

# Hicks-Ray Associates

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April 17, 2017

TO: WESTCAS Membership

FROM: Hicks-Ray Associates

SUBJECT: Congressman Gohmert and Senator Cruz Introduce Lacey Act Legislation

On March 30, Congressman Louis Gohmert of Texas and Senator Ted Cruz introduced the “Public Water Supply Invasive Species Compliance Act of 2017.” The legislation is H.R. 1807 in the House and S. 789 in the Senate. Both bills are identical and both have the same text as Congressman Gohmert’s H.R. 5430 introduced in June 2016. Because of this, the newly introduced House legislation can skip the requirement of having a public hearing before the Water, Power, and Oceans Subcommittee and hopefully move to full House Natural Resources Committee markup.

H.R. 1807/S. 789 provide for an exemption from the Lacey Act for interstate water transfers containing a listed invasive species if the prohibited species is “located in both the public water supplies between which the water is transferred,” and “the water is transferred directly between such public water supplies,” or “the water is transferred in a closed conveyance system directly to treatment facilities...”

This language is intended to protect interstate water supply transfers whether or not they are part of a closed conveyance system. Both bills address water supply transfers between Texas, Louisiana, and Arkansas. The addition of other states such as Oklahoma, New Mexico, and Colorado could be considered via amendments offered during full Committee markup.

H.R. 1807 has been referred to the House Natural Resources Committee and its Subcommittee on Water, Power, and Oceans and to the House Committee on the Judiciary. It is being co-sponsored by 8 House Members including Congressmen Sessions, Sam Johnson, Radcliffe, Babin, and Weber of Texas; Congressmen Johnson and Higgins of Louisiana; and Congressman Westerman of Arkansas.

S. 789 has been referred to the Senate Committee on Environment and Public Works and to the Committee on Judiciary. It is being co-sponsored by Senator Cornyn of Texas and by Arkansas Senators Cassidy and Boozman.

H.R. 1807/S. 789 were introduced so that the process of molding a final Lacey Act bill in the 115<sup>th</sup> Congress could begin. It should be seen as a first step and not the final product that will emerge from the legislative process.

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