

BUSINESS MEETING

MEETING
BEFORE THE
COMMITTEE ON
ENVIRONMENT AND PUBLIC WORKS
UNITED STATES SENATE
ONE HUNDRED FOURTEENTH CONGRESS
SECOND SESSION

JANUARY 20, 2016

Printed for the use of the Committee on Environment and Public Works



Available via the World Wide Web: <http://www.gpo.gov/fdsys>

U.S. GOVERNMENT PUBLISHING OFFICE

99-691 PDF

WASHINGTON : 2016

For sale by the Superintendent of Documents, U.S. Government Publishing Office
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COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

ONE HUNDRED FOURTEENTH CONGRESS
SECOND SESSION

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BUSINESS MEETING

WEDNESDAY, JANUARY 20, 2016

U.S. SENATE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
Washington, DC.

The committee met, pursuant to notice, at 10:32 a.m. in room 406, Dirksen Senate Office Building, Hon. James Inhofe (chairman of the committee) presiding.

Present: Senators Inhofe, Boxer, Vitter, Barrasso, Capito, Crapo, Boozman, Sessions, Fischer, Rounds, Sullivan, Cardin, Merkley, Gillibrand, Booker and Markey.

OPENING STATEMENT OF HON. JAMES M. INHOFE, U.S. SENATOR FROM THE STATE OF OKLAHOMA

Senator INHOFE. The meeting will come to order. We are going to be sensitive to what it takes for a quorum. It will take a quorum of 11 to report legislation and a quorum of 7 needed just for the amendments.

With the new session and competing schedules for our Senators, I will place my opening statement in the record and recognize Senator Boxer for her opening statement.

[The prepared statement of Senator Inhofe follows:]

**STATEMENT FOR THE RECORD – SENATOR INHOFE
EPW MARK UP – JANUARY 20, 2016**

I'm pleased to begin this new session of the 114th Congress with a business meeting reporting a number of pieces of legislation for the Senate's consideration from the Environment and Public Works Committee.

Today's agenda includes S. 659, the Sportsmens Act to complement the bill the Senate Energy and Natural Resources Committee reported late last year. This bill includes a number of provisions eliminating unnecessary regulation, supporting recreational sport shooting, and encouraging conservation work.

Today's agenda also includes some reauthorizations and changes to important water quality and environmental programs across the nation. One is S. 1024, the Great Lakes Restoration Initiative Act of 2015. A lack of coordination has existed among programs supporting restoration of the Great Lakes. That is why in 2004, a Great Lakes Interagency Task Force was created to help address this issue. In 2010, the Great Lakes Restoration Initiative was launched to further enhance interagency coordination. I appreciate the leadership and oversight Senator Mark Kirk has provided to coordinate federal resources for Great Lakes restoration. The substitute amendment today builds on Senator Kirk's work from last session, and I am pleased to support this initiative and continue to work with him. Further, S. 1674, the Long Island Sound Restoration and Stewardship Act continues Senator Gillibrand's work reauthorizing grant programs to support conservation and management plans for the Long Island Sound. These funds implement strategies and work to increase education most importantly ensure water quality in the Long Island Sound. The Committee will consider S. 1724, the

Lake Tahoe Restoration Act, which authorizes funding for the Tahoe Basin for important wildfire prevention, invasive species management, storm water protection, trout recovery, and overall management.

The committee will consider S. 2143, to provide permanent authority for the operations of the Starr-Camargo Bridge near Rio Grande City, Texas. Texas has some privately owned and operated bridges at the border, dating back over a hundred years. These bridges received congressional authorization. This bill extends the authorization of one of these bridges so that it can continue operations and so that the operating company can rely on long-term authorization to seek loans and other financing mechanisms for improvement. Finally, the Committee will consider 32 resolutions submitted for our consideration from the General Services Administration for cost reductions, lease term changes, and modernization for federal facilities administered by the GSA.

I look forward to reporting these pieces of legislation for full Senate consideration.

**OPENING STATEMENT OF HON. BARBARA BOXER,
U.S. SENATOR FROM THE STATE OF CALIFORNIA**

Senator BOXER. Thanks so much, Mr. Chairman. Nice to see everybody. Happy New Year, if I didn't get a chance to say that.

I want to thank my Chairman for holding this markup today. There are many important bills on the agenda, including the Lake Tahoe Bipartisan Restoration Act, which I co-sponsored, and I am so pleased the Committee is considering this important legislation.

I also like a lot of the other bills on the agenda.

I do have deep concerns about another bill, known as the Bipartisan Sportsmen's Act. While there are definitely elements of the bill I support, I am disappointed we haven't made progress in addressing some of the concerns many of my colleagues have raised with me. We tried very hard, Mr. Chairman. We worked with your staff, but it doesn't look like there is common ground there. So I am very sorry about that, because there are so many amendments that we thought we could work on together to improve it.

And I will speak about both of these bills in more detail.

On the Lake Tahoe bill, just to say that it is a bill that I support. I joined Senators Heller, Feinstein, and Harry Reid in introducing it.

Lake Tahoe, if you haven't been there, it is one of our most magnificent treasures, and it is emblematic of the natural beauty of California; one of the defining characteristics of our State. It is a huge tourist attraction. One of the things I always say, when you save the environment, you bring tourists, because there is nothing that tourists want to see more than God's creation unspoiled, and that is what we have there. The famous crystal clear waters should be preserved for our children and our grandchildren.

Our bill helps ensure that the lake will continue to provide economic, recreational and ecological benefits for generations to come by authorizing projects to address invasive species, reduce wildfires, restore and maintain the lake's clarity, and protect threatened species and wildlands.

The bipartisan bill would continue to strengthen efforts begun under the Lake Tahoe Restoration Act of 2000. So, again, I want to thank you so much.

Now, on the Sportsmen's bill, known as the Bipartisan Sportsmen's Act of 2015, personally, I don't believe it lives up to its name. It does have a provision, such as reauthorization of the North American Wetlands Conservation Act, that I strongly support, but I have other concerns. And, again, we tried very, very hard to work with your staff. It wasn't like the highway bill or the WRDA bill. We just could not find common ground. And I appreciate that. I am not complaining about it; I am just sad about it because I think we could have made this a really good bill and had a smooth transition to the floor. But it is not going to happen. So many groups have raised problems with it, including conservation groups, environmental groups, and animal welfare groups.

I ask unanimous consent to place in the record all of the letters I have received, and emails, against a lot of the provisions in the bill.

Senator INHOFE. Without objection.

[The referenced information follows:]

The American Society for the Prevention of Cruelty to Animals
 Adirondack Wildlife Refuge and Rehabilitation Center • Alliance for the Wild Rockies
 Animal Legal Defense Fund • Animal Protection League of New Jersey
 Animal Welfare Institute • Animals Are Sentient Beings, Inc. • Audubon Society of Corvallis
 Audubon Society of Kalamazoo • Blue Ridge Wildlife Center • Born Free USA
 Cascades Raptor Center • Center for Biological Diversity • Center for Food Safety
 Center for Public Environmental Oversight • Center for Wildlife Ethics, Inc.
 Citizens for the Preservation of Wildlife, Inc. • Connecticut Council for Humane Education
 Conowingo Bald Eagles • Conservation Congress • Conservation Northwest
 Cornell Laboratory of Ornithology • Coyote Coexistence • Coyote Watch Canada
 Earth Island Institute • Endangered Habitats League • Endangered Species Coalition
 Environmental Action Committee of West Marin
 Environmental Protection Information Center • Footloose Montana
 Four Harbors Audubon Society • Freedom Center for Wildlife • Friends of Georgia
 Friends of the Bitterroot • Friends of the Clearwater • GooseWatch NYC
 Great Old Broads for Wilderness • Gulf Restoration Network • Hawk Mountain Sanctuary
 Headwater • Heartwood • Holly Springs Nature Conservancy & Wildlife Sanctuary, Inc
 In Defense of Animals • International Fund for Animal Welfare
 The International Wildlife Rehabilitation Council • Jayhawk Audubon Society
 Justice for Wolves • Kittitas Audubon Society
 Klamath Forest Alliance • Laramie Audubon Society • League of Humane Voters, Alabama
 League of Humane Voters, Florida • League of Humane Voters, Georgia
 League of Humane Voters, Indiana • League of Humane Voters, Nevada
 League of Humane Voters, New Jersey • League of Humane Voters, New York
 League of Humane Voters, Ohio • League of Humane Voters, Pennsylvania
 League of Humane Voters, Virginia • Long Island Orchestrating for Nature • LoonWatch
 Los Padres ForestWatch • Madrone Audubon Society • Maricopa Audubon Society
 MOMS Advocating Sustainability • National Urban Wildlife Coalition • New Hampshire
 Audubon • North County Watch Northcoast Environmental Center • Northeast Oregon
 Ecosystems • Prairie Dog Pals • Predator Defense • Preserve Our Wildlife • Project Coyote
 Rainforest Relief • Raptor Education Group, Inc. • Raptors Are The Solution
 Raptor Rehabilitation of Kentucky Inc. • RESTORE: The North Woods
 Rocky Mountain Wild • Save America's Forests • Save Our Sky Blue Waters
 SAVE THE FROGS! • Save the Rock Creek Park Deer • Sequoia ForestKeeper
 Speak Up for Wildlife Foundation • Sky Island Alliance • South Florida Wildlands Association
 Southern Utah Wilderness Alliance • Tamarack Wildlife Rehabilitation Center • TEDX, The
 Endocrine Disruption Exchange • Tennessee Ornithological Society • Tri-City Ecology Center
 Walden's Puddle Wildlife Rehabilitation and Education Center • Western Lands Project
 White Mountain Conservation League • Wild Wings Raptor Rehabilitation, Sisters, OR
 • Wilderness Watch • The Wildlands Network
 Wildlife Rehabilitation Center of Northern Utah • WildWest Institute • Wildwoods
 Yellowstone to Uintas Connection • Zumbro Valley Audubon Society

April 23, 2015

Re: Please oppose S. 405, the so-called “Bipartisan Sportsmen’s Act of 2015”

Dear Senator:

On behalf of our more than 100 national, regional, and local organizations and our millions of members, we write to express our strong opposition to S. 405, the so-called “Bipartisan Sportsmen’s Act of 2015” and its related Senate bills (S. 556, S. 659). **We oppose this legislation because it threatens the conservation of fish, wildlife, and habitats that benefit all Americans.** While there are many adverse special interest provisions contained in this legislation, the following aspects of the bill clearly demonstrate the harm it will do and why it must be opposed.

Rollback of Public Lands Protection

S. 405 contains several alarming rollbacks of long-standing federal environmental and public land laws, including the National Environmental Policy Act (NEPA), the Wilderness Act, and the National Forest Management Act. These rollbacks would reduce or eliminate important protections for America’s public lands that have been in place for decades.

In regards to **NEPA**, for example, the bill exempts all decisions on Bureau of Land Management (BLM) and United States Forest Service (USFS) lands regarding trapping and recreational hunting, fishing, and shooting from compliance with NEPA by mandating that these lands be open to these activities. NEPA ensures that agencies assess and consider the impacts of their land-use decisions before those decisions are put into action. It also serves as an effective platform for the public to assess the environmental consequences of proposed agency actions and to weigh in on governmental decisions before they are finalized.

Underlying changes to the **Wilderness Act** embedded in S. 405 seek to overturn decades of Congressional protection for wilderness areas. For example, the bill would require lands managed by the USFS and BLM, including wilderness areas, to be managed as “open unless closed” to recreational shooting. This includes “sport, training, competition, or pastime whether formal or informal” in designated wilderness. Wilderness areas have always been closed to competitive events and commercial enterprises by statute and regulation.

Moreover, the bill prioritizes hunting, trapping, recreational fishing, and recreational shooting in most Wilderness areas by requiring that all federal land managers (except for lands managed by the National Park Service or the United States Fish & Wildlife Service) facilitate the use of and access to lands under their control for these activities. The agencies could interpret prioritizing hunting, trapping, fishing, and recreational shooting in wilderness areas to mean that they can permit management measures such as the use of motorized vehicles in these areas to artificially increase game or fish numbers. Such measures would be inconsistent with the concept of wilderness and the Wilderness Act.

Further, section 106 of S. 405 would significantly change current practices and open up all wilderness areas across the country to commercial filming activities and their attendant

problems, preventing federal land managers from protecting designated wildernesses from commercial filming production. The language in this section that exempts “cameras or related equipment used for the purpose of commercial filming or similar projects” from the prohibitions on motorized and mechanized equipment in designated wilderness could lead to calls to allow motorized access in wilderness areas for commercial filming. Congress recognized that wilderness areas can easily be damaged by commercialization. The Wilderness Act’s section 4(c) provides that, except as specifically provided otherwise, “there shall be no commercial enterprise . . . within any wilderness area.” We are deeply concerned that making exceptions for commercial filming would lead to opening wilderness areas to even more commercial enterprises.

Such changes are in direct conflict with the stated purpose of the Wilderness Act to establish areas “where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain.” It is also in direct opposition to the Act’s fundamental mandate that federal agencies preserve the wilderness character of these lands so that they are left “unimpaired for future use and enjoyment as wilderness.”

The legislation promotes the priorities of various special interests by making substantive policy changes to public land law. It prioritizes recreational shooting activities by promoting and facilitating the establishment of target ranges on public lands. As defined, recreational shooting activities are unrelated to, and potentially at odds with, the unique natural resource values of the various federal land management systems on which they would occur.

Under the **National Forest Management Act**, forest managers manage for the resilience of our national forests so that both current and future generations can benefit from multiple uses of the land. In some cases, managers need the flexibility to stop certain actions to promote long-term use of the forest resources. Requiring that all Forest Service lands be “open unless closed” to hunting, trapping, fishing, and shooting is one example of many where this legislation undercuts their ability to do that.

Appropriate management of our public lands plays a critical role in stewardship for biodiversity as well as for recreational opportunities. The natural resource management laws affected by this legislation were created to ensure public lands were managed to protect biodiversity. This stable habitat, in turn, allows for healthy wildlife populations, which can prevent them from needing to be listed under the Endangered Species Act. They work to ensure that our wildlife and public land resources thrive and that hunters, birders, and anglers alike can enjoy them for generations to come. By weakening these important laws, the proposed legislation would significantly undermine these important public land values.

Lead ammunition pollution

Second, S. 405 would remove the Environmental Protection Agency’s (EPA) authority to regulate toxic lead or any other toxic substance used in ammunition or fishing equipment under the Toxic Substances Control Act. A nationwide ban on lead shot in migratory waterfowl hunting was adopted in 1991 after biologists estimated roughly two million ducks died each year from ingesting spent lead pellets. The hunting industry groups that want to prevent the EPA from regulating lead ammunition and fishing tackle are the same groups that protested the ban on lead

shot for waterfowl hunting in 1991. Despite the doom-and-gloom rhetoric, hunters know two decades later that this didn't lead to the end of duck or goose hunting. A federal agency should be able to carry out its duties without uncalled for and unscientific laws impeding this process. Such decisions should be left to the discretion of federal agencies based solely on the best available science on the impacts of toxic substances such as lead. Congress should not tie the hands of professional scientists and prevent them from even evaluating or considering future policies to protect the public and the environment.

Switching to non-lead hunting ammunition isn't about stopping hunting or taking anyone's guns away. In fact, some of the staunchest supporters of the effort to rid our public lands of lead are hunters. The switch to non-lead hunting ammunition in California, for example, proves that replacement of toxic lead in ammunition is compatible with hunting. Hunters have been hunting with copper rounds in 14 California counties since non-lead hunting ammunition requirements went into effect in 2008 to protect endangered California condors from lead poisoning.

Polar bears in peril

S. 405 would allow the import of 41 sport-hunted polar bear trophies from Canada. This would be the latest in a series of import allowances that Congress has approved, and the cumulative effect is devastating to our most imperiled species. Despite having notice of the impending prohibition on import of polar bear trophies from Canada for sixteen months (between January 2007 and May 2008), a number of trophy hunters went forward with their hunts anyway. In fact, the 41 individuals all hunted polar bears AFTER the Bush Administration proposed the species for listing as threatened under the Endangered Species Act and all but one hunted more than a year after the listing was proposed. They were given repeated warnings from hunting organizations and government agencies that trophy imports would likely not be allowed as of the listing date, and that they were hunting at their own risk. If this behavior were rewarded through a Congressional waiver, it could accelerate the pace of killing any species that is proposed for listing in the future, since hunters would believe they could get the trophies in even after a listing becomes final. Each new allowance may involve only a few animals, but the cumulative impacts of these waivers time and time again lead to more reckless trophy killing.

Conclusion

This bill is extreme and reckless. It would undermine decades of land management and planning practices and would topple the delicate balance between allowing for public use and the need to protect public resources. In regards to increased public land access for recreational hunting and fishing, it is also unnecessary. Hunting and fishing are already permitted on 85% of public lands. This bill's proponents seek to solve a problem that does not exist, and the legislation they propose could in fact cause serious damage to America's natural heritage.

Please oppose S. 405, as well as any related legislation such as S. 556 and S. 659, and oppose any effort to attach any of these to another bill. This legislation is bad for public lands and water resources, bad for fish and wildlife, and bad for the American people.
Thank you.

Animal Welfare Institute * Born Free USA * Center for Biological Diversity * Endangered Species Coalition * Environmental Protection Information Center * International Fund for Animal Welfare * Klamath Forest Alliance * League of Humane Voters – Wisconsin * National Wolfwatcher Coalition * Northcoast Environmental Center * Predator Defense * WildEarth Guardians * Wildlands Network * Wolf Conservation Center

January 20, 2016

Protect Wildlife and Ecosystem Health: Oppose S. 659, the Bipartisan Sportsmen’s Act of 2015

Dear Senator:

On behalf of our members and supporters nationwide, we strongly urge you to oppose S. 659, the Bipartisan Sportsmen’s Act of 2015, as well as any amendments that would undermine the Endangered Species Act (ESA), or otherwise harm wildlife and conservation efforts.

Although the Sportsmen’s Act represents a troubling grab-bag of measures that would jeopardize already fragile ecosystems, below are some of the most critical provisions that would negatively impact wildlife and the environment:

Lead Pollution

S. 659 would further weaken the Environmental Protection Agency’s (EPA) authority under the Toxic Substances Control Act to regulate hazardous substances – including lead, a potent and dangerous neurotoxin – released by sport fishing waste. The current crisis in Flint, Michigan highlights once again the need to protect the American public from the devastating effects of lead poisoning, particularly in view of how easily lead can enter into and remain in our water supply. S. 659 sets a dangerous precedent by codifying language that prevents the EPA from ever regulating or even assessing the risks posed by lead fishing tackle, including sinkers and jigs. Every year, millions of animals succumb to lead poisoning. Further undercutting the ability of a federal agency with relevant expertise to carry out its mission to protect human health and the environment serves absolutely no beneficial purpose.

Imperiled Polar Bears and Trophy Hunting

S. 659 amends the Marine Mammal Protection Act to permit importation of polar bear carcasses taken before the species was listed as “threatened” under the Endangered Species Act in 2008, including those taken in defiance of multiple warnings of an imminent ban on imports. Cecil the lion’s death sparked global outrage over senseless trophy hunting. Few Americans find the notion of spending tens of thousands of dollars to kill a majestic animal to be a palatable pastime. S. 659’s provision to allow the importation of 41 polar bear trophies represents a similar disregard for sensible conservation policies while kowtowing to the special interests of a small group of trophy hunters. This provision has nothing to do with Americans who engage in hunting or fishing on public lands; it simply provides a handout to those individuals who spent massive sums of money to shoot polar bears after being notified

that the species was going to be listed under the ESA. From a broader perspective, granting waivers for sport trophies whenever a species is most at risk sets a dangerous precedent and signals to trophy hunters that they will receive a “free pass” from Congress for killing such animals.

Migratory Bird Baiting

The Sportsmen’s Act would also loosen existing law to make it easier to shoot otherwise protected birds over bait. In particular, this legislation includes problematic language seeking to exempt “normal agricultural practices” from prohibitions on baiting. The practice of scattering grain or other feed in order to lure birds so that they can congregate – thereby making it easier to shoot them – is hardly a sportsmanlike activity. Existing law (16 U.S.C. 704) is already clear on this matter and on the importance of protecting birds from baiting.

Gray Wolves – Senator Barrasso Amendment #1

This amendment would delist gray wolves in Wyoming and the Great Lakes from the ESA. Delisting wolves not only undermines species recovery, but chips away at the ESA itself. As one of our most effective environmental laws, the ESA enjoys the support of 90 percent of Americans. Unfortunately, a 2011 appropriations rider that delisted wolves in Idaho and Montana set a dangerous precedent and exposed wolves in that region to increasingly hostile state management practices. Senator Barrasso’s amendment would also prohibit any future judicial review, thus stripping the ability of citizens to challenge reckless management plans. At a time when threats to our native flora and fauna are only increasing in number and severity, we must not allow a “death by a thousand cuts” erosion of this bedrock environmental law or allow fragile wolf populations to fall under attack yet again.

Although S. 659 purports to enhance recreational outdoor opportunities, the above provisions represent a clear assault on wildlife. There is little doubt that, if enacted, the Sportsmen’s Act will have substantial and direct adverse impacts on wildlife habitats, public health, and existing conservation efforts.

In recent years, this legislation has been introduced in multiple forms in both the House and the Senate. The Senate has wisely blocked earlier versions from passage, and it is critical that it reject this sweeping attack on animals and the environment once again.

We hope you and your colleagues on the Environment and Public Works Committee will work to ensure that these blatant attempts to undermine conservation and animal protection efforts are not signed into law.

Thank you for your attention.

**Center for Science and Democracy at the Union of Concerned Scientists
Clean Water Action * Defenders of Wildlife * Earthjustice *
Environment America * Environmental Defense Fund
* League of Conservation Voters *
Natural Resources Defense Council * Sierra Club**

RE: Please Oppose S. 659 (“The Bipartisan Sportsmen’s Act of 2015”)

January 29, 2016

Dear Senator,

On behalf of our millions of members and supporters nationwide, we write to convey our strong opposition to S. 659 (“The Bipartisan Sportsmen’s Act of 2015”). This bill contains anti-environmental provisions that threaten our lands, waters, wildlife and the health of our communities.

We understand that prior to the committee markup of this legislation, some members of the Senate – as well as some of our groups – opposed particular provisions of underlying bill. Those sections include language that would further weaken the Environmental Protection Agency’s authority to regulate lead and any other chemical used in firearms, ammunition, and sport fishing equipment, and to allow individuals to possess firearms at any area open to the public at water resources development projects. We urge that these provisions be removed or amended prior to any Senate floor consideration of this legislation.

Further, during the January 20 Environment and Public Works Committee markup of S. 659, a number of incredibly damaging amendments were added to the bill. These non-negotiable, poison pill amendments, listed below, must be removed from this legislation for the sake of our environment and our public health.

Barrasso Amendment #1, which strips gray wolves of existing federal protections and undermines the Endangered Species Act.

This provision would undermine science-based decision making under the Endangered Species Act (ESA) by removing federal protections for gray wolves in Michigan, Minnesota, Wisconsin, and Wyoming. The amendment overrides two federal court decisions that found the state management plans at issue were illegal under the ESA because they did not sufficiently protect wolves. Further, this amendment includes “no judicial review” clauses covering both court decision overrides – thus stripping the ability of citizens to further challenge these wolf delistings. The appeals processes on the two federal court decisions impacting wolves in Wyoming, Michigan, Minnesota, and Wisconsin are still underway. It would be damaging for Congress to meddle in the ESA listing status of a particular species at any stage, but now is an especially bad time as these cases are still playing out in the courts.

Last year, 25 senators, 92 members of the House, and more than 150 organizations opposed this same wolf delisting legislation and all the other anti-Endangered Species Act riders that were added to Fiscal Year 2016 appropriations bills. And this same wolf delisting legislation was highlighted in the White House's Statement of Administration Policy on the House Department of Interior Appropriations Bill, H.R. 2822, which opposed sections that would "limit the ability of the [U.S. Fish and Wildlife Service] to properly protect, based on the best available science, a number of species including . . . certain gray wolf populations." Further, last month 70 scientists wrote a letter urging that wolves in Great Lakes region and beyond remain protected under the ESA until the legal requirements for delisting are met.

Crapo-Carper-Fischer Amendment #1, which guts Clean Water Act safeguards that protect our streams, rivers, and lakes from excessive pesticide pollution.

This provision axes all Clean Water Act protections for waterways into which pesticides are directly applied. If enacted, this legislation would result in the direct application of pesticides into streams and rivers without any meaningful oversight, as the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) – the law under which pesticides are registered – does not require tracking of such pesticide applications. A Clean Water Act pesticide general permit (PGP) that took effect in late 2011 lays out commonsense practices for applying pesticides directly to waters that already fall under the jurisdiction of the Clean Water Act. There is no need to change these protections because the system has worked well ever since these safeguards were put into place four years ago. Alarmist predictions by pesticide manufacturers and others have failed to bear any fruit. Americans rely on the Clean Water Act to protect our rivers, lakes, and streams from pesticides because FIFRA's mere registration requirements have not and will not protect our waters from these toxic chemicals. Already, nearly two thousand U.S. waterways are contaminated by pesticides.

Nearly 150 human health, fishing, and environmental organizations oppose legislation such as this provision that would gut Clean Water Act safeguards that protect communities from toxic pesticides. Further, last year the Environmental Protection Agency reported that they have been getting very good data since the PGP took effect, and they had not been made aware of any issues associated with the PGP.¹

Sullivan Amendment #1, which prohibits the Fish and Wildlife Service from implementing new conservation measures for wolves and brown bears on national wildlife refuges in Alaska.

This amendment would prohibit the U.S. Fish and Wildlife Service from finalizing a rule to regulate non-subsistence hunting of wolves, bears, and other large carnivores on national wildlife refuges across Alaska. The proposed rule rejects various anti-predator recommendations from the state of Alaska that were designed to dramatically suppress carnivores in order to boost game

¹ Testimony of Ken Kopocis, Deputy Assist. Administrator, Office of Water, U.S. Env'tl. Prot. Agency, before the House Transportation and Infrastructure Committee (March 18, 2015): "We have not been made aware of any issues associated with the Pesticide General Permit. Nobody has brought an instance to our attention where somebody has not been able to apply a pesticide in a timely manner . . . [t]here have been no instances. We've been getting very good data. . . ." available at <http://transportation.house.gov/calendar/eventsingle.aspx?EventID=398705>

populations. The state's recommendations flouted the Alaska National Interests Lands Conservation Act mandate that national wildlife refuges in Alaska be managed to conserve fish and wildlife populations, including carnivores, in their natural diversity. The Service's proposed rule promotes wildlife conservation by prohibiting certain unethical practices on refuge lands, such as the use of traps or bait in bear hunting, hunting wolves and coyotes during denning season, and hunting bear cubs or bear sows with cubs.

We strongly urge you to stand up for our lands, waters and wildlife by opposing S. 659. Thank you for your consideration.

Sincerely,

League of Conservation Voters
Earthjustice
Sierra Club
Natural Resources Defense Council
Environmental Defense Fund
Defenders of Wildlife
Clean Water Action
Center for Science and Democracy at the Union of Concerned Scientists
Environment America

**NRDC Vote Recommendations for
S. 659**

On behalf of our 2.4 million members and online activists, the Natural Resources Defense Council provides the following vote recommendations on amendments to S. 659, the "Bipartisan Sportsmen's Act of 2015". We are concerned with some provisions, particularly those that are not related to sportsmen but use this popular titled bill as a vehicle.

While some of these amendments protect the environment, others undermine human health, wildlife and American's outdoor recreation. Many amendments were submitted for consideration and we are still assessing several. Their absence from this list does not indicate tacit support or a lack of environmental harm. Moreover, **we strongly oppose Section 2 of the bill**. This section exempts regulation of toxics well beyond the interests of sportsmen. The bill would exempt the regulation of lead and any other chemical used in ammunition, and in the components of both firearms and ammunition – such as primers and propellants, not only for hunters and sportsmen but for military uses. There are thousands of military and civilian facilities and sites, as well as other wetlands, groundwater and surface waters, that have been contaminated by chemicals used in these munitions including lead, perchlorate, RDX, DNT, dibutyl phthalate. This is unnecessary and should not be included in this bill.

OPPOSE Crapo-Carper-Fischer #1. This amendment would remove permit requirements from the Clean Water Act for many instances of direct discharge of pesticides to lakes, rivers, and streams. It would exempt these discharges, which have significant public health and ecosystem implications, to solve a non-existent "problem"—agriculturally appropriate uses of these chemicals have been exempted from the Clean Water Act since the genesis of the statute 40 years ago.

OPPOSE Vitter #1. This amendment weakens the Magnuson-Stevens Fishery Conservation and Management Act by changing the boundary under which the federal fishery management plan can be implemented in the Gulf of Mexico. This language would extend the states' boundary to nine miles and leave many species vulnerable to overfishing.

OPPOSE Barrasso #1. This amendment would legislatively order the Secretary of the Interior to reissue rules delisting gray wolves in Wyoming and the Great Lakes states and shield those rules from any additional judicial review. The rules were declared unlawful under the Endangered Species Act and invalidated by two separate federal judges. This provision would short-stop wolf recovery in the lower-48 states and invite further Congressional micro-management of the ESA.

SUPPORT Booker #1. This amendment would limit the use of indiscriminate and inhumane body-gripping traps, including Conibear traps and leghold traps, in the National Wildlife Refuge System. The mission of National Wildlife Refuge System is "to administer a national network of lands and waters for the conservation, management, and . . . restoration of the fish, wildlife, and plant resources and their habitats . . . for the benefit of present and future generations of Americans." These traps, which cause

prolonged suffering and result in the deaths of both intended and unintended species (including bald eagles), conflict directly with the Refuge System's mission.

SUPPORT Markey #1. This amendment would strike all sections of the bill except the North American Wetlands Conservation Act and the Multinational Species Conservation Funds Reauthorization. In other words, it would eliminate the environmentally harmful provisions in the bill.

Senator BOXER. Thank you.

For example, the bill creates a broad new exemption from the Toxic Substances Control Act with no ability to determine whether the products exempted are harmful to people. The bill also prevents the Corps from implementing common sense restrictions on firearms used on Corps properties, including on infrastructure that the Corps has determined is critical to homeland security. Imagine a terrorist with a gun, because they do get guns, wandering around our lands, our public lands, near dams and near projects that could, if it gets in their hands, could just be very, very dangerous.

So I have offered four amendments to address the most serious concerns in the bill. I know Senators Cardin and other Senators have their own. I am hopeful we can adopt these. If not, I will have to oppose the legislation.

With that, I would yield back to you, Mr. Chairman.

[The prepared statement of Senator Boxer follows:]

I would like to thank Chairman Inhofe for holding this mark up today. There are important bills on the agenda, including the Lake Tahoe Restoration Act, which I co-sponsored. I am pleased the Committee is considering this important legislation.

I have deep concerns about another bill on the agenda known as the Bipartisan Sportsmen Act. While there are elements of the bill I support, I am disappointed that we have not made progress in addressing the concerns I and many of my colleagues have raised.

I will speak about both of these bills in more detail. Let me begin with the Lake Tahoe bill.

S. 1724, Lake Tahoe Restoration Act

S. 1724, the Lake Tahoe Restoration Act is critical legislation to protect Lake Tahoe and the Tahoe Basin, which I joined Senators Heller, Feinstein, and Reid, in introducing.

Lake Tahoe is one of our most magnificent treasures and is emblematic of the natural beauty of California -- one of the defining characteristics of our state.

The Lake is also a major tourist attraction important to both California and Nevada, and we need to do all we can to protect its famous crystal clear waters for our children and grandchildren.

Our bill helps ensure Lake Tahoe will continue to provide economic, recreational and ecological benefits for generations to come by authorizing projects to address invasive species, reduce wildfires, restore and maintain Lake Tahoe's water clarity, and protect threatened species and wildlands.

This bipartisan bill would continue and strengthen the efforts begun under the Lake Tahoe Restoration Act of 2000. Today's markup is an important step forward for this critical legislation.

Now let me turn to the Sportsmen bill.

S. 659, the Bipartisan Sportsmen's Act of 2015

The sportsmen legislation, known as the Bipartisan Sportsmen's Act of 2015, has yet to live up to its name. While the bill includes provisions -- such as the reauthorization of the North American Wetlands Conservation Act -- that I strongly support, there are many concerns with other provisions in the bill. We offered constructive compromises to address these issues, but those proposals were not accepted.

It is unfortunate that the Committee is moving forward with the Sportsmen bill without addressing the serious concerns raised by dozens of conservation, environmental and animal welfare groups.

I ask unanimous consent to enter letters into the record outlining concerns about provisions in the bill.

For example, the bill creates broad new exemptions from the Toxic Substances Control Act with no ability to determine whether the products exempted are harmful to people.

The bill also prevents the Corps of Engineers from implementing common-sense restrictions on firearms use on Corps properties, including on infrastructure that the Corps has determined is critical to homeland security.

I have offered four amendments to address the most serious concerns in the bill. I am hopeful these can be adopted. If not, I will have to oppose this legislation.

Senator INHOFE. Thank you, Senator Boxer.

As I said, I will waive my opening statement.

I see we have exactly 11 people here now, so I would like to go ahead and get these three things out of the way that I believe are not controversial, but we need to have a quorum to do it. They would be S. 1674 and S. 2143. They have no amendments, no opposition. I will entertain a motion to accept them en bloc. Is there a second?

Senator BOXER. Second.

Senator INHOFE. Those in favor say aye.

[Chorus of ayes.]

Senator INHOFE. Opposed, no.

[No audible response.]

Senator INHOFE. They are accepted.

And then the 32 GSAs, is there a motion to approve the GSA resolutions en bloc?

Senator BOXER. So moved.

Senator INHOFE. Second? Anybody?

Senator CAPITO. Second.

Senator INHOFE. All right. All in favor say aye.

[Chorus of ayes.]

Senator INHOFE. Opposed, no.

[No audible response.]

Senator INHOFE. We accept the resolutions en bloc.

[The referenced information follows:]



114TH CONGRESS
1ST SESSION

S. 1674

To amend and reauthorize certain provisions relating to Long Island Sound restoration and stewardship.

IN THE SENATE OF THE UNITED STATES

JUNE 24, 2015

Mrs. GILLIBRAND (for herself, Mr. SCHUMER, Mr. BLUMENTHAL, and Mr. MURPHY) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend and reauthorize certain provisions relating to Long Island Sound restoration and stewardship.

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Long Island Sound
3 Restoration and Stewardship Act”.

4 SEC. 2. AMENDMENTS.

5 (a) LONG ISLAND SOUND RESTORATION PRO-
6 GRAM.—Section 119 of the Federal Water Pollution Con-
7 trol Act (33 U.S.C. 1269) is amended—

8 (1) in subsection (b), by striking the subsection
9 designation and heading and all that follows through
10 “The Office shall” and inserting the following:

1 “(b) OFFICE.—

2 “(1) ESTABLISHMENT.—The Administrator
3 shall—

4 “(A) continue to carry out the conference
5 study; and

6 “(B) establish an office, to be located on
7 or near Long Island Sound.

8 “(2) ADMINISTRATION AND STAFFING.—The
9 Office shall”;

10 (2) in subsection (c)—

11 (A) in the matter preceding paragraph (1),
12 by striking “Management Conference of the
13 Long Island Sound Study” and inserting “con-
14 ference study”;

15 (B) in paragraph (2)—

16 (i) in each of subparagraphs (A)
17 through (G), by striking the commas at
18 the end of the subparagraphs and inserting
19 semicolons;

20 (ii) in subparagraph (H), by striking
21 “, and” and inserting a semicolon;

22 (iii) in subparagraph (I), by striking
23 the period at the end and inserting a semi-
24 colon; and

1 (iv) by adding at the end the fol-
2 lowing:

3 “(J) environmental impacts on the Long
4 Island Sound watershed, including—

5 “(i) the identification and assessment
6 of vulnerabilities in the watershed;

7 “(ii) the development and implementa-
8 tion of adaptation strategies to reduce
9 those vulnerabilities; and

10 “(iii) the identification and assess-
11 ment of the impacts of sea level rise on
12 water quality, habitat, and infrastructure;
13 and

14 “(K) planning initiatives for Long Island
15 Sound that identify the areas that are most
16 suitable for various types or classes of activities
17 in order to reduce conflicts among uses, reduce
18 adverse environmental impacts, facilitate com-
19 patible uses, or preserve critical ecosystem serv-
20 ices to meet economic, environmental, security,
21 or social objectives;”;

22 (C) by striking paragraph (4) and insert-
23 ing the following:

24 “(4) develop and implement strategies to in-
25 crease public education and awareness with respect

1 to the ecological health and water quality conditions
2 of Long Island Sound;”;

3 (D) in paragraph (5), by inserting “study”
4 after “conference”;

5 (E) in paragraph (6)—

6 (i) by inserting “(including on the
7 Internet)” after “the public”; and

8 (ii) by inserting “study” after “con-
9 ference”; and

10 (F) by striking paragraph (7) and insert-
11 ing the following:

12 “(7) monitor the progress made toward meeting
13 the identified goals, actions, and schedules of the
14 Comprehensive Conservation and Management Plan,
15 including through the implementation and support
16 of a monitoring system for the ecological health and
17 water quality conditions of Long Island Sound;
18 and”;

19 (3) in subsection (d)(3), in the second sentence,
20 by striking “50 per centum” and inserting “60 per-
21 cent”;

22 (4) by redesignating subsection (f) as sub-
23 section (i); and

24 (5) by inserting after subsection (e) the fol-
25 lowing:

1 “(f) REPORT.—

2 “(1) IN GENERAL.—Not later than 2 years
3 after the date of enactment of the Long Island
4 Sound Restoration and Stewardship Act, and bienni-
5 ally thereafter, the Director of the Office, in con-
6 sultation with the Governor of each Long Island
7 Sound State, shall submit to Congress a report
8 that—

9 “(A) summarizes and assesses the progress
10 made by the Office and the Long Island Sound
11 States in implementing the Long Island Sound
12 Comprehensive Conservation and Management
13 Plan, including an assessment of the progress
14 made toward meeting the performance goals
15 and milestones contained in the Plan;

16 “(B) assesses the key ecological attributes
17 that reflect the health of the ecosystem of the
18 Long Island Sound watershed;

19 “(C) describes any substantive modifica-
20 tions to the Long Island Sound Comprehensive
21 Conservation and Management Plan made dur-
22 ing the 2-year period preceding the date of sub-
23 mission of the report;

24 “(D) provides specific recommendations to
25 improve progress in restoring and protecting

1 the Long Island Sound watershed, including, as
2 appropriate, proposed modifications to the Long
3 Island Sound Comprehensive Conservation and
4 Management Plan;

5 “(E) identifies priority actions for imple-
6 mentation of the Long Island Sound Com-
7 prehensive Conservation and Management Plan
8 for the 2-year period following the date of sub-
9 mission of the report; and

10 “(F) describes the means by which Federal
11 funding and actions will be coordinated with the
12 actions of the Long Island Sound States and
13 other entities.

14 “(2) PUBLIC AVAILABILITY.—The Adminis-
15 trator shall make the report described in paragraph
16 (1) available to the public, including on the Internet.

17 “(g) ANNUAL BUDGET PLAN.—The President shall
18 submit, together with the annual budget of the United
19 States Government submitted under section 1105(a) of
20 title 31, United States Code, information regarding each
21 Federal department and agency involved in the protection
22 and restoration of the Long Island Sound watershed, in-
23 cluding—

24 “(1) an interagency crosscut budget that dis-
25 plays for each department and agency—

1 “(A) the amount obligated during the pre-
2 ceding fiscal year for protection and restoration
3 projects and studies relating to the watershed;

4 “(B) the estimated budget for the current
5 fiscal year for protection and restoration
6 projects and studies relating to the watershed;
7 and

8 “(C) the proposed budget for succeeding
9 fiscal years for protection and restoration
10 projects and studies relating to the watershed;
11 and

12 “(2) a summary of any proposed modifications
13 to the Long Island Sound Comprehensive Conserva-
14 tion and Management Plan for the following fiscal
15 year.

16 “(h) FEDERAL ENTITIES.—

17 “(1) COORDINATION.—The Administrator shall
18 coordinate the actions of all Federal departments
19 and agencies that impact water quality in the Long
20 Island Sound watershed in order to improve the
21 water quality and living resources of the watershed.

22 “(2) METHODS.—In carrying out this section,
23 the Administrator, acting through the Director of
24 the Office, may—

1 “(A) enter into interagency agreements;
2 and

3 “(B) make intergovernmental personnel
4 appointments.

5 “(3) FEDERAL PARTICIPATION IN WATERSHED
6 PLANNING.—A Federal department or agency that
7 owns or occupies real property, or carries out activi-
8 ties, within the Long Island Sound watershed shall
9 participate in regional and subwatershed planning,
10 protection, and restoration activities with respect to
11 the watershed.

12 “(4) CONSISTENCY WITH COMPREHENSIVE CON-
13 SERVATION AND MANAGEMENT PLAN.—To the max-
14 imum extent practicable, the head of each Federal
15 department and agency that owns or occupies real
16 property, or carries out activities, within the Long
17 Island Sound watershed shall ensure that the prop-
18 erty and all activities carried out by the department
19 or agency are consistent with the Long Island Sound
20 Comprehensive Conservation and Management Plan
21 (including any related subsequent agreements and
22 plans).”.

23 (b) LONG ISLAND SOUND STEWARDSHIP PRO-
24 GRAM.—

1 (1) LONG ISLAND SOUND STEWARDSHIP ADVI-
2 SORY COMMITTEE.—Section 8 of the Long Island
3 Sound Stewardship Act of 2006 (33 U.S.C. 1269
4 note; Public Law 109–359) is amended—

5 (A) in subsection (g), by striking “2011”
6 and inserting “2020”; and

7 (B) by adding at the end the following:

8 “(h) NONAPPLICABILITY OF FACA.—The Federal
9 Advisory Committee Act (5 U.S.C. App.) shall not apply
10 to—

11 “(1) the Advisory Committee; or

12 “(2) any board, committee, or other group es-
13 tablished under this Act.”.

14 (2) REPORTS.—Section 9(b)(1) of the Long Is-
15 land Sound Stewardship Act of 2006 (33 U.S.C.
16 1269 note; Public Law 109–359) is amended in the
17 matter preceding subparagraph (A) by striking
18 “2011” and inserting “2020”.

19 (3) AUTHORIZATION.—Section 11 of the Long
20 Island Sound Stewardship Act of 2006 (33 U.S.C.
21 1269 note; Public Law 109–359) is amended—

22 (A) by striking subsection (a);

23 (B) by redesignating subsections (b)
24 through (d) as subsections (a) through (c), re-
25 spectively; and

1 (C) in subsection (a) (as so redesignated),
2 by striking “under this section each” and in-
3 serting “to carry out this Act for a”.

4 (4) EFFECTIVE DATE.—The amendments made
5 by this subsection take effect on October 1, 2011.

6 **SEC. 3. REAUTHORIZATION.**

7 (a) IN GENERAL.—There are authorized to be appro-
8 priated to the Administrator of the Environmental Protec-
9 tion Agency such sums as are necessary for each of fiscal
10 years 2015 through 2020 for the implementation of—

11 (1) section 119 of the Federal Water Pollution
12 Control Act (33 U.S.C. 1269), other than subsection
13 (d) of that section; and

14 (2) the Long Island Sound Stewardship Act of
15 2006 (33 U.S.C. 1269 note; Public Law 109–359).

16 (b) LONG ISLAND SOUND GRANTS.—There is author-
17 ized to be appropriated to the Administrator of the Envi-
18 ronmental Protection Agency to carry out section 119(d)
19 of the Federal Water Pollution Control Act (33 U.S.C.
20 1269(d)) \$40,000,000 for each of fiscal years 2015
21 through 2020.

22 (c) LONG ISLAND SOUND STEWARDSHIP GRANTS.—
23 There is authorized to be appropriated to the Adminis-
24 trator of the Environmental Protection Agency to carry
25 out the Long Island Sound Stewardship Act of 2006 (33

30

11

1 U.S.C. 1269 note; Public Law 109-359) \$25,000,000 for

2 each of fiscal years 2016 through 2020.

○



114TH CONGRESS
1ST SESSION

S. 2143

To provide for the authority for the successors and assigns of the Starr-Camargo Bridge Company to maintain and operate a toll bridge across the Rio Grande near Rio Grande City, Texas, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 6, 2015

Mr. CORNYN introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To provide for the authority for the successors and assigns of the Starr-Camargo Bridge Company to maintain and operate a toll bridge across the Rio Grande near Rio Grande City, Texas, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. STARR-CAMARGO BRIDGE.**

4 Public Law 87-532 (76 Stat. 153) is amended—

5 (1) in the first section, in subsection (a)(2)—

6 (A) by inserting “, and its successors and
7 assigns,” after “State of Texas”;

1 (B) by inserting “consisting of not more
2 than 14 lanes” after “approaches thereto”; and

3 (C) by striking “and for a period of sixty-
4 six years from the date of completion of such
5 bridge,”;

6 (2) in section 2, by inserting “and its succes-
7 sors and assigns,” after “companies”;

8 (3) by redesignating sections 3, 4, and 5 as sec-
9 tions 4, 5, and 6, respectively;

10 (4) by inserting after section 2 the following:

11 **“SEC. 3. RIGHTS OF STARR-CAMARGO BRIDGE COMPANY**
12 **AND SUCCESSORS AND ASSIGNS.**

13 “(a) IN GENERAL.—The Starr-Camargo Bridge
14 Company and its successors and assigns shall have the
15 rights and privileges granted to the B and P Bridge Com-
16 pany and its successors and assigns under section 2 of
17 the Act of May 1, 1928 (45 Stat. 471, chapter 466).

18 “(b) REQUIREMENT.—In exercising the rights and
19 privileges granted under subsection (a), the Starr-
20 Camargo Bridge Company and its successors and assigns
21 shall act in accordance with—

22 “(1) just compensation requirements;

23 “(2) public proceeding requirements; and

1 “(3) any other requirements applicable to the
2 exercise of the rights referred to in subsection (a)
3 under the laws of the State of Texas.”; and

4 (5) in section 4 (as redesignated by paragraph
5 (3))—

6 (A) by inserting “and its successors and
7 assigns,” after “such company”;

8 (B) by striking “or” after “public agen-
9 cy,”;

10 (C) by inserting “or to a corporation,”
11 after “international bridge authority or commis-
12 sion,”; and

13 (D) by striking “authority, or commission”
14 each place it appears and inserting “authority,
15 commission, or corporation”.

○

COMMITTEE RESOLUTION

**ALTERATION
CONSOLIDATION ACTIVITIES PROGRAM
VARIOUS BUILDINGS
PCA-0001-MU16**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for the reconfiguration and renovation of space within government-owned and leased buildings during Fiscal Year 2016, at a total cost not to exceed \$75,000,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

Provided, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

Chairman

Ranking Member

Adopted: January XX, 2016

COMMITTEE RESOLUTION

**ALTERATION
ENERGY AND WATER RETROFIT AND CONSERVATION MEASURES PROGRAM
VARIOUS BUILDINGS
PEW-0001-MU16**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for the implementation of energy and water retrofit and conservation measures, as well as high performance energy projects, within government-owned and leased buildings during Fiscal Year 2016, at a total cost not to exceed \$10,000,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

Provided, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

Chairman

Ranking Member

Adopted: January XX, 2016

COMMITTEE RESOLUTION

**ALTERATION
FIRE PROTECTION AND LIFE SAFETY PROGRAM
VARIOUS BUILDINGS
PPF-0001-MU16**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for alterations to upgrade, replace, and improve fire protection systems and life safety features in government-owned buildings during Fiscal Year 2016, at a total cost not to exceed \$20,000,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

Provided, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

Chairman

Ranking Member

Adopted: January XX, 2016

COMMITTEE RESOLUTION

**ALTERATION
JUDICIARY COURT SECURITY PROGRAM
VARIOUS BUILDINGS
PJCS-0001-MU16**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for alterations to improve physical security in government-owned buildings occupied by the Judiciary and U.S. Marshals Service during Fiscal Year 2016 in lieu of future construction of new facilities, at a total cost not to exceed \$20,000,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

Provided, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

Chairman

Ranking Member

Adopted: January XX, 2016

COMMITTEE RESOLUTION

**ALTERATION
SIXTH STREET FEDERAL BUILDING
LOS ANGELES, CALIFORNIA
PCA-0149-LA16**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for the upgrade of outdated building systems as well as the renovation and reconfiguration of the interior layout at the Federal Building, located in downtown , Los Angeles, California on Sixth Street, at a cost not to exceed \$982,000 for design; \$10,335,00 for construction; and a management and inspection cost of \$966,000, for a total cost of \$12,283,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

Provided, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

Chairman

Ranking Member

Adopted: January XX, 2016

COMMITTEE RESOLUTION

**ALTERATION
EDWARD J. SCHWARTZ FEDERAL BUILDING AND U.S. COURTHOUSE
SAN DIEGO, CALIFORNIA
PCA-0167-SD16**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for the reconfiguration and alteration of space at the Edward J. Schwartz Federal Building and U.S. Courthouse located at 880 Front Street, San Diego, California at a cost not to exceed \$5,795,000 for design; \$49,800,000 for construction; and a management and inspection cost of \$5,250,000, for a total cost of \$60,845,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

Provided, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

Chairman

Ranking Member

Adopted: January XX, 2016

COMMITTEE RESOLUTION

**ALTERATION
THEODORE LEVIN U.S. COURTHOUSE
DETROIT, MICHIGAN
PMI-0029-DE16**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for phase III of a multi-phase alteration project to correct significant building deficiencies at the Theodore Levin U.S. Courthouse (Levin Courthouse) located at 231 West Lafayette Boulevard in Detroit, Michigan, at a cost not to exceed \$62,752,000 for construction, and a management and inspection cost of \$6,040,000, for a total cost of \$68,792,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

Provided, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

Chairman

Ranking Member

Adopted: January XX, 2016

COMMITTEE RESOLUTION

**ALTERATION
GOODFELLOW FEDERAL COMPLEX
ST. LOUIS, MISSOURI
PMO-00AF-SL16**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for repairs and alterations to undertake critical life safety infrastructure renovations and to replace and upgrade the remainder of the deteriorating sewer system infrastructure at the Goodfellow Federal Complex located at 4300 Goodfellow Boulevard, St. Louis, Missouri, at a cost not to exceed \$3,101,000 for design; \$38,079,000 for construction; and a management and inspection cost of \$2,667,000, for a total cost of \$43,847,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

Provided, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

Chairman

Ranking Member

Adopted: January XX, 2016

COMMITTEE RESOLUTION

**ALTERATION
ALEXANDER HAMILTON U.S. CUSTOM HOUSE
NEW YORK, NEW YORK
PNY-0131-NY16**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for phase I of a two-phase repair and alteration project to correct building deficiencies at the Alexander Hamilton U.S. Custom House, a National Historic Landmark located at 1 Bowling Green, New York City, New York, at a cost not to exceed \$5,204,000 for design; \$38,079,000 for construction; and a management and inspection cost of \$3,215,000, for a total cost of \$46,498,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

Provided, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

Chairman

Ranking Member

Adopted: January XX, 2016

COMMITTEE RESOLUTION

**ALTERATION
JACOB K. JAVITS FEDERAL OFFICE BUILDING
NEW YORK, NEW YORK
PNY-0282-NY16**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for repairs and alterations for the reconfiguration and alteration of vacant space at the Jacob K. Javits Federal Office Building located at 26 Federal Plaza, New York, New York, at a cost not to exceed \$89,211,000 for construction, and a management and inspection cost of \$7,133,000, for a total cost of \$96,344,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

Provided, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

Chairman

Ranking Member

Adopted: January XX, 2016

COMMITTEE RESOLUTION

**ALTERATION
WILLIAM J. GREEN, JR. FEDERAL BUILDING
PHILADELPHIA, PENNSYLVANIA
PPA-0277-PH16**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for phase I of a two phase repair and alteration project for the William J. Green, JR. Federal Building located at 600 Arch Street in Philadelphia, Pennsylvania at a cost not to exceed \$1,200,000 for design; \$39,950,000 for construction; and a management and inspection cost of \$3,850,000, for a total cost of \$45,000,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

Provided, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

Chairman

Ranking Member

Adopted: January XX, 2016

COMMITTEE RESOLUTION

**ALTERATION
U.S. LAND PORT OF ENTRY
PACIFIC HIGHWAY, BLAINE, WASHINGTON
PWA-00BN-BL16**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for repairs and alterations to resolve exterior envelope deficiencies and promote energy savings at the U.S. Land Port of Entry located at Pacific Highway in Blaine, Washington at a cost not to exceed \$1,030,000 for design; \$9,956,000 for construction; and a management and inspection cost of \$944,000, for a total cost of \$11,930,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

Provided, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

Chairman

Ranking Member

Adopted: January XX, 2016

COMMITTEE RESOLUTION

**ALTERATION
FEDERAL OFFICE BUILDING
SEATTLE, WASHINGTON
PWA-0036-SE16**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for repairs and alterations to address exterior deficiencies at the historic Federal Office Building located at 909 1st Avenue, Seattle, Washington, at a cost not to exceed \$1,690,000 for design; \$17,515,000 for construction; and a management and inspection cost of \$1,645,000, for a total cost of \$20,850,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

Provided, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

Chairman

Ranking Member

Adopted: January XX, 2016

COMMITTEE RESOLUTION

**ALTERATION
FEDERAL BUILDING AND U.S. COURTHOUSE
MILWAUKEE, WISCONSIN
PWI-0044-MI16**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for the repair and restoration of the granite façade at the historic Federal Building and U.S. Courthouse located at 517 E. Wisconsin Avenue, Milwaukee, Wisconsin, at a cost not to exceed \$2,026,000 for design; \$23,294,000 for construction; and a management and inspection cost of \$2,071,000, for a total cost of \$27,391,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

Provided, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

Chairman

Ranking Member

Adopted: January XX, 2016

COMMITTEE RESOLUTION

**ALTERATION
EDWARD R. ROYBAL FEDERAL BUILDING AND COURTHOUSE
LOS ANGELES, CALIFORNIA
PCA-0283-LA14**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for repairs and alterations for building system upgrades and the reconfiguration and alteration of space at the Edward R. Roybal Federal Building and Courthouse located at 255 E. Temple Street, Los Angeles, California at a cost not to exceed \$2,207,000 for design; \$15,753,000 for construction; and a management and inspection cost of \$1,423,000, for a total cost of \$19,383,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

Provided, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

Chairman

Ranking Member

Adopted: January XX, 2016

COMMITTEE RESOLUTION

**CONSTRUCTION
DEPARTMENT OF HOMELAND SECURITY
CONSOLIDATION AT ST. ELIZABETHS
WASHINGTON, DC
PDC-0002-WA16**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for the ongoing development of the DHS consolidated headquarters at St. Elizabeth's Campus by continuing work on the perimeter security, completing the final construction of the access road and new interchange between Malcolm X Avenue and Interstate 295, rehabilitating buildings necessary to accommodate components of the DHS Secretary directorate plus Undersecretary of Management to be housed in the West Addition to the Center Building, Allison Quad, Home and Relief Buildings, and Administration Row, continuing design of future phases, and historic preservation activities for a total of \$221,358,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

Provided, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

Chairman

Ranking Member

Adopted: January XX, 2016

COMMITTEE RESOLUTION

**CONSTRUCTION
U.S. LAND PORT OF ENTRY
COLUMBUS, NEW MEXICO
PNM-BSC-CO16**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for the construction of new replacement land port of entry facilities in Columbus, New Mexico at a cost not to exceed an estimated construction cost of \$24,902,000 and a management and inspection cost of \$1,145,000 for a total cost of \$26,047,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

Provided, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

Chairman

Ranking Member

Adopted: January XX, 2016

COMMITTEE RESOLUTION

**CONSTRUCTION
U.S. LAND PORT OF ENTRY
ALEXANDRIA BAY, NEW YORK
PNY-BSC-AB16**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for construction of facilities to replace the existing land port of entry in Alexandria Bay, New York, at a cost not to exceed an estimated design cost of \$3,500,000; estimated construction cost of \$23,843,000; and a management and inspection cost of \$5,133,000 for a total cost of \$32,476,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

Provided, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

Chairman

Ranking Member

Adopted: January XX, 2016

COMMITTEE RESOLUTION

**CONSTRUCTION
ANIMAL AND PLANT HEALTH INSURANCE SERVICE BUILDING
PEMBINA, NORTH DAKOTA
PND-0550-PE16**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for the acquisition of approximately eight acres of land, along with the design and construction of a new 6,685 gross square foot facility for the United States Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) at the Pembina, North Dakota, U.S. Land Port of Entry (LPOE), at a cost not to exceed an estimated wetland mitigation cost of \$540,000; estimated design cost of \$284,000; estimated construction cost of \$4,297,000 ;and a management and inspection cost of \$236,000 for a total cost of \$5,357,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

Provided, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

Chairman

Ranking Member

Adopted: January XX, 2016

COMMITTEE RESOLUTION

**CONSTRUCTION
NEW U.S. COURTHOUSE
NASHVILLE, TENNESSEE
PTN-CTC-NA16**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for additional site-related work and design and construction of a new U.S. Courthouse of approximately 386,000 gross square feet in Nashville, Tennessee at a cost not to exceed an estimated additional site cost of \$2,477,000; estimated additional design cost of \$815,000; estimated construction cost of \$168,582,000; and a management and inspection cost of \$9,626,000 for a total cost of \$181,500,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

Provided, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

Chairman

Ranking Member

Adopted: January XX, 2016

COMMITTEE RESOLUTION

LEASE
DEPARTMENT OF EDUCATION
SAN FRANCISCO, CALIFORNIA
PCA-02-SF16

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for a lease extension of up to 75,269 rentable square feet of space, for the Department of Education, currently located at 50 Beale Street, San Francisco, California, at a maximum proposed rental rate of \$73 per rentable square foot, at a proposed total annual cost of \$5,494,637 for a lease term of up to 3 years, a description of which is attached hereto and by reference made part of this resolution, is approved.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, that to the maximum extent practicable, the Administrator of General Services shall require that the procurement include energy efficiency requirements as would be required for the construction of a federal building.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Environment and Public Works of the United States Senate prior to exercising any lease authority provided in this resolution.

Provided further, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

Chairman

Ranking Member

Adopted: January XX, 2016

COMMITTEE RESOLUTION

**LEASE
U.S. DEPARTMENT OF DEFENSE
ARMY CORPS OF ENGINEERS
SAN FRANCISCO, CALIFORNIA
PCA-03-SF16**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for a lease extension of up to 71,728 rentable square feet of space, for the Department of Defense- Army Corps of Engineers, currently located at 1455 Market Street, San Francisco, CA, at a maximum proposed rental rate of \$65 per rentable square foot, at a proposed total annual cost of \$4,662,320 for a lease term of up to 2 years, a description of which is attached hereto and by reference made part of this resolution, is approved.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, that to the maximum extent practicable, the Administrator of General Services shall require that the procurement include energy efficiency requirements as would be required for the construction of a federal building.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Environment and Public Works of the United States Senate prior to exercising any lease authority provided in this resolution.

Provided further, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

Chairman

Ranking Member

Adopted: January XX, 2016

COMMITTEE RESOLUTION

**SUCCEEDING LEASE
U.S. DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE OF IMMIGRATION REVIEW
AND
U.S. DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT
SAN FRANCISCO, CALIFORNIA
PCA-01-SF16**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for a succeeding lease of up to 85,000 rentable square feet of space, for the department of Justice, executive Office for Immigration review; and the Department of Homeland Security, Immigration and customs Enforcement, Office of Principle Legal Advisors, currently located at 100 Montgomery Street, san Francisco, California, at a maximum proposed rental rate of \$76 per rentable square foot, at a proposed total annual cost of \$6,460,000 for a lease term of up to 10 years, a description of which is attached hereto and by reference made part of this resolution, is approved.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, that to the maximum extent practicable, the Administrator of General Services shall require that the procurement include energy efficiency requirements as would be required for the construction of a federal building.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Environment and Public Works of the United States Senate prior to exercising any lease authority provided in this resolution.

Provided further, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

Chairman

Ranking Member

Adopted: January XX, 2016

COMMITTEE RESOLUTION

**REPLACEMENT LEASE
FEDERAL ELECTION COMMISSION
WASHINGTON, DC
PDC-01-WA16**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for a replacement lease of up to 105,000 rentable square feet of space, for the Federal Election Commission, currently located at 999 E street, NW, Washington DC, at a maximum proposed rental rate of \$50 per rentable square foot, at a proposed total annual cost of \$5,250,000 for a lease term of up to 15 years, a description of which is attached hereto and by reference made part of this resolution, is approved.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, that to the maximum extent practicable, the Administrator of General Services shall require that the procurement include energy efficiency requirements as would be required for the construction of a federal building.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Environment and Public Works of the United States Senate prior to exercising any lease authority provided in this resolution.

Provided further, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

Chairman

Ranking Member

Adopted: January XX, 2016

COMMITTEE RESOLUTION

**REPLACEMENT LEASE
U.S. DEPARTMENT OF DEFENSE
ARMY CORPS OF ENGINEERS
BALTIMORE, MARYLAND
PMD-01-BA16**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for a replacement lease of up to 143,000 rentable square feet of space, for the Department of Defense- Army Corps of Engineers, currently located at 10 South Howard street, Baltimore, Maryland, at a maximum proposed rental rate of \$33 per rentable square foot, at a proposed total annual cost of \$4,842,200 for a lease term of up to 20 years, a description of which is attached hereto and by reference made part of this resolution, is approved.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, that to the maximum extent practicable, the Administrator of General Services shall require that the procurement include energy efficiency requirements as would be required for the construction of a federal building.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Environment and Public Works of the United States Senate prior to exercising any lease authority provided in this resolution.

Provided further, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

Chairman

Ranking Member

Adopted: January XX, 2016

COMMITTEE RESOLUTION

**REPLACEMENT LEASE
U.S. DEPARTMENT OF HOMELAND SECURITY
CUSTOMS AND BORDER PROTECTION
NEWARK, NEW JERSEY
PNJ-01-NW16**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for a replacement lease of up to 123,000 rentable square feet of space, for the Department of Homeland Security- Customs and Border Protection, currently located at 1100 Raymond Boulevard, Newark, New Jersey, at a maximum proposed rental rate of \$37 per rentable square foot, at a proposed total annual cost of \$4,551,000 for a lease term of up to 15 years, a description of which is attached hereto and by reference made part of this resolution, is approved.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, that to the maximum extent practicable, the Administrator of General Services shall require that the procurement include energy efficiency requirements as would be required for the construction of a federal building.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Environment and Public Works of the United States Senate prior to exercising any lease authority provided in this resolution.

Provided further, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

Chairman

Ranking Member

Adopted: January XX, 2016

COMMITTEE RESOLUTION

**LEASE
ENVIRONMENTAL PROTECTION AGENCY
ARLINGTON, VIRGINIA
PVA-02-WA16**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for a lease extension of up to 326,057 rentable square feet of space, for the Environmental Protection Agency, currently located at 2777 Crystal Drive and 2733 Crystal Drive in Arlington, Virginia, at a maximum proposed rental rate of \$39 per rentable square foot, at a proposed total annual cost of \$12,716,223 for a lease term of up to 5 years, a description of which is attached hereto and by reference made part of this resolution, is approved.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, that to the maximum extent practicable, the Administrator of General Services shall require that the procurement include energy efficiency requirements as would be required for the construction of a federal building.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Environment and Public Works of the United States Senate prior to exercising any lease authority provided in this resolution.

Provided further, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

Chairman

Ranking Member

Adopted: January XX, 2016

COMMITTEE RESOLUTION

**LEASE
DEPARTMENT OF VETERANS AFFAIRS
WASHINGTON, DC
PDC-02-WA16**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for a lease extension of up to 97,000 rentable square feet of space, for the Department of Veterans Affairs, currently located at 801 I Street NW, Washington DC, at a maximum proposed rental rate of \$50 per rentable square foot, at a proposed total annual cost of \$4,850,000 for a lease term of up to 15 years, a description of which is attached hereto and by reference made part of this resolution, is approved.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, that to the maximum extent practicable, the Administrator of General Services shall require that the procurement include energy efficiency requirements as would be required for the construction of a federal building.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Environment and Public Works of the United States Senate prior to exercising any lease authority provided in this resolution.

Provided further, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

Chairman

Ranking Member

Adopted: January XX, 2016

COMMITTEE RESOLUTION

**LEASE
ENVIRONMENTAL PROTECTION AGENCY
DENVER, COLORADO
PCO-08-DE16**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for a lease extension of up to 176,000 rentable square feet of space, for the Environmental Protection Agency, currently located at 1595 Wynkoop Street in Denver, Colorado, at a maximum proposed rental rate of \$46 per rentable square foot, at a proposed total annual cost of \$8,096,000 for a lease term of up to 15 years, a description of which is attached hereto and by reference made part of this resolution, is approved.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, that to the maximum extent practicable, the Administrator of General Services shall require that the procurement include energy efficiency requirements as would be required for the construction of a federal building.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Environment and Public Works of the United States Senate prior to exercising any lease authority provided in this resolution.

Provided further, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

Chairman

Ranking Member

Adopted: January XX, 2016

COMMITTEE RESOLUTION

LEASE
DEPARTMENT OF STATE
WASHINGTON, DC
PDC-05-WA16

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for a replacement lease of up to 115,000 rentable square feet of space, for the Department of State, currently housed at 2121 Virginia Ave. NW in Washington, DC, at a maximum proposed rental rate of \$50 per rentable square foot, at a proposed total annual cost of \$5,750,000 for a lease term of up to 15 years, a description of which is attached hereto and by reference made part of this resolution, is approved.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, that to the maximum extent practicable, the Administrator of General Services shall require that the procurement include energy efficiency requirements as would be required for the construction of a federal building.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Environment and Public Works of the United States Senate prior to exercising any lease authority provided in this resolution.

Provided further, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

Chairman

Ranking Member

Adopted: January XX, 2016

COMMITTEE RESOLUTION

**LEASE
U.S. DEPARTMENT OF JUSTICE
DRUG ENFORCEMENT ADMINISTRATION
NORTHERN VIRGINIA
PVA-01-WA16**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for a replacement lease of up to 575,000 rentable square feet of space, for the U.S. Department of Justice – Drug Enforcement Administration (DEA), currently located at 600-700 Army Navy Drive in Arlington, Virginia, at a maximum proposed rental rate of \$39 per rentable square foot, at a proposed total annual cost of \$22,425,000 for a lease term of up to 15 years, a description of which is attached hereto and by reference made part of this resolution, is approved.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, that to the maximum extent practicable, the Administrator of General Services shall require that the procurement include energy efficiency requirements as would be required for the construction of a federal building.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Environment and Public Works of the United States Senate prior to exercising any lease authority provided in this resolution.

Provided further, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

Chairman

Ranking Member

Adopted: January XX, 2016

COMMITTEE RESOLUTION

**LEASE
SOCIAL SECURITY ADMINISTRATION
BALTIMORE CITY AND BALTIMORE AND ANNE ARUNDEL COUNTIES, MARYLAND
PMD-02-BA16**

**RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for a replacement lease of up to 511,000 rentable square feet of space, for the Social Security Administration, currently located at 1500 and 1718 Woodlawn Drive in Woodlawn, Maryland, at a maximum proposed rental rate of \$33 per rentable square foot, at a proposed total annual cost of \$16,933,000 for a lease term of up to 20 years, a description of which is attached hereto and by reference made part of this resolution, is approved.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, that to the maximum extent practicable, the Administrator of General Services shall require that the procurement include energy efficiency requirements as would be required for the construction of a federal building.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Environment and Public Works of the United States Senate prior to exercising any lease authority provided in this resolution.

Provided further, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

Chairman

Ranking Member

Adopted: January XX, 2016

Now, we have several bills, as Senator Boxer said, on the agenda and, as usual, after I call up each bill I will ask members to seek recognition on the amendments that they might have and allow each member to call up their own amendments. We can have committee counsel available at the table to respond to questions that may come up. At the conclusion of the member statements and questions, we will vote on each amendment and then on whether to report each bill.

Now, what I am going to do is go back and forth, Democrat, Republican. We have 25 amendments on the first bill that we are going to bring up, which is the Sportsmen's bill. So everyone is going to be heard. We are going to call for amendments at the conclusion of the explanation of each one. Some members have several of them.

Now, I am aware of two specific conflicts which require Senator Fischer to chair the Commerce Committee hearing momentarily. Then Senator Booker is going to have a similar problem with the same committee. So what I would like to do is recognize Senator Fischer to make a statement concerning your amendment to S. 659. Then, when the appropriate time comes, Senator Crapo, who is also a sponsor of that amendment, will handle it on the floor.

You are recognized at this time for any comment you would want to make.

Senator BOXER. Just a parliamentary inquiry. Could we make sure that Senator Booker gets to offer his amendments?

Senator INHOFE. Oh, yes. We talked to Senator Booker about that.

Senator BOXER. Thank you so much. OK.

Senator INHOFE. Senator Fischer.

Senator FISCHER. Thank you, Mr. Chairman. And my thanks to Senator Crapo for offering this very important bipartisan amendment in today's markup of the Sportsmen's Act. As vice chair of the Sportsmen's Caucus, I am proud to be an original co-sponsor of the amendment, which is identical to S. 1500, the Sensible Environmental Protection Act, that this committee approved on a bipartisan vote last August.

The significant amendment addresses duplicative permitting of pesticides under FIFRA and also the Clean Water Act. This duplicative process creates unnecessary resource burdens and challenges for pesticide registrants and users, including private homeowners, businesses, ag producers, golf courses, local water authorities, and the sportsmen's community.

Pesticides are critical for maintaining a healthy and viable environment by eliminating harmful and invasive pests that threaten outdoor activities of all kinds. For example, as a result of costly compliance regulations and the increase in Clean Water Act liability, many rural communities in this Country, and also small municipalities, are being forced to reduce or cancel their mosquito control programs. This places families at risk for devastating mosquito-borne diseases like West Nile Virus, yellow fever, and malaria.

Additionally, managers in the national wildlife refuge system rely on pesticides to treat waterways for aquatic species that can choke waterways, wastewater, and detrimentally impact fish and

other wildlife. State agencies have testified that these permitting requirements offer no additional environmental benefits because pesticide applications are already reviewed and regulated through a stringent FIFRA approval process.

Again, this amendment clarifies that NPDES permits should not be required for the application of pesticides that are already approved by the EPA and authorized for sale, distribution, or use under FIFRA. Pest protection products benefit outdoor recreation enthusiasts by protecting and maintaining natural habitats, so I ask my colleagues to please support this amendment.

Thank you, Mr. Chair.

[The text of the amendment to S. 659 offered by Senator Fischer follows:]

S. 659—Crapo/Carper/Fischer #1

Summary—The amendment allows for EPA approved pesticides near a point source to be used in navigable waters without a permit under certain conditions.

16 JAN 19 AM 10:06

AMENDMENT NO. _____ Calendar No. _____

Purpose: To clarify Congressional intent regarding the regulation of the use of pesticides in or near navigable waters.

IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.

S. 659

To protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. CRAPO (for himself, Mrs. FISCHER, and Mr. CARPER)

Viz:

- 1 At the end, add the following:
- 2 **SEC. ____ . USE OF AUTHORIZED PESTICIDES; DISCHARGES**
- 3 **OF PESTICIDES; REPORT.**
- 4 (a) USE OF AUTHORIZED PESTICIDES.—Section 3(f)
- 5 of the Federal Insecticide, Fungicide, and Rodenticide Act
- 6 (7 U.S.C. 136a(f)) is amended by adding at the end the
- 7 following:
- 8 “(5) USE OF AUTHORIZED PESTICIDES.—Ex-
- 9 cept as provided in section 402(s) of the Federal
- 10 Water Pollution Control Act (33 U.S.C. 1342), the
- 11 Administrator or a State shall not require a permit

1 under that Act for a discharge from a point source
2 into navigable waters of—

3 “(A) a pesticide authorized for sale, dis-
4 tribution, or use under this Act; or

5 “(B) the residue of the pesticide, resulting
6 from the application of the pesticide.”

7 (b) DISCHARGES OF PESTICIDES.—Section 402 of
8 the Federal Water Pollution Control Act (33 U.S.C. 1342)
9 is amended by adding at the end the following:

10 “(s) DISCHARGES OF PESTICIDES.—

11 “(1) NO PERMIT REQUIREMENT.—Except as
12 provided in paragraph (2), a permit shall not be re-
13 quired by the Administrator or a State under this
14 Act for a discharge from a point source into navi-
15 gable waters of—

16 “(A) a pesticide authorized for sale, dis-
17 tribution, or use under the Federal Insecticide,
18 Fungicide, and Rodenticide Act (7 U.S.C. 136
19 et seq.); or

20 “(B) the residue of the pesticide, resulting
21 from the application of the pesticide.

22 “(2) EXCEPTIONS.—Paragraph (1) shall not
23 apply to the following discharges of a pesticide or
24 pesticide residue:

1 “(A) A discharge resulting from the appli-
2 cation of a pesticide in violation of a provision
3 of the Federal Insecticide, Fungicide, and
4 Rodenticide Act (7 U.S.C. 136 et seq.) relevant
5 to protecting water quality if—

6 “(i) the discharge would not have oc-
7 curred without the violation; or

8 “(ii) the amount of pesticide or pes-
9 ticide residue in the discharge is greater
10 than would have occurred without the vio-
11 lation.

12 “(B) Stormwater discharges subject to reg-
13 ulation under subsection (p).

14 “(C) The following discharges subject to
15 regulation under this section:

16 “(i) Manufacturing or industrial efflu-
17 ent.

18 “(ii) Treatment works effluent.

19 “(iii) Discharges incidental to the nor-
20 mal operation of a vessel, including a dis-
21 charge resulting from ballasting operations
22 or vessel biofouling prevention.”.

23 (c) REPORT.—Not later than 1 year after the date
24 of enactment of this Act, the Administrator of the Envi-
25 ronmental Protection Agency, in consultation with the

1 Secretary of Agriculture, shall submit a report to the Com-
2 mittee on Environment and Public Works and the Com-
3 mittee on Agriculture of the Senate and the Committee
4 on Transportation and Infrastructure and the Committee
5 on Agriculture of the House of Representatives that in-
6 cludes—

7 (1) the status of intra-agency coordination be-
8 tween the Office of Water and the Office of Pes-
9 ticide Programs of the Environmental Protection
10 Agency regarding streamlining information collec-
11 tion, standards of review, and data use relating to
12 water quality impacts from the registration and use
13 of pesticides;

14 (2) an analysis of the effectiveness of current
15 regulatory actions relating to pesticide registration
16 and use aimed at protecting water quality; and

17 (3) any recommendations on how the Federal
18 Insecticide, Fungicide, and Rodenticide Act (7
19 U.S.C. 136 et seq.) can be modified to better protect
20 water quality and human health.

Senator INHOFE. Thank you, Senator Fischer.

Senator Booker, you have the same conflict that she does, and if you would like to call up your amendment at this time.

Senator BOXER. Parliamentary inquiry. Will we have a chance to respond to Senator Fischer's?

Senator INHOFE. Oh, yes. She is not bringing it up. It will be brought up by Senator Crapo.

Senator BOXER. Fine.

Senator INHOFE. Senator Booker.

Senator BOOKER. Chairman Inhofe, I want to thank you for being gracious this morning with the conflict that Senator Fischer and I have. I am her ranking for the subcommittee, so I will be chasing after her in a few moments to catch up. And I want to thank you for just being gracious in general about the amendment that I have before me, and obviously rank the Ranking Member, Senator Boxer, as well.

I would like to discuss Booker Amendment No. 1, which would limit the use of body-gripping traps in the natural wildlife refuge system. Leghold traps have been banned in 90 countries; yet in the United States not only are these cruel traps not banned, they are currently allowed even on Federal wildlife refuges. Body-gripping traps are not just cruel, but they are absolutely indiscriminate. Too often the animals that are caught in these traps are not the animals being targeted.

What types of non-targeted animals are being maimed and killed with gruesome routine happenings across our Country by these cruel body-gripping traps? Well, here are two illustrations. Right here you see the iconic species of the bald eagle maimed and killed in this first picture. At the time the picture was taken, the bald eagle was still listed as an endangered species.

And not just wildlife, but really tragic to many American families is that our dogs are regularly caught and killed in these cruel traps. Here, tragically, is another example. This beagle here caught is named Bella, a 20-month-old hunting dog, who was killed in the steel jaw traps that were placed on public lands.

More and more we are learning about the threat of these traps and what they pose to our pets. In just one State where data was collected, in Minnesota, there have been 112 dogs caught in these traps since 2012. Of these 112 dogs, 23 died and 50 of the dogs that were caught in these traps were on public land.

Just today, on the Internet, a story was posted about an Akita named Darby in Montana who was caught for 5 days in a leghold trap before being found. Her leg was amputated just yesterday.

Last May, Director Dan Ashe testified before this Committee as to the serious concerns with our bill to ban the use of body-gripping traps on wildlife refuges. After the legislative hearing, my office worked with the Fish and Wildlife Service to address all of those concerns that had been raised to alter this amendment so that it worked in coordination with the concerns that Dan Ashe brought. So Booker Amendment 1 includes changes requested by the Fish and Wildlife Service in order to preserve their discretion to use body-gripping traps as a last resort for management purposes, such as controlling invasive species in order to protect endangered species.

Now, look, this is something that we know, 90 countries are banning it. But its history is long. Charles Darwin, in fact, called the leghold trap one of the cruelest devices ever invented by man, stating that few men could endure to watch for 5 minutes an animal struggling in a trap with a torn limb. Some will wonder how such cruelty can be permitted to continue in these days of civilization.

Charles Darwin said those words in 1863 and I echo them today. More than 150 years later, how can we permit such cruelty on our wildlife refuges in the United States of America?

Before I end, I just want to thank, one more time, Senator Inhofe. He has been very gracious in working with my office on this issue; gracious to me personally, knowing my passion for this issue. I want to specifically thank him for introducing Inhofe Amendment 1, which will take at least a step in the right direction in requiring that the Fish and Wildlife Service post notice when the traps are being used and collect data on the non-target animals injured and killed.

I am not going to ask for a vote today, as I talked with the Chairman. I will withdraw my amendment. But, dear God, I hope that we can continue to work together to focus on this issue, along with the bill's sponsors, in order to try to address what I think is a level of cruelty that is unbecoming of the greatness of our Nation.

[The text of the amendment to S. 659 offered by Senator Booker follows:]

S. 659, Booker #1

This Amendment would limit the use of certain indiscriminate and inhumane body-gripping traps in the National Wildlife Refuge System. The amendment would preserve the authority of the United States Fish and Wildlife Service to utilize such traps if determined necessary for certain management purposes including: to control an invasive species population; to protect migratory birds; to protect a federally listed threatened or endangered species; to protect a Refuge System infrastructure investment or facility; to engage in scientific research; to protect public safety; or to prevent the spread of a zoonotic disease.

Booker #1

AMENDMENT NO. _____ Calendar No. _____

Purpose: To limit the use of body-gripping traps in the National Wildlife Refuge System.

IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.

S. 659

To protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. BOOKER

Viz:

- 1 At the end, add the following:
- 2 **SEC. ____ . POSSESSION OR USE OF BODY-GRIPPING TRAP**
- 3 **PROHIBITED.**
- 4 The National Wildlife Refuge System Administration
- 5 Act of 1966 is amended—
- 6 (1) by inserting before section 4 (16 U.S.C.
- 7 668dd) the following:
- 8 **"SECTION 1. SHORT TITLE.**
- 9 "This Act may be cited as the 'National Wildlife Ref-
- 10 uge System Administration Act of 1966'.";
- 11 (2) by redesignating section 5 (16 U.S.C.
- 12 668ce) as section 2 and moving that section so as

2

1 to appear after section 1 (as added by paragraph
2 (1));

3 (3) in paragraph (14) of section 2 (as so redesi-
4 gnated), by striking "section 4(a)(1)" and inserting
5 "section 3(a)(1)";

6 (4) by redesignating section 4 (16 U.S.C.
7 668dd) as section 3; and

8 (5) by inserting after section 3 (as so redesi-
9 gnated) the following:

10 **"SEC. 4. POSSESSION OR USE OF BODY-GRIPPING TRAP**

11 **PROHIBITED.**

12 "(a) DEFINITIONS.—In this section:

13 "(1) BODY-GRIPPING TRAP.—

14 "(A) IN GENERAL.—The term 'body-grip-
15 ping trap'—

16 "(i) means any device that is intended
17 to kill or capture wildlife by physically re-
18 straining any part of the animal; and

19 "(ii) includes any steel-jaw, padded,
20 or other modified leghold trap, Conibear or
21 other kill-type trap, snare trap, or any
22 modified version of any such trap.

23 "(B) EXCLUSIONS.—The term 'body-grip-
24 ping trap' does not include any—

25 "(i) cage or box trap;

3

1 “(ii) suitcase-type live beaver trap; or

2 “(iii) mouse or rat snap trap.

3 “(2) MANAGEMENT PURPOSE.—The term ‘man-

4 agement purpose’ means an action authorized by the

5 Director—

6 “(A) to control an invasive species popu-

7 lation;

8 “(B) to protect migratory birds;

9 “(C) to protect a federally listed threat-

10 ened or endangered species;

11 “(D) to protect a System infrastructure in-

12 vestment or facility;

13 “(E) to engage in scientific research;

14 “(F) to protect public safety;

15 “(G) to prevent the spread of a zoonotic

16 disease; or

17 “(H) to prevent the violation of the terms

18 of a written agreement between the Federal

19 Government and an Indian tribe entered into on

20 a date that is before the date of enactment of

21 the Bipartisan Sportsmen’s Act of 2016.

22 “(b) PROHIBITION.—No person may possess or use

23 a body-gripping trap in the System.

24 “(c) EXEMPTIONS.—

1 “(1) SUBSISTENCE USE IN ALASKA.—Sub-
2 section (b) shall not apply in the case of subsistence
3 uses (as that term is defined in section 803 of the
4 Alaska National Interest Lands Conservation Act
5 (16 U.S.C. 3113)) in the State of Alaska.

6 “(2) COORDINATION AREAS.—Subsection (b)
7 shall not apply in coordination areas designated as
8 of the day before the date of enactment of the Bi-
9 partisan Sportsmen’s Act of 2016.

10 “(3) CERTAIN EASEMENTS.—Subsection (b)
11 shall not apply on System property—

12 “(A) for which the Service does not have
13 fee title ownership; and

14 “(B) on which the property owner retains
15 control over the management of wildlife re-
16 sources pursuant to the terms of a written ease-
17 ment agreement.

18 “(4) CERTAIN UNITED STATES FISH AND WILD-
19 LIFE SERVICE MANAGEMENT ACTIONS.—Subsection
20 (b) shall not apply if a refuge manager issues—

21 “(A) a written determination that all viable
22 non-lethal alternatives to a body-gripping trap
23 have been—

24 “(i) attempted; and

25 “(ii) unsuccessful; and

1 “(B) a written authorization for the use of
2 a body-gripping trap for a specific management
3 purpose.

4 “(d) PENALTIES.—Any person who violates sub-
5 section (b) shall be subject to the penalties described in
6 section 3(f).

7 “(e) FORFEITURE OF BODY-GRIPPING TRAP.—Any
8 body-gripping trap that is possessed or used in violation
9 of this section, and any wildlife captured by the use of
10 the trap, including the pelt or raw fur, shall be subject
11 to forfeiture to the United States in accordance with the
12 provisions of chapter 46 of title 18, United States Code,
13 relating to civil forfeitures.

14 “(f) PAYMENT OF COURT COSTS AND OTHER ASSO-
15 CIATED EXPENSES.—A person found to be in violation of
16 subsection (b) shall pay all court costs associated with the
17 violation.

18 “(g) NOTICE AND REPORTING.—

19 “(1) NOTICE.—

20 “(A) IN GENERAL.—The Director shall
21 post on the System website and on the website
22 of the relevant refuge notice of any authorized
23 use of a body-gripping trap for a management
24 purpose before the commencement of that au-

1 thorized use and throughout the period in which
2 any body-gripping trap is in use.

3 “(B) CONTENTS.—The notice described in
4 subparagraph (A) shall include a copy of—

5 “(i) the written determination de-
6 scribed in subsection (c)(4)(A); and

7 “(ii) the written authorization de-
8 scribed in subsection (c)(4)(B).

9 “(2) REPORT.—Not later than December 31 of
10 each year, beginning after the first full fiscal year of
11 implementation of the Bipartisan Sportsmen’s Act of
12 2016, the Director shall submit to the Committee on
13 Natural Resources of the House of Representatives
14 and the Committee on Environment and Public
15 Works of the Senate a report that describes actions
16 taken under this section in the preceding fiscal year,
17 including—

18 “(A) the identification of any refuge in
19 which the use of a body-gripping trap was au-
20 thorized, the management purpose for which
21 authorization was granted, and a description of
22 any non-lethal management and control method
23 used before the authorization was granted;

24 “(B) the types of body-gripping traps used
25 and a determination of whether the use of a

7

1 body-gripping trap was successful for the in-
2 tended management purpose;

3 “(C) the number and species of animals,
4 including target and non-target species, that
5 were captured in body-gripping traps on refuges
6 in which the use of body-gripping traps were
7 authorized; and

8 “(D) a description of any injuries sus-
9 tained by non-target animals caused directly or
10 indirectly by the capture of those non-target
11 animals in body-gripping traps on refuges in
12 which body-gripping traps were authorized.”.

Senator INHOFE. Thank you, Senator Booker, and thank you for the passion that you are addressing here. I know what your concern is; you have expressed it before this Committee, and I will look forward to working with you between now and the floor time to see if something can be done. Thank you for your cooperation.

Senator BOOKER. Thank you, Senator.

Senator INHOFE. Senator Sullivan, you are the other one that had a special request, and we would like to recognize you.

I will remind the members here that the text that we are working with right now on S. 659 is one that we distributed. All the changes we made were taking out those provisions that were already addressed in the NDAA, as well as the Consolidated Appropriations Act. Senator Sullivan?

Senator SULLIVAN. Thank you, Mr. Chairman, and thank you for your leadership on this bill. I appreciate the bipartisan way in which we have been focused on it.

Mr. Chairman, my amendment that I am introducing this morning would prohibit the U.S. Fish and Wildlife Service from implementing a recently proposed rule that preempts State management authority that Alaska was actually promised under the terms of our statehood compact and further guaranteed under the Alaska National Interest Lands Conservation Act, ANILCA. And, Mr. Chairman, one of the reasons I have to leave early is I am going to hear a U.S. Supreme Court case on ANILCA that is going to start in about 45 minutes, a big, big case for Alaska.

I think not many folks would dispute the fact that Alaska has probably the best management of fish and game of any State, of any country in the world. Yet, these proposed regulations, as currently written by the Fish and Wildlife Service, would fundamentally alter not only how we now manage wildlife refuges and the fish and wildlife habitats on them, but would also change the relationship of the Fish and Wildlife Service and the individual States from one of cooperation, which it should be, to subservience.

With these new proposed regulations, which I want to emphasize to the Committee only focus on Alaska, Federal regs that only focus on Alaska, the Fish and Wildlife Service will administratively impose the irregulatory action, a regime that will preempt science-based management approved by the Alaska Board of Game in an open and public process. This is a perfect example of where an agency philosophically disagrees with Federal law, so they bypass the will of Congress and seek to regulate policy through their regulations, again, just on one State. Where the agency directors are so far removed from the original statutory language is what we refer to as Federal overreach at its worst.

And no matter what anyone says about this regulation, it is not about stopping predatory control. The Fish and Wildlife Service uses predatory control. The Fish and Wildlife Service uses extensive predatory control and programs to eliminate the Arctic fox, to boost the Pacific Black Brant populations on the Yukon Delta Refuge, to kill mountain lions in Arizona to support the bighorn sheep, or the barred owl to enhance the survival of the spotted owl. They use these methods right now, the Fish and Wildlife Service does.

This action of the Fish and Wildlife Service is simply about controlling resources in my State. The proposed rule is opposed by the

State of Alaska. It is proposed by the Alaska delegation, the entire congressional delegation; it is opposed by the Association of Fish and Wildlife agencies representing the interests of all 50 States, and they have expressly opposed this in terms of many, many communities throughout the Country in terms of the hunting and fishing community. So I urge a yes vote on my amendment.

But I would like to just mention one final thing, Mr. Chairman. As I mentioned, this, I believe, is the kind of issue where I would urge my colleagues to show deference to what is going on in a single State. So, for example, in my State, Democrats and Republicans, our Governor, who is an Independent, our lieutenant Governor, who is a Democrat, they are all opposed to this reg. And it is just one reg, the Federal Government focused solely on Alaska, where we have a tremendous record of managing fish and game.

This would be similar, and I am going to use a few examples, my friend and colleague, Senator Boxer, if the Federal Government came out with a reg solely focused on the movie industry only in California; or, Senator Carper, the Federal Government coming out with a reg solely focused on the Delaware chemical industry; or, Senator Cardin, the Federal Government solely coming out with a reg focusing on Maryland crabs. In that instance I would expect, and certainly hope, that when you spoke on the issue, we would give you some deference here.

This is, once again, and I am going to go to the Supreme Court here in 30 minutes on another issue where the Federal Government, in regulations, is solely focusing on trying to control my State, and I would ask my colleagues on both sides of the aisle for a yes vote on an issue which is enormously important to the State of Alaska.

Thank you, Mr. Chairman.

[The text of the amendment to S. 659 offered by Senator Sullivan follows:]

S. 659, Sullivan_1

16 JAN 19 AM 10:21

The amendment prohibits the U.S. Fish and Wildlife Service from issuing the proposed rule, "Non-Subsistence Take of Wildlife, and Public Participation and Closure Procedures, on National Wildlife Refuges in Alaska" (81 Fed. Reg. 887 (January 8, 2016)), or a similar rule.

MCC16047

S.L.C.

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Sullivan - 1



AMENDMENT NO. _____

Calendar No. _____

Purpose: To prohibit the Director of the United States Fish and Wildlife Service from issuing a final rule relating to predator harvest on National Wildlife Refuges in the State of Alaska.

IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.

S. 659

To protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. SULLIVAN

Viz:

- 1 At the end, add the following:
- 2 **SEC. ____ . PROHIBITION ON ISSUANCE OF FINAL RULE.**
- 3 The Director of the United States Fish and Wildlife
- 4 Service shall not issue a final rule that—
- 5 (1) succeeds the proposed rule entitled “Non-
- 6 Subsistence Take of Wildlife, and Public Participa-
- 7 tion and Closure Procedures, on National Wildlife
- 8 Refuges in Alaska” (81 Fed. Reg. 887 (January 8,
- 9 2016)); or
- 10 (2) is substantially similar to that proposed
- 11 rule.

Senator INHOFE. Questions to Senator Sullivan? Others who want to be heard?

Senator BOXER. Yes, I do.

Senator INHOFE. Senator Boxer.

Senator BOXER. We have a lot of wilderness in our State, we have a lot of marine sanctuaries in our State, and we like it when we work with the Federal Government to tailor rules and regulations to our specific State. We appreciate it, because if you just do it for everybody, you may not answer.

Now, my understanding of this rule is that it is out for 2 weeks, and there is all kinds of time for public hearings. There is all kinds of time to weigh in. We are talking about wildlife refuges that are not owned by the State of Alaska, but owned and operated by the people of America, because we are one Nation under God. We think it is very important. And this rule may have to change. You could persuade me that maybe they are protecting wolves too much or protecting bears too much, it is fine. But the point of a refuge is to ensure that we protect species.

So, you know, I think the proposal aims to more effectively engage the public by broadening notification outreach methods, ensuring consultation with Tribes in the State, and allowing for additional opportunities for the public to provide input. I honestly think to do this, I don't remember really ever doing this in this Committee, stopping a rule before it has even been issued and stopping the rulemaking process. Again, it just started 2 weeks ago. The comment period just started. I think we ought to let this run its course. And the Senator may be able to well influence me to say, Barbara, take a look at this, they go too far in protecting the bears. I am very open to it.

But I would just argue this. You know, we see this issue popping up all the time, people taking over a Federal area, saying you have no right to tell us what to do, etcetera, etcetera. It is a big issue. And my answer to it is that this is one Country; that we all prosper together, we all do well together when we protect God's creations; and if we overreach as a Government, that is bad, and we should pull in.

So I am hoping the Senator will withdraw this amendment. I would hope we could work together. I will work with him if it is an overreach and overstep, but I don't think we should stop this in its course. I think it is precedent-setting and I don't think it is right.

Senator INHOFE. Thank you, Senator Boxer.

Senator SULLIVAN. Mr. Chairman, if I may respond very quickly. And I appreciate Senator Boxer's comments, but there is a fundamental issue here. The statehood compact by which Alaska became a State, the Alaska National Interest Lands Conservation Act, what we call in Alaska ANILCA, all of these, granted by the Congress, authority for the State to manage our fish and wildlife throughout the entire State, Federal and State lands. That is what we were granted by Congress. So this is just an attempt through regulations to limit State management of the State of Alaska lands, State and Federal, and that was what we were promised, that is what is in Federal law.

So I agree with Senator Boxer in that, yes, there is a big principle at stake here: the management of Alaska's lands, State and Federal, which were guaranteed by Congress to be managed by State officials is now being usurped by this reg. So I am going to move forward and respectfully ask for a vote on my amendment.

Senator BOXER. If I could respond very briefly.

Senator INHOFE. Senator Boxer.

Senator BOXER. Thank you so much.

I respect that totally. I just want to say that my understanding from my legal team here is that there was nothing in those agreements that overrode Federal law to conserve and preserve our wild-life refuges. It may be this thing winds up in the court. I just think what we are doing here is not going to fly. It is not going to go. The President will veto the thing, if it gets that far, and I think that it probably won't even get that far. I just hope we don't stop rules before they are completed, because you may be satisfied. What could happen is as a result of the outpouring of comments, it could be they decide to take another crack at it or change it or pull back. I just hate to see us act in this way prematurely.

The Senator may be right in his feelings, and I really respect him and like him and the rest, but I do think that we should let this run its course first. But that is the last I will say and we will be governed by the vote.

Senator INHOFE. Thank you, Senator Boxer.

My feeling is the most compelling argument is the rule that is proposed is opposed by the State of Alaska, by the Democrats and Republicans there, the delegation, and I would urge a yes vote.

Do you move your amendment?

Senator SULLIVAN. I move a vote on Sullivan Amendment No. 1.

Senator INHOFE. Is there a second?

Senator VITTER. Second.

Senator INHOFE. The Clerk will call the roll.

The CLERK. Mr. Barrasso?

Senator BARRASSO. Aye.

The CLERK. Mr. Booker?

Senator BOXER. No by proxy.

The CLERK. Mr. Boozman?

Senator INHOFE. Let's go back and repeat that.

The CLERK. Mr. Barrasso?

Senator BARRASSO. Aye.

The CLERK. Mr. Booker?

Senator BOXER. No by proxy.

The CLERK. Mr. Boozman?

Senator INHOFE. Aye by proxy.

The CLERK. Mrs. Boxer?

Senator BOXER. No.

The CLERK. Mrs. Capito?

Senator CAPITO. Aye.

The CLERK. Mr. Cardin?

Senator CARDIN. No.

The CLERK. Mr. Carper?

Senator BOXER. No by proxy.

The CLERK. Mr. Crapo?

Senator CRAPO. Aye.

The CLERK. Mrs. Fischer?

Senator INHOFE. Aye by proxy.

The CLERK. Mrs. Gillibrand?

Senator GILLIBRAND. No.

The CLERK. Mr. Markey?

Senator BOXER. No by proxy.

The CLERK. Mr. Merkley?

Senator MERKLEY. No.

The CLERK. Mr. Rounds?

Senator ROUNDS. Aye.

The CLERK. Mr. Sanders?

Senator BOXER. No by proxy.

The CLERK. Mr. Sessions?

Senator INHOFE. Aye by proxy.

The CLERK. Mr. Sullivan?

Senator SULLIVAN. Aye.

The CLERK. Mr. Vitter?

Senator VITTER. Aye.

The CLERK. Mr. Whitehouse?

Senator BOXER. No by proxy.

The CLERK. Mr. Wicker?

Senator INHOFE. Aye by proxy.

The CLERK. Mr. Chairman?

Senator INHOFE. Aye.

The CLERK. Mr. Chair, the yeas are 11, nays 9.

Senator INHOFE. And the amendment is agreed to.

Yes, Senator Cardin. We will go back and forth, as I said in my opening remarks, so we will recognize Senator Cardin.

Senator CARDIN. I appreciate that. As I explained to the Chairman privately, the Senate Foreign Relations Committee is having a hearing on Iran, and I am ranking on that committee, so I will be going back and forth.

Mr. Chairman, I filed five amendments. I am going to offer two of those amendments at this time, and let me explain that.

The Cardin Amendment No. 1, which reauthorizes the Neotropical Migratory Bird Conservation Act through Fiscal Year 2020, this has been taken up individually by this Committee and has been, I believe, unanimously approved, that deals with the neotropical migratory birds that are critically important to our environment.

Cardin Amendment No. 2 reauthorizes the National Fish and Wildlife Foundation. I know this has been approved previously by the Committee, and I would urge they be included.

I would like to speak to Cardin Amendment 3, 4 and 5. I will not be offering them, but I think they are important. I bring them up. The reason I am not going to be offering them, quite frankly, Mr. Chairman, is I don't believe the votes are here to pass them, and our staffs have worked very constructively to try to figure out how we can get changes here.

Amendment 3 would authorize the U.S. Fish and Wildlife Service to recover response costs and damages for individuals and entities that damage a national wildlife refuge. This is identical to the authority that our National Park Service has and it is basically a practical way in which our wildlife refuges can get the responsible

parties that have caused damage the funds to repair those damages. It has worked in our national park system and it is critically important we include that in our refuge under U.S. Fish and Wildlife Service.

I hope we can work this out to the satisfaction of the members of this Committee before the bill reaches the floor, because I do think it is important that we get this done in this Congress.

The other two amendments that I am offering deal with some of the provisions that are already in the bill that are going to need to be addressed if this bill is going to be able to make it enactment into law. One would give the Environmental Protection Agency the ability to at least investigate the impact of lead ammunition or sports fishing equipment and components so that at least we have the information. I think, at a minimum, we have to be able to allow the agency that has the responsibility here to be able to do its public service and inform the public as to risk issues.

And Cardin 5 would allow the Secretary of the Army to be able to make determinations that are necessary for protection of infrastructure and homeland security as it relates to the additional authorizations that are put on this bill in regards to the use of firearms.

I think both of those are common sense ways to deal with an overreach that is in the underlying bill and, quite frankly, if these amendments are approved, I think we have a pathway, although I am concerned about some of the additional additions we are adding to the bill today, but I think that the bill that was originally submitted, if these amendments were approved, I think you have the pathway for consideration on the floor of the U.S. Senate that will lead to the type of consensus that is going to be necessary to have floor time and to get this bill to the President's desk.

So these amendments are being offered in a way so that we can get to the finish line. As I told the Chairman, as I told the Ranking Member, we would like to get a sportsmen's package to the President for signature. We really would. And these amendments are offered in that regard so that we can in fact get a type of bill that can have the support necessary to get it enacted into law.

So, Mr. Chairman, with your consent, I would offer en bloc Cardin Amendment 1 and 2 and ask for its consideration.

[The text of Amendments No. 1 and 2 to S. 659 offered by Senator Cardin follows:]

16 JAN 19 AM 10: 22

AMENDMENT NO. Cardin 1 Calendar No. _____

Purpose: To reauthorize the Neotropical Migratory Bird Conservation Act.

IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.

S. 659

To protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by _____

Viz:

1 At the end, add the following:

2 **SEC. ____ . REAUTHORIZATION OF NEOTROPICAL MIGRA-**
3 **TORY BIRD CONSERVATION ACT.**

4 Section 10 of the Neotropical Migratory Bird Con-
5 servation Act (16 U.S.C. 6109) is amended to read as fol-
6 lows:

7 **"SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

8 "(a) IN GENERAL.—There is authorized to be appro-
9 priated to carry out this Act \$6,500,000 for each of fiscal
10 years 2015 through 2020.

11 "(b) USE OF FUNDS.—Of the amounts made avail-
12 able under subsection (a) for each fiscal year, not less than

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2

1 75 percent shall be expended for projects carried out at
2 a location outside of the United States.”.

16 JAN 19 AM 10: 22

AMENDMENT NO. Cardin 2 Calendar No. _____

Purpose: To improve the National Fish and Wildlife Foundation Establishment Act.

IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.

S. 659

To protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by _____

Viz:

- 1 At the end, add the following:
- 2 **SEC. _____ . NATIONAL FISH AND WILDLIFE FOUNDATION**
- 3 **ESTABLISHMENT ACT.**
- 4 (a) BOARD OF DIRECTORS OF THE FOUNDATION.—
- 5 (1) IN GENERAL.—Section 3 of the National
- 6 Fish and Wildlife Foundation Establishment Act (16
- 7 U.S.C. 3702) is amended—
- 8 (A) in subsection (b)—
- 9 (i) by striking paragraph (2) and in-
- 10 sserting the following:
- 11 “(2) IN GENERAL.—After consulting with the
- 12 Secretary of Commerce and considering the rec-

1 ommendations submitted by the Board, the Sec-
2 retary of the Interior shall appoint 28 Directors
3 who, to the maximum extent practicable, shall—

4 “(A) be knowledgeable and experienced in
5 matters relating to the conservation of fish,
6 wildlife, or other natural resources; and

7 “(B) represent a balance of expertise in
8 ocean, coastal, freshwater, and terrestrial re-
9 source conservation.”; and

10 (ii) by striking paragraph (3) and in-
11 serting the following:

12 “(3) TERMS.—Each Director (other than a Di-
13 rector described in paragraph (1)) shall be appointed
14 for a term of 6 years.”; and

15 (B) in subsection (g)(2)—

16 (i) in subparagraph (A), by striking
17 “(A) Officers and employees may not be
18 appointed until the Foundation has suffi-
19 cient funds to pay them for their service.
20 Officers” and inserting the following:

21 “(A) IN GENERAL.—Officers”; and

22 (ii) by striking subparagraph (B) and
23 inserting the following:

1 “(B) EXECUTIVE DIRECTOR.—The Foun-
2 dation shall have an Executive Director who
3 shall be—

4 “(i) appointed by, and serve at the di-
5 rection of, the Board as the chief executive
6 officer of the Foundation; and

7 “(ii) knowledgeable and experienced in
8 matters relating to fish and wildlife con-
9 servation.”.

10 (2) CONFORMING AMENDMENT.—Section
11 4(a)(1)(B) of the North American Wetlands Con-
12 servation Act (16 U.S.C. 4403(a)(1)(B)) is amended
13 by striking “Secretary of the Board” and inserting
14 “Executive Director of the Board”.

15 (b) RIGHTS AND OBLIGATIONS OF THE FOUNDA-
16 TION.—Section 4 of the National Fish and Wildlife Foun-
17 dation Establishment Act (16 U.S.C. 3703) is amended—

18 (1) in subsection (c)—

19 (A) by striking “(c) POWERS.—To carry
20 out its purposes under” and inserting the fol-
21 lowing:

22 “(c) POWERS.—

23 “(1) IN GENERAL.—To carry out the purposes
24 described in”;

‡

1 (B) by redesignating paragraphs (1)
2 through (11) as subparagraphs (A) through
3 (K), respectively, and indenting appropriately;

4 (C) in subparagraph (D) (as redesignated
5 by subparagraph (B)), by striking “that are in-
6 sured by an agency or instrumentality of the
7 United States” and inserting “at 1 or more fi-
8 nancial institutions that are members of the
9 Federal Deposit Insurance Corporation or the
10 Securities Investment Protection Corporation”;

11 (D) in subparagraph (E) (as redesignated
12 by subparagraph (B)), by striking “paragraph
13 (3) or (4)” and inserting “subparagraph (C) or
14 (D)”;

15 (E) in subparagraph (J) (as redesignated
16 by subparagraph (B)), by striking “; and” and
17 inserting a semicolon;

18 (F) by striking subparagraph (K) (as re-
19 designated by subparagraph (B)) and inserting
20 the following:

21 “(K) to receive and administer restitution
22 and community service payments, amounts for
23 mitigation of impacts to natural resources, and
24 other amounts arising from legal, regulatory, or
25 administrative proceedings, subject to the con-

1 dition that the amounts are received or admin-
2 istered for purposes that further the conserva-
3 tion and management of fish, wildlife, plants,
4 and other natural resources; and

5 “(L) to do acts necessary to carry out the
6 purposes of the Foundation.”; and

7 (G) by striking the undesignated matter at
8 the end and inserting the following:

9 “(2) TREATMENT OF REAL PROPERTY.—

10 “(A) IN GENERAL.—For purposes of this
11 Act, an interest in real property shall be treated
12 as including easements or other rights for pres-
13 ervation, conservation, protection, or enhance-
14 ment by and for the public of natural, scenic,
15 historic, scientific, educational, inspirational, or
16 recreational resources.

17 “(B) ENCUMBERED REAL PROPERTY.—A
18 gift, devise, or bequest may be accepted by the
19 Foundation even though the gift, devise, or be-
20 quest is encumbered, restricted, or subject to
21 beneficial interests of private persons if any
22 current or future interest in the gift, devise, or
23 bequest is for the benefit of the Foundation.

24 “(3) SAVINGS CLAUSE.—The acceptance and
25 administration of amounts by the Foundation under

1 paragraph (1)(K) does not alter, supersede, or limit
2 any regulatory or statutory requirement associated
3 with those amounts.”;

4 (2) by striking subsections (f) and (g); and

5 (3) by redesignating subsections (h) and (i) as
6 subsections (f) and (g), respectively.

7 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
8 10 of the National Fish and Wildlife Foundation Estab-
9 lishment Act (16 U.S.C. 3709) is amended—

10 (1) in subsection (a), by striking paragraph (1)
11 and inserting the following:

12 “(1) IN GENERAL.—There are authorized to be
13 appropriated to carry out this Act for each of fiscal
14 years 2015 through 2020—

15 “(A) \$15,000,000 to the Secretary of the
16 Interior;

17 “(B) \$5,000,000 to the Secretary of Agri-
18 culture; and

19 “(C) \$5,000,000 to the Secretary of Com-
20 merce.”;

21 (2) in subsection (b)—

22 (A) by striking paragraph (1) and insert-
23 ing the following:

24 “(1) AMOUNTS FROM FEDERAL AGENCIES.—

7

1 “(A) IN GENERAL.—In addition to the
2 amounts authorized to be appropriated under
3 subsection (a), Federal departments, agencies,
4 or instrumentalities may provide Federal funds
5 to the Foundation, subject to the condition that
6 the amounts are used for purposes that further
7 the conservation and management of fish, wild-
8 life, plants, and other natural resources in ac-
9 cordance with this Act.

10 “(B) ADVANCES.—Federal departments,
11 agencies, or instrumentalities may advance
12 amounts described in subparagraph (A) to the
13 Foundation in a lump sum without regard to
14 when the expenses for which the amounts are
15 used are incurred.

16 “(C) MANAGEMENT FEES.—The Founda-
17 tion may assess and collect fees for the manage-
18 ment of amounts received under this para-
19 graph.”;

20 (B) in paragraph (2)—

21 (i) in the paragraph heading, by strik-
22 ing “FUNDS” and inserting “AMOUNTS”;

23 (ii) by striking “shall be used” and in-
24 serting “may be used”; and

1 (iii) by striking “and State and local
2 government agencies” and inserting “,
3 State and local government agencies, and
4 other entities”; and

5 (C) by adding at the end the following:

6 “(3) ADMINISTRATION OF AMOUNTS.—

7 “(A) IN GENERAL.—In entering into con-
8 tracts, agreements, or other partnerships pursu-
9 ant to this Act, a Federal department, agency,
10 or instrumentality shall have discretion to waive
11 any competitive process applicable to the de-
12 partment, agency, or instrumentality for enter-
13 ing into contracts, agreements, or partnerships
14 with the Foundation if the purpose of the waiv-
15 er is—

16 “(i) to address an environmental
17 emergency resulting from a natural or
18 other disaster; or

19 “(ii) as determined by the head of the
20 applicable Federal department, agency, or
21 instrumentality, to reduce administrative
22 expenses and expedite the conservation and
23 management of fish, wildlife, plants, and
24 other natural resources.

1 “(B) REPORTS.—The Foundation shall in-
2 clude in the annual report submitted under sec-
3 tion 7(b) a description of any use of the author-
4 ity under subparagraph (A) by a Federal de-
5 partment, agency, or instrumentality in that fis-
6 cal year.”; and

7 (3) by adding at the end the following:

8 “(d) USE OF GIFTS, DEVISES, OR BEQUESTS OF
9 MONEY OR OTHER PROPERTY.—Any gifts, devises, or be-
10 quests of amounts or other property, or any other amounts
11 or other property, transferred to, deposited with, or other-
12 wise in the possession of the Foundation pursuant to this
13 Act, may be made available by the Foundation to Federal
14 departments, agencies, or instrumentalities and may be
15 accepted and expended (or the disposition of the amounts
16 or property directed), without further appropriation, by
17 those Federal departments, agencies, or instrumentalities,
18 subject to the condition that the amounts or property be
19 used for purposes that further the conservation and man-
20 agement of fish, wildlife, plants, and other natural re-
21 sources.”.

22 (d) LIMITATION ON AUTHORITY.—Section 11 of the
23 National Fish and Wildlife Foundation Establishment Act
24 (16 U.S.C. 3710) is amended by inserting “exclusive” be-
25 fore “authority”.

Senator INHOFE. All right, thank you, Senator Cardin.

Did you want to be heard?

Let me just make one comment on Cardin No. 2. This reauthorizes the National Fish and Wildlife Foundation for 5 years as opposed to doing it 1 year at a time. I would urge a yes vote on Cardin No. 2.

And on Cardin No. 1, the objection that we hear is that it does set aside \$6.5 million each year for 5 years. However, that would also have to be appropriated at that time, and very likely that would not be, so I am not going to object to that.

Anyone else want to be heard?

Senator BOXER. Yes, Mr. Chairman.

Senator INHOFE. Senator Boxer.

Senator BOXER. Well, I am pleased you won't be objecting. I would just say that Cardin No. 1, which reauthorizes the Neotropical Migratory Bird Conservation Act, is very important. It is a small little gem and it encourages habitat protection, education, research, monitoring, and capacity building to provide for the long-term protection of these migratory birds. And I just wanted to thank Senator Cardin for his work on both of these and will put the rest of my statement in the record, if it is OK with you.

Senator INHOFE. That is fine.

Senator BOXER. OK.

Senator INHOFE. Without objection.

[The prepared statement of Senator Boxer follows:]

TPs Cardin Amendment #1

I would like to speak about Cardin Amendment #1. This amendment would reauthorize the Neotropical Migratory Bird Conservation Act through fiscal year 2020. This Act encourages habitat protection, education, researching, monitoring, and capacity building to provide for the long-term protection of neotropical migratory birds. The program provides grants for projects in the United States, Canada, Latin America and the Caribbean that conserve neotropical migratory birds. The matching requirements for the grant program leverages funding from a range of non-governmental sources. I urge my colleagues to vote "Yes" on the Cardin amendment to reauthorize this important and highly successful program.

Senator INHOFE. Let me just make one comment.

Senator Cardin, we are wanting to take these up one at a time. There may be some. So, if you don't mind.

Senator CARDIN. Not at all. I would then move Cardin Amendment No. 1. And let me just make one final point. One of the neotropical birds is the Baltimore Oriole, and it needs all the help it can get.

[Laughter.]

Senator INHOFE. There is a motion to accept Cardin Amendment No. 1. Is there a second?

Senator BOXER. Second.

Senator INHOFE. There is a second.

All in favor say aye.

[Chorus of ayes.]

Senator INHOFE. Opposed, no.

[No audible response.]

Senator INHOFE. The ayes have it.

Now, Senator Cardin, you are recognized.

Senator CARDIN. I offer Cardin Amendment No. 2, which is the National Fish and Wildlife Foundation reauthorization.

Senator INHOFE. Is there a second?

Senator BOXER. Yes.

Senator INHOFE. There is a second.

All those in favor say aye.

[Chorus of ayes.]

Senator INHOFE. Opposed, no.

[No audible response.]

Senator INHOFE. The ayes have it. Both amendments, 1 and 2, are recognized.

We now move over to the Republican side. Who wants to be heard on an amendment? Senator Crapo.

Senator CRAPO. Thank you, Mr. Chairman. I call up the Crapo-Carper-Fischer Amendment No. 1 regarding pesticides over water.

Senator INHOFE. All right. You are recognized.

Senator CRAPO. Mr. Chairman, the Committee should be very familiar with this amendment, so I won't go into a lot of detailed background, and Senator Fischer has already made some remarks.

But it is based on Senate Bill 1500, the Sensible Environmental Protection Act, which the Committee acted on last summer. We want to take a moment to note its connection to the issues covered in this Sportsmen's Act, such as public lands, outdoor recreation, fish and wildlife, and why that bill is an appropriate measure to discuss this issue.

Pesticides are a tool utilized by property owners, land and wildlife managers to combat invasive species, manage vegetation, and promote healthy forests, range lands, and waterways which provide habitat for fish and wildlife. Examples of pesticide application benefits impacting the Sportsmen's Act issues include invasive pests where aerial insecticide applications have been used to control and eradicate invasive species such as the Douglas-Fir Tussock Moth and the Asian and European gypsy moths. If uncontained, these pests can defoliate entire forests, which impact wildlife habitat and stream temperatures that are vital to a number of our fish species.

Vegetation management. Aquatic herbicides are one tool used to control vegetation in riparian habitats, which is important to maintaining healthy ecosystems for water fowl, migratory birds, and promotes robust hunting and outdoor recreation experiences.

Invasive plants. Federal land management agencies use pesticides to combat invasive weeds, such as cheatgrass, to encourage the reestablishment of native plants. These efforts help promote healthy range land habitats and the wildlife that depend on them.

It is important to remember that a pesticide may not be used in or near water unless EPA approved labels are available and specifically states that it is OK to do so. The EPA provides this labeling requirement and the requirements for application of these pesticides under FIFRA, a full statutory authority regime which is currently being effectively administered by the EPA. Requiring an NPDES permit for these same types of pesticide applications is just another layer of needless regulation.

And, by the way, it is one the EPA doesn't even agree with. The EPA has said that they are adequately and safely managing these issues through FIFRA and do not need the NPDES requirements. This diverts budgets, staff time, and agency resources to activities that do not improve environmental health, hunting or fishing opportunities, and could better be spent executing on-the-ground management objectives.

I encourage all the members of the Committee to support this amendment.

Senator BOXER. Mr. Chairman.

Senator INHOFE. Senator Boxer.

Senator BOXER. Well, Mr. Chairman, with all due respect to everyone who supports this, it is an amendment in search of a problem. The EPA does not support this amendment. Let's get that straight. Today, under the rules, if you have an emergency and you have pests in a forest, you can spray and get a permit after. This is the least bureaucratic system I have seen. And we are not aware of anyone really complaining.

So here is what we have right now. You have to get a Clean Water Act permit if you are going to spray pesticides that wind up in a body of water. Now, you would think if we learned anything from Flint, Michigan, it is that we don't allow more contamination in bodies of water, where our kids can get horrific brain damage. This is ridiculous. This is terrible that the Environment Committee would be doing this. What is this, the pollution committee? This is outrageous.

Now, when pesticides get into waterways where our kids swim and waterways that provide drinking water for our families, we know we are exposing our people to substances that are known to be toxic. You know, we are sitting here as if this is some academic exercise, when we see what has happened in Flint, where people are going to go to jail because of what happened, and our first activity responding to that is this amendment. It shocks me. It shocks me.

Pesticides have been linked to a variety of human health impacts. The easy ones: irritation of the skin and eyes. Oh, maybe that is not so bad. But what about the fact that there can be neurotoxins that impact the nervous system, impact during the

gestation and adolescent development of children, disrupt the hormone or endocrine system? And some have even been identified as carcinogens. That is the impact to people. And it doesn't even touch on what it does to the fisheries.

Over a billion pounds of pesticides are used annually in the U.S., and the USGS has found that 61 percent of agricultural streams and 90 percent of urban streams were contaminated with one or more pesticides. Pesticide pollution is a problem, so what does the Environment Committee do first thing after Flint? Oh, you don't have to get a permit; just spray your hearts away. I don't get it. This public health safeguard has been in place since 2011. Contrary to the fears of industry, it has not stopped the use of pesticides. But it does ensure that pesticides are used in a responsible way so that our streams, our waterways where our kids swim and where they drink the water are not contaminated.

You know, again, if it is an emergency, you can spray and get the permit after. We should not be interfering, in light of Flint in particular, with safeguards designed to protect public health. I hope that we can either withdraw this thing. I think it is an embarrassment to this Committee. I know I am going to talk about it at home. I just don't see why this Environment Committee would do this.

And, again, I will close on this, I know I do go on, but I have never had a constituent in all my years, I have been in public life for 40 years in elected office, come up to me and say the water is too pure, the air is too clean. On the contrary, they say, Barbara, just make sure you protect us; we don't want to be in a situation where we don't know what our kids are exposed to. And, with that, I would hope we would withdraw this thing, work on it before we get to the floor, to make it a big issue, and I don't think that is a happy option.

Senator CARDIN. Mr. Chairman?

Senator INHOFE. Senator Cardin.

Senator CARDIN. I want to concur with Senator Boxer's observations. If this amendment is on the bill, if it gets on the floor, it will probably be the centerpiece of the discussion, not the sportsmen's package. It will take it over. There have been numerous efforts over the last 2 years to get this bill passed. This is not a new issue that is coming up.

And it is interesting, since we have seen this regulatory framework, as Senator Boxer has pointed out, there has been zero complaints. It is working. The current system is working. We are not hearing from the stakeholders that there is a problem. So what we are doing is opening up a huge hole in protection that could very well be abused and cause a significant public health issue, and we are not solving a burdensome problem for the stakeholders because they don't have one today.

So, look, I really do, I couldn't agree more with Senator Boxer. If this gets on the bill, this bill is going to have a serious problem, and I think people need to understand that.

Senator CRAPO. Mr. Chairman, could I respond?

Senator INHOFE. Senator Crapo.

Senator CRAPO. This is really not an issue or a problem that is seeking for a solution, a non-existing problem. And if my colleagues

are not hearing about it, then I don't know which stakeholders they are listening to. This is becoming a huge problem across the Country. We have had bipartisan support for fixing this now for several years. And you are right, we continue to run into these objections, but these objections are not founded. The fact is that with this amendment we are trying to reestablish the Environmental Protection Agency's original policy regarding the applicability of FIFRA and the Clean Water Act.

And to answer legal questions concerning the two statutes, the EPA itself issued a regulation in 2006 stating that the Agency did not interpret FIFRA-compliant pesticide applications as discharges and pollutants, and that such applications did not need a permit. The system up until then had operated fine and there was no problem needing this solution that has been forced on it.

More recently, on February 16, 2011, at a joint hearing held by the Subcommittees of the House Agriculture and Transportation Committees, Dr. Steven Bradbury, the Director of the EPA Office of Pesticide Programs, testified that FIFRA fully protects water resources. I am going to repeat that: FIFRA fully protects water resources. This is his quote from that hearing: "In sum, EPA uses its full regulatory authority under FIFRA to ensure that pesticides do not cause unreasonable adverse effects on human health or the environment, including our Nation's water resources," said Dr. Bradbury.

This is an issue where the EPA has made it clear that there is a solution seeking a problem, rather than the other way around. I want to reiterate that a pesticide may not be used in or near water unless the EPA has approved the label under FIFRA and it specifically states that it is OK to do so. These are the types of pesticides used and applications we are talking about with this amendment.

The notion that pesticides not approved for use in or near aquatic habitats are being released into water without regulation prior to the 2009 court ruling is simply not true.

Senator BOXER. Mr. Chairman, if I could respond.

Senator CRAPO. Well, I do have just a little more to say, but I would be willing to do it after you.

Senator BOXER. Sure. No, no.

Senator INHOFE. I suggest that you go ahead, because he needs to close debate.

Senator CRAPO. OK, let's do that.

Senator BOXER. You got it.

Senator INHOFE. Senator Boxer.

Senator BOXER. You got it.

Let's be clear about FIFRA. FIFRA is a labeling requirement, period. That was it. And guess how this came about? A lawsuit by the people of our great Nation who said, wait a minute, we have a Clean Water Act and we have no protection from these pesticides. And the courts ruled it and it changed everything. And what you are doing here is ignoring that history, making people think that EPA has all this power to regulate, when all they do have power is to put a label on the pesticide.

This is serious stuff. This is straight out of somebody's nightmare following up on Flint. Unbelievable. You see what is going on over

there with children, and this is saying now that we will go back to where they just have to put a label on the pesticide so we know what is poisoning our children. No, that is not going to happen. It is not. It is not going to happen, because a lot of us are going to stand on the floor who would otherwise support that Sportsmen's bill and say this is an outrage.

I think you are making a big mistake, Mr. Chairman, to allow this to move forward. Now, knowing you, I don't think you shy away from a fight, and you will probably let it go. But I just, because you are my dear friend, want you to know the strong feelings that those of us have who have watched this thing in Flint, where kids may never recover, may never recover. And it was done to them by a government that said we can't stand regulation. All right? That is what happens, folks. There are prices to be paid. Usually you don't find out about it for 20 years, but we found out about Flint.

So what we should be doing here is the opposite of what we are doing. How do we strengthen our laws to protect our families? How do we make sure that our children aren't poisoned? Instead, what are we doing? We are taking away a program that works fine and we are going back to a program that was so weak that it caused a lawsuit where the courts ruled under the Clean Water Act we have to do more. And getting a permit before you spray a pesticide that could be harmful does not seek to me to be outrageous.

And if you go out in the street, I don't care whether it is in Idaho or California or right here, and say before people spray pesticides, do you think that somebody ought to look at the situation to make sure that it can't really get in the water and poison the fish, poison the children, poison our families? I think most people would say, you know, I think it is worth being a little careful here.

So, again, I speak from my heart, as you know I always do, just because I don't want you to be blindsided, Mr. Chairman, when we come down in full force and say we are not taking up any bill that would allow us to put poisons into waterways.

Senator INHOFE. Thank you, Senator Boxer.

We will recognize Senator Crapo to conclude debate.

I would only observe that this has been driven by a partnership. I have always been a real fan of the partnership, so we have people, Federal, State, local agencies, conservations, sportsmen's organizations, private landowners, and business sector. So I will urge a yes vote.

Senator CRAPO. Well, thank you, Mr. Chairman. I would just say, again, as I said just a moment ago, all of these problems that the opponents of this amendment are bringing up are not a result of pesticide applications under FIFRA. The fact is that EPA itself testified that the waterways, because of FIFRA activities, are fully being protected. So one can bring up issues from somewhere else and say that that justifies some kind of an increased government regulatory system being imposed on another entire aspect of our conduct of our pest management, but it doesn't make it true.

And the truth is that I think we all agree on the nature of the importance of protecting the environment and human health. Pesticides should only be used when necessary, and applicators must

follow all State, Federal, and local laws that have been established to accomplish that.

FIFRA is not just a labeling requirement; there are requirements in terms of the conduct and application of pesticides under FIFRA. And my concern is that the overregulation of these applications can have unintended consequences.

And I will conclude with this. It has been said several times today that nobody has a problem with the new regime, there are no problems being caused. That also is untrue. It is becoming a huge problem, which is why we have bipartisan support for this, and have had bipartisan support for years. And I could go through examples. I will just use one. I have pages of examples here.

But just a few years ago, forests in Northern Idaho, my State, had an invasive moth outbreak that defoliated thousands of acres of trees. And while private landowners initiated a treatment, State forestry managers opted to not treat neighboring lands specifically due to the NPDES requirement because of the increased regulatory load. And the increased regulatory burden that is being put into place, the activities that we need to be engaged in for the kinds of invasive species and pest management that I described earlier are not happening, and the costs are being driven up and the impacts are big. That is why this issue is so important.

I think this is one of the biggest issues that the Farm Bureau is focusing on in this Congress. It is a big issue for our sportsmen and for people across this Country, and for those who want to use these beautiful resources that we have in our Country and want them to be able to be managed properly. This is a critical issue that we need to address.

Thank you, Mr. Chairman.

Mr. INHOFE. Thank you, Senator.

I would observe that this is bipartisan; Senator Carper, Senator Coons, Senator Donnelly, and others.

What do you do with your amendment?

Senator CRAPO. Mr. Chairman, I do move the amendment.

Senator INHOFE. Is there a second?

Senator VITTER. Second.

Senator INHOFE. There is a second. The Clerk will call the roll.

The CLERK. Mr. Barrasso?

Senator BARRASSO. Aye.

The CLERK. Mr. Booker?

Senator BOXER. No by proxy.

The CLERK. Mr. Boozman?

Senator BOOZMAN. Yes.

The CLERK. Mrs. Boxer?

Senator BOXER. No.

The CLERK. Mrs. Capito?

Senator CAPITO. Yes.

The CLERK. Mr. Cardin?

Senator CARDIN. No.

The CLERK. Mr. Carper?

Senator BOXER. Aye by proxy.

The CLERK. Mr. Crapo?

Senator CRAPO. Aye.

The CLERK. Mrs. Fischer?

Senator INHOFE. Aye by proxy.

The CLERK. Mrs. Gillibrand?

Senator GILLIBRAND. No.

The CLERK. Mr. Markey?

Senator BOXER. No by proxy.

The CLERK. Mr. Merkley?

Senator MERKLEY. No.

The CLERK. Mr. Rounds?

Senator ROUNDS. Aye.

The CLERK. Mr. Sanders?

Senator BOXER. No by proxy.

The CLERK. Mr. Sessions?

Senator INHOFE. Aye by proxy.

The CLERK. Mr. Sullivan?

Senator INHOFE. Aye by proxy.

The CLERK. Mr. Vitter?

Senator VITTER. Yes.

The CLERK. Mr. Whitehouse?

Senator BOXER. No by proxy.

The CLERK. Mr. Wicker?

Senator INHOFE. Aye by proxy.

The CLERK. Mr. Chairman?

Senator INHOFE. Aye.

The CLERK. Mr. Chairman, the yeas are 12, the nays are 8.

Senator INHOFE. And the amendment is agreed to.

I will go to the Democrat side for those wanting to propose amendments. Yes, Senator Merkley.

Senator MERKLEY. Thank you very much, Mr. Chairman. I am going to speak to an amendment, but I am not going to ask for a vote on it. Specifically, I wanted to address Merkley No. 1, the Columbia River Basin Restoration Act.

This is an Act which has not had a hearing yet. It is related to a conversation on how we go about having an effort to address long-time chemical contamination of the Columbia River. This is parallel to the bills that are already law for the Chesapeake Bay, for the Great Lakes, for the Gulf of Mexico, for Lake Champlain, Long Island, Pacific Islands, Puget Sound, San Francisco Bay, South Florida. In other words, every great body of water in the Country except the Columbia.

So I would like to work with my colleagues, Senator Crapo and others, who have States that are on the Columbia River, find a way that this bill could have the kind of flexibility that might suit different circumstances in different States, but still enable those States that wish to follow the model so effectively pursued on great waters across the Country apply that assistance to the Columbia River.

People may be surprised to find out that more water rolls through the Columbia River than any other river in the Country, including the Mississippi. Mississippi is much wider, but a lot slower and a lot shallower.

Senator INHOFE. A lot warmer.

Senator MERKLEY. And the Mississippi is a lot warmer.

So I would appreciate working with the Chairman to have a hearing on this at some point in the future.

[The text of the amendment to S. 659 offered by Senator Merkley follows:]

Merkley # 1.

EDW16014

S.L.C.

AMENDMENT NO. _____ Calendar No. _____

Purpose: To amend the Federal Water Pollution Control Act to establish within the Environmental Protection Agency a Columbia River Basin Restoration Program.

IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.

S. 659

To protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. MERKLEY

Viz:

- 1 At the end, add the following:
- 2 **SEC. ____ . COLUMBIA RIVER BASIN RESTORATION.**
- 3 Title I of the Federal Water Pollution Control Act
- 4 (33 U.S.C. 1251 et seq.) is amended by adding at the end
- 5 the following:
- 6 **"SEC. 123. COLUMBIA RIVER BASIN RESTORATION.**
- 7 **"(a) DEFINITIONS.—**
- 8 **"(1) ACTION PLAN.—**
- 9 **"(A) IN GENERAL.—**The term 'Action
- 10 Plan' means the Columbia River Basin Toxics
- 11 Reduction Plan developed by the Environmental

2

1 Protection Agency and the Columbia River
2 Toxics Reduction Working Group in 2010.

3 “(B) INCLUSIONS.—The term ‘Action
4 Plan’ includes any amendments to the plan.

5 “(2) COLUMBIA RIVER BASIN.—The term ‘Co-
6 lumbia River Basin’ means the entire United States
7 portion of the Columbia River watershed.

8 “(3) ESTUARY PARTNERSHIP.—The term ‘Es-
9 tuary Partnership’ means the Lower Columbia River
10 Estuary Partnership, an entity created by the States
11 of Oregon and Washington and the Environmental
12 Protection Agency under section 320.

13 “(4) ESTUARY PLAN.—

14 “(A) IN GENERAL.—The term ‘Estuary
15 Plan’ means the Estuary Partnership Com-
16 prehensive Conservation and Management Plan
17 adopted by the Environmental Protection Agen-
18 cy and the Governors of Oregon and Wash-
19 ington on October 20, 1999, under section 320.

20 “(B) INCLUSIONS.—The term ‘Estuary
21 Plan’ includes any amendments to the plan.

22 “(5) LOWER COLUMBIA RIVER ESTUARY.—The
23 term ‘Lower Columbia River Estuary’ means the
24 mainstem Columbia River from the Bonneville Dam

1 to the Pacific Ocean and tidally influenced portions
2 of tributaries to the Columbia River in that region.

3 “(6) MIDDLE AND UPPER COLUMBIA RIVER
4 BASIN.—The term ‘Middle and Upper Columbia
5 River Basin’ means the region consisting of the
6 United States portion of the Columbia River Basin
7 above Bonneville Dam.

8 “(7) PROGRAM.—The term ‘Program’ means
9 the Columbia River Basin Restoration Program es-
10 tablished under subsection (b)(1)(A).

11 “(8) WORKING GROUP.—The term ‘Working
12 Group’ means—

13 “(A) the Columbia River Basin Toxics Re-
14 duction Working Group established under sub-
15 section (c); and

16 “(B) with respect to the Lower Columbia
17 River Estuary, the Estuary Partnership.

18 “(b) COLUMBIA RIVER BASIN RESTORATION PRO-
19 GRAM.—

20 “(1) ESTABLISHMENT.—

21 “(A) IN GENERAL.—The Administrator
22 shall establish within the Environmental Protec-
23 tion Agency a Columbia River Basin Restora-
24 tion Program for the purposes of reducing toxic

4

1 contamination and cleaning up contaminated
2 sites throughout the Columbia River Basin.

3 “(B) NO EFFECT ON EXISTING AUTHOR-
4 ITY.—The Program shall not modify any legal
5 or regulatory authority or program in effect as
6 of the date of enactment of this section, includ-
7 ing the roles of Federal agencies in the Colum-
8 bia River Basin.

9 “(C) RELATIONSHIP TO EXISTING ACTIVI-
10 TIES.—The Program shall—

11 “(i) build on the work and collabor-
12 ative structure of the existing Columbia
13 River Toxics Reduction Working Group
14 representing the Federal Government,
15 State, tribal, and local governments, indus-
16 try, and nongovernmental organizations,
17 which was convened in 2005 to develop a
18 collaborative toxic contamination reduction
19 approach for the Columbia River Basin;

20 “(ii) in the Lower Columbia River
21 Basin and Estuary, build on the work and
22 collaborative structure of the Estuary
23 Partnership;

24 “(iii) coordinate with other efforts, in-
25 cluding activities of other Federal agencies

5

1 in the Columbia River Basin, to avoid du-
2 plicating activities or functions; and

3 “(iv) not impede implementation of
4 existing agreements or other recovery and
5 mitigation programs.

6 “(2) SCOPE OF PROGRAM.—The Program shall
7 consist of a collaborative stakeholder-based program
8 for reducing toxic contamination throughout the Co-
9 lumbia River Basin.

10 “(3) DUTIES.—The Administrator shall—

11 “(A) assess trends in water quality and
12 toxic contamination or toxics reduction, includ-
13 ing trends that affect uses of the water of the
14 Columbia River Basin;

15 “(B) collect, characterize, and assess data
16 on toxics and water quality to identify possible
17 causes of environmental problems;

18 “(C) provide the Working Group with
19 data, analysis, reports, or other information;

20 “(D) provide technical assistance to the
21 Working Group, and to State governments,
22 tribal governments, and local governments par-
23 ticipating in the Working Group, to assist those
24 agencies and entities in—

6

1 “(i) developing updates to the Action
2 Plan;

3 “(ii) recommending and prioritizing
4 projects and actions for the Action Plan;
5 and

6 “(iii) reviewing progress and effective-
7 ness of projects and actions implemented,
8 as well as cumulative progress toward the
9 goals of this section, and the Action Plan;

10 “(E) periodically update the Action Plan
11 and the Estuary Plan as required by counsel,
12 and ensure that those plans, when considered
13 together and in light of relevant plans developed
14 by other Federal or State agencies, form a co-
15 herent toxic contamination reduction strategy
16 for the Columbia River Basin;

17 “(F) track progress toward meeting the
18 identified goals and objectives of the Action
19 Plan by coordinating and reporting environ-
20 mental data related to the Action Plan and the
21 Estuary Plan and making the data and reports
22 on the data available to the public; and

23 “(G) provide grants in accordance with
24 subsection (d) for projects that—

25 “(i) assist in—

7

- 1 “(I) eliminating or reducing pol-
2 lution;
3 “(II) cleaning up contaminated
4 sites;
5 “(III) improving water quality;
6 “(IV) monitoring to evaluate
7 trends;
8 “(V) reducing runoff;
9 “(VI) protecting habitat; or
10 “(VII) promoting citizen engage-
11 ment or knowledge;
12 “(ii) address the goals, tasks, or ac-
13 tion items in the Action Plan or the Estu-
14 ary Plan; and
15 “(iii) are recommended by the Work-
16 ing Group to implement the Estuary Plan.

17 “(e) STAKEHOLDER WORKING GROUP.—

18 “(1) ESTABLISHMENT.—The Administrator
19 shall establish a Columbia River Basin Toxics Re-
20 duction Working Group.

21 “(2) MEMBERSHIP.—

22 “(A) IN GENERAL.—Membership in the
23 Working Group shall be on a voluntary basis
24 and any person invited by the Administrator
25 under this subsection may decline membership.

8

1 “(B) INVITED REPRESENTATIVES.—The
2 Administrator shall invite, at a minimum, rep-
3 resentatives of—

4 “(i) each State located in whole or in
5 part within the Columbia River Basin;

6 “(ii) the Governors of each State lo-
7 cated in whole or in part with the Colum-
8 bia River Basin;

9 “(iii) each federally recognized Indian
10 tribe in the Columbia River Basin;

11 “(iv) local governments located in the
12 Columbia River Basin;

13 “(v) industries operating in the Co-
14 lumbia River Basin that affect or could af-
15 fect water quality;

16 “(vi) electric, water, and wastewater
17 utilities operating in the Columba River
18 Basin;

19 “(vii) private landowners in the Co-
20 lumbia River Basin;

21 “(viii) soil and water conservation dis-
22 tricts in the Columbia River Basin;

23 “(ix) nongovernmental organizations
24 that have a presence in the Columbia River
25 Basin;

1 “(x) the general public in the Colum-
2 bia River Basin; and

3 “(xi) the Estuary Partnership.

4 “(3) GEOGRAPHIC REPRESENTATION.—The
5 Working Group shall include representatives from—

6 “(A) each State; and

7 “(B) each of the Lower, Middle, and
8 Upper Basins of the Columbia River.

9 “(4) DUTIES AND RESPONSIBILITIES.—The
10 Working Group shall—

11 “(A) participate in developing updates to
12 the Action Plan, including by providing com-
13 ments on the updates;

14 “(B) recommend and prioritize projects
15 and actions for the Action Plan; and

16 “(C) review the progress and effectiveness
17 of projects and actions implemented, as well as
18 cumulative progress toward the goals of this
19 section, and the Action Plan.

20 “(5) LOWER COLUMBIA RIVER ESTUARY.—

21 “(A) ESTUARY PARTNERSHIP.—

22 “(i) IN GENERAL.—The Estuary Part-
23 nership shall perform the duties and fulfill
24 the responsibilities of the Working Group
25 described in paragraph (4) as those duties

10

1 and responsibilities relate to the Lower Co-
2 lumbia River Estuary for such time as the
3 Estuary Partnership is the management
4 conference for the Lower Columbia River
5 National Estuary Program under section
6 320.

7 “(ii) DESIGNATION.—If the Estuary
8 Partnership ceases to be the management
9 conference for the Lower Columbia River
10 National Estuary Program under section
11 320, the Administrator may designate the
12 new management conference to assume the
13 duties and responsibilities of the Working
14 Group described in paragraph (4) as those
15 duties and responsibilities relate to the
16 Lower Columbia River Estuary.

17 “(B) ESTUARY PLAN.—

18 “(i) IN GENERAL.—The Estuary Plan
19 shall function as the Action Plan for the
20 Lower Columbia River Estuary for such
21 time as there is an Estuary Plan in place
22 pursuant to section 320.

23 “(ii) INCORPORATION.—If the Estu-
24 ary Partnership is removed from the Na-
25 tional Estuary Program, the duties and re-

1 sponsibilities for the lower 146 miles of the
2 Columbia River pursuant to this Act shall
3 be incorporated into the duties of the
4 Working Group.

5 “(d) GRANTS.—

6 “(1) IN GENERAL.—The Administrator shall es-
7 tablish a voluntary, competitive Columbia River
8 Basin toxics program to provide grants to State gov-
9 ernments, tribal governments, regional water pollu-
10 tion control agencies and entities, local government
11 entities, nongovernmental entities, or soil and water
12 conservation districts to develop or implement
13 projects authorized under this section for the pur-
14 pose of implementing the Action Plan and the Estu-
15 ary Plan.

16 “(2) FEDERAL SHARE.—

17 “(A) IN GENERAL.—Except as provided in
18 subparagraph (B), the Federal share of the cost
19 of any project or activity carried out using
20 funds from a grant provided to any person (in-
21 cluding a State, tribal, or local government or
22 interstate or regional agency) under this sub-
23 section for a fiscal year—

24 “(i) shall not exceed 75 percent of the
25 total cost of the project or activity; and

12

1 “(ii) shall be made on condition that
2 the non-Federal share of that total cost
3 shall be provided from non-Federal
4 sources.

5 “(B) EXCEPTIONS.—With respect to cost-
6 sharing for a grant provided under this sub-
7 section—

8 “(i) a tribal government may use Fed-
9 eral funds for the non-Federal share; and

10 “(ii) the Administrator may increase
11 the Federal share under such cir-
12 cumstances as the Administrator deter-
13 mines to be appropriate.

14 “(3) ALLOCATION.—In making grants using
15 funds appropriated to carry out this section, the Ad-
16 ministrators shall—

17 “(A) provide not less than 25 percent of
18 the funds to make grants for projects, pro-
19 grams, and studies in the Lower Columbia
20 River Estuary;

21 “(B) provide not less than 25 percent of
22 the funds to make grants for projects, pro-
23 grams, and studies in the Middle and Upper
24 Columbia River Basin, which includes the
25 Snake River Basin; and

13

1 “(C) retain for Environmental Protection
2 Agency not more than 5 percent of the funds
3 for purposes of implementing this section.

4 “(4) REPORTING.—

5 “(A) IN GENERAL.—Each grant recipient
6 under this subsection shall submit to the Ad-
7 ministrators reports on progress being made in
8 achieving the purposes of this section.

9 “(B) REQUIREMENTS.—The Administrator
10 shall establish requirements and timelines for
11 recipients of grants under this section to report
12 on progress made in achieving the purposes of
13 this section and the goals of the Action Plan
14 and the Estuary Plan.

15 “(5) RELATIONSHIP TO OTHER FUNDING.—

16 “(A) IN GENERAL.—Nothing in this sec-
17 tion limits the eligibility of the Estuary Part-
18 nership to receive funding under section 320(g).

19 “(B) LIMITATION.—None of the funds
20 made available under this subsection may be
21 used for the administration of a management
22 conference under section 320.

23 “(e) ANNUAL BUDGET PLAN.—The President, as
24 part of the annual budget submission of the President to
25 Congress under section 1105(a) of title 31, United States

1 Code, shall submit information regarding each Federal
2 agency involved in protection and restoration of the Co-
3 lumbia River Basin, including an interagency crosscut
4 budget that displays for each Federal agency—

5 “(1) the amounts obligated for the preceding
6 fiscal year for protection and restoration projects,
7 programs, and studies relating to the Columbia
8 River Basin;

9 “(2) the estimated budget for the current fiscal
10 year for protection and restoration projects, pro-
11 grams, and studies relating to the Columbia River
12 Basin; and

13 “(3) the proposed budget for protection and
14 restoration projects, programs, and studies relating
15 to the Columbia River Basin.

16 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
17 is authorized to be appropriated to the Administrator to
18 carry out this section \$50,000,000 for each of fiscal years
19 2016 through 2021, to remain available until expended.”.

Senator INHOFE. Thank you, Senator Merkley.

On the Republican side? Senator Boozman.

Senator BOOZMAN. Thank you, Mr. Chairman. I would like to call up my amendment, Boozman No. 1. This amendment is identical to legislation that the Committee passed by voice vote in the 113th Congress. Senator Boxer was very helpful in her support in marking it up at that time. The purpose is to encourage joint cooperative management at Corps of Engineers recreational sites and facilities.

Current law enables the Corps to enter into cooperative agreements with non-Federal public and private entities to provide for operation and management of recreation facilities and natural resources at civil works projects. These partnerships help ensure that Corps recreation facilities are well maintained and remain open. These agreements also ensure that natural resources are conserved and protected.

For many years, the Corps used its existing authority to allow partners to collect and reinvest user fees. However, based on a 2013 legal review, the Corps determined that this practice exceeds existing statutory authority. Unfortunately, some recreation sites and facilities are difficult, if not impossible, to maintain or keep open without partnership support.

The 2013 ruling is hurting communities and it is discouraging the friends and partners and volunteers who contribute so much to the improvement of Corps recreation sites. This amendment would reestablish the positive partnerships that were built over many years. The Corps values these partnerships and would like to strengthen them and maintain them. This amendment restores the practice that existed before the September 2013 guidance was issued.

I look forward to working with the Committee on this issue as the legislation moves forward, and I would ask for my colleagues' support.

If the Chairman is willing, I would be happy to move the amendment by voice vote.

[The text of Amendment No. 1 to S. 659 offered by Senator Boozman follows:]

S. 659 – Boozman Amendment #1

Summary – Current law (33 U.S.C. § 2328) enables the Corps of Engineers to enter into cooperative agreements with non-Federal public and private entities to provide for operation and management of recreation facilities and natural resources at civil works projects. These partnerships help ensure that Corps recreation facilities are well-maintained and remain open.

These agreements also help ensure that natural resources are conserved and protected. For many years, the Corps used its authority in Section 2328 to enter into Cooperative Joint Management agreements and leases allowing partners to collect and reinvest recreation user fees. On September 12, 2013, Corps Headquarters released new guidance disallowing this practice. Based on a legal review, the Corps determined that this practice exceeds existing statutory authority by allowing partners to collect user fees and reinvest the proceeds to maintain and improve Corps facilities.

This Amendment restores the practice that existed before the September 2013 guidance was issued.

EDW16029

S.L.C.

AMENDMENT NO. _____ Calendar No. _____

Purpose: To encourage cooperative joint management at recreational facilities operated by the Corps of Engineers.

IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.

S. 659

To protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. BOOZMAN

Viz:

- 1 At the end, add the following:
- 2 **SEC. ____ . CHALLENGE COST-SHARING PROGRAM FOR MAN-**
- 3 **AGEMENT OF RECREATION FACILITIES.**
- 4 Section 225 of the Water Resources Development Act
- 5 of 1992 (33 U.S.C. 2328) is amended—
- 6 (1) by redesignating subsection (c) as sub-
- 7 section (d); and
- 8 (2) by inserting after subsection (b) the fol-
- 9 lowing:
- 10 “(c) USER FEES.—
- 11 “(1) COLLECTION OF FEES.—

1 “(A) IN GENERAL.—The Secretary may
2 allow a non-Federal public or private entity that
3 has entered into an agreement pursuant to sub-
4 section (b) to collect user fees for the use of de-
5 veloped recreation sites and facilities, whether
6 developed or constructed by that entity or the
7 Department of the Army.

8 “(B) USE OF VISITOR RESERVATION SERV-
9 ICES.—A public or private entity described in
10 subparagraph (A) may use to manage fee col-
11 lections and reservations under this section any
12 visitor reservation service that the Secretary
13 has provided for by contract or interagency
14 agreement, subject to such terms and condi-
15 tions as the Secretary determines to be appro-
16 priate.

17 “(2) USE OF FEES.—A non-Federal public or
18 private entity that collects user fees under para-
19 graph (1) may—

20 “(A) retain up to 100 percent of the fees
21 collected, as determined by the Secretary; and

22 “(B) notwithstanding section 210(b)(4) of
23 the Flood Control Act of 1968 (16 U.S.C.
24 460d-3(b)(4)), use that amount for operation,

3

1 maintenance, and management at the recre-
2 ation site at which the fee is collected.

3 “(3) TERMS AND CONDITIONS.—The authority
4 of a non-Federal public or private entity under this
5 subsection shall be subject to such terms and condi-
6 tions as the Secretary determines necessary to pro-
7 tect the interests of the United States.”.

Senator INHOFE. First, Senator Boxer.

Senator BOXER. I wish to speak in support of the Boozman amendment. I won't take the Committee's time to say why. I think he speaks for me. Most important thing is this amendment restores an important source of funds for the operations and maintenance of civil works, and I think it is important and I am proud to support it.

Senator BOOZMAN. Thank you, Senator Boxer.

Senator INHOFE. And I might also just make a comment to get in the record. We have done this before. Any time you have the private sector willing to put up resources to take care of a public need, it is a good idea. So I think this carries on that good idea and would be in strong support if it.

Before we ask for a voice vote, does this mean you would not be offering your second amendment?

Senator BOOZMAN. No, sir, just the first.

Senator INHOFE. Yes. All right, fine.

Senator MERKLEY. Mr. Chairman.

Senator INHOFE. Oh, yes, Senator Merkley.

Senator MERKLEY. Thank you, Mr. Chairman. I wanted to speak in support of this. We have an example in my State, a partnership between Sherman County and the Army Corps, in which the Corps no longer can afford to operate a park and boat landing the way they have in the past. It would make a lot of sense for the county to be able to take over this valuable asset to the community or receive the fees back from the operation. We have run into red tape on this. I think this amendment would help in this specific situation and I am very supportive of the amendment.

Thank you.

Senator INHOFE. Thank you.

Senator Boozman, do you move your amendment?

Senator BOOZMAN. I ask to move the amendment.

Senator INHOFE. Second?

Senator VITTER. Second.

Senator INHOFE. All in favor say aye.

[Chorus of ayes.]

Senator INHOFE. Opposed, no.

[No audible response.]

Senator INHOFE. The ayes have it and it is agreed to.

On the Democrat side, amendments?

Senator BOXER. Not for this.

Senator INHOFE. Oh, all right. Senator Boxer, which amendment do you have?

Senator BOXER. OK, I call up Boxer Amendment No. 1.

Senator INHOFE. OK, Boxer Amendment No. 1.

Senator BOXER. This amendment modifies Section 2, which creates a new permanent exemption from the Toxic Substances Control Act for a wide array of sport fishing equipment. Section 2 prevents the EPA from ever acting to address a dangerous chemical, such as lead, in fishing equipment, even if the science is clear that it is harming people's health. Again we get back to lead and the problem that lead causes, particularly in children.

So instead of burying our heads in the sand and ignoring potential impacts to children and families, I think we should make sure

that experts can continue to look at this issue and alert us if any concerns arise.

So what I do is I just hone in on lead and say lead is not exempt from TSCA and everything else is exempt, but we want to make sure that we have a study to make sure that that is not harming our kids. I tried very hard to work with the Majority to get this change. Couldn't do it. I don't anticipate we are going to get it, but, again, in light of Flint, I think this is another critical issue, so I am going to ask for a recorded vote on this amendment, knowing full well I don't think I have cracked the barrier on the other side.

[The text of Amendment No. 1 to S. 659 offered by Senator Boxer follows:]

S. 659, Boxer 1

The amendment makes the following changes to Sec. 2:

- Focuses the exemption from TSCA for sport fishing equipment on the lead content of such equipment.
- Adds a savings clause making clear that that the exemption does not affect other Federal laws or state or local laws.
- Requires EPA to report to Congress on the health impacts of lead in fishing equipment.

16 JAN 19 AM 10: 10

EDW16017

S.L.C.

AMENDMENT NO. _____ Calendar No. _____

Purpose: To modify a provision relating to the definition of sport fishing equipment under the Toxic Substances Control Act.

IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.

S. 659

To protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by _____

Viz:

1 On page 2, line 4, strike "Section 3(2)(B)" and insert
2 the following:

3 (a) IN GENERAL.—Section 3(2)(B)

4 On page 2, line 10, strike "any" and all that follows
5 through "1986" on line 12 and insert "the lead content
6 of any sport fishing equipment (as such term is defined
7 in paragraphs (1) through (5) of section 4162(a) of the
8 Internal Revenue Code of 1986".

2

1 On page 2, line 16, insert “the lead content of” be-
2 fore “sport fishing”.

3 On page 2, between lines 17 and 18, insert the fol-
4 lowing:

5 (b) **STUDY.**—Not later than 2 years after the date
6 of enactment of this Act and every 5 years thereafter, the
7 Administrator of the Environmental Protection Agency
8 shall carry out a study to evaluate the impacts to public
9 health or the environment of a chemical substance or mix-
10 ture in the articles described in clauses (v) and (vii) of
11 section 3(2)(B) of the Toxic Substances Control Act (15
12 U.S.C. 2602(2)(B)).

13 (c) **SUBMISSION TO CONGRESS.**—The Administrator
14 of the Environmental Protection Agency shall submit to
15 Congress the results of each study completed pursuant to
16 subsection (b).

17 (d) **SAVINGS CLAUSE.**—Nothing in this section or
18 any amendments made by this section affects or limits the
19 application of, or obligation to comply with, any other
20 Federal, State, or local law.

Senator INHOFE. With that last comment, I won't make my comments, then.

Senator BOXER. I speak for you in saying that?

Senator INHOFE. Yes.

Senator BOXER. I thought so.

[Laughter.]

Senator INHOFE. All those in favor of Boxer No. 1 say aye.

[Chorus of ayes.]

Senator INHOFE. Opposed, no.

[Chorus of noes.]

Senator BOXER. I ask for a recorded vote.

Senator INHOFE. The Clerk will call the roll.

The CLERK. Mr. Barrasso?

Senator BARRASSO. No.

The CLERK. Mr. Booker?

Senator BOXER. Aye by proxy.

The CLERK. Mr. Boozman?

Senator BOOZMAN. No.

The CLERK. Mrs. Boxer?

Senator BOXER. Aye.

The CLERK. Mrs. Capito?

Senator INHOFE. No by proxy.

The CLERK. Mr. Cardin?

Senator BOXER. Aye by proxy.

The CLERK. Mr. Carper?

Senator BOXER. Aye by proxy.

The CLERK. Mr. Crapo?

Senator CRAPO. No.

The CLERK. Mrs. Fischer?

Senator INHOFE. No by proxy.

The CLERK. Mrs. Gillibrand?

Senator GILLIBRAND. Aye.

The CLERK. Mr. Markey?

Senator BOXER. Aye by proxy.

The CLERK. Mr. Merkley?

Senator MERKLEY. Aye.

The CLERK. Mr. Rounds?

Senator ROUNDS. No.

The CLERK. Mr. Sanders?

Senator BOXER. Aye by proxy.

The CLERK. Mr. Sessions?

Senator INHOFE. No by proxy.

The CLERK. Mr. Sullivan?

Senator INHOFE. No by proxy.

The CLERK. Mr. Vitter?

Senator VITTER. No.

The CLERK. Mr. Whitehouse?

Senator BOXER. Aye by proxy.

The CLERK. Mr. Wicker?

Senator INHOFE. No by proxy.

The CLERK. Mr. Chairman?

Senator INHOFE. No.

The CLERK. Mr. Chairman, the yeas are 9, the nays are 2.

Senator INHOFE. Then the amendment is not agreed to.

Senator Vitter.

Senator VITTER. Mr. Chairman, I have two amendments on the agenda, but Vitter Amendment No. 1 I am going to withdraw. We are still working on a few points regarding that with members of the Committee. Excuse me, Vitter Amendment No. 2 I am going to withdraw. Vitter Amendment No. 1 I will take up.

This concerns the regulation of fisheries, particularly fisheries in the Gulf. There is a very odd situation in the Gulf, which is that Texas and Florida State regulation go out to nine nautical miles, but everything in between, Louisiana, Mississippi, Alabama, only go out to three nautical miles. This would equalize that at nine nautical miles. This was done specifically in the omnibus bill. Some Shelby language directly to this effect was included. It is strongly supported in the Gulf. I don't think it was controversial in that context.

This amendment would simply extend that permanently, since, by nature of it being an appropriation bill, the language in the omnibus would only have effect for one fiscal year. So I would offer this amendment, which has strong support in the Gulf.

[The text of Amendment No. 1 to S. 659 offered by Senator Vitter follows:]

Other modifications

AMENDMENT NO. _____ Calendar No. _____

Purpose: To establish the seaward boundaries of certain coastal States.

IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.

S. 659

To protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by _____

Viz:

- 1 At the end, add the following:
- 2 **SEC. ____ . SEAWARD BOUNDARIES.**
- 3 (a) **IN GENERAL.**—Section 4 of the Submerged
- 4 Lands Act (43 U.S.C. 1312) is amended—
- 5 (1) in the first sentence, by striking “The” and
- 6 inserting the following:
- 7 “(a) **GENERAL RULE.**—
- 8 “(1) **IN GENERAL.**—Except for the States de-
- 9 scribed in subsection (b), the”;
- 10 (2) in the second sentence, by striking “Any
- 11 State” and inserting the following:
- 12 “(2) **EXTENSIONS.**—Any State”;

1 (3) in the third sentence, by striking "Any
2 claim" and inserting the following:

3 "(3) CLAIMS.—Any claim";

4 (4) in the fourth sentence, by striking "Noth-
5 ing" and inserting the following:

6 "(4) PRIOR APPROVAL.—Nothing"; and

7 (5) by adding at the end the following:

8 "(b) SEAWARD BOUNDARIES OF CERTAIN COASTAL
9 STATES.—Subject to subsection (a), for ~~the purposes of~~
10 ~~fisheries management~~, the seaward boundary of each of
11 the following States shall be a line 3 marine leagues dis-
12 tant from the coast line of the State as of the date that
13 is 1 day before the date of enactment of this subsection:

*management activities pursuant
to the fishery
management plan
for the reef
fish resources of
the Gulf of
Mexico or any
amendment to
such plan*

14 "(1) Alabama.

15 "(2) Florida.

16 "(3) Louisiana.

17 "(4) Mississippi."

18 (b) CONFORMING AMENDMENTS.—Section 2 of the
19 Submerged Lands Act (43 U.S.C. 1301) is amended—

20 (1) in subsection (a)(2), by inserting " or 3
21 marine leagues distant from the coast line of a State
22 described in section 4(b)," after "the coast line of
23 each such State"; and

24 (2) in subsection (b)—

25 (A) by striking "from the coast line";

3

1 (B) by inserting “from the coast line of a
2 State, or more than 3 marine leagues from the
3 coast line of a State described in section 4(b),”
4 after “three geographical miles”; and

5 (C) by inserting “from the coast line of a
6 State, or more than 3 marine leagues from the
7 coast line of a State described in section 4(b),”
8 after “three marine leagues”.

Senator INHOFE. Yes. And I would only add that, from my experience down in Texas, this offers the recreational fishermen opportunities they have in Texas they don't have in Louisiana, Mississippi, and Alabama.

Others want to be heard?

Senator BOXER. Mr. Chairman.

Senator INHOFE. Senator Boxer.

Senator BOXER. I don't have a fish in this fight, but I will tell you who does, the Commerce Committee. They are very disturbed because it is under their jurisdiction; NOAA manages these species. And I have been asked by Senators Cantwell and Nelson to ask Senator Vitter not to offer it here. They are going to complain about it when we get this to the floor. It is up to him, but I would urge a no vote because our colleagues are saying it is damaging to take NOAA out of this equation.

Senator INHOFE. Thank you. Others want to be heard? Senator Vitter?

Senator VITTER. I would simply close by saying for an aye vote. It has great consensus support in the Gulf. It has in the Omnibus, which was obviously done by the Appropriations Committee, not the Commerce Committee. It was not highly controversial there, and I would urge an aye vote.

Senator INHOFE. Is there a second?

Senator CRAPO. Second.

Senator INHOFE. There is a second.

Senator VITTER. Excuse me. Let me urge an aye vote as modified. There was a modification made this morning to it, which I think everyone has.

Senator INHOFE. And there is a second. The Clerk will call the roll.

The CLERK. Mr. Barrasso?

Senator BARRASSO. Aye.

The CLERK. Mr. Booker?

Senator BOXER. No by proxy.

The CLERK. Mr. Boozman?

Senator INHOFE. Aye by proxy.

The CLERK. Mrs. Boxer?

Senator BOXER. No.

The CLERK. Mrs. Capito?

Senator INHOFE. Aye by proxy.

The CLERK. Mr. Cardin?

Senator BOXER. No by proxy.

The CLERK. Mr. Carper?

Senator BOXER. No by proxy.

The CLERK. Mr. Crapo?

Senator CRAPO. Aye.

The CLERK. Mrs. Fischer?

Senator INHOFE. Aye by proxy.

The CLERK. Mrs. Gillibrand?

Senator GILLIBRAND. No.

The CLERK. Mr. Markey?

Senator MARKEY. No.

The CLERK. Mr. Merkley?

Senator MERKLEY. No.

The CLERK. Mr. Rounds?

Senator ROUNDS. Aye.

The CLERK. Mr. Sanders?

Senator BOXER. No by proxy.

The CLERK. Mr. Sessions?

Senator INHOFE. Aye by proxy.

The CLERK. Mr. Sullivan?

Senator INHOFE. Aye by proxy.

The CLERK. Mr. Vitter?

Senator VITTER. Aye.

The CLERK. Mr. Whitehouse?

Senator BOXER. No by proxy.

The CLERK. Mr. Wicker?

Senator INHOFE. Aye by proxy.

The CLERK. Mr. Chairman?

Senator INHOFE. Aye.

The CLERK. Mr. Chairman, the yeas are 11, nays are 9.

Senator INHOFE. The amendment is agreed to.

From the Democrat side I would ask if there are any amendments to be brought up.

Senator BOXER. Yes. Yes, I do. Am I recognized?

Senator INHOFE. Senator Boxer.

Senator BOXER. Thank you.

So I have three amendments left. I am not going to offer Amendment No. 3, so you can take that off the list. And I am going to offer Amendment No. 2, if I might, Mr. Chairman.

This amendment, I hope we can support this amendment because, at the end of the day, it doesn't do any harm to the goal, but we do worry about a precedent-setting nature here.

In Section 4 we allow the importation of polar bears that were killed in Canada prior to the species being listed under the Endangered Species Act. So this provision in Section 4 is intended to be a one-time exemption for bears that were killed between the proposed listing and the final listing of the species.

Many conservation groups who cover Republicans and Democrats are very concerned that the provision as it is now sets a precedent for future exemptions because it directly amends the Marine Mammal Protection Act. So all we do in our amendment is say remove the provision from the Marine Mammal Protection Act, but keep it in the bill that there is this one-time allowance done.

So I think if you support allowing these bears to be brought in, but you don't want to amend the Marine Mammal Protection Act to set a precedent, you would support this, and that is why I offer it up. And I tried to get some agreement; I could not reach agreement with my colleague on it, so I would offer this up. I think it is important not to set a precedent by amending the Marine Mammal Protection Act but just say, sure, this is a one-time carve-out, it is fine.

[The text of Amendment No. 2 to S. 659 offered by Senator Boxer follows:]

S. 659, Boxer 2

The amendment modifies Sec. 4 to remove this provision from the Marine Mammal Protection Act while still authorizing the importation of legally-harvested polar bears.

16 JAN 19 AM 10:10

EDW16018

S.L.C.

AMENDMENT NO. _____ Calendar No. _____

Purpose: To modify provisions relating to permits for the importation of polar bear parts.

IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.

S. 659

To protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by _____

Viz:

1 Beginning on page 7, strike line 6 and all that follows
 2 through line 19 on page 8 and insert the following:
 3 (a) PERMITS FOR IMPORTATION OF POLAR BEAR
 4 PARTS.—Notwithstanding sections 101, 102, and
 5 104(d)(3) of the Marine Mammal Protection Act of 1972
 6 (16 U.S.C. 1371, 1372, 1374(d)(3)), the Secretary of the
 7 Interior shall, expeditiously after the date on which the
 8 applicable 30-day period described in section 104(d)(2) of
 9 that Act expires, issue a permit for the importation of any
 10 polar bear part (other than an internal organ) from a
 11 polar bear taken in a sport hunt in Canada to any per-
 12 son—

2

1 (1) who submitted, with a permit application
2 submitted before May 15, 2008, proof that the polar
3 bear was legally harvested by the person before Feb-
4 ruary 18, 1997; or

5 (2) who submitted, with a permit application
6 submitted before May 15, 2008, proof that the polar
7 bear was legally harvested by the person before May
8 15, 2008 from a polar bear population from which
9 a sport-hunted trophy could be imported before May
10 15, 2008, in accordance with section 18.30(i) of title
11 50, Code of Federal Regulations (or a successor reg-
12 ulation).

13 (b) APPLICABILITY OF PROHIBITION ON THE IMPOR-
14 TATION OF A DEPLETED SPECIES.—

15 (1) PARTS LEGALLY HARVESTED BEFORE FEB-
16 RUARY 18, 1997.—

17 (A) IN GENERAL.—Except as provided in
18 subparagraph (B), sections 101(a)(3)(B) and
19 102(b)(3) of the Marine Mammal Protection
20 Act of 1972 (16 U.S.C. 1371(a)(3)(B),
21 1372(b)(3)) shall not apply to the importation
22 of any polar bear part authorized by a permit
23 issued under subsection (a)(1).

3

1 (B) EXCEPTION.—Subparagraph (A) shall
2 not apply to polar bear parts imported before
3 June 12, 1997.

4 (2) PARTS LEGALLY HARVESTED BEFORE MAY
5 15, 2008.—

6 (A) IN GENERAL.—Except as provided in
7 subparagraph (B), sections 101(a)(3)(B) and
8 102(b)(3) of the Marine Mammal Protection
9 Act of 1972 (16 U.S.C. 1371(a)(3)(B),
10 1372(b)(3)) shall not apply to the importation
11 of any polar bear part authorized by a permit
12 issued under subsection (a)(2).

13 (B) EXCEPTION.—Subparagraph (A) shall
14 not apply to polar bear parts imported before
15 the date of enactment of the Bipartisan Sports-
16 men's Act of 2016.

Senator INHOFE. Thank you, Senator Boxer.

I would only observe that the current language was a result of lengthy negotiations with the Fish and Wildlife. They are supportive of the language. In fact, in a letter to the Committee from the Service dated April 15th of this past year, the Service thanks Senator Sullivan for incorporating their comments into the sportsmen's package.

I would urge a no vote.

Senator BOXER. Can I be clear on something? They do not support this. They have taken no position on it. So let's be clear. They would much prefer that we didn't amend the Marine Mammal Protection Act. They have told us they do not support it. They did give their comments. That is my understanding.

Senator INHOFE. Well, I would only read from their letter.

Senator BOXER. Sure.

Senator INHOFE. In Section 4, permits and so forth, the Administration supports this provision and thanks Senator Sullivan for incorporating the services, so forth.

Senator BOXER. OK. We hadn't seen that. We'll take it back.

Senator INHOFE. Ask that this be made a part of the record.

[The referenced information follows:]



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

APR 15 2015

The Honorable James M. Inhofe
Chairman, Committee on Environment and Public Works
U.S. Senate
Washington, D.C. 20510

This letter provides the views of the Department of the Interior on S. 659, the Bipartisan Sportsmen's Act of 2015. This legislation provides significant support for wildlife-dependent activities and the Administration supports most of its provisions. However, we oppose section 5 related to the baiting of migratory birds in its current form, and believe there are additional provisions that should be considered for inclusion in S. 659. We welcome the opportunity to work with Committee to provide additional information and assistance as you continue consideration of S. 659 and related legislation.

Section 3. Target practice and marksmanship

The Administration supports section 3, which will provide a more favorable cost share requirement under Pittman-Robertson for the construction and maintenance of shooting ranges by states. The Department previously testified in support of this provision on July 25, 2013, testimony before the former House Natural Resources Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs.

Section 4. Permits for importation of polar bear trophies taken in sport hunts in Canada

As the Department has testified in the 113th Congress, the Administration supports this provision and thanks Senator Sullivan for incorporating the Service's technical comments into this version of the legislation. Section 4 would allow those hunters who both applied for a permit and completed their legal hunt of a polar bear from an approved population prior to the ESA listing of the polar bear to import their polar bear trophies, provided that the hunter is required to submit proof that the bear was legally harvested in Canada from an approved population prior to the effective date of the ESA listing. The Administration does not support any broader changes to the MMPA that would allow additional sport-hunted polar bear trophies to be imported beyond those where hunters submitted their import permit application and completed their hunt prior to the ESA listing.

Section 5. Baiting of migratory game birds

In working with the four flyways and our state partners to establish hunting seasons and bag limits for migratory game birds and in enforcing the provisions of the Migratory Bird Treaty Act,

we take to heart both the agency's mandate to ensure sustainable populations of wild birds and our commitment to ensuring the perpetuation of hunting and other recreation associated with this resource. In this effort, we endeavor to create policy from statutory mandates for enforcement that can be fairly applied and can ensure that the intended conservation purpose behind the policy is met.

In 1997, Congress amended the Migratory Bird Treaty Act of 1918 (16 U.S.C. 703-712) (MBTA) to describe and prohibit baiting and to make it a criminal violation with a "known or reasonably should have known" prosecutorial standard. The Service's challenge in implementing this statutory provision is to ensure that implementing regulations can clarify what is "prohibited," so that hunters and farmers can know whether or not certain actions are prohibited and certain fields are off limits for hunting. The "known or reasonably should have known" standard requires the Service demonstrate state of mind when pursuing cases under the current provision.

We strongly oppose Section 5 of S. 659 because, although it preserves the MBTA prohibition on baiting, it greatly confuses enforcement of the baiting provision. The language in this section would require the Service to enforce such cases with the "known or reasonably should have known" standard when the determination about whether or not a field is "baited" would be unclear. Under Section 5, whether an area is considered "baited" can turn on determinations about agricultural practices made by the Service, Cooperative Extension, the States, or a crop insurer. Under this scenario, it may be difficult if not impossible for hunters to know whether an area is off limits or not—and could thus make enforcement of the statutory prohibition on baiting largely moot. The Department stands ready to assist in crafting language that can be enforceable and that can meet the Committee's purposes for this proposed amendment.

Section 7. North American Wetlands Conservation Act

The Administration strongly supports section 7, which would reauthorize North American Wetlands Conservation Act (NAWCA) through FY 2020. The Department previously testified in support of NAWCA reauthorization on August 2, 2013 before former House Natural Resources Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs.

NAWCA was originally passed by Congress in 1989 to support partnership efforts to protect and restore habitats for wetland-associated migratory birds. NAWCA provides matching grants to organizations, agencies, and individuals to carry out wetlands conservation projects in the United States, Canada, and Mexico. Since its inception, this program has been among the most successful leveraged funding mechanisms for the conservation of wetland habitats that benefit waterfowl and other birds, as well as other wildlife species.

Over the past 23 years we have witnessed remarkable achievements in conservation through this landmark legislation. Partnerships applying NAWCA funds to wetland conservation projects include nationally recognized conservation organizations, State fish and wildlife agencies, local governments, grass-roots organizations, and private landowners. These partnerships have supported thousands of cooperative projects across North America, leveraging billions of partner dollars and affecting more than 27 million acres of bird habitats.

Section 8. Multinational Species Conservation Funds Reauthorization

The Administration strongly supports section 8, which reauthorizes and makes certain amendments to the Multinational Species Conservation Funds (MSCFs). The Service has a long history of proactively addressing international wildlife species conservation. We work with private citizens, local communities, state and federal agencies, foreign governments, native peoples, and nongovernmental organizations to promote coordinated domestic and international strategies to protect, restore, and enhance wildlife and habitats. The Service is the agency charged with implementing the United States' obligations under several international conservation treaties, including the Convention on Wetlands of International Importance, the Convention on Nature Protection and Wild Life Preservation in the Western Hemisphere, and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Technical expertise and an on-the-ground presence through international agreements and other programs give the Service a unique role in conserving species and habitats around the world.

The MSCFs support the conservation of the African elephant and Asian elephant, rhinoceros, tigers, great apes, and marine turtles. The MSCFs have formed the foundation for hundreds of projects around the world to address the needs of these highly endangered species. The grant programs provide technical and cost-sharing grant assistance to range countries. The MSCFs provide opportunity for projects that otherwise would not get off the ground, encouraging other donors to support innovative and effective conservation efforts. They achieve significant leveraging of funds from a growing list of outside partners, which has greatly increased the impact of these grant programs. The MSCFs' leveraging achieved a \$1.60 match for every \$1.00 spent from 2006 through 2010.

With a modest investment, the MSCFs are able to promote unprecedented achievements in the conservation of elephants, rhinos, tigers, great apes, and marine turtles. The funds help secure the interest and commitment of governments and communities around the world. We firmly believe that the MSCFs are the most effective instrument in existence to provide immediate and long-term benefits for the conservation of these species.

The funds are of particular importance for African elephants and rhinoceros, which are being illegally killed at unprecedented rates and trafficked through criminal networks across the globe. The pace of the killing is staggering and if it is not slowed it will lead to the elimination of these species in the wild.

Section 9. Interest on obligations held in the wildlife restoration fund

As detailed in the Administration's FY2016 budget proposal, the Administration strongly supports extending an important provision in the NAWCA which requires interest on Pittman-Robertson funds to be allocated to finance waterfowl conservation projects funded through the NAWCA. This provision that is scheduled to expire at the end of FY 2015.

Section 7 of the NAWCA of 1989 (16 U.S.C. 4401-4412) amended the Pittman-Robertson Act (16 USC 669b) (P-R) to provide the Secretary of the Treasury the authority to invest P-R funds

in interest-bearing obligations of the United States. The interest, according to the statute, is available for allocation by the Secretary of the Interior for the purposes of NAWCA, which means the interest provides additional funding for NAWCA projects. P-R was amended in 2005 (P.L. 109-75), to extend authorization for this provision through FY 2015. Through this provision, an additional \$7 – \$23 million per year is contributed to NAWCA. This substantial contribution to NAWCA projects should be extended before this fiscal year ends on September 30, 2015.

Provisions not included

There are a number of legislative provisions that would improve S. 659 and have a substantial positive effect on the conservation of the wildlife resources enjoyed by sportsmen and women. We would like to highlight three of these legislative provisions and welcome the opportunity to discuss these and other sportsmen's related provisions not contained in S. 659 with the Committee.

The United States Fish and Wildlife Service Resource Protection Act

On July 16, 2014, the Department provided testimony to the Committee on S. 2560, "The United States Fish and Wildlife Service Resource Protection Act," a bill introduced in the 113th Congress. The Department recommends that this legislation, which is legislative proposal included in the Administration's FY16 budget request, be included within the Bipartisan Sportsmen's Act.

The legislation would provide authority, similar to that of the National Park Service and the National Oceanic and Atmospheric Administration, to seek compensation from responsible parties who injure or destroy National Wildlife Refuge System, National Fish Hatchery System, or other Service resources. Today, when Refuge System resources, for example, are injured or destroyed, the costs of repair and restoration falls upon our appropriated budget for the affected refuge, often at the expense of other refuge programs. By way of example, in 2013, refuges reported seven cases of arson and 2,300 vandalism offenses. Monetary losses from these cases totaled \$1.1 million dollars.

Duck Stamp Price Stability

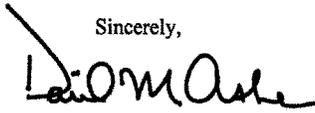
Another legislative proposal included in the Administration's FY16 budget request, which is contained in the Service's FY 2016 budget request, would provide stability to the purchasing power of the Federal Duck Stamp. The proposal would give clearly defined and limited authority to the Secretary of the Interior, with the unanimous approval of the Migratory Bird Conservation Commission, to periodically increase the price of the Federal Duck Stamp to keep pace with inflation. We appreciate Congressional approval last year of the first increase to the cost of a Duck Stamp in many years and we look forward to discussing this proposal with the Committee to ensure the funds generated by the stamp keep up with inflation.

National Fish and Wildlife Foundation Reauthorization

The Department recommends legislation be included in S. 659 to reauthorize the National Fish and Wildlife Foundation and recognize the Foundation as an appropriate recipient of funds that the United States receives as restitution from criminals who harm or take federal wildlife. On April 24, 2012, the Departments testified in support of such a bill, S. 1494. The Foundation plays an important role in funding on-the-ground conservation projects and managing and leveraging taxpayers' funds with private contributions. Its efforts to increase the public fund investment in the conservation of fish and wildlife resources have yielded an average 3-to-1 ratio in private matching funds, although its statutory requirement is only a 1-to-1 match.

The Administration strongly supports most of the provisions in S. 659 and would welcome the opportunity to work with the Committee to address concerns outlined in this testimony.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Ashe". The signature is written in a cursive style with a long, sweeping underline.

Dan Ashe
Director
U.S. Fish and Wildlife Service

cc: The Honorable Barbara Boxer, Ranking Member

Senator BOXER. I apologize. We hadn't seen that. What date was that?

Senator INHOFE. April 15th.

Senator BOXER. Oh, thank you. So that got by me. OK. Well, I stand with the amendment. I still feel that it is better not to change the Marine Mammal Protection Act.

Senator INHOFE. You want to move your amendment?

Senator BOXER. I do. I move it.

Senator INHOFE. Is there a second?

Senator GILLIBRAND. Second.

Senator INHOFE. There is a second.

Senator BOXER. A roll call, please.

Senator INHOFE. Sure.

The CLERK will call the roll.

The CLERK. Mr. Barrasso?

Senator BARRASSO. No.

The CLERK. Mr. Booker?

Senator BOXER. Aye by proxy.

The CLERK. Mr. Boozman?

Senator INHOFE. No by proxy.

The CLERK. Mrs. Boxer?

Senator BOXER. Aye.

The CLERK. Mrs. Capito?

Senator INHOFE. No by proxy.

The CLERK. Mr. Cardin?

Senator BOXER. Aye by proxy.

The CLERK. Mr. Carper?

Senator BOXER. Aye by proxy.

The CLERK. Mr. Crapo?

Senator CRAPO. No.

The CLERK. Mrs. Fischer?

Senator INHOFE. No by proxy.

The CLERK. Mrs. Gillibrand?

Senator GILLIBRAND. Aye.

The CLERK. Mr. Markey?

Senator MARKEY. Aye.

The CLERK. Mr. Merkley?

Senator MERKLEY. Aye.

The CLERK. Mr. Rounds?

Senator ROUNDS. No.

The CLERK. Mr. Sanders?

Senator BOXER. Aye by proxy.

The CLERK. Mr. Sessions?

Senator INHOFE. No by proxy.

The CLERK. Mr. Sullivan?

Senator INHOFE. No by proxy.

The CLERK. Mr. Vitter?

Senator INHOFE. No by proxy.

The CLERK. Mr. Whitehouse?

Senator BOXER. Aye by proxy.

The CLERK. Mr. Wicker?

Senator INHOFE. No by proxy.

The CLERK. Mr. Chairman?

Senator INHOFE. No.

The CLERK. Mr. Chairman, the yeas are 9, nays are 11.

Senator INHOFE. And the amendment is not agreed to.

On the Republican side? Senator Crapo.

Senator CRAPO. Mr. Chairman, I call up the Crapo Amendment No. 1. And Senator Cardin wanted to be an original co-sponsor and asked me to ask for unanimous consent on his behalf to add his name as an original co-sponsor.

Senator INHOFE. Without objection.

Senator CRAPO. This amendment is a version of a bill that I have long worked with Senator Cardin on. The legislation, the National Fish Habitat Conservation Act, is modeled after other successful conservation programs, such as the North American Wetlands Conservation Act.

The amendment will codify the National Fish Habitat Board and National Fish Habitat Partnerships Programs established through a State-led public-private partnership and housed within the U.S. Fish and Wildlife Service. The Board approves fish habitat partnerships, evaluates local projects supported by the projects, and provides funding recommendations to the Secretary of Interior ensuring the projects funded meet strategic fish habitat objectives through projects that will be permanently led by local communities and the State fish and wildlife agencies.

The new version of this legislation allows Congress to further refine how this program operates. For example, this improved fish habitat bill would add more diverse representation onto the current NFH Board, broadening the input of stakeholders and including private landowners, organizations from agriculture and private industry sectors, more diverse NGO representation, and clarified Federal agency representation.

I ask unanimous consent to pass this important legislation.

[The text of the amendment to S. 659 offered by Senator Crapo follows:]

S. 659—Crapo Amendment #1

16 JAN 19 AM 10:06

Summary—The amendment would enact programs to conserve fish and fish habitat in the United States through partnerships that foster fish habitat conservation, enhance fish and wildlife-dependent recreation, and for other purposes.

WE116020

S.L.C.

AMENDMENT NO. _____ Calendar No. _____

Purpose: To conserve fish and fish habitat in the United States through partnerships that foster fish habitat conservation, enhance fish and wildlife-dependent recreation, and for other purposes.

IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.

S. 659

To protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. CRAPO

Viz:

1 At the end, add the following:

2 **TITLE II—NATIONAL FISH**
3 **HABITAT CONSERVATION**

4 **SEC. 201. SHORT TITLE.**

5 This title may be cited as the “National Fish Habitat
6 Conservation Through Partnerships Act”.

7 **SEC. 202. PURPOSE.**

8 The purpose of this title is to encourage partnerships
9 among public agencies and other interested parties to pro-
10 mote fish conservation—

- 1 (1) to achieve measurable habitat conservation
2 results through strategic actions of Fish Habitat
3 Partnerships that lead to better fish habitat condi-
4 tions and increased fishing opportunities by—
5 (A) improving ecological conditions;
6 (B) restoring natural processes; or
7 (C) preventing the decline of intact and
8 healthy systems;
- 9 (2) to establish a consensus set of national con-
10 servation strategies as a framework to guide future
11 actions and investment by Fish Habitat Partner-
12 ships;
- 13 (3) to broaden the community of support for
14 fish habitat conservation by—
15 (A) increasing fishing opportunities;
16 (B) fostering the participation of local
17 communities, especially young people in local
18 communities, in conservation activities; and
19 (C) raising public awareness of the role
20 healthy fish habitat play in the quality of life
21 and economic well-being of local communities;
- 22 (4) to fill gaps in the National Fish Habitat As-
23 sessment and the associated database of the Na-
24 tional Fish Habitat Assessment—

3

1 (A) to empower strategic conservation ac-
2 tions supported by broadly available scientific
3 information; and

4 (B) to integrate socioeconomic data in the
5 analysis to improve the lives of humans in a
6 manner consistent with fish habitat conserva-
7 tion goals; and

8 (5) to communicate to the public and conserva-
9 tion partners—

10 (A) the conservation outcomes produced
11 collectively by Fish Habitat Partnerships; and

12 (B) new opportunities and voluntary ap-
13 proaches for conserving fish habitat.

14 **SEC. 203. DEFINITIONS.**

15 In this title:

16 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
17 **TEES.**—The term “appropriate congressional com-
18 mittees” means—

19 (A) the Committee on Commerce, Science,
20 and Transportation and the Committee on En-
21 vironment and Public Works of the Senate; and

22 (B) the Committee on Natural Resources
23 of the House of Representatives.

1 (2) BOARD.—The term “Board” means the Na-
2 tional Fish Habitat Board established by section
3 204(a)(1).

4 (3) DIRECTOR.—The term “Director” means
5 the Director of the United States Fish and Wildlife
6 Service.

7 (4) EPA ASSISTANT ADMINISTRATOR.—The
8 term “EPA Assistant Administrator” means the As-
9 sistant Administrator for Water of the Environ-
10 mental Protection Agency.

11 (5) INDIAN TRIBE.—The term “Indian tribe”
12 has the meaning given the term in section 4 of the
13 Indian Self-Determination and Education Assistance
14 Act (25 U.S.C. 450b).

15 (6) NOAA ASSISTANT ADMINISTRATOR.—The
16 term “NOAA Assistant Administrator” means the
17 Assistant Administrator for Fisheries of the Na-
18 tional Oceanic and Atmospheric Administration.

19 (7) PARTNERSHIP.—The term “Partnership”
20 means a self-governed entity designated by the
21 Board as a Fish Habitat Conservation Partnership
22 pursuant to section 205(a).

23 (8) REAL PROPERTY INTEREST.—The term
24 “real property interest” means an ownership interest
25 in—

5

1 (A) land; or

2 (B) water (including water rights).

3 (9) SECRETARY.—The term “Secretary” means
4 the Secretary of the Interior.

5 (10) STATE.—The term “State” means each of
6 the several States.

7 (11) STATE AGENCY.—The term “State agen-
8 cy” means—

9 (A) the fish and wildlife agency of a State;
10 and

11 (B) any department or division of a de-
12 partment or agency of a State that manages in
13 the public trust the inland or marine fishery re-
14 sources or sustains the habitat for those fishery
15 resources of the State pursuant to State law or
16 the constitution of the State.

17 **SEC. 204. NATIONAL FISH HABITAT BOARD.**

18 (a) ESTABLISHMENT.—

19 (1) FISH HABITAT BOARD.—There is estab-
20 lished a board, to be known as the “National Fish
21 Habitat Board”, whose duties are—

22 (A) to promote, oversee, and coordinate the
23 implementation of this title;

24 (B) to establish national goals and prior-
25 ities for fish habitat conservation;

6

- 1 (C) to approve Partnerships; and
2 (D) to review and make recommendations
3 regarding fish habitat conservation projects.
- 4 (2) MEMBERSHIP.—The Board shall be com-
5 posed of 25 members, of whom—
- 6 (A) 1 shall be a representative of the De-
7 partment of the Interior;
- 8 (B) 1 shall be a representative of the
9 United States Geological Survey;
- 10 (C) 1 shall be a representative of the De-
11 partment of Commerce;
- 12 (D) 1 shall be a representative of the De-
13 partment of Agriculture;
- 14 (E) 1 shall be a representative of the Asso-
15 ciation of Fish and Wildlife Agencies;
- 16 (F) 4 shall be representatives of State
17 agencies, 1 of whom shall be nominated by a re-
18 gional association of fish and wildlife agencies
19 from each of the Northeast, Southeast, Mid-
20 west, and Western regions of the United States;
- 21 (G) 1 shall be a representative of either—
22 (i) Indian tribes in the State of Alas-
23 ka; or
24 (ii) Indian tribes in States other than
25 the State of Alaska;

7

1 (H) 1 shall be a representative of either—

2 (i) the Regional Fishery Management
3 Councils established under section 302 of
4 the Magnuson-Stevens Fishery Conserva-
5 tion and Management Act (16 U.S.C.
6 1852); or

7 (ii) a representative of the Marine
8 Fisheries Commissions, which is composed
9 of—

10 (I) the Atlantic States Marine
11 Fisheries Commission;

12 (II) the Gulf States Marine Fish-
13 eries Commission; and

14 (III) the Pacific States Marine
15 Fisheries Commission;

16 (I) 1 shall be a representative of the
17 Sportfishing and Boating Partnership Council;

18 (J) 7 shall be representatives selected from
19 each of—

20 (i) the recreational sportfishing indus-
21 try;

22 (ii) the commercial fishing industry;

23 (iii) marine recreational anglers;

24 (iv) freshwater recreational anglers;

1 (v) habitat conservation organizations;

2 and

3 (vi) science-based fishery organiza-
4 tions;

5 (K) 1 shall be a representative of a na-
6 tional private landowner organization;

7 (L) 1 shall be a representative of an agri-
8 cultural production organization;

9 (M) 1 shall be a representative of local
10 government interests involved in fish habitat
11 restoration;

12 (N) 2 shall be representatives from dif-
13 ferent sectors of corporate industries, which
14 may include—

15 (i) natural resource commodity inter-
16 ests, such as petroleum or mineral extrac-
17 tion;

18 (ii) natural resource user industries;
19 and

20 (iii) industries with an interest in fish
21 and fish habitat conservation; and

22 (O) 1 shall be a leadership private sector
23 or landowner representative of an active part-
24 nership.

9

1 (3) COMPENSATION.—A member of the Board
2 shall serve without compensation.

3 (4) TRAVEL EXPENSES.—A member of the
4 Board may be allowed travel expenses, including per
5 diem in lieu of subsistence, at rates authorized for
6 an employee of an agency under subchapter I of
7 chapter 57 of title 5, United States Code, while
8 away from the home or regular place of business of
9 the member in the performance of the duties of the
10 Board.

11 (b) APPOINTMENT AND TERMS.—

12 (1) IN GENERAL.—Except as otherwise pro-
13 vided in this subsection, a member of the Board de-
14 scribed in any of subparagraphs (F) through (N) of
15 subsection (a)(2) shall serve for a term of 3 years.

16 (2) INITIAL BOARD MEMBERSHIP.—

17 (A) IN GENERAL.—The initial Board will
18 consist of representatives as described in sub-
19 paragraphs (A) through (F) of subsection
20 (a)(2).

21 (B) REMAINING MEMBERS.—Not later
22 than 60 days after the date of enactment of
23 this Act, the representatives of the initial Board
24 pursuant to subparagraph (A) shall appoint the
25 remaining members of the Board described in

10

1 subparagraphs (H) through (N) of subsection
2 (a)(2).

3 (C) TRIBAL REPRESENTATIVES.—Not later
4 than 60 days after the enactment of this Act,
5 the Secretary shall provide to the Board a rec-
6 ommendation of not fewer than 3 tribal rep-
7 resentatives, from which the Board shall ap-
8 point 1 representative pursuant to subpara-
9 graph (G) of subsection (a)(2).

10 (3) TRANSITIONAL TERMS.—Of the members
11 described in subsection (a)(2)(J) initially appointed
12 to the Board—

13 (A) 2 shall be appointed for a term of 1
14 year;

15 (B) 2 shall be appointed for a term of 2
16 years; and

17 (C) 3 shall be appointed for a term of 3
18 years.

19 (4) VACANCIES.—

20 (A) IN GENERAL.—A vacancy of a member
21 of the Board described in any of subparagraphs
22 (H) through (N) of subsection (a)(2) shall be
23 filled by an appointment made by the remaining
24 members of the Board.

11

1 (B) TRIBAL REPRESENTATIVES.—Fol-
2 lowing a vacancy of a member of the Board de-
3 scribed in subparagraph (G) of subsection
4 (a)(2), the Secretary shall recommend to the
5 Board a list of not fewer than 3 tribal rep-
6 resentatives, from which the remaining mem-
7 bers of the Board shall appoint a representative
8 to fill the vacancy.

9 (5) CONTINUATION OF SERVICE.—An individual
10 whose term of service as a member of the Board ex-
11 pires may continue to serve on the Board until a
12 successor is appointed.

13 (6) REMOVAL.—If a member of the Board de-
14 scribed in any of subparagraphs (H) through (N) of
15 subsection (a)(2) misses 3 consecutive regularly
16 scheduled Board meetings, the members of the
17 Board may—

18 (A) vote to remove that member; and

19 (B) appoint another individual in accord-
20 ance with paragraph (4).

21 (c) CHAIRPERSON.—

22 (1) IN GENERAL.—The representative of the
23 Association of Fish and Wildlife Agencies appointed
24 pursuant to subsection (a)(2)(E) shall serve as
25 Chairperson of the Board.

1 (2) TERM.—The Chairperson of the Board shall
2 serve for a term of 3 years.

3 (d) MEETINGS.—

4 (1) IN GENERAL.—The Board shall meet—

5 (A) at the call of the Chairperson; but

6 (B) not less frequently than twice each cal-
7 endar year.

8 (2) PUBLIC ACCESS.—All meetings of the
9 Board shall be open to the public.

10 (e) PROCEDURES.—

11 (1) IN GENERAL.—The Board shall establish
12 procedures to carry out the business of the Board,
13 including—

14 (A) a requirement that a quorum of the
15 members of the Board be present to transact
16 business;

17 (B) a requirement that no recommenda-
18 tions may be adopted by the Board, except by
19 the vote of $\frac{2}{3}$ of all members;

20 (C) procedures for establishing national
21 goals and priorities for fish habitat conservation
22 for the purposes of this title;

23 (D) procedures for designating Partner-
24 ships under section 205; and

13

1 (E) procedures for reviewing, evaluating,
2 and making recommendations regarding fish
3 habitat conservation projects.

4 (2) QUORUM.—A majority of the members of
5 the Board shall constitute a quorum.

6 **SEC. 205. FISH HABITAT PARTNERSHIPS.**

7 (a) AUTHORITY TO APPROVE.—The Board may ap-
8 prove and designate Fish Habitat Partnerships in accord-
9 ance with this section.

10 (b) PURPOSES.—The purposes of a Partnership shall
11 be—

12 (1) to work with other regional habitat con-
13 servation programs to promote cooperation and co-
14 ordination to enhance fish and fish habitats;

15 (2) to engage local and regional communities to
16 build support for fish habitat conservation;

17 (3) to involve diverse groups of public and pri-
18 vate partners;

19 (4) to develop collaboratively a strategic vision
20 and achievable implementation plan that is scientif-
21 ically sound;

22 (5) to leverage funding from sources that sup-
23 port local and regional partnerships;

14

1 (6) to use adaptive management principles, in-
2 cluding evaluation of project success and
3 functionality;

4 (7) to develop appropriate local or regional
5 habitat evaluation and assessment measures and cri-
6 teria that are compatible with national habitat con-
7 dition measures; and

8 (8) to implement local and regional priority
9 projects that improve conditions for fish and fish
10 habitat.

11 (c) CRITERIA FOR APPROVAL.—An entity seeking to
12 be designated as a Partnership shall—

13 (1) submit to the Board an application at such
14 time, in such manner, and containing such informa-
15 tion as the Board may reasonably require; and

16 (2) demonstrate to the Board that the entity
17 has—

18 (A) a focus on promoting the health of im-
19 portant fish and fish habitats;

20 (B) an ability to coordinate the implemen-
21 tation of priority projects that support the goals
22 and national priorities set by the Board that
23 are within the Partnership boundary;

15

1 (C) a self-governance structure that sup-
2 ports the implementation of strategic priorities
3 for fish habitat;

4 (D) the ability to develop local and re-
5 gional relationships with a broad range of enti-
6 ties to further strategic priorities for fish and
7 fish habitat;

8 (E) a strategic plan that details required
9 investments for fish habitat conservation that
10 addresses the strategic fish habitat priorities of
11 the Partnership and supports and meets the
12 strategic priorities of the Board;

13 (F) the ability to develop and implement
14 fish habitat conservation projects that address
15 strategic priorities of the Partnership and the
16 Board; and

17 (G) the ability to develop fish habitat con-
18 servation priorities based on sound science and
19 data, the ability to measure the effectiveness of
20 fish habitat projects of the Partnership, and a
21 clear plan as to how Partnership science and
22 data components will be integrated with the
23 overall Board science and data effort.

16

1 (d) APPROVAL.—The Board may approve an applica-
2 tion for a Partnership submitted under subsection (c) if
3 the Board determines that the applicant—

4 (1) identifies representatives to provide support
5 and technical assistance to the Partnership from a
6 diverse group of public and private partners, which
7 may include State or local governments, nonprofit
8 entities, Indian tribes, and private individuals, that
9 are focused on conservation of fish habitats to
10 achieve results across jurisdictional boundaries on
11 public and private land;

12 (2) is organized to promote the health of impor-
13 tant fish species and important fish habitats, includ-
14 ing reservoirs, natural lakes, coastal and marine en-
15 vironments, and estuaries;

16 (3) identifies strategic fish and fish habitat pri-
17 orities for the Partnership area in the form of geo-
18 graphical focus areas or key stressors or impair-
19 ments to facilitate strategic planning and decision-
20 making;

21 (4) is able to address issues and priorities on a
22 nationally significant scale;

23 (5) includes a governance structure that—

24 (A) reflects the range of all partners; and

1 (B) promotes joint strategic planning and
2 decisionmaking by the applicant;

3 (6) demonstrates completion of, or significant
4 progress toward the development of, a strategic plan
5 to address the decline in fish populations, rather
6 than simply treating symptoms, in accordance with
7 the goals and national priorities established by the
8 Board; and

9 (7) promotes collaboration in developing a stra-
10 tegic vision and implementation program that is sei-
11 entifically sound and achievable.

12 **SEC. 206. FISH HABITAT CONSERVATION PROJECTS.**

13 (a) **SUBMISSION TO BOARD.**—Not later than March
14 31 of each calendar year, each Partnership shall submit
15 to the Board a list of priority fish habitat conservation
16 projects recommended by the Partnership for annual fund-
17 ing under this title.

18 (b) **RECOMMENDATIONS BY BOARD.**—Not later than
19 July 1 of each calendar year, the Board shall submit to
20 the Secretary a priority list of fish habitat conservation
21 projects that includes the description, including estimated
22 costs, of each project that the Board recommends that the
23 Secretary approve and fund under this title for the fol-
24 lowing fiscal year.

18

1 (c) CRITERIA FOR PROJECT SELECTION.—The
2 Board shall select each fish habitat conservation project
3 to be recommended to the Secretary under subsection (b)
4 after taking into consideration, at a minimum, the fol-
5 lowing information:

6 (1) A recommendation of the Partnership that
7 is, or will be, participating actively in implementing
8 the fish habitat conservation project.

9 (2) The capabilities and experience of project
10 proponents to implement successfully the proposed
11 project.

12 (3) The extent to which the fish habitat con-
13 servation project —

14 (A) fulfills a local or regional priority that
15 is directly linked to the strategic plan of the
16 Partnership and is consistent with the purpose
17 of this title;

18 (B) addresses the national priorities estab-
19 lished by the Board;

20 (C) is supported by the findings of the
21 Habitat Assessment of the Partnership or the
22 Board, and aligns or is compatible with other
23 conservation plans;

19

1 (D) identifies appropriate monitoring and
2 evaluation measures and criteria that are com-
3 patible with national measures;

4 (E) provides a well-defined budget linked
5 to deliverables and outcomes;

6 (F) leverages other funds to implement the
7 project;

8 (G) addresses the causes and processes be-
9 hind the decline of fish or fish habitats; and

10 (H) includes an outreach or education
11 component that includes the local or regional
12 community.

13 (4) The availability of sufficient non-Federal
14 funds to match Federal contributions for the fish
15 habitat conservation project, as required by sub-
16 section (e);

17 (5) The extent to which the local or regional
18 fish habitat conservation project—

19 (A) will increase fish populations in a man-
20 ner that leads to recreational fishing opportuni-
21 ties for the public;

22 (B) will be carried out through a coopera-
23 tive agreement among Federal, State, and local
24 governments, Indian tribes, and private entities;

20

1 (C) increases public access to land or
2 water for fish and wildlife-dependent rec-
3 reational opportunities;

4 (D) advances the conservation of fish and
5 wildlife species that have been identified by the
6 States as species of greatest conservation need;

7 (E) where appropriate, advances the con-
8 servation of fish and fish habitats under the
9 Magnuson-Stevens Fishery Conservation and
10 Management Act (16 U.S.C. 1801 et seq.) and
11 other relevant Federal law and State wildlife
12 action plans; and

13 (F) promotes strong and healthy fish habi-
14 tats so that desired biological communities are
15 able to persist and adapt.

16 (6) The substantiality of the character and de-
17 sign of the fish habitat conservation project.

18 (d) LIMITATIONS.—

19 (1) REQUIREMENTS FOR EVALUATION.—No
20 fish habitat conservation project may be rec-
21 ommended by the Board under subsection (b) or
22 provided financial assistance under this title unless
23 the fish habitat conservation project includes an
24 evaluation plan designed using applicable Board
25 guidance—

21

1 (A) to appropriately assess the biological,
2 ecological, or other results of the habitat protec-
3 tion, restoration, or enhancement activities car-
4 ried out using the assistance;

5 (B) to reflect appropriate changes to the
6 fish habitat conservation project if the assess-
7 ment substantiates that the fish habitat con-
8 servation project objectives are not being met;

9 (C) to identify improvements to existing
10 fish populations, recreational fishing opportuni-
11 ties and the overall economic benefits for the
12 local community of the fish habitat conservation
13 project; and

14 (D) to require the submission to the Board
15 of a report describing the findings of the assess-
16 ment.

17 (2) ACQUISITION AUTHORITIES.—

18 (A) IN GENERAL.—A State, local govern-
19 ment, or other non-Federal entity is eligible to
20 receive funds for the acquisition of real prop-
21 erty from willing sellers under this title if the
22 acquisition ensures 1 of—

23 (i) public access for compatible fish
24 and wildlife-dependent recreation; or

22

1 (ii) a scientifically based, direct en-
2 hancement to the health of fish and fish
3 populations, as determined by the Board.

4 (B) STATE AGENCY APPROVAL.—

5 (i) IN GENERAL.—All real property
6 interest acquisition projects funded under
7 this title are required to be approved by
8 the State agency in the State in which the
9 project is occurring.

10 (ii) PROHIBITION.—The Board may
11 not recommend, and the Secretary may not
12 provide any funding for, any real property
13 interest acquisition that has not been ap-
14 proved by the State agency.

15 (C) ASSESSMENT OF OTHER AUTHORI-
16 TIES.—The Fish Habitat Partnership shall con-
17 duct a project assessment, submitted with the
18 funding request and approved by the Board, to
19 demonstrate all other Federal, State, and local
20 authorities for the acquisition of real property
21 have been exhausted.

22 (D) RESTRICTIONS.—A real property in-
23 terest may not be acquired pursuant to a fish
24 habitat conservation project by a State, local

1 government, or other non-Federal entity, un-
2 less—

3 (i) the owner of the real property au-
4 thorizes the State, local government, or
5 other non-Federal entity to acquire the
6 real property; and

7 (ii) the Secretary and the Board de-
8 termine that the State, local government,
9 or other non-Federal entity would benefit
10 from undertaking the management of the
11 real property being acquired because that
12 is in accordance with the goals of a part-
13 nership.

14 (e) NON-FEDERAL CONTRIBUTIONS.—

15 (1) IN GENERAL.—Except as provided in para-
16 graph (2), no fish habitat conservation project may
17 be recommended by the Board under subsection (b)
18 or provided financial assistance under this title un-
19 less at least 50 percent of the cost of the fish habi-
20 tat conservation project will be funded with non-
21 Federal funds.

22 (2) NON-FEDERAL SHARE.—The non-Federal
23 share of the cost of a fish habitat conservation
24 project—

24

1 (A) may not be derived from another Fed-
2 eral grant program; but

3 (B) may include in-kind contributions and
4 cash.

5 (3) SPECIAL RULE FOR INDIAN TRIBES.—Not-
6 withstanding paragraph (1) or any other provision of
7 law, any funds made available to an Indian tribe
8 pursuant to this title may be considered to be non-
9 Federal funds for the purpose of paragraph (1).

10 (f) APPROVAL.—

11 (1) IN GENERAL.—Not later than 90 days after
12 the date of receipt of the recommended priority list
13 of fish habitat conservation projects under sub-
14 section (b), subject to the limitations of subsection
15 (d), and based, to the maximum extent practicable,
16 on the criteria described in subsection (c), the Sec-
17 retary, after consulting with the Secretary of Com-
18 merce on marine or estuarine projects, shall approve
19 or reject any fish habitat conservation project rec-
20 ommended by the Board.

21 (2) FUNDING.—If the Secretary approves a fish
22 habitat conservation project under paragraph (1),
23 the Secretary shall use amounts made available to
24 carry out this title to provide funds to carry out the
25 fish habitat conservation project.

1 (3) NOTIFICATION.—If the Secretary rejects
2 any fish habitat conservation project recommended
3 by the Board under subsection (b), not later than
4 180 days after the date of receipt of the rec-
5 ommendation, the Secretary shall provide to the
6 Board, the appropriate Partnership, and the appro-
7 priate congressional committees a written statement
8 of the reasons that the Secretary rejected the fish
9 habitat conservation project.

10 **SEC. 207. TECHNICAL AND SCIENTIFIC ASSISTANCE.**

11 (a) IN GENERAL.—The Director, the NOAA Assist-
12 ant Administrator, the EPA Assistant Administrator, and
13 the Director of the United States Geological Survey, in
14 coordination with the Forest Service and other appro-
15 priate Federal departments and agencies, may provide sci-
16 entific and technical assistance to the Partnerships, par-
17 ticipants in fish habitat conservation projects, and the
18 Board.

19 (b) INCLUSIONS.—Scientific and technical assistance
20 provided pursuant to subsection (a) may include—

21 (1) providing technical and scientific assistance
22 to States, Indian tribes, regions, local communities,
23 and nongovernmental organizations in the develop-
24 ment and implementation of Partnerships;

26

1 (2) providing technical and scientific assistance
2 to Partnerships for habitat assessment, strategic
3 planning, and prioritization;

4 (3) supporting the development and implemen-
5 tation of fish habitat conservation projects that are
6 identified as high priorities by Partnerships and the
7 Board;

8 (4) supporting and providing recommendations
9 regarding the development of science-based moni-
10 toring and assessment approaches for implementa-
11 tion through Partnerships;

12 (5) supporting and providing recommendations
13 for a national fish habitat assessment;

14 (6) ensuring the availability of experts to assist
15 in conducting scientifically based evaluation and re-
16 porting of the results of fish habitat conservation
17 projects; and

18 (7) providing resources to secure state agency
19 scientific and technical assistance to support Part-
20 nerships, participants in fish habitat conservation
21 projects, and the Board.

22 **SEC. 208. COORDINATION WITH STATES AND INDIAN**
23 **TRIBES.**

24 The Secretary shall provide a notice to, and cooperate
25 with, the appropriate State agency or tribal agency, as ap-

1 plicable, of each State and Indian tribe within the bound-
 2 aries of which an activity is planned to be carried out pur-
 3 suant to this title, including notification, by not later than
 4 30 days before the date on which the activity is imple-
 5 mented.

6 **SEC. 209. INTERAGENCY OPERATIONAL PLAN.**

7 Not later than 1 year after the date of enactment
 8 of this Act, and every 5 years thereafter, the Director, in
 9 cooperation with the NOAA Assistant Administrator, the
 10 EPA Assistant Administrator, the Director of the United
 11 States Geological Survey, and the heads of other appro-
 12 priate Federal departments and agencies (including at a
 13 minimum, those agencies represented on the Board) shall
 14 develop an interagency operational plan that describes—

15 (1) the functional, operational, technical, sci-
 16 entific, and general staff, administrative, and mate-
 17 rial needs for the implementation of this title; and

18 (2) any interagency agreements between or
 19 among Federal departments and agencies to address
 20 those needs.

21 **SEC. 210. ACCOUNTABILITY AND REPORTING.**

22 (a) **REPORTING.—**

23 (1) **IN GENERAL.—**Not later than 5 years after
 24 the date of enactment of this Act, and every 5 years
 25 thereafter, the Board shall submit to the appropriate

1 congressional committees a report describing the
2 progress of this title.

3 (2) CONTENTS.—Each report submitted under
4 paragraph (1) shall include—

5 (A) an estimate of the number of acres,
6 stream miles, or acre-feet, or other suitable
7 measures of fish habitat, that was maintained
8 or improved by partnerships of Federal, State,
9 or local governments, Indian tribes, or other en-
10 tities in the United States during the 5-year pe-
11 riod ending on the date of submission of the re-
12 port;

13 (B) a description of the public access to
14 fish habitats established or improved during
15 that 5-year period;

16 (C) a description of the improved opportu-
17 nities for public recreational fishing; and

18 (D) an assessment of the status of fish
19 habitat conservation projects carried out with
20 funds provided under this title during that pe-
21 riod, disaggregated by year, including—

22 (i) a description of the fish habitat
23 conservation projects recommended by the
24 Board under section 206(b);

29

- 1 (ii) a description of each fish habitat
2 conservation project approved by the Sec-
3 retary under section 206(f), in order of
4 priority for funding;
- 5 (iii) a justification for—
- 6 (I) the approval of each fish
7 habitat conservation project; and
- 8 (II) the order of priority for
9 funding of each fish habitat conserva-
10 tion project;
- 11 (iv) a justification for any rejection of
12 a fish habitat conservation project rec-
13 ommended by the Board under section
14 206(b) that was based on a factor other
15 than the criteria described in section
16 206(c); and
- 17 (v) an accounting of expenditures by
18 Federal, State, or local governments, In-
19 dian tribes, or other entities to carry out
20 fish habitat conservation projects.
- 21 (b) STATUS AND TRENDS REPORT.—Not later than
22 December 31, 2016, and every 5 years thereafter, the
23 Board shall submit to the appropriate congressional com-
24 mittees a report that includes—

30

1 (1) a status of all Partnerships approved under
2 this title;

3 (2) a description of the status of fish habitats
4 in the United States as identified by established
5 Partnerships; and

6 (3) enhancements or reductions in public access
7 as a result of—

8 (A) the activities of the Partnerships; or

9 (B) any other activities carried out pursu-
10 ant to this title.

11 (c) REVISIONS.—Not later than December 31, 2016,
12 and every 5 years thereafter, the Board shall consider re-
13 vising the goals of the Board, after consideration of each
14 report required by subsection (b).

15 **SEC. 211. EFFECT OF TITLE.**

16 (a) WATER RIGHTS.—Nothing in this title—

17 (1) establishes any express or implied reserved
18 water right in the United States for any purpose;

19 (2) affects any water right in existence on the
20 date of enactment of this Act;

21 (3) preempts or affects any State water law or
22 interstate compact governing water; or

23 (4) affects any Federal or State law in exist-
24 ence on the date of enactment of the Act regarding
25 water quality or water quantity.

31

1 (b) AUTHORITY TO ACQUIRE WATER RIGHTS OR
2 RIGHTS TO PROPERTY.—Under this title, only a State,
3 local government, or other non-Federal entity may ac-
4 quire, under State law, water rights or rights to property.

5 (c) STATE AUTHORITY.—Nothing in this title—

6 (1) affects the authority, jurisdiction, or respon-
7 sibility of a State to manage, control, or regulate
8 fish and wildlife under the laws and regulations of
9 the State; or

10 (2) authorizes the Secretary to control or regu-
11 late within a State the fishing or hunting of fish and
12 wildlife.

13 (d) EFFECT ON INDIAN TRIBES.—Nothing in this
14 title abrogates, abridges, affects, modifies, supersedes, or
15 alters any right of an Indian tribe recognized by treaty
16 or any other means, including—

17 (1) an agreement between the Indian tribe and
18 the United States;

19 (2) Federal law (including regulations);

20 (3) an Executive order; or

21 (4) a judicial decree.

22 (e) ADJUDICATION OF WATER RIGHTS.—Nothing in
23 this title diminishes or affects the ability of the Secretary
24 to join an adjudication of rights to the use of water pursu-
25 ant to subsection (a), (b), or (c) of section 208 of the De-

1 partment of Justice Appropriation Act, 1953 (43 U.S.C.
2 666).

3 (f) DEPARTMENT OF COMMERCE AUTHORITY.—
4 Nothing in this title affects the authority, jurisdiction, or
5 responsibility of the Department of Commerce to manage,
6 control, or regulate fish or fish habitats under the Magnu-
7 son-Stevens Fishery Conservation and Management Act
8 (16 U.S.C. 1801 et seq.).

9 (g) EFFECT ON OTHER AUTHORITIES.—

10 (1) PRIVATE PROPERTY PROTECTION.—Nothing
11 in this title permits the use of funds made available
12 to carry out this title to acquire real property or a
13 real property interest without the written consent of
14 each owner of the real property or real property in-
15 terest.

16 (2) MITIGATION.—Nothing in this title permits
17 the use of funds made available to carry out this
18 title for fish and wildlife mitigation purposes
19 under—

20 (A) the Federal Water Pollution Control
21 Act (33 U.S.C. 1251 et seq.);

22 (B) the Fish and Wildlife Coordination Act
23 (16 U.S.C. 661 et seq.);

33

1 (C) the Water Resources Development Act
2 of 1986 (Public Law 99-662; 100 Stat. 4082);

3 or

4 (D) any other Federal law or court settle-
5 ment.

6 (3) CLEAN WATER ACT.—Nothing in this title
7 affects any provision of the Federal Water Pollution
8 Control Act (33 U.S.C. 1251 et seq.), including any
9 definition in that Act.

10 **SEC. 212. NONAPPLICABILITY OF FEDERAL ADVISORY COM-**
11 **MITTEE ACT.**

12 The Federal Advisory Committee Act (5 U.S.C. App.)
13 shall not apply to—

14 (1) the Board; or

15 (2) any Partnership.

16 **SEC. 213. FUNDING.**

17 (a) AUTHORIZATION OF APPROPRIATIONS.—

18 (1) FISH HABITAT CONSERVATION PROJECTS.—

19 There is authorized to be appropriated to the Sec-
20 retary \$7,200,000 for each of fiscal years 2016
21 through 2021 to provide funds for fish habitat con-
22 servation projects approved under section 206(f), of
23 which 5 percent shall be made available for each fis-
24 cal year for projects carried out by Indian tribes.

34

1 (2) ADMINISTRATIVE AND PLANNING EX-
2 PENSES.—There is authorized to be appropriated to
3 the Secretary for each of fiscal years 2016 through
4 2021 an amount equal to 5 percent of the amount
5 appropriated for the applicable fiscal year pursuant
6 to paragraph (1)—

7 (A) for administrative and planning ex-
8 penses; and

9 (B) to carry out section 210.

10 (3) TECHNICAL AND SCIENTIFIC ASSISTANCE.—
11 There is authorized to be appropriated for each of
12 fiscal years 2016 through 2021 to carry out, and
13 provide technical and scientific assistance under, sec-
14 tion 207—

15 (A) \$500,000 to the Secretary for use by
16 the United States Fish and Wildlife Service;

17 (B) \$500,000 to the NOAA Assistant Ad-
18 ministrator for use by the National Oceanic and
19 Atmospheric Administration;

20 (C) \$500,000 to the EPA Assistant Ad-
21 ministrator for use by the Environmental Pro-
22 tection Agency; and

23 (D) \$500,000 to the Secretary for use by
24 the United States Geological Survey.

1 (b) AGREEMENTS AND GRANTS.—The Secretary
2 may—

3 (1) on the recommendation of the Board, and
4 notwithstanding sections 6304 and 6305 of title 31,
5 United States Code, and the Federal Financial As-
6 sistance Management Improvement Act of 1999 (31
7 U.S.C. 6101 note; Public Law 106–107), enter into
8 a grant agreement, cooperative agreement, or con-
9 tract with a Partnership or other entity for a fish
10 habitat conservation project or restoration or en-
11 hancement project;

12 (2) apply for, accept, and use a grant from any
13 individual or entity to carry out the purposes of this
14 title; and

15 (3) make funds available to any Federal depart-
16 ment or agency for use by that department or agen-
17 cy to provide grants for any fish habitat protection
18 project, restoration project, or enhancement project
19 that the Secretary determines to be consistent with
20 this title.

21 (c) DONATIONS.—

22 (1) IN GENERAL.—The Secretary may—

23 (A) enter into an agreement with any orga-
24 nization described in section 501(c)(3) of the
25 Internal Revenue Code of 1986 that is exempt

1 from taxation under section 501(a) of that
2 Code to solicit private donations to carry out
3 the purposes of this title; and

4 (B) accept donations of funds, property,
5 and services to carry out the purposes of this
6 title.

7 (2) TREATMENT.—A donation accepted under
8 this section—

9 (A) shall be considered to be a gift or be-
10 quest to, or otherwise for the use of, the United
11 States; and

12 (B) may be—

13 (i) used directly by the Secretary; or
14 (ii) provided to another Federal de-
15 partment or agency through an inter-
16 agency agreement.

Senator INHOFE. By unanimous consent?

OK, Senator Boxer.

Senator BOXER. Yes. I would like to put my full statement in the record in support of this. I want to compliment my friend and Senator Cardin. Just to sum it up, I think this amendment fosters better science, communication, and partnership to unite diverse stakeholders and focus voluntary action on conserving priority habitats. And I love the public-private partnership, it is so workable, and I want to again thank my friend.

[The prepared statement of Senator Boxer follows:]

TPs Crapo Amendment #1

I would like to speak about Crapo Amendment #1. This amendment would establish a National Fish Habitat program to improve fish habitat across the nation. The amendment would codify the National Fish Habitat Action Plan, which was released in 2006 and focuses financial and technical resources on the root causes of fish habitat declines. The Action Plan targets the protection and conservation of intact and healthy fish habitats to prevent their future decline and disruption. This amendment will foster better science, communication, and partnerships to unite diverse stakeholders and focus voluntary action on conserving priority habitats and encourage public-private partnerships. This is legislation that Sen. Cardin has worked on for many years as well. I appreciate the work he and Sen. Crapo have put into this issue. I urge my colleagues to vote "Yes" on the Crapo amendment to establish a national fish habitat program.

Senator INHOFE. Thank you.

Is there objection to the unanimous consent request?

Without objection, it is adopted.

Senator MARKEY.

Senator MARKEY. Thank you, Mr. Chairman, very much. My amendment will strike out all of the controversial sections of S. 659, leaving only the sections with true bipartisan support. This is Markey No. 1.

So it will leave Section 7, the North American Wetlands Conservation Act, and Section 8, the Multinational Species Conservation Funds Reauthorization, because we all agree that the fiscally responsible North American Wetlands Conservation Act conserves North America's wildlife and wetlands, while producing numerous environmental, recreational, water quality, and economic benefits. Over the life of this competitive program, the North American Wetlands Conservation Act grants have leveraged non-Federal matching contributions at a rate of 3 to 1. Among the program's biggest supporters is Ducks Unlimited, one of the Nation's largest sportsmen's groups.

And we all agree that the Multinational Species Conservation Funds Reauthorization provides crucial support for the protection of the planet's most imperiled species, including elephants, rhinoceroses, tigers, great apes, and marine turtles, which, as were previously discussed here, are a special concern to some of our closest constituents. This program promotes international collaboration, while bolstering the goodwill of the United States and organizations seeking to assist the responsible development of emerging economies around the world. This program is also notable for its success in leveraging matching funds at a rate of 2 to 1.

So my amendment supports the economies and conservation efforts which depend on these critical programs. It would also speed action on this legislation to the Senate floor, and I urge support of my amendment, Mr. Chairman.

[The text of the amendment to S. 659 offered by Senator Markey follows:]

S.659, Markey #1

16 JAN 19 AM 10:00

Markey amendment #1 to the S.659 substitute amendment would strike all sections except Sec. 1, Short title; Sec. 7, North American Wetlands Conservation Act; and Sec. 8, Multinational Species Conservation Funds Reauthorization.

S. 659 MCC16045
Markey #1

S.L.C.
Edward J. Markey

AMENDMENT NO. _____ Calendar No. _____

Purpose: To improve the bill.

IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.

S. 659

To protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. MARKEY

Viz:

- 1 Beginning on page 2, strike line 1 and all that follows
- 2 through page 14, line 11.

Senator INHOFE. Thank you, Senator Markey.

I would observe that the amendment would strike five sections of the bill, leaving only the short title and two provisions. It also strikes language that has been negotiated and agreed to by the Administration and by others, so I would urge a no vote.

Others want to be heard?

Senator BOXER. Yes.

Senator INHOFE. Senator Boxer.

Senator BOXER. Well, the reason I am supporting this, and I thank my friend for doing it, is he is trying to get this bill done. We have been trying to get this bill done for a long time. There are Democrats and Republicans that want to get it done, but every time we try to do it there are poison pills on it and it just makes it impossible, and at the end of the day we all look at each other and say another missed opportunity.

I think what my friend is trying to do is get a situation here where we can go to the bill, and then if there are agreed-upon additions, we can do that in an amendment. I am sure my friend would work actively, so I know the handwriting is on the wall, if you will, but I just wanted to speak out in strong support, because it is not a negative thing to do, it is a positive thing to do, and I wanted to make sure I was on the record saying that.

Senator INHOFE. Thank you.

Senator MARKEY. Mr. Chairman.

Senator INHOFE. Senator Markey.

Senator MARKEY. I can accept a voice vote on this.

Senator INHOFE. All right.

You have heard the motion. Is there a second?

Senator GILLIBRAND. Second.

Senator INHOFE. All in favor say aye.

[Chorus of ayes.]

Senator INHOFE. Opposed, no.

[Chorus of noes.]

Senator INHOFE. The noes appear to have it. The noes do have it. It is not agreed to.

On the Republican side, who seeks recognition? Senator Rounds.

Senator ROUNDS. Thank you, Mr. Chairman. First of all, I would like to just say thank you to you and to Senator Sullivan for the work that you have done on this bill so far.

Senator INHOFE. Thank you.

Senator ROUNDS. I would like to call up the Rounds Amendment No. 1 and ask for its consideration. This amendment is designed to ask that more information be provided to individuals who are being asked or are considering making an easement to the U.S. Fish and Wildlife Service or to another Federal agency. What this says is that all of the options available, not just permanent easement options, but intermediate easement options, should also be considered.

I was surprised to find out that there are multiple types of easements available right now. But most landowners aren't being made aware of them. So what this does is it simply says that, first of all, all of the options will be made available that are available under the Federal programs today and, second of all, that there will be a documentation that will go with this process assuring that this

information has been provided. The hope is that we will get more owners, landowners to actually agree to conservation easements in the future if it doesn't have to be one size fits all of a permanent easement only. Our goal is to have more participation, but clearly more transparency and more options for those landowners to participate in these conservation programs.

Thank you, Mr. Chairman.

[The text of the amendment to S. 659 offered by Senator Rounds follows:]

Summary: To make sure landowners are made aware of all of the conservation options available to them when choosing to convey their land for conservation purposes

MCC16036

S.L.C.

S. 659
Rounds #1

AMENDMENT NO. _____ Calendar No. _____

Purpose: To add a provision relating to the conveyance of real property for wetland ecosystem conservation.

IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.

S. 659

To protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. ROUNDS

Viz:

- 1 On page 14, line 13, strike "Section 7(c)" and insert
- 2 the following:
- 3 (a) REAL PROPERTY.—Section 6(a)(3) of the North
- 4 American Wetlands Conservation Act (16 U.S.C.
- 5 4405(a)(3)) is amended—
- 6 (1) by striking "(3) in lieu of" and inserting
- 7 the following:
- 8 "(3) PROVISION OF FUNDS OR CONVEYANCE OF
- 9 REAL PROPERTY INTEREST.—
- 10 "(A) IN GENERAL.—In lieu of";
- 11 (2) in the second sentence, by striking "The
- 12 Secretary shall" and inserting the following:

1 “(B) DETERMINATION.—The Secretary
2 shall”; and

3 (3) by striking the third sentence and inserting
4 the following:

5 “(C) REAL PROPERTY.—Any real property
6 interest conveyed under this paragraph shall be
7 subject to terms and conditions that ensure
8 that—

9 “(i) the real property interest will be
10 administered for the long-term conserva-
11 tion and management of the wetland eco-
12 system and the fish and wildlife dependent
13 on that ecosystem;

14 “(ii) the grantor of a real property in-
15 terest has been provided with information
16 relating to all available conservation op-
17 tions, including conservation options that
18 involve the conveyance of a real property
19 interest for a limited period of time; and

20 “(iii) the provision of the information
21 described in clause (ii) has been docu-
22 mented.”.

23 (b) AUTHORIZATION OF APPROPRIATIONS.—Section

24 7(e)

Senator INHOFE. Thank you, Senator Rounds.

It is surprising to me that people are not aware of what goes along with these easements.

Senator Boxer.

Senator BOXER. Mr. Chairman, I support the intent of this amendment. I do think it needs additional work, and if my colleagues want to voice vote it out today, it is fine, and perhaps there is a way we can get to a place where we agree. But I do support the intent.

Senator INHOFE. You move your amendment?

Senator ROUNDS. I would move the amendment, Mr. Chair.

Senator INHOFE. Is there a second?

Senator VITTER. Second.

Senator INHOFE. There is a second.

All those in favor say aye.

[Chorus of ayes.]

Senator INHOFE. Opposed, no.

[No audible response.]

Senator INHOFE. The ayes have it and the amendment is agreed to.

On the Democrat side? Senator Boxer.

Senator BOXER. This could be the last amendment on our side. It looks like Senator Barrasso has one.

I would call up Boxer Amendment No. 4.

Senator INHOFE. Boxer Amendment No. 4.

Senator BOXER. And this amendment strikes Section 6, which prevents the Corps from implementing restrictions on the use of firearms at its facilities. Corps projects are managed for many purposes, including navigation, hydropower, water supply, fish and wildlife conservation, recreation, and flood risk management. Many of these projects, such as lock hydroelectric dams and levees are critical infrastructure with significant homeland security concerns. Significant. As a matter of fact, they are in many ways targets for terrorism.

Protection of these structures is of the highest priority, so allowing individuals to carry loaded firearms near these facilities has national security implications. The Corps should not be prohibited from implementing common sense restrictions to protect critical infrastructure. They should be encouraged to protect the infrastructure. In addition, the Corps does not have its own law enforcement officers, like the National Park Service or Fish and Wildlife. Therefore, significantly expanding the ability of the public to carry firearms prevents a significant public safety and law enforcement challenge.

Under the current Corps regulations, visitors are already allowed to possess loaded firearms for hunting or for use at established firing ranges on Corps lands. So anybody who says what I am trying to do impacts hunters, absolutely not. I strongly support their right to bring on a loaded firearm for that purpose. But my amendment codifies existing Corps regulations, ensuring uniform application of Corps gun regulations at all Corps facilities without endangering our Nation's critical infrastructure or other users of Corps recreational sites, and I would argue not interfering with the Second Amendment.

My amendment makes clear that sportsmen can bring their firearms to Corps facilities for hunting and sport shooting. I just, again, want to say to my colleagues if you go out on the street and ask an average person do you support being able to hunt with a loaded firearm on Corps land, they would say yes. And we do allow that; my amendment allows that. But do you support allowing folks who you have no idea who they are to get access to where there are dams, flood control, serious infrastructure where you have no armed security? Honestly, really, really? I think people would say that makes no sense at all.

So I think this is common sense legislation. Yes for the people who are shooting. After all, it is a sportsmen act, it is not a let the terrorists in with their firearms near infrastructure act. I hope we will support this.

[The text of Boxer Amendment No. 4 to S. 659 offered by Senator Boxer follows:]

S. 659, Boxer 4

Strikes Sec. 6 and replaces with a provision to codify Corps regulations, which allow the carrying of unloaded firearms and use of firearms in designated hunting and sport shooting areas. This would provide certainty to sportsmen and ensure consistent implementation of firearms policies nation-wide.

16 JAN 19 AM 10: 10

AMENDMENT NO. _____ Calendar No. _____

Purpose: To modify provisions relating to protecting the right of individuals to bear arms at water resources development projects.

IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.

S. 659

To protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by _____

Viz:

- 1 Beginning on page 13, strike line 23 and all that fol-
- 2 lows through line 11 on page 14 and insert the following:
- 3 (a) IN GENERAL.—An individual may possess an un-
- 4 loaded firearm and ammunition at a water resources de-
- 5 velopment project covered under part 327 of title 36, Code
- 6 of Federal Regulations (or successor regulations), if the
- 7 individual is not otherwise prohibited by law from pos-
- 8 sessing the firearm and the possession of the firearm is
- 9 in compliance with the law of the State in which the water
- 10 resources development project is located.
- 11 (b) LOADED FIREARMS.—

1 (1) IN GENERAL.—An individual who may pos-
2 sess a firearm in accordance with subsection (a) may
3 load the firearm only when the individual is engaged
4 in hunting that is in compliance with the law of the
5 State or locality in which the water resources devel-
6 opment project is located, or when the individual is
7 using the firearm at an authorized shooting range,
8 unless the individual has received written permission
9 from the District Commander for the District in
10 which the water resources development project is lo-
11 cated.

12 (2) TRANSPORT.—Except as provided in para-
13 graph (1), a firearm possessed in accordance with
14 subsection (a) shall be unloaded at all other times,
15 including any period of time during which the fire-
16 arm is being transported to, from, or between hunt-
17 ing sites, or to, from, or between shooting ranges.

18 (c) ENFORCEMENT.—Enforcement of subsections (a)
19 and (b) shall be carried out in accordance with section
20 3401 of title 18, United States Code, and section 4 of the
21 Flood Control Act of 1944 (16 U.S.C. 460d), as applica-
22 ble.

23 (d) LAW ENFORCEMENT OFFICERS.—Subsections
24 (a) and (b) shall not apply to the possession of a firearm
25 by an officer, agent, or employee of the United States,

3

1 a State, or a political subdivision thereof, who is author-
2 ized by law to engage in or supervise the prevention, detec-
3 tion, investigation, or prosecution of any violation of law.

Senator INHOFE. Thank you, Senator Boxer.

I would observe that the language would put restrictions on where and how law-abiding citizens can carry their guns. The language overlooks the fact that many people carry the guns for their own safety. You know, if a grizzly bear attacks, they don't know whether it is loaded or not, but an unloaded gun doesn't do much good. So I would urge a no vote.

Others want to be heard?

Senator CRAPO. Yes, Mr. Chairman.

Senator INHOFE. Yes, Senator Crapo.

Senator CRAPO. Yes, Mr. Chairman. I agree. First of all, I think a misimpression has been created. The fact is the language in the bill does allow the Corps to protect infrastructure in terms of not allowing firearms to be brought onto infrastructure facilities; and I think that is very important to note because that is simply a mischaracterization of what the language would do. The language basically says that an American has a right, under the Second Amendment, to bear arms for hunting and for recreation and for self-defense, as I think most Americans would willingly support.

One court recently has ruled the current approach by the Corps to be unconstitutional, which I believe is correct. This simply says that the Corps' current policy of saying that all of their land is closed unless it is specifically allowed to be opened by some kind of permit from the head of the Corps, is not the way to approach the issue. And again I reiterate that the infrastructure issue that has been raised is a red herring, if you will. There is already property authority for the agency to protect at critical infrastructure.

Senator BOXER. If I could just say, Mr. Chairman, the Corps disagrees with that. They don't feel that they do. And if you had a big group, after all, you support everybody's right to carry a gun on there, including terrorists. They are going to get guns. So they are going to walk in. Let's say they meet up and there is a few people protecting a facility and they shoot it up and start a flood.

Look, if you feel you need a gun to protect yourself, you can go to the Corps and protect that permit. If you feel that you are going to a place that there are a lot of grizzlies, you can go to the Corps and get that permit. We do not say you can't get a permit. All we are saying is that it is dangerous to public security to allow perhaps terrorists or anybody else, bad actors, from getting on there. And if you are a good actor, what is the problem? You know, in my State you can get a permit to carry a gun. Nobody is taking away anybody's guns. But to sit here and say, oh, there is plenty of security, that is great. It is just not true. And this critical infrastructure, they are hard targets. Let's be clear, they are hard targets.

So I don't know, again, you know, somebody said why can't you get anything done in the Senate, and I say, well, first of all, it is not true, we get some things done, and I always point to our ability to work together. But then I say the truth. We see the world in different ways now, Republicans and Democrats. We really see the world in different ways. If you can sit here and think that it is for public safety that we allow anyone and anyone to carry a loaded gun near a facility that if it is attacked could wreak havoc on our people, I don't see it that way. You look at me and think what's

wrong with her. I look at you and say what is wrong with you. This is serious.

I am not mad about it at all because it is just a different way of seeing the world. My belief is you can protect the Second Amendment and have common sense laws, and I think that is where Americans are. They are not one side or the other, they are straight down the center; protect my right, but also common sense. And if you are going to grizzly country, and you go to the Corps and say, look, I really need to be able to load my gun, they are going to give you a permit. They are not going to take away your right. So I just think that this amendment is important.

Again, look, we are going to have this debate on the floor. It is going to be very interesting, if this bill ever comes to light. I doubt that it will. I think there is going to be way more than 40 people who say don't even bring it up. But you are loading this thing up. You are loading it up with lead in the water; you are loading it up with lead from guns; you are loading it up with security threats. It is just remarkable what you are doing to a bill that ought to be bipartisan. I tried so hard. I love your staff; we work with them. We love them. We couldn't get anywhere on this stuff.

And it is just sad to me that a sportsmen's bill can't get bipartisan support when, if it was strictly a sportsmen's bill, fine. But, oh no, we have all this stuff about guns and allowing people to dump garbage in the water that is poison. What are we doing? Just stick to the sportsmen's deal, as Senator Markey suggested. Oh, no, we are going to have this ideological thing, and, frankly, it won't even get to that because I am going to go down on the floor after this passes, which it will, and say a remarkable thing happened in the Environment Committee: we are endangering the people of this Country.

And I am going to do everything in my power, stand on my feet, do whatever I have to do to stop it unless we can come to some agreement to withdraw some of this stuff, take it up separately. Let's have a fight on bringing guns where there is infrastructure. Fine, we can do that. We can ask the Homeland Security people how they feel. We can talk about how the Humane Society feels about some of the things you are doing. That is fine. Why not try to take out the controversy? But, no, we keep adding it. And this amendment is an effort to get us to take out this controversy because this isn't going anywhere, and that is not good for the Country.

Senator INHOFE. Senator Merkley.

Senator MERKLEY. Thank you, Mr. Chairman. I wanted to dwell a little bit on the point that my colleague from Idaho is making about the exemption in the underlying language, which says the Secretary of the Army shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm, including assembled or functional firearm, in any area open to the public; and then it has an exception: other than a Federal facility as defined in Section 930(g) of Title 18. I think that is the provision that you are referring to.

I have received a lot of letters on this, and the concern with this is that that leaves a little bit of a vague situation. For example, the definition referred to is "a building or part of a building owned

or leased by the Federal Government where Federal employees are regularly present for the purpose of performing their official duties." So people have envisioned, for example, the Bonneville Dam, where the grounds are open to the public, they have a sturgeon pond, they have salmon rearing. But if only the building is the exception, then essentially armed individuals coming to the door of the building would be exempted. But it poses that concern of domestic terrorism of a group, perhaps a group financed, organized by enemies abroad, bringing guns right to the door of the building, and yet they would still be protected by the language that is in this because they would not have yet entered the building. And the language is specifically the building, not the grounds of the facility.

So that confusion has led to a lot of letters from the public. I think we should work to clarify that piece. The grizzly concern is one concern separate from an assault team at the door of a Federal facility.

Senator INHOFE. OK, others want to be heard?

Senator Boxer.

Senator BOXER. No, we can just vote.

Senator INHOFE. Do you want to move it?

Senator BOXER. I would move.

Senator INHOFE. Is there a second?

Senator GILLIBRAND. Second.

Senator INHOFE. Do you request a roll call?

Senator BOXER. I do.

Senator INHOFE. OK, the Clerk will call the roll.

The CLERK. Mr. Barrasso?

Senator BARRASSO. No.

The CLERK. Mr. Booker?

Senator BOXER. Aye by proxy.

The CLERK. Mr. Boozman?

Senator INHOFE. No by proxy.

The CLERK. Mrs. Boxer?

Senator BOXER. Aye.

The CLERK. Mrs. Capito?

Senator CAPITO. No.

The CLERK. Mr. Cardin?

Senator BOXER. Aye by proxy.

The CLERK. Mr. Carper?

Senator BOXER. Aye by proxy.

The CLERK. Mr. Crapo?

Senator CRAPO. No.

The CLERK. Mrs. Fischer?

Senator INHOFE. No by proxy.

The CLERK. Mrs. Gillibrand?

Senator GILLIBRAND. Aye.

The CLERK. Mr. Markey?

Senator BOXER. Aye by proxy.

The CLERK. Mr. Merkley?

Senator MERKLEY. Aye.

The CLERK. Mr. Rounds?

Senator ROUNDS. No.

The CLERK. Mr. Sanders?

Senator BOXER. Aye by proxy.

The CLERK. Mr. Sessions?

Senator INHOFE. No by proxy.

The CLERK. Mr. Sullivan?

Senator INHOFE. No by proxy.

The CLERK. Mr. Vitter?

Senator VITTER. No.

The CLERK. Mr. Whitehouse?

Senator BOXER. Aye by proxy.

The CLERK. Mr. Wicker?

Senator INHOFE. No by proxy.

The CLERK. Mr. Chairman?

Senator INHOFE. No.

The CLERK. Mr. Chairman, the yeas are 9, the nays are 11.

Senator INHOFE. The amendment is not agreed to.

Senator BARRASSO.

Thank you very much, Mr. Chairman. I would like to call up Barrasso Amendment No. 1 to S. 659. This amendment would delist the grey wolf in Wyoming and the Great Lakes under the Endangered Species Act. It also protects the delisting from further judicial review, similar to the judicial protections already granted by Congress to the States of Montana and Idaho.

This amendment is one of many legislative efforts I am going to continue to pursue until Wyoming's wolf management plan is protected and fully implemented. Wyoming honors its commitment. We have put together a solid and working plan to protect the State's wolf population. Even in this Committee, Dan Ashe, who is the Director of the U.S. Fish and Wildlife Service, stated from that very table that he agrees that wolves should be delisted in Wyoming. It is time to move forward, to recognize the science, focus on our scarce taxpayer resources on truly imperiled species, and I move the amendment.

[The text of the amendment to S. 659 offered by Senator Barrasso follows:]

S. 659, Barrasso Amendment #1

An amendment to delist the recovered gray wolf in Wyoming and the Great Lakes.

16 JAN 19 AM 9:12

MCC16025

S.L.C.

John Barrasso

AMENDMENT NO. _____ Calendar No. _____

Purpose: To direct the Secretary of the Interior to reissue final rules relating to listing the gray wolf in the Western Great Lakes and Wyoming under the Endangered Species Act of 1973.

IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.

S. 659

To protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by _____

Viz:

- 1 At the end, add the following:
- 2 **SEC. ____ . REISSUANCE OF FINAL RULE REGARDING GRAY**
- 3 **WOLVES IN THE WESTERN GREAT LAKES.**
- 4 Before the end of the 60-day period beginning on the
- 5 date of enactment of this Act, the Secretary of the Interior
- 6 shall reissue the final rule published on December 28,
- 7 2011 (76 Fed. Reg. 81666), without regard to any other
- 8 provision of statute or regulation that applies to issuance
- 9 of such rule. Such reissuance shall not be subject to judi-
- 10 cial review.

2

1 **SEC. ____ . REISSUANCE OF FINAL RULE REGARDING GRAY**
2 **WOLVES IN WYOMING.**

3 Before the end of the 60-day period beginning on the
4 date of enactment of this Act, the Secretary of the Interior
5 shall reissue the final rule published on September 10,
6 2012 (77 Fed. Reg. 55530), without regard to any other
7 provision of statute or regulation that applies to issuance
8 of such rule. Such reissuance shall not be subject to judi-
9 cial review.

Senator INHOFE. Is there a second?

Senator CRAPO. Second.

Senator INHOFE. Do you want a roll call?

Senator BOXER. May I speak briefly?

Senator INHOFE. Senator Boxer.

Senator BOXER. Mr. Chairman, this amendment would legislatively remove endangered species protections for grey wolves in Wyoming and the Great Lakes. It would overturn two Federal court decisions that require the protection of grey wolves in these areas and, as I understand it, according to Senator Barrasso, he would preclude the courts from getting involved in it in the future.

Now, the Federal courts were clear that the grey wolves deserve protection under the Endangered Species Act. Decisions about protecting endangered species should be made according to the law. If you don't like the law, change it, but that is the law. We shouldn't be engaging in this as politicians. If we want to change the law, change it. But it is a law that was passed by our predecessors, and it is a dangerous precedent to undermine the Endangered Species Act.

The Fish and Wildlife Service, as I understand it, did approve the Wyoming law, so that wasn't the problem. The problem was they were sued by groups such as the Humane Society. I don't know the exact groups. Is that right? Probably Defenders of Wildlife. Those groups, similar to them. And the court said uh-uh, you know, you are wrong. They said to the Fish and Wildlife Service you are wrong. So you are trying to shut down the courts from getting involved in protecting a law and protecting the wolves. I think it is a dangerous precedent.

I do understand the frustration. My State has had situations where they have drawn up their own conservation plans and they were judged inadequate once or twice by the bureaucrats here, and the courts in another case. It is frustrating. But, in fact, you know, when we act to protect endangered species, we are doing it in accordance with the law. And as long as the law stands, it is one of the most popular laws in the Country, we have to abide by it. So I think this is a bad precedent; interferes with people's rights and the courts, etcetera, and interferes with the wolf, and I would urge a no vote.

Senator INHOFE. Thank you, Senator Boxer.

Others who want to be heard?

Senator BARRASSO. I will just conclude if everyone else is finished, Mr. Chairman.

Senator INHOFE. Sure.

Senator BARRASSO. Just to say that it is because of endless litigation that forced Congress to actually act and change the law with regard to Montana and with regard to Idaho. Realistically, you take a look at the map of where Idaho is, Wyoming, Montana, these are just imaginary lines that are drawn there. So it is the same species in all three locations. This amendment is just going to provide Wyoming the same legal protections that this Congress has provided to Montana and to Idaho to be able to control the management and recovery of wolves in their States, and not have that approval of the management plan be challenged again and

again in court. I believe it is an issue of fairness. Wyoming should have the same legal protections as Montana and as Idaho.

Thank you, Mr. Chairman.

Senator INHOFE. Thank you, Senator Barrasso. Do you move your amendment?

Senator BARRASSO. I move the amendment.

Senator INHOFE. Second?

Senator CRAPO. Second.

Senator INHOFE. Do you wish to have a roll call?

Senator BARRASSO. That is not necessary.

Senator INHOFE. OK, all in favor say aye.

[Chorus of ayes.]

Senator INHOFE. Opposed, no.

[Chorus of noes.]

Senator INHOFE. The ayes appear to have it. The ayes do have it. The amendment is agreed to.

Other amendments on 659?

Senator GILLIBRAND.

[Remarks off microphone.]

Senator INHOFE. No, what we are going to do now, we don't have a quorum for a final passing. We will conclude our amendments on this bill. But I do want to go to two other bills I think we can dispose of pretty quick. That would be, first, the Great Lakes Restoration Initiative and, second, the Lake Tahoe.

Senator GILLIBRAND. I have one for the Great Lakes.

Senator INHOFE. Yes.

Senator Merkley.

Senator INHOFE. Let me start off. I do want to call up S. 1024, the Great Lakes Restoration Initiative, the markup vehicle.

Senator Merkley.

Senator MERKLEY. Mr. Chairman, I wanted to make a comment before we shifted to a new bill, if I could indulge the Committee.

Senator INHOFE. Oh, I am sorry. Ask unanimous consent. Your comments will be reflected prior to bringing up this bill.

Senator MERKLEY. Thank you very much. Senator Cardin put forward an amendment that he chose not to have a vote on, but it was providing the U.S. Fish and Wildlife Service with the same power that the national parks have to recover damages from individuals that damage a wildlife refuge. And because this is so much an issue in Oregon right now, I just wanted to make a brief comment on that topic. People from outside the State have come and occupied the wildlife refuge. There has been damage to the buildings and to the fences. The sheriff from Harney County has said you all came here to say you wanted to support the community, and the best way you can support the community is to go back home.

Last night there was a community meeting held and the chair of the county commission, who is referred as a county judge, said it is time for you to go home. Judge Grasty said to Bundy, vowing to meet with him any time, any place outside of the county. And the community, now, this is a very rural, conservative community, joined a chant that said, go, go, go. It is a message that they have had repeatedly.

The reason this is relevant to the amendment that was proposed is that this very rural county with very few resources, because most of the land is federally owned and they don't get property taxes on it, is spending about \$75,000 a day for the standoff, and the county commissioners, and specifically the county judge that is chair of the county commission, has noted that those are costs they simply can't bear and they should have a mechanism to be able to recover these costs.

So I will just conclude there saying I support the local elected leaders, the sheriff and the county judge and their belief that the best way to resolve this is for the out-of-State individuals to return to their home States so that there is no violence. The conversation can continue about the challenges in ranching and leasing of Federal property. That conversation is important and should continue. But, also, the county is really in a tough spot here, not only in terms of the costs on a daily basis, but also in terms of the enormous friction in which individuals have people from outside the State parking in front of their homes, harassing various members of the community and that the community hopes this can be quickly and peacefully resolved.

Thank you, Mr. Chairman.

Senator INHOFE. Thank you, Senator Merkley.

We will now turn to S. 1024, the Great Lakes Restoration Initiative. We also begin with calling up the text, as amended. It was circulated yesterday to everyone's agreement.

The Great Lakes Restoration Initiative was authorized for 1 year during our consolidated Appropriations Act. This substitute extends the authorization for 5 years.

[The text of S. 1024 follows:]

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.

S. 1024

To authorize the Great Lakes Restoration Initiative, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the following:
2

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Great Lakes Restoration Initiative Act of 2016”.
5

6 **SEC. 2. GREAT LAKES RESTORATION INITIATIVE.**

7 Section 118(c) of the Federal Water Pollution Control Act (33 U.S.C. 1268(c)) is amended by striking paragraph (7) and inserting the following:
8
9

10 “(7) GREAT LAKES RESTORATION INITIA-
11 TIVE.—

1 “(A) ESTABLISHMENT.—There is estab-
2 lished in the Agency a Great Lakes Restoration
3 Initiative (referred to in this paragraph as the
4 ‘Initiative’) to carry out programs and projects
5 for Great Lakes protection and restoration.

6 “(B) FOCUS AREAS.—The Initiative shall
7 prioritize programs and projects carried out in
8 coordination with non-Federal partners and
9 programs and projects that address priority
10 areas each fiscal year, including—

11 “(i) the remediation of toxic sub-
12 stances and areas of concern;

13 “(ii) the prevention and control of
14 invasive species and the impacts of invasive
15 species;

16 “(iii) the protection and restoration of
17 nearshore health and the prevention and
18 mitigation of nonpoint source pollution;

19 “(iv) habitat and wildlife protection
20 and restoration, including wetlands res-
21 toration and preservation; and

22 “(v) accountability, monitoring, eval-
23 uation, communication, and partnership
24 activities.

3

1 “(C) PROJECTS.—Under the Initiative, the
2 Agency shall collaborate with Federal partners,
3 including the Great Lakes Interagency Task
4 Force, to select the best combination of pro-
5 grams and projects for Great Lakes protection
6 and restoration using appropriate principles
7 and criteria, including whether a program or
8 project provides—

9 “(i) the ability to achieve strategic
10 and measurable environmental outcomes
11 that implement the Great Lakes Action
12 Plan and the Great Lakes Water Quality
13 Agreement;

14 “(ii) the feasibility of—

15 “(I) prompt implementation;

16 “(II) timely achievement of re-
17 sults; and

18 “(III) resource leveraging; and

19 “(iii) the opportunity to improve
20 interagency and inter-organizational co-
21 ordination and collaboration to reduce du-
22 plication and streamline efforts.

23 “(D) IMPLEMENTATION OF PROJECTS.—

24 “(i) IN GENERAL.—Subject to sub-
25 paragraph (G)(ii), funds made available to

4

1 carry out the Initiative shall be used to
2 strategically implement—

3 “(I) Federal projects; and

4 “(II) projects carried out in co-
5 ordination with States, Indian tribes,
6 municipalities, institutions of higher
7 education, and other organizations.

8 “(ii) TRANSFER OF FUNDS.—With
9 amounts made available for the Initiative
10 each fiscal year, the Administrator may—

11 “(I) transfer not more than
12 \$300,000,000 to the head of any Fed-
13 eral department or agency, with the
14 concurrence of the department or
15 agency head, to carry out activities to
16 support the Initiative and the Great
17 Lakes Water Quality Agreement; and

18 “(II) enter into an interagency
19 agreement with the head of any Fed-
20 eral department or agency to carry
21 out activities described in subclause
22 (I).

23 “(E) SCOPE.—

5

1 “(i) IN GENERAL.—Projects shall be
2 carried out under the Initiative on multiple
3 levels, including—

4 “(I) Great Lakes-wide; and

5 “(II) Great Lakes basin-wide.

6 “(ii) LIMITATION.—No funds made
7 available to carry out the Initiative may be
8 used for any water infrastructure activity
9 (other than a green infrastructure project
10 that improves habitat and other ecosystem
11 functions in the Great Lakes) for which
12 amounts are made available from—

13 “(I) a State water pollution con-
14 trol revolving fund established under
15 title VI; or

16 “(II) a State drinking water re-
17 volving loan fund established under
18 section 1452 of the Safe Drinking
19 Water Act (42 U.S.C. 300j-12).

20 “(F) ACTIVITIES BY OTHER FEDERAL
21 AGENCIES.—Each relevant Federal department
22 or agency shall, to the maximum extent prac-
23 ticable, maintain the base level of funding for
24 the Great Lakes activities of that department

6

1 or agency without regard to funding under the
2 Initiative.

3 “(G) FUNDING.—

4 “(i) IN GENERAL.—There is author-
5 ized to be appropriated to carry out this
6 paragraph \$300,000,000 for each of fiscal
7 years 2017 through 2021.

8 “(ii) LIMITATION.—Funds authorized
9 under clause (i) may be used only to carry
10 out programs and projects authorized by
11 law on or before December 17, 2015.”.

Senator INHOFE. Are there amendments? Senator Gillibrand.

Senator GILLIBRAND. Thank you, Mr. Chairman. I don't plan to offer my amendment, but I want to talk about the bill because I am the only member on the Committee that actually represents a Great Lakes State. So I want to speak briefly about this amendment and the underlying bill.

I appreciate your willingness and the willingness of your staff to address many of our concerns with the substitute amendment; however, it is unfortunate that we have not been able to come to an agreement on the authorization level for this bill. My amendment would have ramped up the authorization by \$25 million over the next four fiscal years, to \$400 million in 2020, to help us meet the critical needs of the Great Lakes. This would address toxic contamination, restore water quality, and protect our water against the real threat of invasive species that harm our environment and economy.

While I will not oppose reporting of this bill out of Committee, I hope that, when this bill does move forward to the floor, we can work with other Great Lakes Senators in a bipartisan way to come to an agreement on the authorization level that adequately meets the needs of the Great Lakes.

So I ask unanimous consent to include in the record signed by Healing Our Waters Great Lakes Coalition, which consists of 125 environmental, conservation, and recreational organizations, all of which support my amendment. Members of this Coalition include the National Parks Conservation Association, Alliance for the Great Lakes, Ducks Unlimited, Trout Unlimited, Audubon Society, and many others. They understand how important it is that we can provide a strong Federal commitment to the Great Lakes.

Senator INHOFE. OK. Without objection, so ordered.

Senator GILLIBRAND. Thank you.

[The referenced information follows:]



Healing Our Waters®-Great Lakes Coalition

January 19, 2016

The Honorable James Inhofe
 Chairman, Committee on Environment and Public Works
 United States Senate
 Washington, D.C. 20510

The Honorable Barbara Boxer
 Ranking Member, Committee on Environment and Public Works
 United States Senate
 Washington, D.C. 20510

Dear Senators Inhofe and Boxer:

On behalf of the Healing Our Waters-Great Lakes Coalition, I write to offer our Coalition's support for S. 1024, the Great Lakes Restoration Initiative Act of 2015. The legislation is vital in the ongoing effort to restore the Great Lakes, which supply drinking water to more than 48 million people.

The Great Lakes Restoration Initiative Act helps achieve our region's restoration goals by formally authorizing the popular Great Lakes Restoration Initiative (GLRI). The GLRI is a successful, bipartisan response to protecting and restoring one-fifth of the world's surface fresh water. It is an innovative, action-oriented approach targeting the region's biggest environmental problems like invasive species, legacy contaminants, habitat loss, and polluted runoff from farms and cities.

Because of this coordinated effort between federal agencies and nonfederal stakeholders, we are seeing tremendous results. Deer Lake, Mich. and White Lake, Mich. Areas of Concern were delisted in 2014 and Presque Isle, Pa., AOC in 2013. The management actions necessary for delisting Waukegan Harbor, Ill., Sheboygan Harbor, Wis., and the Ashtabula River, Ohio, have also been completed. Between 2010 and 2014, 52 beneficial use impairments (BUIs) at 13 AOCs were removed, more than tripling the total number of BUIs removed in the preceding 22 years. The FWS, NPS, NRCS, and NOAA (among others) have restored, protected, or enhanced over 115,000 acres of wetlands and other habitat. More than 250 dams and barriers were removed, allowing fish to access more than 3,400 miles of river.

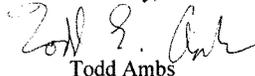
Even with these impressive results, there is still much work to be done. Aging sewers, invasive species, and toxic pollutants are just a few of the pervasive threats that impact the region, endangering human and wildlife health, lowering property values, and hurting the region's economy. Without support, restoration efforts will slow allowing problems to get worse and more expensive to solve.

HOW Coalition Letter – Great Lakes Restoration Initiative Act
January 19, 2016

To address these ongoing concerns, we hope the committee will agree with Sen. Gillibrand to increase the resources available for the GLRI. Increasing the authorization from \$300 million to \$400 million over five years reflects the region's needs and gives Congress flexibility in helping us address these problems.

Please support the GLRI to ensure another five years of successful restoration of the Great Lakes. If you have any questions, please do not hesitate to have your staff contact Chad Lord, our coalition's policy director, at (202) 454-3385 or clord@npca.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Todd S. Ambs".

Todd Ambs
Campaign Director

Cc: Members of the Committee on Environment and Public Works

Senator INHOFE. And the same thing. We need one more member here to have a quorum. One is on his way and we are going to hope to be able to dispose of these.

We will now turn S. 1724, the Lake Tahoe Restoration Act. The only amendment offered is an amendment by Boxer and Inhofe. This amendment provides a technical fix to the underlying bill to ensure that it is consistent with our highway bill that we passed.

Senator Boxer.

Senator BOXER. Yes. No need for me to specify. You already said this is such an important bipartisan bill, including our amendment, it is Heller, Feinstein, Boxer, Reid. It is important.

If you haven't ever seen Lake Tahoe, I hope you take the chance to do it. It is an incredible lake. And you just look at that lake and you just wonder how clear it is. It is so deep and so beautiful, and surrounded by these mountains. And I would say thank you in advance because the Committee has been so kind to us on this particular bill, and I would urge an aye vote.

Should we include the amendment? Should I ask unanimous consent that the amendment become part of the bill?

Senator INHOFE. Yes. Without objection, so ordered.

Senator BOXER. And then I would urge an aye vote.

[The text of the amendment to S. 1724 offered by Senators Inhofe and Boxer follows:]

Calendar No. _____

114TH CONGRESS
2D SESSION

S. 1724

[Report No. 114-_____]

To provide for environmental restoration activities and forest management activities in the Lake Tahoe Basin, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 9, 2015

Mr. HELLER (for himself, Mr. REID, Mrs. BOXER, and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

_____ (legislative day, _____), _____

Reported by Mr. INHOFE, with amendments

[Omit the part struck through and insert the part printed in italic]

A BILL

To provide for environmental restoration activities and forest management activities in the Lake Tahoe Basin, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Lake Tahoe Restora-
5 tion Act of 2015”.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 The Lake Tahoe Restoration Act (Public Law 106–
3 506; 114 Stat. 2351) is amended by striking section 2
4 and inserting the following:

5 **“SEC. 2. FINDINGS AND PURPOSES.**

6 “(a) FINDINGS.—Congress finds that—

7 “(1) Lake Tahoe—

8 “(A) is one of the largest, deepest, and
9 clearest lakes in the world;

10 “(B) has a cobalt blue color, a biologically
11 diverse alpine setting, and remarkable water
12 clarity; and

13 “(C) is recognized nationally and world-
14 wide as a natural resource of special signifi-
15 cance;

16 “(2) in addition to being a scenic and ecological
17 treasure, the Lake Tahoe Basin is one of the out-
18 standing recreational resources of the United States,
19 which—

20 “(A) offers skiing, water sports, biking,
21 camping, and hiking to millions of visitors each
22 year; and

23 “(B) contributes significantly to the econo-
24 mies of California, Nevada, and the United
25 States;

3

1 “(3) the economy in the Lake Tahoe Basin is
2 dependent on the conservation and restoration of the
3 natural beauty and recreation opportunities in the
4 area;

5 “(4) the ecological health of the Lake Tahoe
6 Basin continues to be challenged by the impacts of
7 land use and transportation patterns developed in
8 the last century;

9 “(5) the alteration of wetland, wet meadows,
10 and stream zone habitat have compromised the ca-
11 pacity of the watershed to filter sediment, nutrients,
12 and pollutants before reaching Lake Tahoe;

13 “(6) forests in the Lake Tahoe Basin suffer
14 from over a century of fire damage and periodic
15 drought, which have resulted in—

16 “(A) high tree density and mortality;

17 “(B) the loss of biological diversity; and

18 “(C) a large quantity of combustible forest
19 fuels, which significantly increases the threat of
20 catastrophic fire and insect infestation;

21 “(7) the establishment of several aquatic and
22 terrestrial invasive species (including perennial
23 pepperweed, milfoil, and Asian clam) threatens the
24 ecosystem of the Lake Tahoe Basin;

1 “(8) there is an ongoing threat to the economy
2 and ecosystem of the Lake Tahoe Basin of the intro-
3 duction and establishment of other invasive species
4 (such as yellow starthistle, New Zealand mud snail,
5 Zebra mussel, and quagga mussel);

6 “(9) 78 percent of the land in the Lake Tahoe
7 Basin is administered by the Federal Government,
8 which makes it a Federal responsibility to restore ec-
9 ological health to the Lake Tahoe Basin;

10 “(10) the Federal Government has a long his-
11 tory of environmental stewardship at Lake Tahoe,
12 including—

13 “(A) congressional consent to the estab-
14 lishment of the Planning Agency with—

15 “(i) the enactment in 1969 of Public
16 Law 91-148 (83 Stat. 360); and

17 “(ii) the enactment in 1980 of Public
18 Law 96-551 (94 Stat. 3233);

19 “(B) the establishment of the Lake Tahoe
20 Basin Management Unit in 1973;

21 “(C) the enactment of Public Law 96-586
22 (94 Stat. 3381) in 1980 to provide for the ac-
23 quisition of environmentally sensitive land and
24 erosion control grants in the Lake Tahoe Basin;

1 “(D) the enactment of sections 341 and
2 342 of the Department of the Interior and Re-
3 lated Agencies Appropriations Act, 2004 (Pub-
4 lic Law 108–108; 117 Stat. 1317), which
5 amended the Southern Nevada Public Land
6 Management Act of 1998 (Public Law 105–
7 263; 112 Stat. 2346) to provide payments for
8 the environmental restoration programs under
9 this Act; and

10 “(E) the enactment of section 382 of the
11 Tax Relief and Health Care Act of 2006 (Pub-
12 lic Law 109–432; 120 Stat. 3045), which
13 amended the Southern Nevada Public Land
14 Management Act of 1998 (Public Law 105–
15 263; 112 Stat. 2346) to authorize development
16 and implementation of a comprehensive 10-year
17 hazardous fuels and fire prevention plan for the
18 Lake Tahoe Basin;

19 “(11) the Assistant Secretary was an original
20 signatory in 1997 to the Agreement of Federal De-
21 partments on Protection of the Environment and
22 Economic Health of the Lake Tahoe Basin;

23 “(12) the Chief of Engineers, under direction
24 from the Assistant Secretary, has continued to be a

1 significant contributor to Lake Tahoe Basin restora-
2 tion, including—

3 “(A) stream and wetland restoration; and

4 “(B) programmatic technical assistance;

5 “(13) at the Lake Tahoe Presidential Forum in
6 1997, the President renewed the commitment of the
7 Federal Government to Lake Tahoe by—

8 “(A) committing to increased Federal re-
9 sources for ecological restoration at Lake
10 Tahoe; and

11 “(B) establishing the Federal Interagency
12 Partnership and Federal Advisory Committee to
13 consult on natural resources issues concerning
14 the Lake Tahoe Basin;

15 “(14) at the 2011 and 2012 Lake Tahoe Fo-
16 rums, Senator Reid, Senator Feinstein, Senator
17 Heller, Senator Ensign, Governor Gibbons, Governor
18 Sandoval, and Governor Brown—

19 “(A) renewed their commitment to Lake
20 Tahoe; and

21 “(B) expressed their desire to fund the
22 Federal and State shares of the Environmental
23 Improvement Program through 2022;

24 “(15) since 1997, the Federal Government, the
25 States of California and Nevada, units of local gov-

1 ernment, and the private sector have contributed
2 more than \$1,740,000,000 to the Lake Tahoe
3 Basin, including—

4 “(A) \$576,300,000 from the Federal Gov-
5 ernment;

6 “(B) \$654,600,000 from the State of Cali-
7 fornia;

8 “(C) \$112,500,000 from the State of Ne-
9 vada;

10 “(D) \$74,900,000 from units of local gov-
11 ernment; and

12 “(E) \$323,700,000 from private interests;

13 “(16) significant additional investment from
14 Federal, State, local, and private sources is nec-
15 essary—

16 “(A) to restore and sustain the ecological
17 health of the Lake Tahoe Basin;

18 “(B) to adapt to the impacts of fluctuating
19 water temperature and precipitation; and

20 “(C) to prevent the introduction and estab-
21 lishment of invasive species in the Lake Tahoe
22 Basin; and

23 “(17) the Secretary has indicated that the Lake
24 Tahoe Basin Management Unit has the capacity for

1 at least \$10,000,000 annually for the Fire Risk Re-
2 duction and Forest Management Program.

3 “(b) PURPOSES.—The purposes of this Act are—

4 “(1) to enable the Chief of the Forest Service,
5 the Director of the United States Fish and Wildlife
6 Service, and the Administrator, in cooperation with
7 the Planning Agency and the States of California
8 and Nevada, to fund, plan, and implement signifi-
9 cant new environmental restoration activities and
10 forest management activities in the Lake Tahoe
11 Basin;

12 “(2) to ensure that Federal, State, local, re-
13 gional, tribal, and private entities continue to work
14 together to manage land in the Lake Tahoe Basin;

15 “(3) to support local governments in efforts re-
16 lated to environmental restoration, stormwater pollu-
17 tion control, fire risk reduction, and forest manage-
18 ment activities; and

19 “(4) to ensure that agency and science commu-
20 nity representatives in the Lake Tahoe Basin work
21 together—

22 “(A) to develop and implement a plan for
23 integrated monitoring, assessment, and applied
24 research to evaluate the effectiveness of the En-
25 vironmental Improvement Program; and

1 “(B) to provide objective information as a
2 basis for ongoing decisionmaking, with an em-
3 phasis on decisionmaking relating to resource
4 management in the Lake Tahoe Basin.”.

5 **SEC. 3. DEFINITIONS.**

6 The Lake Tahoe Restoration Act (Public Law 106-
7 506; 114 Stat. 2351) is amended by striking section 3
8 and inserting the following:

9 **“SEC. 3. DEFINITIONS.**

10 “In this Act:

11 “(1) ADMINISTRATOR.—The term ‘Adminis-
12 trator’ means the Administrator of the Environ-
13 mental Protection Agency.

14 “(2) ASSISTANT SECRETARY.—The term ‘As-
15 sistant Secretary’ means the Assistant Secretary of
16 the Army for Civil Works.

17 “(3) CHAIR.—The term ‘Chair’ means the
18 Chair of the Federal Partnership.

19 “(4) COMPACT.—The term ‘Compact’ means
20 the Tahoe Regional Planning Compact included in
21 the first section of Public Law 96-551 (94 Stat.
22 3233).

23 “(5) DIRECTORS.—The term ‘Directors’
24 means—

10

1 “(A) the Director of the United States
2 Fish and Wildlife Service; and

3 “(B) the Director of the United States Ge-
4 ological Survey.

5 “(6) ENVIRONMENTAL IMPROVEMENT PRO-
6 GRAM.—The term ‘Environmental Improvement Pro-
7 gram’ means—

8 “(A) the Environmental Improvement Pro-
9 gram adopted by the Planning Agency; and

10 “(B) any amendments to the Program.

11 “(7) ENVIRONMENTAL THRESHOLD CARRYING
12 CAPACITY.—The term ‘environmental threshold car-
13 rying capacity’ has the meaning given the term in
14 Article II of the Compact.

15 “(8) FEDERAL PARTNERSHIP.—The term ‘Fed-
16 eral Partnership’ means the Lake Tahoe Federal
17 Interagency Partnership established by Executive
18 Order 13057 (62 Fed. Reg. 41249) (or a successor
19 Executive order).

20 “(9) FOREST MANAGEMENT ACTIVITY.—The
21 term ‘forest management activity’ includes—

22 “(A) prescribed burning for ecosystem
23 health and hazardous fuels reduction;

24 “(B) mechanical and minimum tool treat-
25 ment;

11

1 “(C) stream environment zone restoration
2 and other watershed and wildlife habitat en-
3 hancements;

4 “(D) nonnative invasive species manage-
5 ment; and

6 “(E) other activities consistent with Forest
7 Service practices, as the Secretary determines
8 to be appropriate.

9 “(10) MAPS.—The term ‘Maps’ means the
10 maps—

11 “(A) entitled—

12 “(i) ‘LTRA USFS-CA Land Ex-
13 change/North Shore’;

14 “(ii) ‘USFS-CA Land Exchange/West
15 Shore’; and

16 “(iii) ‘USFS-CA Land Exchange/
17 South Shore’; and

18 “(B) dated April 12, 2013, and on file and
19 available for public inspection in the appro-
20 priate offices of—

21 “(i) the Forest Service;

22 “(ii) the California Tahoe Conser-
23 vancy; and

24 “(iii) the California Department of
25 Parks and Recreation.

1 “(11) NATIONAL WILDLAND FIRE CODE.—The
2 term ‘national wildland fire code’ means—

3 “(A) the most recent publication of the
4 National Fire Protection Association codes
5 numbered 1141, 1142, 1143, and 1144;

6 “(B) the most recent publication of the
7 International Wildland-Urban Interface Code of
8 the International Code Council; or

9 “(C) any other code that the Secretary de-
10 termines provides the same, or better, stand-
11 ards for protection against wildland fire as a
12 code described in subparagraph (A) or (B).

13 “(12) PLANNING AGENCY.—The term ‘Planning
14 Agency’ means the Tahoe Regional Planning Agency
15 established under Public Law 91-148 (83 Stat. 360)
16 and Public Law 96-551 (94 Stat. 3233).

17 “(13) PRIORITY LIST.—The term ‘Priority List’
18 means the environmental restoration priority list de-
19 veloped under section 5(b).

20 “(14) SECRETARY.—The term ‘Secretary’
21 means the Secretary of Agriculture, acting through
22 the Chief of the Forest Service.

23 “(15) STREAM ENVIRONMENT ZONE.—The
24 term ‘Stream Environment Zone’ means an area
25 that generally owes the biological and physical char-

1 characteristics of the area to the presence of surface
2 water or groundwater.

3 “(16) TOTAL MAXIMUM DAILY LOAD.—The
4 term ‘total maximum daily load’ means the total
5 maximum daily load allocations adopted under sec-
6 tion 303(d) of the Federal Water Pollution Control
7 Act (33 U.S.C. 1313(d)).

8 “(17) WATERCRAFT.—The term ‘watercraft’
9 means motorized and non-motorized watercraft, in-
10 cluding boats, seaplanes, personal watercraft,
11 kayaks, and canoes.”.

12 **SEC. 4. IMPROVED ADMINISTRATION OF THE LAKE TAHOE**
13 **BASIN MANAGEMENT UNIT.**

14 Section 4 of the Lake Tahoe Restoration Act (Public
15 Law 106–506; 114 Stat. 2353) is amended—

16 (1) in subsection (b)(3), by striking “basin”
17 and inserting “Basin”; and

18 (2) by adding at the end the following:

19 “(c) FOREST MANAGEMENT ACTIVITIES.—

20 “(1) COORDINATION.—

21 “(A) IN GENERAL.—In conducting forest
22 management activities in the Lake Tahoe Basin
23 Management Unit, the Secretary shall, as ap-
24 propriate, coordinate with the Administrator
25 and State and local agencies and organizations,

14

1 including local fire departments and volunteer
2 groups.

3 “(B) GOALS.—The coordination of activi-
4 ties under subparagraph (A) should aim to in-
5 crease efficiencies and maximize the compat-
6 ibility of management practices across public
7 property boundaries.

8 “(2) MULTIPLE BENEFITS.—

9 “(A) IN GENERAL.—In conducting forest
10 management activities in the Lake Tahoe Basin
11 Management Unit, the Secretary shall conduct
12 the activities in a manner that—

13 “(i) except as provided in subpara-
14 graph (B), attains multiple ecosystem ben-
15 efits, including—

16 “(I) reducing forest fuels;

17 “(II) maintaining biological di-
18 versity;

19 “(III) improving wetland and
20 water quality, including in Stream
21 Environment Zones; and

22 “(IV) increasing resilience to
23 changing water temperature and pre-
24 cipitation; and

1 “(ii) helps achieve and maintain the
2 environmental threshold carrying capacities
3 established by the Planning Agency.

4 “(B) EXCEPTION.—Notwithstanding sub-
5 paragraph (A)(i), the attainment of multiple
6 ecosystem benefits shall not be required if the
7 Secretary determines that management for mul-
8 tiple ecosystem benefits would excessively in-
9 crease the cost of a program in relation to the
10 additional ecosystem benefits gained from the
11 management activity.

12 “(3) GROUND DISTURBANCE.—Consistent with
13 applicable Federal law and Lake Tahoe Basin Man-
14 agement Unit land and resource management plan
15 direction, the Secretary shall—

16 “(A) establish post-program ground condi-
17 tion criteria for ground disturbance caused by
18 forest management activities; and

19 “(B) provide for monitoring to ascertain
20 the attainment of the post-program conditions.

21 “(d) WITHDRAWAL OF FEDERAL LAND.—

22 “(1) IN GENERAL.—Subject to valid existing
23 rights and paragraph (2), the Federal land located
24 in the Lake Tahoe Basin Management Unit is with-
25 drawn from—

16

1 “(A) all forms of entry, appropriation, or
2 disposal under the public land laws;

3 “(B) location, entry, and patent under the
4 mining laws; and

5 “(C) disposition under all laws relating to
6 mineral and geothermal leasing.

7 “(2) EXCEPTIONS.—A conveyance of land shall
8 be exempt from withdrawal under this subsection if
9 carried out under—

10 “(A) this Act; or

11 “(B) Public Law 96–586 (94 Stat. 3381)
12 (commonly known as the ‘Santini-Burton Act’).

13 “(e) ENVIRONMENTAL THRESHOLD CARRYING CA-
14 PACITY.—The Lake Tahoe Basin Management Unit shall
15 support the attainment of the environmental threshold
16 carrying capacities.

17 “(f) COOPERATIVE AUTHORITIES.—During the 4 fis-
18 cal years following the date of enactment of the Lake
19 Tahoe Restoration Act of 2015, the Secretary, in conjunc-
20 tion with land adjustment programs, may enter into con-
21 tracts and cooperative agreements with States, units of
22 local government, and other public and private entities to
23 provide for fuel reduction, erosion control, reforestation,
24 Stream Environment Zone restoration, and similar man-

1 agement activities on Federal land and non-Federal land
2 within the programs.”.

3 **SEC. 5. AUTHORIZED PROGRAMS.**

4 The Lake Tahoe Restoration Act (Public Law 106–
5 506; 114 Stat. 2351) is amended by striking section 5
6 and inserting the following:

7 **“SEC. 5. AUTHORIZED PROGRAMS.**

8 “(a) IN GENERAL.—The Secretary, the Assistant
9 Secretary, the Directors, and the Administrator, in coordi-
10 nation with the Planning Agency and the States of Cali-
11 fornia and Nevada, may carry out or provide financial as-
12 sistance to any program that—

13 “(1) is described in subsection (d);

14 “(2) is included in the Priority List under sub-
15 section (b); and

16 “(3) furthers the purposes of the Environ-
17 mental Improvement Program if the program has
18 been subject to environmental review and approval,
19 respectively, as required under Federal law, Article
20 VII of the Compact, and State law, as applicable.

21 **“(b) PRIORITY LIST.—**

22 “(1) DEADLINE.—Not later than March 15 of
23 the year after the date of enactment of the Lake
24 Tahoe Restoration Act of 2015, the Chair, in con-
25 sultation with the Secretary, the Administrator, the

1 Directors, the Planning Agency, the States of Cali-
2 fornia and Nevada, the Federal Partnership, the
3 Washoe Tribe, the Lake Tahoe Federal Advisory
4 Committee, and the Tahoe Science Consortium (or a
5 successor organization) shall submit to Congress a
6 prioritized Environmental Improvement Program list
7 for the Lake Tahoe Basin for each program category
8 described in subsection (d).

9 “(2) CRITERIA.—The ranking of the Priority
10 List shall be based on the best available science and
11 the following criteria:

12 “(A) The 4-year threshold carrying capac-
13 ity evaluation.

14 “(B) The ability to measure progress or
15 success of the program.

16 “(C) The potential to significantly con-
17 tribute to the achievement and maintenance of
18 the environmental threshold carrying capacities
19 identified in Article II of the Compact.

20 “(D) The ability of a program to provide
21 multiple benefits.

22 “(E) The ability of a program to leverage
23 non-Federal contributions.

24 “(F) Stakeholder support for the program.

25 “(G) The justification of Federal interest.

1 “(H) Agency priority.

2 “(I) Agency capacity.

3 “(J) Cost-effectiveness.

4 “(K) Federal funding history.

5 “(3) REVISIONS.—The Priority List submitted
6 under paragraph (1) shall be revised every 2 years.

7 “(4) FUNDING.—Of the amounts made avail-
8 able under section 10(a), \$80,000,000 shall be made
9 available to the Secretary to carry out projects listed
10 on the Priority List.

11 “(e) RESTRICTION.—The Administrator shall use not
12 more than 3 percent of the funds provided under sub-
13 section (a) for administering the programs described in
14 paragraphs (1) and (2) of subsection (d).

15 “(d) DESCRIPTION OF ACTIVITIES.—

16 “(1) FIRE RISK REDUCTION AND FOREST MAN-
17 AGEMENT.—

18 “(A) IN GENERAL.—Of the amounts made
19 available under section 10(a), \$150,000,000
20 shall be made available to the Secretary to
21 carry out, including by making grants, the fol-
22 lowing programs:

23 “(i) Programs identified as part of the
24 Lake Tahoe Basin Multi-Jurisdictional

1 Fuel Reduction and Wildfire Prevention
2 Strategy 10-Year Plan.

3 “(ii) Competitive grants for fuels work
4 to be awarded by the Secretary to commu-
5 nities that have adopted national wildland
6 fire codes to implement the applicable por-
7 tion of the 10-year plan described in clause
8 (i).

9 “(iii) Biomass programs, including
10 feasibility assessments.

11 “(iv) Angora Fire Restoration under
12 the jurisdiction of the Secretary.

13 “(v) Washoe Tribe programs on tribal
14 lands within the Lake Tahoe Basin.

15 “(vi) Development of an updated
16 Lake Tahoe Basin multijurisdictional fuel
17 reduction and wildfire prevention strategy,
18 consistent with section 4(e).

19 “(vii) Development of updated com-
20 munity wildfire protection plans by local
21 fire districts.

22 “(viii) Municipal water infrastructure
23 that significantly improves the firefighting
24 capability of local government within the
25 Lake Tahoe Basin.

1 tributions or in-kind contributions, in-
 2 cluding providing labor, equipment,
 3 supplies, space, and other operational
 4 needs.

5 “(II) CREDIT FOR CERTAIN
 6 DEDICATED FUNDING.—There shall
 7 be credited toward the non-Federal
 8 share required under clause (i) any
 9 dedicated funding of the communities
 10 or local fire districts for a fuels reduc-
 11 tion management program, defensible
 12 space inspections, or dooryard chip-
 13 ping.

14 “(III) DOCUMENTATION.—Com-
 15 munities and local fire districts
 16 shall—

17 “(aa) maintain a record of
 18 in-kind contributions that de-
 19 scribes—

20 “(AA) the monetary
 21 value of the in-kind con-
 22 tributions; and

23 “(BB) the manner in
 24 which the in-kind contribu-
 25 tions assist in accomplishing

1 program goals and objec-
2 tives; and

3 “(bb) document in all re-
4 quests for Federal funding, and
5 include in the total program
6 budget, evidence of the commit-
7 ment to provide the non-Federal
8 share through in-kind contribu-
9 tions.

10 “(2) INVASIVE SPECIES MANAGEMENT.—

11 “(A) IN GENERAL.—Of the amounts made
12 available under section 10(a), \$45,000,000 shall
13 be made available to the Director of the United
14 States Fish and Wildlife Service for the Aquatic
15 Invasive Species Program and the watercraft
16 inspections described in subparagraph (B).

17 “(B) DESCRIPTION OF ACTIVITIES.—The
18 Director of the United States Fish and Wildlife
19 Service, in coordination with the Assistant Sec-
20 retary, the Planning Agency, the California De-
21 partment of Fish and Wildlife, and the Nevada
22 Department of Wildlife, shall deploy strategies
23 consistent with the Lake Tahoe Aquatic
24 Invasive Species Management Plan to prevent

1 the introduction or spread of aquatic invasive
2 species in the Lake Tahoe region.

3 “(C) CRITERIA.—The strategies referred
4 to in subparagraph (B) shall provide that—

5 “(i) combined inspection and decon-
6 tamination stations be established and op-
7 erated at not less than 2 locations in the
8 Lake Tahoe region; and

9 “(ii) watercraft not be allowed to
10 launch in waters of the Lake Tahoe region
11 if the watercraft has not been inspected in
12 accordance with the Lake Tahoe Aquatic
13 Invasive Species Management Plan.

14 “(D) CERTIFICATION.—The Planning
15 Agency may certify State and local agencies to
16 perform the decontamination activities de-
17 scribed in subparagraph (C)(i) at locations out-
18 side the Lake Tahoe Basin if standards at the
19 sites meet or exceed standards for similar sites
20 in the Lake Tahoe Basin established under this
21 paragraph.

22 “(E) APPLICABILITY.—The strategies and
23 criteria developed under this paragraph shall
24 apply to all watercraft to be launched on water
25 within the Lake Tahoe region.

1 “(F) FEES.—The Director of the United
2 States Fish and Wildlife Service may collect
3 and spend fees for decontamination only at a
4 level sufficient to cover the costs of operation of
5 inspection and decontamination stations under
6 this paragraph.

7 “(G) CIVIL PENALTIES.—

8 “(i) IN GENERAL.—Any person that
9 launches, attempts to launch, or facilitates
10 launching of watercraft not in compliance
11 with strategies deployed under this para-
12 graph shall be liable for a civil penalty in
13 an amount not to exceed \$1,000 per viola-
14 tion.

15 “(ii) OTHER AUTHORITIES.—Any pen-
16 alties assessed under this subparagraph
17 shall be separate from penalties assessed
18 under any other authority.

19 “(H) LIMITATION.—The strategies and
20 criteria under subparagraphs (B) and (C), re-
21 spectively, may be modified if the Secretary of
22 the Interior, in a nondelegable capacity and in
23 consultation with the Planning Agency and
24 State governments, issues a determination that
25 alternative measures will be no less effective at

1 preventing introduction of aquatic invasive spe-
2 cies into Lake Tahoe than the strategies and
3 criteria developed under subparagraphs (B) and
4 (C), respectively.

5 “(I) SUPPLEMENTAL AUTHORITY.—The
6 authority under this paragraph is supplemental
7 to all actions taken by non-Federal regulatory
8 authorities.

9 “(J) SAVINGS CLAUSE.—Nothing in this
10 title restricts, affects, or amends any other law
11 or the authority of any department, instrumen-
12 tality, or agency of the United States, or any
13 State or political subdivision thereof, respecting
14 the control of invasive species.

15 “(3) STORMWATER MANAGEMENT, EROSION
16 CONTROL, AND TOTAL WATERSHED RESTORATION.—
17 Of the amounts made available under section 10(a),
18 \$113,000,000 shall be made available—

19 “(A) to the Secretary, the Secretary of the
20 Interior, the Assistant Secretary, or the Admin-
21 istrator for the Federal share of stormwater
22 management and related programs consistent
23 with the adopted Total Maximum Daily Load
24 and near-shore water quality goals;

1 “(B) for grants by the Secretary and the
2 Administrator to carry out the programs de-
3 scribed in subparagraph (A);

4 “(C) to the Secretary or the Assistant Sec-
5 retary for the Federal share of the Upper
6 Truckee River restoration programs and other
7 watershed restoration programs identified in
8 the Priority List established under section 5(b);
9 and

10 “(D) for grants by the Administrator to
11 carry out the programs described in subpara-
12 graph (C).

13 “(4) SPECIAL STATUS SPECIES MANAGE-
14 MENT.—Of the amounts made available under sec-
15 tion 10(a), \$20,000,000 shall be made available to
16 the Director of the United States Fish and Wildlife
17 Service for the Lahontan Cutthroat Trout Recovery
18 Program.”.

19 **SEC. 6. PROGRAM PERFORMANCE AND ACCOUNTABILITY.**

20 The Lake Tahoe Restoration Act (Public Law 106-
21 506; 114 Stat. 2351) is amended by striking section 6
22 and inserting the following:

23 **“SEC. 6. PROGRAM PERFORMANCE AND ACCOUNTABILITY.**

24 “(a) PROGRAM PERFORMANCE AND ACCOUNT-
25 ABILITY.—

1 “(1) IN GENERAL.—Of the amounts made
2 available under section 10(a), not less than
3 \$5,000,000 shall be made available to the Secretary
4 to carry out this section.

5 “(2) PLANNING AGENCY.—Of the amounts de-
6 scribed in paragraph (1), not less than 50 percent
7 shall be made available to the Planning Agency to
8 carry out the program oversight and coordination
9 activities established under subsection (d).

10 “(b) CONSULTATION.—In carrying out this Act, the
11 Secretary, the Administrator, and the Directors shall, as
12 appropriate and in a timely manner, consult with the
13 heads of the Washoe Tribe, applicable Federal, State, re-
14 gional, and local governmental agencies, and the Lake
15 Tahoe Federal Advisory Committee.

16 “(c) CORPS OF ENGINEERS; INTERAGENCY AGREE-
17 MENTS.—

18 “(1) IN GENERAL.—The Assistant Secretary
19 may enter into interagency agreements with non-
20 Federal interests in the Lake Tahoe Basin to use
21 Lake Tahoe Partnership-Miscellaneous General In-
22 vestigations funds to provide programmatic technical
23 assistance for the Environmental Improvement Pro-
24 gram.

25 “(2) LOCAL COOPERATION AGREEMENTS.—

1 “(A) IN GENERAL.—Before providing tech-
2 nical assistance under this section, the Assist-
3 ant Secretary shall enter into a local coopera-
4 tion agreement with a non-Federal interest to
5 provide for the technical assistance.

6 “(B) COMPONENTS.—The agreement en-
7 tered into under subparagraph (A) shall—

8 “(i) describe the nature of the tech-
9 nical assistance;

10 “(ii) describe any legal and institu-
11 tional structures necessary to ensure the
12 effective long-term viability of the end
13 products by the non-Federal interest; and

14 “(iii) include cost-sharing provisions
15 in accordance with subparagraph (C).

16 “(C) FEDERAL SHARE.—

17 “(i) IN GENERAL.—The Federal share
18 of program costs under each local coopera-
19 tion agreement under this paragraph shall
20 be 65 percent.

21 “(ii) FORM.—The Federal share may
22 be in the form of reimbursements of pro-
23 gram costs.

24 “(iii) CREDIT.—The non-Federal in-
25 terest may receive credit toward the non-

1 Federal share for the reasonable costs of
2 related technical activities completed by
3 the non-Federal interest before entering
4 into a local cooperation agreement with the
5 Assistant Secretary under this paragraph.

6 “(d) EFFECTIVENESS EVALUATION AND MONI-
7 TORING.—In carrying out this Act, the Secretary, the Ad-
8 ministrator, and the Directors, in coordination with the
9 Planning Agency and the States of California and Nevada,
10 shall—

11 “(1) develop and implement a plan for inte-
12 grated monitoring, assessment, and applied research
13 to evaluate the effectiveness of the Environmental
14 Improvement Program;

15 “(2) include funds in each program funded
16 under this section for monitoring and assessment of
17 results at the program level; and

18 “(3) use the integrated multiagency perform-
19 ance measures established under this section.

20 “(e) REPORTING REQUIREMENTS.—Not later than
21 March 15 of each year, the Secretary, in cooperation with
22 the Chair, the Administrator, the Directors, the Planning
23 Agency, and the States of California and Nevada, con-
24 sistent with subsection (a), shall submit to Congress a re-
25 port that describes—

1 “(1) the status of all Federal, State, local, and
2 private programs authorized under this Act, includ-
3 ing to the maximum extent practicable, for programs
4 that will receive Federal funds under this Act during
5 the current or subsequent fiscal year—

6 “(A) the program scope;

7 “(B) the budget for the program; and

8 “(C) the justification for the program, con-
9 sistent with the criteria established in section
10 5(b)(2);

11 “(2) Federal, State, local, and private expendi-
12 tures in the preceding fiscal year to implement the
13 Environmental Improvement Program;

14 “(3) accomplishments in the preceding fiscal
15 year in implementing this Act in accordance with the
16 performance measures and other monitoring and as-
17 sessment activities; and

18 “(4) public education and outreach efforts un-
19 dertaken to implement programs authorized under
20 this Act.

21 “(f) ANNUAL BUDGET PLAN.—As part of the annual
22 budget of the President, the President shall submit infor-
23 mation regarding each Federal agency involved in the En-
24 vironmental Improvement Program (including the Forest
25 Service, the Environmental Protection Agency, the United

1 States Fish and Wildlife Service, the United States Geo-
2 logical Survey, and the Corps of Engineers), including—

3 “(1) an interagency crosscut budget that dis-
4 plays the proposed budget for use by each Federal
5 agency in carrying out restoration activities relating
6 to the Environmental Improvement Program for the
7 following fiscal year;

8 “(2) a detailed accounting of all amounts re-
9 ceived and obligated by Federal agencies to achieve
10 the goals of the Environmental Improvement Pro-
11 gram during the preceding fiscal year; and

12 “(3) a description of the Federal role in the
13 Environmental Improvement Program, including the
14 specific role of each agency involved in the restora-
15 tion of the Lake Tahoe Basin.”.

16 **SEC. 7. CONFORMING AMENDMENTS; UPDATES TO RE-**
17 **LATED LAWS.**

18 (a) LAKE TAHOE RESTORATION ACT.—The Lake
19 Tahoe Restoration Act (Public Law 106–506; 114 Stat.
20 2351) is amended—

21 (1) by striking sections 8 and 9;

22 (2) by redesignating sections 10, 11, and 12 as
23 sections 8, 9, and 10, respectively; and

1 (3) in section 9 (as redesignated by paragraph
2 (2)) by inserting “, Director, or Administrator”
3 after “Secretary”.

4 (b) TAHOE REGIONAL PLANNING COMPACT.—Sub-
5 section (c) of Article V of the Tahoe Regional Planning
6 Compact (Public Law 96–551; 94 Stat. 3240) is amended
7 in the third sentence by inserting “and, in so doing, shall
8 ensure that the regional plan reflects changing economic
9 conditions and the economic effect of regulation on com-
10 merce” after “maintain the regional plan”.

11 (c) TREATMENT OF LAKE TAHOE REGION.—

12 ~~(1) TREATMENT OF LAKE TAHOE REGION~~
13 ~~UNDER TITLE 23, UNITED STATES CODE.—Section~~
14 ~~134 of title 23, United States Code, is amended by~~
15 ~~adding at the end the following:~~

16 ~~“(r) TREATMENT OF LAKE TAHOE REGION.—~~

17 ~~“(1) DEFINITION OF LAKE TAHOE REGION.—In~~
18 ~~this subsection, the term ‘Lake Tahoe Region’ has~~
19 ~~the meaning given the term ‘region’ in subsection (a)~~
20 ~~of Article II of the Lake Tahoe Regional Planning~~
21 ~~Compact (Public Law 96–551; 94 Stat. 3234).~~

22 ~~“(2) TREATMENT.—For the purpose of this~~
23 ~~title, the Lake Tahoe Region shall be treated as—~~

24 ~~“(A) a metropolitan planning organization;~~

1 “(B) a transportation management area
2 under subsection (k); and

3 “(C) an urbanized area, which is com-
4 prised of a population of 145,000 in the State
5 of California and a population of 65,000 in the
6 State of Nevada.

7 “(3) SUBALLOCATED FUNDING.—In deter-
8 mining the amount that shall be obligated for a fis-
9 cal year for each of the States of California and Ne-
10 vada under section 133(d)(1)(A) and section
11 213(e)(1)(A), the Secretary shall—

12 “(A) calculate the population under each
13 of clauses (i) through (iii) of section
14 133(d)(1)(A) and section 213(e)(1)(A);

15 “(B) decrease the amount under clause
16 (iii) of each of section 133(d)(1)(A) and section
17 213(e)(1)(A) by the population described in
18 paragraph (2)(C) for the Lake Tahoe Region in
19 the State; and

20 “(C) increase the amount under clause (i)
21 of each of section 133(d)(1)(A) and section
22 213(e)(1)(A) by the population described in
23 paragraph (2)(C) for the Lake Tahoe Region in
24 the State.”.

1 (2) TREATMENT OF LAKE TAHOE REGION
 2 UNDER TITLE 49, UNITED STATES CODE.—Section
 3 5303 of title 49, United States Code, is amended by
 4 adding at the end the following:

5 “(r) TREATMENT OF LAKE TAHOE REGION.—

6 “(1) DEFINITION OF LAKE TAHOE REGION.—In
 7 this subsection, the term ‘Lake Tahoe Region’ has
 8 the meaning given the term ‘region’ in subsection (a)
 9 of Article II of the Lake Tahoe Regional Planning
 10 Compact (Public Law 96-551; 94 Stat. 3234).

11 “(2) TREATMENT.—For the purpose of this
 12 title, the Lake Tahoe Region shall be treated as—

13 “(A) a metropolitan planning organization;

14 “(B) a transportation management area
 15 under subsection (k); and

16 “(C) an urbanized area, which is com-
 17 prised of a population of 145,000 and 25
 18 square miles of land area in the State of Cali-
 19 fornia and a population of 65,000 and 12
 20 square miles of land area in the State of Ne-
 21 vada.”.

22 (c) TREATMENT UNDER TITLE 49, UNITED STATES
 23 CODE.—Section 5303(r)(2)(C) of title 49, United States
 24 Code, is amended—

1 (1) by inserting “and 25 square miles of land
2 area” after “145,000”; and

3 (2) by inserting “and 12 square miles of land
4 area” after “65,000”.

5 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

6 The Lake Tahoe Restoration Act (Public Law 106–
7 506; 114 Stat. 2351) is amended by striking section 10
8 (as redesignated by section 7(a)(2)) and inserting the fol-
9 lowing:

10 **“SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

11 “(a) AUTHORIZATION OF APPROPRIATIONS.—There
12 is authorized to be appropriated to carry out this Act
13 \$415,000,000 for a period of 10 fiscal years beginning the
14 first fiscal year after the date of enactment of the Lake
15 Tahoe Restoration Act of 2015.

16 “(b) EFFECT ON OTHER FUNDS.—Amounts author-
17 ized under this section and any amendments made by this
18 Act—

19 “(1) shall be in addition to any other amounts
20 made available to the Secretary, the Administrator,
21 or the Directors for expenditure in the Lake Tahoe
22 Basin; and

23 “(2) shall not reduce allocations for other Re-
24 gions of the Forest Service, the Environmental Pro-

1 tection Agency, or the United States Fish and Wild-
2 life Service.

3 “(c) COST-SHARING REQUIREMENT.—Except as pro-
4 vided in subsection (d) and section 5(d)(1)(D), funds for
5 activities carried out under section 5 shall be available for
6 obligation on a 1-to-1 basis with funding of restoration
7 activities in the Lake Tahoe Basin by the States of Cali-
8 fornia and Nevada.

9 “(d) RELOCATION COSTS.—Notwithstanding sub-
10 section (c), the Secretary shall provide to local utility dis-
11 tricts $\frac{2}{3}$ of the costs of relocating facilities in connection
12 with—

13 “(1) environmental restoration programs under
14 sections 5 and 6; and

15 “(2) erosion control programs under section 2
16 of Public Law 96-586 (94 Stat. 3381).

17 “(e) SIGNAGE.—To the maximum extent practicable,
18 a program provided assistance under this Act shall include
19 appropriate signage at the program site that—

20 “(1) provides information to the public on—

21 “(A) the amount of Federal funds being
22 provided to the program; and

23 “(B) this Act; and

24 “(2) displays the visual identity mark of the
25 Environmental Improvement Program.”.

1 **SEC. 9. LAND TRANSFERS TO IMPROVE MANAGEMENT EF-**
2 **FICIENCIES OF FEDERAL AND STATE LAND.**

3 Section 3(b) of Public Law 96-586 (94 Stat. 3384)
4 (commonly known as the "Santini-Burton Act") is amend-
5 ed—

6 (1) by striking "(b) Lands" and inserting the
7 following:

8 "(b) ADMINISTRATION OF ACQUIRED LAND.—

9 "(1) IN GENERAL.—Land"; and

10 (2) by adding at the end the following:

11 "(2) CALIFORNIA CONVEYANCES.—

12 "(A) IN GENERAL.—If the State of Cali-
13 fornia (acting through the California Tahoe
14 Conservancy and the California Department of
15 Parks and Recreation) offers to donate to the
16 United States acceptable title to the non-Fed-
17 eral land described in subparagraph (B)(i), the
18 Secretary—

19 "(i) may accept the offer; and

20 "(ii) not later than 180 days after the
21 date on which the Secretary receives ac-
22 ceptable title to the non-Federal land de-
23 scribed in subparagraph (B)(i), convey to
24 the State of California, subject to valid ex-
25 isting rights and for no consideration, all
26 right, title, and interest of the United

39

1 States in and to the Federal land that is
2 acceptable to the State of California.

3 “(B) DESCRIPTION OF LAND.—

4 “(i) NON-FEDERAL LAND.—The non-
5 Federal land referred to in subparagraph
6 (A) includes—

7 “(I) the approximately 1,981
8 acres of land administered by the
9 California Tahoe Conservancy and
10 identified on the Maps as ‘Conser-
11 vancy to the United States Forest
12 Service’; and

13 “(II) the approximately 187
14 acres of land administered by Cali-
15 fornia State Parks and identified on
16 the Maps as ‘State Parks to the U.S.
17 Forest Service’.

18 “(ii) FEDERAL LAND.—The Federal
19 land referred to in subparagraph (A) in-
20 cludes the approximately 1,995 acres of
21 Forest Service land identified on the Maps
22 as ‘U.S. Forest Service to Conservancy
23 and State Parks’.

24 “(C) CONDITIONS.—Any land conveyed
25 under this paragraph shall—

1 “(i) be for the purpose of consoli-
2 dating Federal and State ownerships and
3 improving management efficiencies;

4 “(ii) not result in any significant
5 changes in the uses of the land; and

6 “(iii) be subject to the condition that
7 the applicable deed include such terms, re-
8 strictions, covenants, conditions, and res-
9 ervations as the Secretary determines nec-
10 essary—

11 “(I) to ensure compliance with
12 this Act; and

13 “(II) to ensure that the transfer
14 of development rights associated with
15 the conveyed parcels shall not be rec-
16 ognized or available for transfer under
17 chapter 51 of the Code of Ordinances
18 for the Tahoe Regional Planning
19 Agency.

20 “(3) NEVADA CONVEYANCES.—

21 “(A) IN GENERAL.—In accordance with
22 this section and on request by the Governor of
23 Nevada, the Secretary may transfer the land or
24 interests in land described in subparagraph (B)
25 to the State of Nevada without consideration,

41

1 subject to appropriate deed restrictions to pro-
2 tect the environmental quality and public rec-
3 reational use of the land transferred.

4 “(B) DESCRIPTION OF LAND.—The land
5 referred to in subparagraph (A) includes—

6 “(i) the approximately 38.68 acres of
7 Forest Service land identified on the map
8 entitled ‘State of Nevada Conveyances’ as
9 ‘Van Sickle Unit USFS Inholding’; and

10 “(ii) the approximately 92.28 acres of
11 Forest Service land identified on the map
12 entitled ‘State of Nevada Conveyances’ as
13 ‘Lake Tahoe Nevada State Park USFS
14 Inholding’.

15 “(C) CONDITIONS.—Any land conveyed
16 under this paragraph shall—

17 “(i) be for the purpose of consoli-
18 dating Federal and State ownerships and
19 improving management efficiencies;

20 “(ii) not result in any significant
21 changes in the uses of the land; and

22 “(iii) be subject to the condition that
23 the applicable deed include such terms, re-
24 strictions, covenants, conditions, and res-

1 ervations as the Secretary determines nec-
2 essary—

3 “(I) to ensure compliance with
4 this Act; and

5 “(II) to ensure that the develop-
6 ment rights associated with the con-
7 veyed parcels shall not be recognized
8 or available for transfer under section
9 90.2 of the Code of Ordinances for
10 the Tahoe Regional Planning Agency.

11 “(4) REVERSION.—If a parcel of land trans-
12 ferred under paragraph (2) or (3) is used in a man-
13 ner that is inconsistent with the use described for
14 the parcel of land in paragraph (2) or (3), respec-
15 tively, the parcel of land, shall, at the discretion of
16 the Secretary, revert to the United States.

17 “(5) FUNDING.—

18 “(A) IN GENERAL.—Of the amounts made
19 available under section 10(a) of the Lake Tahoe
20 Restoration Act (Public Law 106–506; 114
21 Stat. 2351), \$2,000,000 shall be made available
22 to the Secretary to carry out the activities
23 under paragraphs (2) and (3).

24 “(B) OTHER FUNDS.—Of the amounts
25 available to the Secretary under paragraph (1),

1 not less than 50 percent shall be provided to
2 the California Tahoe Conservancy to facilitate
3 the conveyance of land described in paragraphs
4 (2) and (3).”.

Senator INHOFE. And we do have 11, with Senator Sessions having arrived.

OK, we now have 11 members, as soon as Senator Sessions sits down.

We will go back now to the final vote on S. 659, the Sportsmen's Act. Seeing no further members wishing to seek recognition or offer amendments, is there a motion to accept the underlying text and report the legislation, as amended, favorably to the Senate?

Senator BARRASSO. So moved.

Senator INHOFE. Is there a second?

Senator CAPITO. Second.

Senator INHOFE. The Clerk will call the roll.

The CLERK. Mr. Barrasso?

Senator BARRASSO. Aye.

The CLERK. Mr. Booker?

Senator BOXER. No by proxy.

The CLERK. Mr. Boozman?

Senator BOOZMAN. Aye.

The CLERK. Mrs. Boxer?

Senator BOXER. No.

The CLERK. Mrs. Capito?

Senator CAPITO. Aye.

The CLERK. Mr. Cardin?

Senator BOXER. No by proxy.

The CLERK. Mr. Carper?

Senator BOXER. Aye by proxy.

The CLERK. Mr. Crapo?

Senator CRAPO. Aye.

The CLERK. Mrs. Fischer?

Senator FISCHER. Aye.

The CLERK. Mrs. Gillibrand?

Senator GILLIBRAND. No.

The CLERK. Mr. Markey?

Senator BOXER. No by proxy.

The CLERK. Mr. Merkley?

Senator MERKLEY. No.

The CLERK. Mr. Rounds?

Senator ROUNDS. Aye.

The CLERK. Mr. Sanders?

Senator BOXER. No by proxy.

The CLERK. Mr. Sessions?

Senator SESSIONS. Aye.

The CLERK. Mr. Sullivan?

Senator INHOFE. Aye by proxy.

The CLERK. Mr. Vitter?

Senator INHOFE. Aye by proxy.

The CLERK. Mr. Whitehouse?

Senator BOXER. No by proxy.

The CLERK. Mr. Wicker?

Senator INHOFE. Aye by proxy.

The CLERK. Mr. Chairman?

Senator INHOFE. Aye.

The CLERK. Mr. Chairman, the yeas are 12, the nays are 8.

Senator INHOFE. The ayes have it and the legislation is reported favorably to the Senate.

We will now move to S. 1024, the Great Lakes Restoration Act. Is there a motion to accept the underlying text? We have already done that.

Senator GILLIBRAND. I ask for a voice vote.

Senator INHOFE. OK, there is a request for a voice vote. Is there objection to a voice vote on S. 1024? No objection.

Is there a motion to accept S. 1024?

Senator GILLIBRAND. I move to accept 1024.

Senator INHOFE. All right. Is there a second?

Senator CAPITO. Second.

Senator INHOFE. Those in favor, say aye.

[Chorus of ayes.]

Senator INHOFE. Opposed, no.

[No audible response.]

Senator INHOFE. The ayes have it in the opinion of the Chair and the legislation will be reported favorably to the Senate.

We now turn to S. 1724, Lake Tahoe Restoration Act.

Senator BOXER. So moved.

Senator INHOFE. Is there a second? As amended. Senator Boxer moves acceptance as amended. Is there a second?

All those in favor say aye.

[Chorus of ayes.]

Senator INHOFE. Opposed, no.

[No audible response.]

Senator INHOFE. In the opinion of the Chair, the ayes have it and the amendment is agreed to.

[Text of S. 659, In the Nature of a Substitute:]

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.

S. 659

To protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Bipartisan Sportsmen’s Act of 2016”.

6 (b) **TABLE OF CONTENTS.**—The table of contents of
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Modification of definition of sport fishing equipment under the Toxic Substances Control Act.
- Sec. 3. Target practice and marksmanship.
- Sec. 4. Permits for importation of polar bear trophies taken in sport hunts in Canada.
- Sec. 5. Baiting of migratory game birds.
- Sec. 6. Protecting the right of individuals to bear arms at water resources development projects.
- Sec. 7. North American Wetlands Conservation Act.
- Sec. 8. Multinational Species Conservation Funds Reauthorization.

1 **SEC. 2. MODIFICATION OF DEFINITION OF SPORT FISHING**
 2 **EQUIPMENT UNDER THE TOXIC SUBSTANCES**
 3 **CONTROL ACT.**

4 Section 3(2)(B) of the Toxic Substances Control Act
 5 (15 U.S.C. 2602(2)(B)) is amended—

6 (1) in clause (v), by striking “and” at the end;

7 (2) in clause (vi) by striking the period at the
 8 end and inserting “, and”; and

9 (3) by inserting after clause (vi) the following:

10 “(vii) any sport fishing equipment (as such
 11 term is defined in section 4162(a) of the Internal
 12 Revenue Code of 1986) the sale of which is subject
 13 to the tax imposed by section 4161(a) of such Code
 14 (determined without regard to any exemptions from
 15 such tax provided by section 4162 or 4221 or any
 16 other provision of such Code), and sport fishing
 17 equipment components.”.

18 **SEC. 3. TARGET PRACTICE AND MARKSMANSHIP.**

19 (a) **PURPOSE.**—The purpose of this section is to fa-
 20 cilitate the construction and expansion of public target
 21 ranges, including ranges on Federal land managed by the
 22 Forest Service and the Bureau of Land Management.

23 (b) **DEFINITION OF PUBLIC TARGET RANGE.**—In
 24 this section, the term “public target range” means a spe-
 25 cific location that—

1 (1) is identified by a governmental agency for
2 recreational shooting;

3 (2) is open to the public;

4 (3) may be supervised; and

5 (4) may accommodate archery or rifle, pistol, or
6 shotgun shooting.

7 (c) AMENDMENTS TO PITTMAN-ROBERTSON WILD-
8 LIFE RESTORATION ACT.—

9 (1) DEFINITIONS.—Section 2 of the Pittman-
10 Robertson Wildlife Restoration Act (16 U.S.C.
11 669a) is amended—

12 (A) by redesignating paragraphs (2)
13 through (8) as paragraphs (3) through (9), re-
14 spectively; and

15 (B) by inserting after paragraph (1) the
16 following:

17 “(2) the term ‘public target range’ means a
18 specific location that—

19 “(A) is identified by a governmental agen-
20 cy for recreational shooting;

21 “(B) is open to the public;

22 “(C) may be supervised; and

23 “(D) may accommodate archery or rifle,
24 pistol, or shotgun shooting;”.

4

1 (2) EXPENDITURES FOR MANAGEMENT OF
2 WILDLIFE AREAS AND RESOURCES.—Section 8(b) of
3 the Pittman-Robertson Wildlife Restoration Act (16
4 U.S.C. 669g(b)) is amended—

5 (A) by striking “(b) Each State” and in-
6 sserting the following:

7 “(b) EXPENDITURES FOR MANAGEMENT OF WILD-
8 LIFE AREAS AND RESOURCES.—

9 “(1) IN GENERAL.—Except as provided in para-
10 graph (2), each State”;

11 (B) in paragraph (1) (as so designated), by
12 striking “construction, operation,” and insert-
13 ing “operation”;

14 (C) in the second sentence, by striking
15 “The non-Federal share” and inserting the fol-
16 lowing:

17 “(3) NON-FEDERAL SHARE.—The non-Federal
18 share”;

19 (D) in the third sentence, by striking “The
20 Secretary” and inserting the following:

21 “(4) REGULATIONS.—The Secretary”; and

22 (E) by inserting after paragraph (1) (as
23 designated by subparagraph (A)) the following:

24 “(2) EXCEPTION.—Notwithstanding the limita-
25 tion described in paragraph (1), a State may pay up

1 to 90 percent of the cost of acquiring land for, ex-
 2 panding, or constructing a public target range.”.

3 (3) FIREARM AND BOW HUNTER EDUCATION
 4 AND SAFETY PROGRAM GRANTS.—Section 10 of the
 5 Pittman-Robertson Wildlife Restoration Act (16
 6 U.S.C. 669h–1) is amended—

7 (A) in subsection (a), by adding at the end
 8 the following:

9 “(3) ALLOCATION OF ADDITIONAL AMOUNTS.—
 10 Of the amount apportioned to a State for any fiscal
 11 year under section 4(b), the State may elect to allo-
 12 cate not more than 10 percent, to be combined with
 13 the amount apportioned to the State under para-
 14 graph (1) for that fiscal year, for acquiring land for,
 15 expanding, or constructing a public target range.”;

16 (B) by striking subsection (b) and insert-
 17 ing the following:

18 “(b) COST SHARING.—

19 “(1) IN GENERAL.—Except as provided in para-
 20 graph (2), the Federal share of the cost of any activ-
 21 ity carried out using a grant under this section shall
 22 not exceed 75 percent of the total cost of the activ-
 23 ity.

24 “(2) PUBLIC TARGET RANGE CONSTRUCTION OR
 25 EXPANSION.—The Federal share of the cost of ac-

1 quiring land for, expanding, or constructing a public
2 target range in a State on Federal or non-Federal
3 land pursuant to this section or section 8(b) shall
4 not exceed 90 percent of the cost of the activity.”;
5 and

6 (C) in subsection (e)(1)—

7 (i) by striking “Amounts made” and
8 inserting the following:

9 “(A) IN GENERAL.—Except as provided in
10 subparagraph (B), amounts made”; and

11 (ii) by adding at the end the fol-
12 lowing:

13 “(B) EXCEPTION.—Amounts provided for
14 acquiring land for, constructing, or expanding a
15 public target range shall remain available for
16 expenditure and obligation during the 5-fiscal-
17 year period beginning on October 1 of the first
18 fiscal year for which the amounts are made
19 available.”.

20 (d) SENSE OF CONGRESS REGARDING COOPERA-
21 TION.—It is the sense of Congress that, consistent with
22 applicable laws (including regulations), the Chief of the
23 Forest Service and the Director of the Bureau of Land
24 Management should cooperate with State and local au-
25 thorities and other entities to carry out waste removal and

1 other activities on any Federal land used as a public target
2 range to encourage continued use of that land for target
3 practice or marksmanship training.

4 **SEC. 4. PERMITS FOR IMPORTATION OF POLAR BEAR TRO-**
5 **PHIES TAKEN IN SPORT HUNTS IN CANADA.**

6 Section 104(e)(5)(D) of the Marine Mammal Protec-
7 tion Act of 1972 (16 U.S.C. 1374(c)(5)(D)) is amended
8 to read as follows:

9 “(D)(i) The Secretary of the Interior shall, ex-
10 peditiously after the expiration of the applicable 30-
11 day period under subsection (d)(2), issue a permit
12 for the importation of any polar bear part (other
13 than an internal organ) from a polar bear taken in
14 a sport hunt in Canada to any person—

15 “(I) who submits, with the permit applica-
16 tion, proof that the polar bear was legally har-
17 vested by the person before February 18, 1997;
18 or

19 “(II) who has submitted, in support of a
20 permit application submitted before May 15,
21 2008, proof that the polar bear was legally har-
22 vested by the person before May 15, 2008, from
23 a polar bear population from which a sport-
24 hunted trophy could be imported before that

1 date in accordance with section 18.30(i) of title
2 50, Code of Federal Regulations.

3 “(ii) The Secretary shall issue permits under
4 clause (i)(I) without regard to subparagraphs (A)
5 and (C)(ii) of this paragraph, subsection (d)(3), and
6 sections 101 and 102. Sections 101(a)(3)(B) and
7 102(b)(3) shall not apply to the importation of any
8 polar bear part authorized by a permit issued under
9 clause (i)(I). This clause shall not apply to polar
10 bear parts that were imported before June 12, 1997.

11 “(iii) The Secretary shall issue permits under
12 clause (i)(II) without regard to subparagraph (C)(ii)
13 of this paragraph or subsection (d)(3). Sections
14 101(a)(3)(B) and 102(b)(3) shall not apply to the
15 importation of any polar bear part authorized by a
16 permit issued under clause (i)(II). This clause shall
17 not apply to polar bear parts that were imported be-
18 fore the date of enactment of the Bipartisan Sports-
19 men’s Act of 2016.”

20 **SEC. 5. BAITING OF MIGRATORY GAME BIRDS.**

21 Section 3 of the Migratory Bird Treaty Act (16
22 U.S.C. 704) is amended by striking subsection (b) and in-
23 serting the following:

24 “(b) PROHIBITION OF BAITING.—

25 “(1) DEFINITIONS.—In this subsection:

9

1 “(A) BAITED AREA.—

2 “(i) IN GENERAL.—The term ‘baited
3 area’ means—

4 “(I) any area on which salt,
5 grain, or other feed has been placed,
6 exposed, deposited, distributed, or
7 scattered, if the salt, grain, or feed
8 could lure or attract migratory game
9 birds; and

10 “(II) in the case of waterfowl,
11 cranes (family Gruidae), and coots
12 (family Rallidae), a standing,
13 unharvested crop that has been ma-
14 nipulated through activities such as
15 mowing, discing, or rolling, unless the
16 activities are normal agricultural prac-
17 tices.

18 “(ii) EXCLUSIONS.—An area shall not
19 be considered to be a ‘baited area’ if the
20 area—

21 “(I) has been treated with a nor-
22 mal agricultural practice;

23 “(II) has standing crops that
24 have not been manipulated; or

11

1 planting, harvest, post-harvest, or soil
 2 conservation practices; and

3 “(II) is recommended for the
 4 successful harvest of a given crop by
 5 the applicable State office of the Co-
 6 operative Extension System of the De-
 7 partment of Agriculture, in consulta-
 8 tion with, and if requested, the con-
 9 currence of, the head of the applicable
 10 State department of fish and wildlife.

11 “(ii) INCLUSIONS.—

12 “(I) IN GENERAL.—Subject to
 13 subelause (II), the term ‘normal agri-
 14 cultural practice’ includes the destruc-
 15 tion of a crop in accordance with
 16 practices required by the Federal
 17 Crop Insurance Corporation for agri-
 18 cultural producers to obtain crop in-
 19 surance under the Federal Crop In-
 20 surance Act (7 U.S.C. 1501 et seq.)
 21 on land on which a crop during the
 22 current or immediately preceding crop
 23 year was not harvestable due to a nat-
 24 ural disaster (including any hurricane,
 25 storm, tornado, flood, high water,

12

1 wind-driven water, tidal wave, tsu-
 2 nami, earthquake, volcanic eruption,
 3 landslide, mudslide, drought, fire,
 4 snowstorm, or other catastrophe that
 5 is declared a major disaster by the
 6 President in accordance with section
 7 401 of the Robert T. Stafford Dis-
 8 aster Relief and Emergency Assist-
 9 ance Act (42 U.S.C. 5170)).

10 “(II) LIMITATIONS.—The term
 11 ‘normal agricultural practice’ only in-
 12 cludes a crop described in subclaus-
 13 (I) that has been destroyed or manip-
 14 ulated through activities that include
 15 (but are not limited to) mowing,
 16 discing, or rolling if the Federal Crop
 17 Insurance Corporation certifies that
 18 flooding was not an acceptable method
 19 of destruction to obtain crop insur-
 20 ance under the Federal Crop Insur-
 21 ance Act (7 U.S.C. 1501 et seq.).

22 “(E) WATERFOWL.—The term ‘waterfowl’
 23 means native species of the family Anatidae.

24 “(2) PROHIBITION.—It shall be unlawful for
 25 any person—

1 “(A) to take any migratory game bird by
2 baiting or on or over any baited area, if the
3 person knows or reasonably should know that
4 the area is a baited area; or

5 “(B) to place or direct the placement of
6 bait on or adjacent to an area for the purpose
7 of causing, inducing, or allowing any person to
8 take or attempt to take any migratory game
9 bird by baiting or on or over the baited area.

10 “(3) REGULATIONS.—The Secretary of the In-
11 terior may promulgate regulations to implement this
12 subsection.

13 “(4) REPORTS.—Annually, the Secretary of Ag-
14 riculture shall submit to the Secretary of the Inte-
15 rior a report that describes any changes to normal
16 agricultural practices across the range of crops
17 grown by agricultural producers in each region of
18 the United States in which the recommendations are
19 provided to agricultural producers.”.

20 **SEC. 6. PROTECTING THE RIGHT OF INDIVIDUALS TO BEAR**
21 **ARMS AT WATER RESOURCES DEVELOPMENT**
22 **PROJECTS.**

23 The Secretary of the Army shall not promulgate or
24 enforce any regulation that prohibits an individual from
25 possessing a firearm, including an assembled or functional

1 firearm, in any area open to the public (other than a Fed-
 2 eral facility as defined in section 930(g) of title 18, United
 3 States Code) at a water resources development project
 4 covered under section 327.0 of title 36, Code of Federal
 5 Regulations (as in effect on the date of enactment of this
 6 Act), if—

7 (1) the individual is not otherwise prohibited by
 8 law from possessing the firearm; and

9 (2) the possession of the firearm is in compli-
 10 ance with the law of the State in which the water
 11 resources development project is located.

12 **SEC. 7. NORTH AMERICAN WETLANDS CONSERVATION ACT.**

13 Section 7(c) of the North American Wetlands Con-
 14 servation Act (16 U.S.C. 4406(c)) is amended—

15 (1) in paragraph (4), by striking “and”;

16 (2) in paragraph (5), by striking the period at
 17 the end and inserting “; and”; and

18 (3) by adding at the end the following:

19 “(6) \$50,000,000 for each of fiscal years 2016
 20 through 2021.”.

21 **SEC. 8. MULTINATIONAL SPECIES CONSERVATION FUNDS**
 22 **REAUTHORIZATION.**

23 (a) REAUTHORIZATION OF AFRICAN ELEPHANT CON-
 24 SERVATION ACT.—Section 2306(a) of the African Ele-
 25 phant Conservation Act (16 U.S.C. 4245(a)) is amended

1 by striking “2007 through 2012” and inserting “2016
2 through 2020”.

3 (b) REAUTHORIZATION OF RHINOCEROS AND TIGER
4 CONSERVATION ACT OF 1994.—Section 10(a) of the Rhi-
5 noceros and Tiger Conservation Act of 1994 (16 U.S.C.
6 5306(a)) is amended by striking “2007 through 2012”
7 and inserting “2016 through 2020”.

8 (c) REAUTHORIZATION OF ASIAN ELEPHANT CON-
9 SERVATION ACT OF 1997.—Section 8(a) of the Asian Ele-
10 phant Conservation Act of 1997 (16 U.S.C. 4266(a)) is
11 amended by striking “2007 through 2012” and inserting
12 “2016 through 2020”.

13 (d) AMENDMENT AND REAUTHORIZATION OF GREAT
14 APE CONSERVATION ACT OF 2000.—The Great Ape Con-
15 servation Act of 2000 is amended as follows:

16 (1) MULTIYEAR GRANTS.—In section 4 (16
17 U.S.C. 6303), by adding at the end the following
18 new subsections:

19 “(j) MULTIYEAR GRANTS.—

20 “(1) IN GENERAL.—The Secretary may award
21 a multiyear grant under this section to a person who
22 is otherwise eligible for a grant under this section,
23 to carry out a project that the person demonstrates
24 is an effective, long-term conservation strategy for
25 great apes and their habitats.

16

1 “(2) ANNUAL GRANTS NOT AFFECTED.—This
2 subsection shall not be construed as precluding the
3 Secretary from awarding grants on an annual
4 basis.”.

5 (2) PANEL OF EXPERTS.—In section 4(i) (16
6 U.S.C. 6303(i))—

7 (A) in paragraph (1), by—

8 (i) striking “Every 2 years” and in-
9 serting “Within one year after the date of
10 the enactment of the Bipartisan Sports-
11 men’s Act of 2016, and every 5 years
12 thereafter”;

13 (ii) striking “may convene” and in-
14 serting “shall convene”;

15 (iii) inserting “and priorities” after
16 “needs”; and

17 (iv) adding at the end the following
18 new sentence: “The panel shall, to the ex-
19 tent practicable, include representatives
20 from foreign range states with expertise in
21 great ape conservation.”; and

22 (B) by redesignating paragraph (2) as
23 paragraph (4), and inserting after paragraph
24 (1) the following new paragraphs:

1 “(2) In identifying conservation needs and pri-
2 orities under paragraph (1), the panel shall consider
3 relevant great ape conservation plans or strategies
4 including scientific research and findings related
5 to—

6 “(A) the conservation needs and priorities
7 of great apes;

8 “(B) regional or species-specific action
9 plans or strategies;

10 “(C) applicable strategies developed or ini-
11 tiated by the Secretary; and

12 “(D) any other applicable conservation
13 plan or strategy.

14 “(3) The Secretary, subject to the availability
15 of appropriations, may pay expenses of convening
16 and facilitating meetings of the panel.”.

17 (3) ADMINISTRATIVE EXPENSES LIMITATION.—
18 In section 5(b)(2) (16 U.S.C. 6304(b)(2)), by strik-
19 ing “\$100,000” and inserting “\$150,000”.

20 (4) AUTHORIZATION OF APPROPRIATIONS.—In
21 section 6 (16 U.S.C. 6305), by striking “2006
22 through 2010” and inserting “2016 through 2020”.

23 (e) AMENDMENT AND REAUTHORIZATION OF MA-
24 RINE TURTLE CONSERVATION ACT OF 2004.—

1 (1) IN GENERAL.—The Marine Turtle Con-
2 servation Act of 2004 is amended—

3 (A) in sections 2(b) and 3(2) (16 U.S.C.
4 6601(b), 6602(2)), by inserting “and territories
5 of the United States” after “foreign countries”
6 each place it occurs;

7 (B) in section 3 (16 U.S.C. 6602) by add-
8 ing at the end the following:

9 “(7) TERRITORY OF THE UNITED STATES.—
10 The term ‘territory of the United States’ means each
11 of Puerto Rico, the United States Virgin Islands,
12 Guam, American Samoa, the Commonwealth of the
13 Northern Mariana Islands, and any other territory
14 or possession of the United States.”; and

15 (C) in section 4 (16 U.S.C. 6603)—

16 (i) in subsection (b)(1)(A), by insert-
17 ing “or territory of the United States”
18 after “foreign country”; and

19 (ii) in subsection (d) by inserting
20 “and territories of the United States” after
21 “foreign countries”.

22 (2) ADMINISTRATIVE EXPENSES LIMITATION.—
23 Section 5(b)(2) of the Marine Turtle Conservation
24 Act of 2004 (16 U.S.C. 6604(b)(2)) is amended by
25 striking “\$80,000” and inserting “\$150,000”.

19

1 (3) REAUTHORIZATION.—Section 7 of the Ma-
2 rine Turtle Conservation Act of 2004 (16 U.S.C.
3 6606) is amended by striking “each of fiscal years
4 2005 through 2009” and inserting “each of fiscal
5 years 2016 through 2020”.

Finally, the authority to make technical and confirming changes. I ask unanimous consent that the staff have authority to make technical and conforming changes to the measure approved today. Without objection, so ordered.

I would observe, Senator Gillibrand, that we did pass your bill before you came here. Was there any comment you wanted to make about that?

Senator GILLIBRAND. No. I will submit my comments for the record. Thank you very much.

Senator INHOFE. Very good.

With that, the business meeting is concluded. Thank all of you for staying here.

[Whereupon, at 11:49 a.m. the committee was adjourned.]

[Additional material submitted for the record follows.]

STATEMENT OF SENATOR HARRY REID

SUBMITTED TO THE SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
MARKUP OF S. 1724, THE LAKE TAHOE RESTORATION ACT

Thank you Chairman Inhofe and Senator Boxer for the opportunity to submit written testimony on this bipartisan proposal to help protect one of the most beautiful places on earth, Lake Tahoe.

I also want to thank the ranking member, Senator Feinstein, and Senator Heller for their steadfast commitment to the Lake Tahoe Basin, which as Mark Twain said, provides "surely the fairest picture the whole earth affords" to its many visitors and the residents of Nevada and California who call the basin home. We have come together to sponsor this legislation because Lake Tahoe is both a natural wonder that we must protect for our future generations and an enormous economic driver for Nevada and California.

Since 1997, when we held the first Lake Tahoe Summit with President Bill Clinton, we have made incredible strides in restoring the health and famed clarity of Lake Tahoe's waters. With the passage of the first Lake Tahoe Restoration Act in 2000, we have been able to accomplish so much. Major forest restoration and fuel breaks have been completed to lessen the impact of wildfire on the lake itself and the community that surrounds it. Marshlands and wildlife habitat around the lake have been restored and improved. Pollution from stormwater and transportation that was clouding the lake's clear blue waters has been mitigated. The Lahontan Cutthroat Trout, which had disappeared from the lake in 1939, is on its way to recovery. We have made significant progress in restoring our Jewel of the Sierras, but there is still much more that needs to be done. This bill is vital to ensuring that the work of protecting Lake Tahoe and the Tahoe Basin continues uninterrupted.

But this legislation does more than simply carry these existing programs forward. This bill focuses our investments by making science a priority, calls for better management of our public lands in the Lake Tahoe Basin and better public access to those lands, and takes aggressive action against new threats, specifically algae growth and the spread of aquatic invasive species such as quagga and zebra mussels. We have seen the threat of quagga and zebra mussels in Lake Mead in southern Nevada. Quagga mussels, which were discovered in Lake Mead for the first time in 2007, now number in the trillions. They clog water intake pipes, cover beaches with sharp shells and compete with native species for nutrients. We must do everything we can to prevent Lake Tahoe from befalling a similar fate.

Finally, before I conclude, I would like to thank the coalition of people and organizations in Lake Tahoe who have proven to be a model of cooperation. The local residents, federal employees, town and county representatives, the Tahoe Regional Planning Agency, the business community and the non-profit community in the Lake Tahoe Basin have demonstrated the impact that federal funding paired with state and local resources can have. The partnership to protect Lake Tahoe works and we should continue to invest in that partnership with this legislation. By guarding against pollution, wildfires and invasive species, we can ensure that the Jewel of the Sierras continues to be a thriving tourist destination for those who enjoy Lake Tahoe's crystal clear waters for many years to come.

I look forward to working with the Senate Environment and Public Works Committee to move this bill forward. I request that my statement be included in the record.