in a National Marine Sanctuary with coral



Photo courtesy of noaa.gov

The Restoring Resilient Reefs Act (S. 2429 and H.R. 4160) was introduced by Senator Rubio (FL) and Congressman Soto (FL). This bill would reauthorize the federal law that governs coral reef management and authorize \$160 million over five years to fund coral reef recovery efforts. In addition, the bill would make coral reefs impacted by disease eligible for emergency funding. The U.S. Senate Committee on Commerce, Science, and Transportation approved S. 2429. FWC supports these bills.

The Recovering America's Wildlife Act (H.R. 3742) was introduced by Congresswoman Dingell (MI). This bill would provide \$1.3 billion annually to fund conservation and wildlife management in the states. This could result in about \$40 million annually provided to the State of Florida. The U.S. House Committee on Natural Resources approved H.R. 3742. Both members of the Florida delegation who serve on the committee voted for the bill. FWC supports H.R. 3742.

The Defending Our National Marine Sanctuaries from Damaging Chemicals Act (H.R. 1834) was introduced by Congressman Rooney (FL). This bill would prohibit the use of sunscreen containing oxybenzone or octinoxate in a National Marine Sanctuary that contains coral. FWC has not taken a position on this bill.

# Conservation and Wildlife Management Legislation

## America's Conservation Enhancement Act – H.R. 925

- National Fish Habitat Conservation Program
- Chronic Wasting Disease Task Force
- North American Wetlands Conservation reauthorization

## Foreign National Firearms Background Check Enhancement Act – H.R. 5507

- Foreign nationals may petition the Attorney General to purchase and/or possess a firearm if they have been residing in the US for more than 180 consecutive days

## Rescuing Animals with Rewards Act – H.R. 97

- Reward program for informants that assist in prevention or intervention of crimes related to wildlife trafficking



Photo courtesy of USFWS

The America's Conservation Enhancement Act (H.R. 925) was introduced by Senator Barrasso (WY). This bill contained many provisions, including creating the National Fish Habitat Conservation Through Partnership, allowing states to use Pittman-Robertson money for educational and public relations purposes, creating a Chronic Wasting Disease Task Force, mandating a study on Chronic Wasting Disease, and renewing the North American Wetlands Conservation Act. The Senate amended S. 3051 to H.R. 925 and approved H.R. 925. FWC supports most of the provisions included in H.R. 925.

The Foreign National Firearms Background Check Enhancement Act (H.R. 5507) was introduced by Congressman Crist (FL). This bill would require foreign nationals to petition the Attorney General to purchase and/or possess a firearm if they have been residing in the United States for more than 180 consecutive days. This bill is an attempt to change current law that allows foreign nationals to purchase a firearm if they have valid hunting licenses. The foreign national gunman who killed three and injured eight at NAS Pensacola acquired the firearm legally by possessing a valid hunting license.

The Rescuing Animals with Rewards Act (H.R. 97) was introduced by Congressman Buchanan (FL). This bill would modify the current United States Department of State rewards program by authorizing rewards for people who provide information to officials that assists in the prevention or identification of crimes related to wildlife trafficking. The United States House of Representatives approved H.R. 97, and FWC supports H.R. 97.

# Conservation and Wildlife Management Legislation

National Fish Habitat Conservation – S. 754 and H.R. 1747

- Fund fish habitat conservation programs
- Provisions in H.R. 925 and H.R. 729

Chronic Wasting Disease Management Act – S. 689 and H.R. 1550

- Fund chronic wasting disease research
- Provision in H.R. 925

Sport Fish Restoration and Recreational Boating Safety Act – H.R. 4828

- Fund enhancement of fishing and boating opportunities for the states



The National Fish Habitat Conservation Act (S. 754) was introduced by Senator Crapo (ID), and Congressman Wittman (VA) introduced the National Fish Habitat Conservation Through Partnership Act (H.R. 1747). These bills, which enhance existing partnerships, would create a National Fish Habitat Board to oversee a nationwide effort to improve fish habitats around the country. In addition, the bill would authorize \$7.2 million each year for five years to fund fish habitat conservation projects. H.R. 1747 and nine other bills were melded into H.R. 729, which the U.S. House of Representatives approved. S. 754 was added to S. 3051. S. 3501 was amended to H.R. 925, and the U.S. Senate approved H.R. 925. FWC supports H.R. 1747 and S. 754.

The Chronic Wasting Disease Management Act (S. 689) and H.R. (1550) was introduced by Senator Tester (MT) and Congressman Kind (WI). These bills are very similar and would provide up to \$60 million in assistance to the states and researchers to combat chronic wasting disease (CWD) in deer. CWD is a neurological disease transmittable to members of the deer family and is always fatal to deer. CWD has not been found in Florida nor anywhere in humans. This disease presents significant challenges for wildlife conservation. Federal funding would be important in FWC's efforts for surveillance and monitoring for this disease. FWC supports these bills.

The Sport Fish Restoration and Recreational Boating Safety Act (H.R. 4828) was introduced by Congressman Cunningham (SC). This bill would reauthorize the Sport Fish Restoration Act for five years. The Sport Fish Restoration Act, which is known more often as Dingell-Johnson, allows for a 10 percent excise tax on sport fishing and boating equipment. This money is then divided among the states for fishing and boating recreation management. FWC supports H.R. 4828.

# FWC in 116<sup>th</sup> Congress

## Legislative Action Plan

- Look for opportunities
- Represent Florida's position
- Comment on legislation
- Testify
- Annual FWC leadership trip to DC



As the second session of the 116<sup>th</sup> Congress progresses, FWC will look for opportunities to advance legislation that is important to Florida. Staff will continue to advocate for FWC's positions in speaking with members of the Florida Congressional Delegation, Congressional staff and organizations. As bills are prepared, staff will continue to provide comments on pre-draft versions and submitted versions. Staff will continue to coordinate with stakeholders and other states about new ideas that could improve management of issues. Staff will also testify as requested at future Congressional hearings on federal fish and wildlife issues. Finally, FWC leadership will continue to go to Washington, D.C. each year to advocate for what is best for Florida.

The following slides are considered backup material  
and are not anticipated to be part of the actual  
presentation

