

Advocate

- **AMI Welcomes the Introduction of Protecting Whales, Human Safety, and the Economy Act of 2023 ... page 2**

FOLLOW US ON SOCIAL MEDIA



AMI Advocacy

AMI Welcomes the Introduction of Protecting Whales, Human Safety, and the Economy Act of 2023

Following this week's House Natural Resources subcommittee hearing examining the National Oceanic and Atmospheric Administration's (NOAA's) proposed vessel speed restriction along the Atlantic seaboard, Senators Joe Manchin (D-WV) and John Boozman (R-AR), Co-Chairs of the Congressional Sportsmen's Caucus and members of the Congressional Boating Caucus, introduced the bipartisan Protecting Whales, Human Safety, and the Economy Act of 2023.

The bill would prohibit NOAA from issuing a rule that modifies or replaces the North Atlantic Right Whale vessel strike reduction regulation until technological solutions recently authorized by Congress can help better track whales and avoid strikes. NOAA has proposed changes that would broaden the boundaries and timing of seasonal speed restrictions while expanding mandatory speed restrictions (10-knots, or 11mph), despite a lack of scientific evidence that the proposed changes would further protect the North Atlantic right whales population.

"As Co-Chair of the Congressional Sportsmen's Caucus and as an avid sportsman myself, I know firsthand how important our fishing culture is to who we are, whether that's on our trout streams in West Virginia or coastal fishing along the Eastern Seaboard," said Senator Manchin. "I'm proud to introduce the bipartisan Protecting Whales, Human Safety, and the Economy Act of 2023 to prevent yet another example of dangerous federal overreach that would place unnecessary burdens on our seasonal fishermen, boat manufacturers and the coastal economies that rely on them. I've consistently voted to rein in this Administration's attempts to regulate critical industries out of business, and I encourage my colleagues on both sides of the aisle to support this bipartisan, commonsense legislation."

"We can and should balance protecting wildlife and livelihoods because it is common sense. I'm pleased to join Senator Manchin on this legislation to encourage a reasonable solution for safeguarding the Right Whale population without imposing overly restrictive mandates and inviting unintended consequences," Senator Boozman said.

NOAA's proposed changes would broaden the boundaries and timing of seasonal speed restrictions along the East Coast while expanding mandatory speed restrictions of 10 knots or less from vessels over 65 feet to those over 35 feet. The proposed speed zones would be in effect annually from November through April or May, directly overlapping with fishing seasons for popular fisheries throughout the speed zones. The changes would impact more than 63,000 registered boats, causing economic harm to coastal economies and the boating and fishing industries.

"We applaud and thank Senator Manchin and Boozman for introducing this common-sense law to address the issue of right whale speed restrictions," said Eric Kretsch, AMI Legislative Coordinator, "This law will provide the marina and recreational boating industry involvement in finding the solution to vessel whale strikes."

FOLLOW US ON SOCIAL MEDIA



An aerial photograph of a marina with clear turquoise water. Numerous small boats are scattered throughout the water. In the bottom right corner, a large, modern dock structure is visible, with several larger yachts moored alongside it. The dock has a grey concrete surface and black metal railings.

ASSOCIATION OF
**MARINA
INDUSTRIES**

Professional Marina Resource Guide

THE RESOURCE
for Marina Owners,
Operators and Professionals
to source essential products
and services, in 2022



News From Washington

Recreational Fishing and Boating Community Opposes Vessel Speed Restrictions in the Gulf of Mexico, Calls for Collaboration in Conserving Rice's Whales

Leading organizations representing recreational fishing and boating in the United States urged the National Oceanic and Atmospheric Administration (NOAA) to reject a petition to establish a year-round 10-knot (11 mph) vessel speed limit and other vessel-related measures in the Rice's whale "core" habitat area in the Gulf of Mexico.

The petitioners are asking NOAA to use their authority under the Endangered Species Act and Marine Mammal Protection Act to establish a "Vessel Slow-down Zone" from approximately Pensacola, Fla. to south of Tampa to protect the newly discovered Rice's whale. On top of the mandatory 11 mph speed limit for all vessels transiting the proposed zone, the petition proposes the following additional restrictions:

- No vessel transits at night;
- Vessels transiting through the zone must report their plans to NOAA, utilize trained visual observers, and maintain a separation distance of 500 m from Rice's whales;
- Use and operate an Automatic Identification System, or notify NOAA of transits through the zone, and
- Report all non-compliance to NOAA within 24 hours.

There is zero evidence that a recreational vessel has ever struck a Rice's whale.

Industry Applauds Minnesota Governor as Boater Safety Legislation Signed into Law

Minnesota Governor Tim Walz signed the Environment Budget bill (MN H.F. 2310) into law on May 24. The legislation contains a boater safety education provision that promotes responsible and safe boating practices. The bill reinforces the state's commitment to promote safe and responsible boating practices and has long been supported by the recreational boating and fishing industry.

The Commissioner of the Minnesota Department of Natural Resources (MN DNR) is responsible for establishing a water safety course and testing program for personal watercraft and watercraft operators. This course must include a written test and be approved by the National Association of State Boating Law Administrators (NASBLA). A working group of interested parties will collaborate under the commissioner's guidance to develop course content.

A permit is granted upon successfully completing a water safety course and written test, or by providing proof of completing a program recognized under a reciprocity agreement. The law exempts operators born on or before July 1, 1987, and allows for an accompanying operator to be present on the motorboat.

The legislation seeks to protect both boaters and the precious water resources of Minnesota through emphasizing ecological conservation and best user practices.

News from Washington continued on Page 5

DOL Delays Two Key Proposed Rules

Throughout June, the U.S. Department of Labor (DOL) has issued a number of notices delaying implementation of final rules.

Independent Contractor Rule

Originally due this summer, the DOL announced on June 9 that its final rule addressing the standard for determining if a worker is an employee or independent contractor under the Fair Labor Standards Act (FLSA) will not be ready for publication until at least October.

The rulemaking is expected to rescind a Trump-era rule utilizing a multi-factor test that evaluates how much control workers have over their job duties and their opportunities for profit or loss when determining whether a worker is an employee or an independent contractor.

Overtime Pay Rule

At the urging of more than 100 national-level advocacy organizations, including NSBA, the DOL is also extending the target date for release of the proposed rule on overtime pay exemptions to August.

In Fall 2021, the DOL announced its plan to issue a Notice of Proposed Rulemaking (NPRM) to change overtime requirements and exemptions for certain categories of employees under the FLSA. Applicable to bona fide executives, administrative officials and other professional employees, the changes to these so-called “white collar” categories of employees would disrupt a vulnerable economy still recovering from the effects of COVID 19 and unprecedented supply chain disruptions spanning the pandemic.

For some context, to comply with DOL’s expected new overtime regulations, employers will be obligated to monitor non-exempt employees’ worktime, but that may not be compatible in today’s new workforce dynamics. Consequently, changes to the white-collar

exemptions may leave many workers unable to enjoy the part-time or remote work that many people have come to enjoy since COVID.

With the NPRM postponed, extra time will allow the American workforce employer community, and DOL itself to more fully understand how the pandemic has shifted the paradigm of work in America before implementing changes to rules amended less than three years ago.

Small Entity Update Act Moving with Momentum Through Congress

Rep. Ann Wagner (R-Mo.) has introduced H.R. 2792, the Small Entity Update Act, which would require the Securities and Exchange Commission (SEC) to report on and revise the definition of ‘small entity’ under the Regulatory Flexibility Act (RFA) every five years.

The purpose of the bill is to help reduce unnecessary burdens on small entities, as well as expand the number of entities to be covered under the definition.

Under current law, agencies subject to the RFA need to determine if their rules have a significant economic impact on small entities, including businesses, non-profit organizations, and governmental jurisdictions. If so, agencies must consider alternatives to minimize these impacts.

The Congressional Budget Office (CBO) estimates implementation would cost around \$2 million over the next five years; however, because the SEC is authorized to collect fees each year to offset its annual appropriation, CBO expects the net effect on discretionary spending through 2028 would be negligible.

While this CBO analysis assumes no changes in appropriation from the last Session, support for H.R. 2792 continues to be sustained in Congress, with the House unanimously passing the bill last Tuesday, just 40 days after its introduction.

Legislation & Partnerships

Legislative and Partners is a special content section focusing on important topics for marina businesses. Articles will include in-depth information on legislative and advocacy and sometimes other hot topics or issues facing the marina industry.

The “Focus 4” Threshold Tips for Surviving an OSHA Inspection, Part One: Don’t Allow Supervisor Interviews on Inspection Day

By Travis Vance, Regional Managing Partner, Fisher Phillips

With maximum limits for Occupational Safety and Health Administration penalties increasing every year – currently over \$15,000 for serious/other than serious citations and more than \$150,000 for a repeat and willful – knowing what to do when OSHA arrives at your door is more important than ever. That’s why we’re releasing this four-part series to cover the most important things employers can do when OSHA arrives.

These threshold steps will likely prevent citations, minimize the penalties issued, and narrow the scope of OSHA’s inspection. The first threshold tip: don’t permit any manager or supervisor interviews by OSHA on the day the agency arrives. Without a warrant or subpoena, the agency cannot compel you to do anything. By preventing same-day interviews, the inspection can proceed based solely on your narrowly tailored consent, and OSHA has to conduct its inspection within the parameters of that consent. Read on to learn more.



Why No Supervisor Interviews on the Day OSHA Arrives?

The actions – or words – of your supervisors can bind your company. If the supervisor speaks, they speak on behalf of the company. OSHA can use this information to form a citation against you.

Speaking to OSHA on the day of first day of an inspection can lead to careless errors, prevent time for adequate preparation and, much worse, could lead to a criminal referral. Restricting same-day interviews is especially important in the event of an OSHA inspection following a fatality. Your supervisor likely will be upset following the loss of a valued co-worker. They are in no shape to speak to a government agency under such conditions.

Why Are Supervisor Interviews So Important?

For nearly every citation, OSHA must generally prove four things:

- that there was a standard that addressed the cited circumstances;
- that the standard was violated;
- that employees were exposed to the cited condition; and
- that the company, through either actual or constructive knowledge, had knowledge of the exposure.

The most difficult of these elements to prove by OSHA is often employer knowledge. OSHA satisfies this requirement by imputing the knowledge of a supervisor to the company. Generally, supervisors don’t witness accidents as they occur, but if they knew of a violative condition before the accident, or should have known of the violative condition, then that element of an OSHA citation can be met.

Legislations & Partnerships continued on Page 7

Who is a Supervisor in an OSHA Inspection?

OSHA has a broad definition of what constitutes a supervisor. In addition to those employees who can hire, fire, or discipline others, OSHA also includes as supervisors those who can direct work. This is significant because many hourly leads, foremen, or other non-manager employees who direct the work – even an hourly crane operator who directs the work of riggers, for example – could be viewed by OSHA as a supervisor and thus whose knowledge would be imputed to the company.

Who Can Attend Supervisor Interviews?

Unlike non-supervisor interviews, you have the right to attend supervisor interviews with OSHA. The attendees can include other supervisors, counsel, or anyone else designated by the company. This is crucial because counsel or other company representatives can provide support for the witness, including ensuring OSHA's inquiries stay within the agreed scope of the inspection.

When Will Supervisor Interviews Occur?

OSHA generally has six months to conduct an inspection from the time it opens the investigation. Although it certainly is not a good practice to make OSHA wait months for supervisor interviews, you should ensure you have taken all the steps outlined in this article before permitting supervisor interviews. This includes fully preparing the witness and determining whether a supervisor needs their own counsel. This practice will significantly diminish the likelihood of receiving a citation, or decrease the number of citations issued.

Are Criminal Referrals a Possibility?

The OSH Act allows OSHA to issue criminal penalties and imprison employers for certain violations, including willfully violating an agency regulation under certain circumstances, giving advance notice of an inspection, or knowingly giving a false statement. Yet, the real “teeth” for OSHA is referring you to the local district attorney's office or Department of Justice for prosecution under a litany of available state or federal statutes, including manslaughter and criminal negligence.

If you give a statement to OSHA, understand that it can be used not only by the safety agency, but also sent to another agency for criminal prosecution. This happens more often than you'd like to believe. Therefore, you must be prepared for that possibility, including hiring counsel for an individual supervisor, for example, to ensure their rights are protected. If you plan to subject yourself to this type of prosecution, don't do it with a statement on the first day of an OSHA inspection.

Conclusion

You should understand your rights during an OSHA inspection before handling it alone. Before handling an inspection by OSHA or a state agency, contact the author of this insight, any member of the [Workplace Safety Practice Group](#), or your Fisher Phillips attorney for guidance. Make sure you are subscribed to [Fisher Phillips' Insight System](#) to get the most up-to-date information on OSHA issues – including the next three editions of our “Focus 4” series.

See [Part 2](#) and [Part 3](#) here.

Become a Certified Marina Manager (CMM) or Certified Marina Operator (CMO)



CMM/CMO

Certified Marina Managers (CMM) and Certified Marina Operators (CMO) are marina professionals who have completed an extensive training and certification process through the globally recognized International Marina Institute (IMI) and embrace the continuance of education and training for themselves and those who work within the marina industry.

How do I become a CMM or CMO?

Step 1

Attend the **Intermediate Marina Management Course (IMM)**. This course focuses on marina operations, policies, and procedures. Marina-man-agement pros offer their expert thinking about business issues and challenges throughout the industry.

Topics include marina-law risk and liabilities, fire and emergency-response planning, environmental management, health and safety compliance, and personal self improvement skills

*Must have one year of marina management experience to attend.

Step 2

Attend the **Advance Marina Management Course (AMM)**. Through small groups, interactive workshops, and specific case studies, the AMM course examines such topics as profit-center management, regulations and permit-ting, operations, marina law, human resource management, risk management and loss control, improving the quality and value of services, policy and procedure manuals, business strategy and financial management, marketing, promotion, and pricing.

The AMM offers its graduates a national and international business perspec-tive on management issues, and a long-term network of international con-tacts to rely on in the future.

*Must have three years of marina management experience and attended IMM Course.

Step 3

Upon completion of the IMM and AMM courses you then apply for the certification that you qualify for, CMM or CMO.



Our Work on the Hill: NDAA Focus

Our team contacted members of the House Armed Services Committee ahead of the NDAA 2024 markup. The House Armed Services Committee in a late-night vote on June 21 approved the National Defense Authorization Act (NDAA) for fiscal year (FY) 2024 by a tally of 58-1, following a 17-hour markup session.

The committee's approval sends the measure for consideration to the full House in the coming weeks. More than 800 amendments were negotiated during the marathon markup session.

The annual bill authorizes Department of Defense (DoD) spending levels and sets overarching military policy to equip, supply, and train U.S. troops and provide for military families. This year's NDAA, which authorizes an \$886 billion military budget for the coming fiscal year, includes numerous cyber and tech provisions and space policy provisions.

Coast Guard NDAA Update

U.S. Senator Dan Sullivan (R-Alaska), a member of the Senate Armed Services Committee (SASC), voted with 25 of his committee colleagues yesterday to advance the Fiscal Year 2024 National Defense Authorization Act (NDAA) from the committee. The legislation includes 32 provisions offered by Senator Sullivan and authorizes roughly \$168 million in military construction and equipment.

Other Alaska Provisions in the FY 2024 NDAA:

- Opens up a DoD program that funds infrastructure improvements, including for schools, police stations, and other facilities for communities in Alaska near Coast Guard stations.
- Allows the DoD to treat PFAS-contaminated soils at Eielson Air Force Base.
- Gives Alaska's small businesses a greater ability to secure DoD contracts.
- Allows the Army's Innovative Readiness Train-

ing (IRT) Program to be used for natural disaster response in Alaska.

- Exempts Alaska small businesses, including Alaska Native Corporations, from having to comply with the Biden administration's burdensome greenhouse gas regulations.
- Allows military personnel to receive counseling from licensed mental health professionals residing outside of Alaska.
- Creates an Arctic Security Initiative which directs the Pentagon to identify the resources and activities needed to fully fund and implement Arctic strategies.

Coast Guard Adopts New Anti-SASH Policy

In May, the U.S. Coast Guard began a strengthened and pointedly direct anti-SASH campaign that will extend across the maritime industry. SASH is an acronym for sexual assault/sexual harassment, and this new effort adds muscle to Marine Safety Information Bulletin (MSIB Number: 1-23) "Reporting Sexual Misconduct on U.S. Vessels" released in February. The new bulletin supersedes a previous one from late 2021.

Our team is investigating this further and have reached out to the USCG in hopes of understanding whether this jurisdiction will expand to areas where the Coast Guard operates or if its solely on USCG property. If there are unintended consequences with the ruling our team can educate members on the impact to marine owners and operators if this policy expands off U.S.-owned property.

Washington Update

On Thursday June 1st, the Senate passed bipartisan legislation backed by President Joe Biden that lifted the government's \$31.4 trillion debt ceiling, averting what would have been a first-ever default.

LobbyIT continued on Page 10

The Senate voted 63-36 to approve the bill that had been passed on Wednesday by the House of Representatives, as lawmakers raced against the clock following months of partisan bickering between Democrats and Republicans.

The Treasury Department had warned it would be unable to pay all its bills on June 5 if Congress failed to act by then.

"We are avoiding default tonight," Senate Majority Leader Chuck Schumer said on Thursday as he steered the legislation through his 100-member chamber.

Biden praised Congress' timely action. "This bipartisan agreement is a big win for our economy and the American people," the Democratic president said in a statement, adding that he will sign it into law as soon as possible. The debt ceiling conversation included Democrat concessions such as increased work requirements for SNAP, resuming student loan payments in October, and a legislative measure to undo President Biden's loan forgiveness action independent of the Supreme Court's pending action.

Congress Enters Summer Stretch

Congress is set to finish seven consecutive weeks of session with plenty remaining on the docket before the August recess. The June & July months offer some of the remaining larger items:

- National Defense Authorization Act Committee Markup
- Fiscal Year 2024 Appropriations Markups
- Legislative drafting of the 2023 Farm Bill

- Pending nominations for President Biden's Administration
- Potential ethics panel reviews into Rep. George Santos and a motion to expel Rep. Adam Schiff following a House censure
- Committee investigations following the announcement of criminal charges to President Biden's son Hunter

Congress Weighs Increasing Digital Regulation

Most Democrats and Republicans agree that the federal government should better regulate the biggest technology companies, particularly social media platforms. But there is very little consensus on how it should be done.

Should TikTok be banned? Should younger children be kept off social media? Can the government make sure private information is secure? What about brand new artificial intelligence interfaces? Or should users be regulating themselves, leaving the government out of it?

Tech regulation is gathering momentum on Capitol Hill as concerns skyrocket about China's ownership of TikTok and as parents navigating a post-pandemic mental health crisis have grown increasingly worried about what their children are seeing online. Lawmakers have introduced a slew of bipartisan bills, boosting hopes of compromise. But any effort to regulate the mammoth industry would face major obstacles as technology companies have fought interference.

LobbyIT continued on Page 11

Bills by Issues

State

US

Bill Number

HR 186

Last Action

Referred To [The Subcommittee On Water Wildlife And Fisheries](#) 2023 02 21

Status

In House

Position

None

Priority

None

FN Outlook

10.0%74.4%

Title

Water Supply Permitting Coordination Act

Introduction Date

2023-01-09

Description

Water Supply Permitting Coordination Act This bill makes the Bureau of Reclamation the lead agency for the purpose of coordinating all permitting and related activities required to construct certain new surface-water storage projects. Specifically, Reclamation must identify, notify, and coordinate all Federal agencies that may have jurisdiction over a review, analysis, opinion, statement, permit, license, approval, or decision for a qualifying project. A state where a project is being considered may also choose to participate as a cooperating agency. Reclamation's coordination responsibilities include (1) preparing a unified environmental review document, and (2) maintaining a consolidated administrative record and project data records. Additionally, Reclamation is authorized to accept and expend funds contributed by a nonfederal public entity to expedite the evaluation of a permit for such a project.

Primary Sponsors

Tom McClintock

LobbyIT continued on Page 12

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
US	HR 215	Ordered To Be Reported Amended <u>By The</u> Yeas And Nays 22 17 2023 04 28	In House	Monitor	Medium	<div>11 AM</div> <div>11 AM</div>
Title			Bill Summary: Last edited by Jacob Kohn at Feb 24, 2023, 2:24 PM			
WATER for California Act			This bill focuses on streamlining operations, expanding water storage infrastructure, and increasing accountability. The extreme storms, rainfall, and flooding impacting California right now highlight the importance of increasing water storage to capture this rainfall. The WATER for California Act expands water storage infrastructure so that we are better prepared for future storms and can make use of this water during dry years. Among other provisions, the WATER for California Act: - Requires the Central Valley Project (CVP) and State Water Project (SWP) be operated consistent with the 2019 regulations, which were independently peer-reviewed and informed by the most accurate, best available science, but allows modification under certain circumstances. - Helps to ensure CVP and SWP water stakeholders receive the water they contract and pay for. - Provides eligibility for funding for the Shasta Enlargement Project. - Reauthorizes the successful surface water storage project program and coordinated operations of the CVP and SWP established by the WIIN Act.			
Description			Introduction Date: 2023-01-09			
Working to Advance Tangible and Effective Reforms for California Act or the WATER for California Act This bill addresses the operation of the Central Valley Project (CVP), a federal water project in California owned and operated by the Bureau of Reclamation, and the California State Water Project (SWP), which is operated jointly with the CVP. Specifically, the bill requires that Reclamation operate the CVP and SWP pursuant to a specified alternative to a proposed action in a final environmental impact statement and 2019 agency published Biological Opinions (BiOps). The bill also requires Reclamation and the Department of Commerce to submit a justification to Congress that meets certain requirements prior to requesting or completing a <u>reinitiation</u> of consultation that will result in new <u>BiOps</u> . This bill also requires Reclamation to allocate water to existing agricultural water service contractors within the CVP's Sacramento River Watershed based on the water year type (e.g., dry, wet). These allocations must not affect the United States' ability or obligations to deliver water under other designated contracts. Further, the bill repeals certain eligibility requirements for water infrastructure construction funding under the Infrastructure Investment and Jobs Act to make the Shasta Dam and Reservoir Enlargement Project in California eligible for funding. The bill also requires that Reclamation funds made available but not used for this project in previous appropriations years be made available to the project. Finally, the bill reauthorizes Reclamation's support for the construction or expansion of water storage projects.						
Primary Sponsors						
David Valadao						

Scope	Bill Number	Last Action	Status	Reaction	Priority	FN Outlook
US	HR 289	Referred To <u>The Subcommittee On Water Wildlife And Fisheries</u> 2023 02 21	In House	Monitor	Medium	10.8% 88.0%
<hr/>						
Title						
Protect Our Water Rights Act						
<hr/>						
Description						
<p>Protect Our Water Rights Act This bill requires the Bureau of Reclamation to modify the operation of water service contracts for the Central Valley Project (CVP) in California and the Klamath River Basin Reclamation Project in California and Oregon. Reclamation owns and operates the CVP, a federal water project consisting of a network of dams, reservoirs, and other facilities. CVP water is delivered to users that have contracts with Reclamation, but dry conditions have resulted in Reclamation reducing the water allocations for contracted water supplies. This bill requires Reclamation to allocate to existing agricultural water service contractors within the CVP's Sacramento River Watershed (1) 100% of the contracted amount of water in a wet or above normal year, (2) not less than 75% of the contracted amount in a below normal year, and (3) not less than 50% of the contracted amount in a dry or critically dry year. Reclamation must hold at least one in-person field hearing in each county where a CVP water service contractor is located in the period between the project's initial water allocation and final water allocation announcement. The bill modifies the share of operation and maintenance costs paid by CVP water service contractors. Reclamation must also operate the Klamath River Basin Reclamation Project, a similar federal water project, so that all of the water in Upper Klamath Lake above a certain elevation is solely for agricultural and refuge purposes. Reclamation must conduct these operations in a manner that maximizes water storage in the lake, to the extent practicable.</p>						
<hr/>						
Primary Sponsors						
Doug LaMalfa						
<hr/>						
Bill Summary: Last edited by Jacob Kohn at Feb 24, 2023, 2:25 PM						
<ul style="list-style-type: none"> - Mandates 100% contract water deliveries to water districts by Reclamation in normal or above normal precipitation years and guarantees additional water in dry years. - Require in-person field briefings and outreach, in each county where a Central Valley Project (CVP) water contractor is located, after Reclamation's initial allocation announcements and before the allocation announcement for April is made. - Reduces or eliminates the operation and maintenance (O&M) payments required to be paid by CVP water contractors, based on reductions in water allocations. - Requires the Bureau of Reclamation to assess and report on what debt is still owed by the irrigators of the Klamath Project. - Prohibits the Bureau of Reclamation from releasing stored water created by the Klamath Project in Upper Klamath Lake, except for agricultural and refuge purposes associated with State-adjudicated water rights, and to otherwise maximize total storage volume in Upper Klamath Lake. 						
<hr/>						
Introduction Date: 2023-01-11						

LobbyIT continued on Page 14

State	Bill Number	Last Action	Status	Version	Priority	PM Outlook
US	HR 873	Referred To The Subcommittee On Environment Manufacturing And Critical Materials 2023 02 17	In House	None	None	8.9%75.0%

Title

Water Quality and Environmental Innovation Act

Introduction Date: 2023-02-08

Description

Water Quality and Environmental Innovation Act This bill establishes and transfers funds to the Water Quality and Environmental Innovation Fund. Until September 30, 2028, the Environmental Protection Agency (EPA) may use the fund to award grants and contracts to carry out projects (1) that use emerging technologies (e.g., artificial intelligence or quantum information science) to address threats to water quality; or (2) for the research, development, or design of such technologies. Threats to water quality that may be addressed under a project carried out using a grant or contract may include * acidification; * the accumulation of plastics, trash, and microplastics; * hydrologic alterations, such as restricting tidal flow; * nutrient release and eutrophication, including harmful algal blooms; * sea-level rise; * waste carbon dioxide accumulations; * adverse soil health conditions; * erosion and sedimentation; and * karst, sinkholes, and land subsidence. At the start of each fiscal year from FY2024 through FY2028, an amount of funding must be transferred to the fund that is equal to the amount that the EPA determines will be collected in such fiscal year from fees and charges under the Motor Vehicle and Engine Compliance Program of the EPA.

Primary Sponsors

Byron Donalds

State	Bill Number	Last Action	Status	Version	Priority	PM Outlook
US	HR 1044	Referred To The House Committee On Ways And Means 2023 02 14	In House	None	Low	4.4%27.0%

Title

Maritime Fuel Tax Parity Act

Introduction Date: 2023-02-14

Description

Maritime Fuel Tax Parity Act This bill extends the exemption from the excise tax on motor boat or motor vehicle fuels sold or used as supplies for certain vessels or aircraft engaged in trade between U.S. Atlantic or Pacific ports.

Primary Sponsors

John Rutherford

State

US

Bill Number

HR 1152

Last Action

Placed On The Union Calendar Calendar No 5
2023 03 17

Status

In House

Region

Monitor

Priority

Low

FN Outlook

30.4%70.2%

Title

Water Quality Certification and Energy Project Improvement Act of 2023

Introduction Date: 2023-02-24

Description

Water Quality Certification and Energy Project Improvement Act of 2023 This bill revises the water quality certification process under Section 401 of the Clean Water Act (CWA) for any activity that requires a federal license or permit and may result in a discharge of pollutants into waters of the United States. Activities that require such federal licenses or permits include hydropower, natural gas pipeline, or mining projects. Under the existing Section 401, an applicant for a federal license or permit to conduct such activities must provide the federal licensing or permitting agency with a certification. The certification must attest that the discharge will comply with enumerated sections of the CWA (i.e., Sections 301, 302, 303, 306, and 307) and with any other appropriate requirement of state law set forth in the certification. The certifying authority—usually the state in which the discharge originates, but sometimes an Indian tribe or the Environmental Protection Agency (EPA)—may grant, grant with conditions, deny, or waive certification of a proposed federal license or permit. This bill limits the scope of the certification process by eliminating the requirement that the discharge comply with appropriate state law set forth in the certification. It also requires decisions to grant or deny a request for certification to be based only on the enumerated sections of the CWA and provisions of state law that implement water quality criteria under Section 303. In addition, it also limits the certification process to activities that may directly result in a discharge into waters of the United States. In addition, the bill requires certifying authorities to identify all materials or information that are necessary to grant or deny the request within 90 days of receiving a request for certification. They must also publish requirements for their water quality certifications.

Primary Sponsors

David Rouzer

State	Bill Number	Last Action	Status	Position	Priority	PM Outlook
US	HR 1181	Referred To The Subcommittee On Water Resources And Environment 2023 02 27	In House	None	None	<div><div>43%</div><div>41.6%</div></div>
Title			Introduction Date: 2023-02-24			
To amend the Federal Water Pollution Control Act with respect to permitting terms, and for other purposes.						
Description						
This bill extends the maximum term for certain permits issued under the National Pollutant Discharge Elimination System (NPDES) program. Specifically, the bill extends the maximum term for NPDES permits issued to states or municipalities from 5 to 10 years. Under the program, the Environmental Protection Agency issues permits to discharge pollutants from point sources, such as pipes, into waters of the United States.						
Primary Sponsors						
John Garamendi						

State	Bill Number	Last Action	Status	Position	Priority	PM Outlook
US	HR 3324	Committee Consideration And Mark Up Session Held 2023 06 21	In House	None	None	<div><div>83.3%</div><div>80.3%</div></div>
Title			Introduction Date: 2023-05-15			
To extend the authority to collect Shasta-Trinity Marina fees through fiscal year 2029.						
Primary Sponsors						
Jared Huffman						

State	Bill Number	Last Action	Status	Partisan	Priority	PN Outlook
US	S 64	Read Twice <u>And</u> Referred To The Committee On Energy And Natural Resources 2023 01 25	In Senate	None	None	10.3% 72.9%
Title		Introduction Date: 2023-01-25				
Water Rights Protection Act of 2023						
Description						
Water Rights Protection Act of 2023 This bill prohibits the Departments of the Interior and Agriculture from * conditioning the issuance, renewal, amendment, or extension of any permit or other land use or occupancy agreement (permit) on the transfer of any water right to the United States or on any impairment of title granted or otherwise recognized under state law by federal or state action; * requiring any water user (including a federally recognized Indian tribe) to apply for or acquire a water right in the name of the United States under state law as a condition of the issuance, renewal, amendment, or extension of such a permit; or * conditioning or withholding the issuance, renewal, amendment, or extension of such a permit on limiting the date, time, quantity, location of diversion or pumping, or place of use of a state water right beyond any limitations under state water law, or on the modification of the terms and conditions of groundwater withdrawal, guidance and reporting procedures, or conservation and source protection measures established by a state. In developing any rule or similar federal action relating to the issuance, renewal, amendment, or extension of any permit, such departments (1) shall recognize the longstanding water use authority of the states and coordinate with the states to ensure that any federal action is consistent with applicable state water law and (2) shall not adversely affect the authority of a state in permitting the beneficial use of water or adjudicating water rights.						
Primary Sponsors						
John <u>Barrasso</u>						

State	Bill Number	Last Action	Status	Position	Priority	FY District
US	S 115	Read Twice And Referred To The Committee On Environment And Public Works 2023 01 26	In Senate	None	None	<div>28.4%</div> <div>75.3%</div>

Title

Clean Water Allotment Modernization Act of 2023

Introduction Date: 2023-01-26

Description

Clean Water Allotment Modernization Act of 2023 This bill revises the formula the Environmental Protection Agency (EPA) uses to determine how to distribute funds from the Clean Water State Revolving Fund (SRF) program. Under the program, the EPA allocates funding to states for water quality infrastructure projects, such as wastewater systems and stormwater management projects. In FY2024-FY2028, the EPA must provide an initial allotment to each state that is equal to the amount the state received in FY2023. The EPA must also provide an additional allotment to each state that is based on its share of the U.S. population. In FY2029 and each subsequent fiscal year, the EPA must use an updated allotment formula, which is based on the needs of states as identified in the most recently available clean watersheds needs survey. Beginning in FY2024, the formula must also provide allotments for Indian tribes and territories. In addition, the formula must provide an allotment for EPA's oversight of SRF projects to ensure they use American iron and steel.

Primary Sponsors

Marco Rubio

LobbyIT continued on Page 19

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
US	S 161	Read Twice And Referred To The Committee On Health Education Labor And Pensions 2023 01 31	In Senate	Monitor	Medium	22.5% 77.5%
Center Text						
Title JOBS Act of 2023			Bill Summary: Last edited by Jacob Kohn at Feb 15, 2023, 3:38 PM Specifically, the JOBS Act would amend the Higher Education Act by: Expanding Pell Grant eligibility to students enrolled in rigorous and high-quality, short-term skills and job training programs that lead to industry-recognized credentials and certificates and ultimately employment in high-wage, high-skill industry sectors or careers Ensuring students who receive Pell Grants are earning high-quality postsecondary credentials by requiring that the credentials: - Meet the standards under the Workforce Innovation and Opportunity Act (WIOA), such as meaningful career counseling and aligning programs to in-demand career pathways or registered apprenticeship programs - Are recognized by employers, industry, or sector partnerships - Align with the skill needs of industries in the state or local economy - Are approved by the state workforce board in addition to the U.S. Department of Education Defining eligible job training programs as those providing career and technical education instruction at an institution of higher education, such as a community or technical college that provides: - At least 150 clock hours of instruction time over a period of at least 8 weeks - Training that meets the needs of the local or regional workforce and industry partnerships - Streamlined ability to transfer credits so students can continue to pursue further education in their careers - Students with licenses, certifications, or credentials that meet the hiring requirements of multiple employers in the field for which the job training is offered			
Description Jumpstart Our Businesses by Supporting Students Act of 2023 or the JOBS Act of 2023 This bill expands student eligibility for Pell Grants by establishing the Job Training Federal Pell Grant program. Specifically, the bill requires the Department of Education to award a job training Pell Grant to a student who does not have a degree; attends an institution of higher education (IHE); is enrolled in a career and technical education program at an IHE that provides 150 to 600 clock hours of instructional time over a period of 8 to 15 weeks and provides training aligned with high-skill, high-wage, or in-demand industry sectors (i.e., job training programs); and meets all other eligibility requirements for a Pell Grant. Additionally, the bill specifies that any period during which a student receives a job training Pell Grant counts toward that student's Pell Grant eligibility period.			Introduction Date: 2023-01-31			
Primary Sponsors Tim Kaine						

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
US	S 1358	Read Twice And Referred To The Committee On Environment And Public Works 2023 04 27	In Senate	None	None	2.7% 75.8%
Center Text						
Title LAKES Act			Introduction Date: 2023-04-27			
Primary Sponsors Kevin Cramer						

AMI Contact Information

Kayce Cashill-Florio
AMI Conference and Expo Coordinator
(401) 682-7334
kflorio@marinaassociation.org

Eric Kretsch
Legislative and Outreach Coordinator
(202) 350-9623
ekretsch@marinaassociation.org

Merritt Alves
Training Institute
Education & Training Programs
(401) 247-0314
malves@marinaassociation.org

Merritt Alves
AMI Membership Coordinator
Phone: (866) 367-6622
Fax: (401) 247-0074
malves@marinaassociation.org

AMI
50 Water Street
Warren, RI 02885
www.marinaassociation.org
Toll free: (866) 367-6622

www.MarinaAssociation.org