

On Wednesday, September 21, 2022, the House Natural Resources Committee met to consider H.R. 4690, the “Sustaining America’s Fisheries for the Future Act of 2021”.

The video can be viewed at: <https://naturalresources.house.gov/hearings/hybrid-fc-markup-9212022>

**Grijalva ANS** - The Committee considered the Amendment in the Nature of a Substitute (ANS) offered by Chairman Grijalva (D-Arizona).

All further amendments were offered to the text of the Grijalva ANS. (Note: amendments in red are amendments that I was unable to see and the description of the amendments provided below is from the debate - which may not accurately describe the amendment.)

**Huffman Amendment #1** - The Committee considered an amendment offered by Subcommittee Chairman Huffman (D-California) which would add the phrase “to the extent practicable” to the ANS rewrite of National Standard 8 regarding the sustained participation of fishery dependent communities and would remove the sections of the ANS dealing with the American Fisheries Advisory Committee as these provisions had already been enacted. **The amendment passed by voice vote.**

**Peltola Amendment #1** - The Committee considered an amendment offered by Congresswoman Peltola (D-Alaska) to clarify the qualifications and how the new Tribal seats (which would be added by the ANS) to the North Pacific Fishery Management Council would be selected. **The amendment passed by voice vote.**

**Wittman Amendment #1** – The Committee considered an amendment offered by Congressman Wittman (R-Virginia) which would have struck section 503 (Reducing Bycatch) of the ANS. **The amendment failed by voice vote, but a roll call vote was requested. The vote was postponed.**

**Wittman Amendment #2** – The Committee considered an amendment offered by Congressman Wittman (R-Virginia) which would remove the language in section 505 (Overfished Fisheries and Preventing Overfishing) of the ANS which would have required that recommendations of the Councils regarding criteria for identifying when a stock is overfished or subject to overfishing and that must be no less precautionary than the recommendation of the SSC. **The amendment failed by voice vote.**

**Wittman Amendment #3** – The Committee considered an amendment offered by Congressman Wittman (R-Virginia) which would exempt the Department of Defense from the essential fish habitat provisions in section 502 of the ANS. **The amendment failed by voice vote, but a roll call vote was requested. The vote was postponed.**

**Bentz Amendment #8** – The Committee considered an amendment offered by Subcommittee Ranking Member Bentz (R-Oregon) to strike section 502 (Essential Fish Habitat Consultation) of the ANS. **The amendment failed by voice vote, but a roll call vote was requested. The vote was postponed.**

**Westerman #1** – The Committee considered an amendment offered by Ranking Member Westerman (R-Arkansas) which would amend section 504 (Improving Rebuilding Outcomes) of

the ANS to authorize the Secretary to issue permits to allow the intentional lethal take of sea lions or seals (that are not depleted or strategic) in Puget Sound and its tributaries for the purposes of protecting salmon, steelhead, or eulachon that are listed under the Endangered Species Act. **The amendment failed by voice vote, but a roll call vote was requested. The vote was postponed.**

**Westerman #2** – The Committee considered an amendment offered by Ranking Member Westerman (R-Arkansas) which would change the effective date of this legislation until the Secretary certifies that the Department of Commerce will not issue any new regulations (including speed regulations for right whales) that would restrict fishing opportunities. **The amendment failed by voice vote, but a roll call vote was requested. The vote was postponed.**

**Westerman #11** – The Committee considered an amendment offered by Ranking Member Westerman (R-Arkansas) which would strike section 508 (Forage Fish Conservation) of the ANS. **The amendment failed by voice vote, but a roll call vote was requested. The vote was postponed.**

**Carl #1** – The Committee considered an amendment offered by Congressman Carl (R-Alabama) which would prohibit the amendments made by this legislation from becoming effective if NOAA finalizes the rule “Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Red Snapper Data Collection and Harvest Levels” in any form. **The amendment failed by voice vote.**

**Graves #1** – The Committee considered an amendment offered by Congressman Graves (R-Louisiana) which would strike language dealing with the disbursement of funds from fisheries disasters and replace with identical language. **The amendment was withdrawn.**

**Graves #2, 3, 4, 12, 13 (offered en bloc)** – The Committee considered 5 amendments offered by Congressman Graves (R-Louisiana) which were offered en bloc - amendments #2 and #3 deal with shark population analyses; amendment #4 would require an audit by the Commerce Department Inspector General regarding federally-managed Limited Access Privilege Programs; amendment #12 would require that recommendations of the SSCs (as those recommendations would be changed by the ANS) be based solely on objective and measurable criteria as required under section 302 of the Act; and amendment #13 would require the Secretary to study (and report to Congress) on the effects of inshore and shallow water mobile gear on habitat and nontarget species and the effects between interstate boundaries and state and federal fisheries. **The en bloc amendment passed by voice vote.**

**Carl #2** – The Committee considered an amendment offered by Congressman Carl (R-Alabama) which would prohibit the amendments made by this legislation from becoming effective until the catch data from the Great Red Snapper Count is integrated into the SEDAR red snapper stock assessment. **The amendment failed by voice vote.**

**Rosendale #2** – The Committee considered an amendment offered by Congressman Rosendale (R – Montana) dealing with essential fish habitat provisions and the effects on hydropower projects. **The amendment failed by voice vote. A roll call vote was requested.**

**Webster #1** – The Committee considered an amendment offered by Congressman Webster (R-Florida) which would exempt the spiny lobster from the annual catch limits of the Act. **The amendment failed by voice vote.**

**Bentz #5** — The Committee considered an amendment offered by Subcommittee Ranking Member Bentz (R-Oregon) which would delay the implementation of this legislation until the Secretary determines that Act and this legislation will not increase the average amount of litigation against the U.S. government. **The amendment failed by voice vote.**

**Carl #13** - The Committee considered an amendment offered by Congressman Carl (R-Alabama) which would prohibit the amendments made by this legislation from becoming effective until the Secretary certifies that the average price of gasoline at marinas in the U.S. is below the average price on January 20, 2021. **The amendment failed by voice vote. A roll call vote was requested.**

**Westerman (for Tiffany #4)** – The Committee considered an amendment offered by Ranking Member Westerman (R-Arkansas) for Congressman Tiffany (R-Wisconsin) which would prohibit the amendments made by this legislation from becoming effective until the Secretary certifies that the national rate of inflation will not increase as a result of this legislation. **The Amendment failed by voice vote. A roll call vote was requested.**

**Rosendale #1** – The Committee considered an amendment offered by Congressman Rosendale (R-Montana) which would prohibit the amendments made by this legislation from becoming effective until the Secretary certifies that cost of school lunches would not increase, there would not be a limitation on the supply of seafood to the school lunch program, and the quality and quantity of seafood for the school lunch program would not decrease. **The amendment failed by voice vote. A roll call vote was requested.**

**Stauber #3** - The Committee considered an amendment offered by Congressman Stauber (R-Minnesota) which would prohibit the amendments made by this legislation from becoming effective until the Secretary determines the Act and the amendments made by this Act will not increase the price of seafood nor diminish the availability of seafood. **The amendment failed by voice vote. A roll call vote was requested.**

**Graves #15** – The Committee considered an amendment offered by Congressman Graves (R—Louisiana) which would add a new title to the legislation inserting the text of H.R. 2515, “Building United States Infrastructure through Limited Delays and Efficient Reviews Act of 2021” which limits on the environmental review of proposed major federal actions under the National Environmental Policy Act of 1969 (NEPA) and establishes deadlines and other requirements to expedite the environmental review of such actions. **The amendment failed by voice vote. A roll call vote was requested.**

**Graves #16** - The Committee considered an amendment offered by Congressman Graves (R—Louisiana) which would amend the Sense of Congress language regarding the protection of essential fish habitat in the ANS to include certain “manmade artificial reef structures and other idle offshore infrastructure”. **The amendment failed by voice vote.**

**Graves #5** - The Committee considered an amendment offered by Congressman Graves (R—Louisiana) which would strike section 205 (Community Participation in Limited Access Privilege Programs in the ANS and replace it with language the Secretary to conduct an audit of catch share programs in the Gulf of Mexico, reclaim catch shares which are not being fishing in the last 3 years or have leased their shares for each of the last 3 years and auction those shares and use the proceeds to provide direct assistance to the domestic shrimp industry in the Gulf of Mexico. **The amendment failed by voice vote.**

**Graves #6** - The Committee considered an amendment offered by Congressman Graves (R—Louisiana) which would strike section 502 (Essential Fish Habitat Consultation) of the ANS and inserts language that would prohibit implementation of this legislation until the Secretary provides a report on the legislation’s “effects on all coastal communities, including subsistence communities, that rely on fisheries for food, economic development, and cultural practices.” **The amendment failed by voice vote.**

**Graves #7** - The Committee considered an amendment offered by Congressman Graves (R—Louisiana) which would exempt from the definition of essential fish habitat area that was previously covered by land or a freshwater environment and is in Louisiana and would exempt restoration projects in such an area. **The amendment was withdrawn.**

**Graves #8** - The Committee considered an amendment offered by Congressman Graves (R—Louisiana) which would require the Secretary and Councils to use uncalibrated State catch estimates for recreational fisheries managed under state management plans until the Secretary creates a recreational catch estimate program to replace MRIP. **The amendment failed by voice vote. A roll call vote was requested.**

**Graves #9** - The Committee considered an amendment offered by Congressman Graves (R—Louisiana) which would require the FDA to inspect 100 percent of the shrimp imported into the U.S. and to hold the imported shrimp to the same health and quality standards as domestic producers. **The amendment failed by voice vote.**

**Graves #10** - The Committee considered an amendment offered by Congressman Graves (R—Louisiana) which would strike the language in a finding in the ANS that states that overfishing is causing harm to coastal communities that are dependent on fishing. **The amendment failed by voice vote.**

**Graves #11** - The Committee considered an amendment offered by Congressman Graves (R—Louisiana) which would prohibit the NOAA rule (dated June 29, 2022) that would impose vessel speed regulations for North Atlantic right whales from taking effect. **The amendment failed by voice vote.**

**Graves #14** - The Committee considered an amendment offered by Congressman Graves (R—Louisiana) which would add a new section to the ANS requiring a reallocation of tariff revenue collected on imported shrimp and shrimp products and require that the tariffs be used for supporting the domestic shrimp industry. **The amendment failed by voice vote.**

**Graves #17** - The Committee considered an amendment offered by Congressman Graves (R—Louisiana) which would add a new title to the ANS to provide an authority to address

inadvertent miscalculations and enable offshore energy production while maintaining longstanding marine mammal protections. **The amendment failed by voice vote.**

Copies of all the amendments can be found at:

<https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=115149>