BUSINESS MEETING

MEETING
BEFORE THE
COMMITTEE ON
ENVIRONMENT AND PUBLIC WORKS
UNITED STATES SENATE
ONE HUNDRED FIFTEENTH CONGRESS
FIRST SESSION
JULY 26, 2017

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


U.S. GOVERNMENT PUBLISHING OFFICE
WASHINGTON : 2018
CONTENTS

JULY 26, 2017

OPENING STATEMENTS

Barrasso, Hon. John, U.S. Senator from the State of Wyoming ......................... 1
Carper, Hon. Thomas R., U.S. Senator from the State of Delaware ................. 2
Prepared statement .......................................................................................... 81

LEGISLATION

Text of S. 1514, the Hunting Heritage and Environmental Legacy Preservation for Wildlife Act .................................................................................................................. 5
Text of Duckworth Amendment No. 1 .............................................................. 69
Text of Inhofe Amendment No. 1 ................................................................. 75
Text of Sullivan Amendment No. 1 ............................................................... 78
Text of Carper Amendment No. 1 ................................................................. 83
OPENING STATEMENT OF HON. JOHN BARRASSO,
U.S. SENATOR FROM THE STATE OF WYOMING

Senator BARRASSO. Good morning. I call this business meeting to order.
I want to thank everyone for coming in this morning.
We are here to consider S. 1514, the Hunting Heritage and Environmental Legacy Preservation for Wildlife Act, or the HELP for Wildlife Act.
Ranking Member Carper and I will give opening statements, then I will call up the bill for amendment. After we vote to report the bill to the Senate, I will recognize other members for other additional statements that they would like to make.
The HELP for Wildlife Act is a bipartisan comprehensive conservation bill designed to enhance recreational hunting and sport fishing activities, ensure common sense environmental regulations, and protect wildlife and wildlife habitat.
I introduce this bipartisan bill along with Senators Cardin, Boozman, Klobuchar, Capito, and Baldwin. The bill also has been co-sponsored by Senators Johnson, Enzi, King, and Inhofe. I want to thank them for working with me in crafting this legislation that over 50 environmental and sportsmen organizations have endorsed and that the Teddy Roosevelt Conservation Partnership has called the strongest legislative package of sportsmen’s priorities in years.
Last week the Senate Environment and Public Works Committee heard testimony from several witnesses who agreed with the rest of the dozens of environmental and sportsmen organizations that the HELP for Wildlife Act is a significant conservation bill worth supporting.
The Wyoming Game and Fish Department’s chief game warden and chief of the wildlife division applauded the bill for exhibiting, as he described it, “a reliance on the underlying trust in the abilities of States to make decisions regarding important issues affect-
ing their citizenry” and for “placing priority on and providing resources for America’s fish and wildlife resources and the places that they live.”

The CEO of Ducks Unlimited, who is a former director of the U.S. Fish and Wildlife Service, testified, “This bill is very important and has a lot of components in it that are important to all of us in the conservation community. This significant bipartisan conservation bill will improve habitat and protect wildlife throughout the Chesapeake Bay watershed in States like New York, Maryland, Delaware, and West Virginia.”

The Vice President of the Environmental Protection and Restoration for the Chesapeake Bay Foundation testified, “The Chesapeake Bay Foundation strongly supports the conservation programs included in this bill. They are important to the sportsmen and anglers in our region and to restoring the Chesapeake Bay.”

The environmental sportsmen’s communities are enthusiastic about the HELP for Wildlife Act for good reason. The bill protects the environment, and it conserves wildlife and wildlife habitats by creating fish habitat, conservation partnerships, and by reauthorizing the North American Wetlands Conservation Act, the National Fish and Wildlife Foundation Act, the Neotropical Migratory Bird Conservation Act, the Chesapeake Bay Program, and the Chesapeake Bay Gateways Grants Assistance Program.

The bill enhances opportunities for sportsmen by ensuring anglers can continue to use lead tackle and by promoting public target ranges for recreational shooting.

The bill provides farmers with regulatory certainty by ensuring that they are not held liable for bird baiting for hunting purposes when they adhere to USDA and State agriculture best practices.

The bill puts an end to the Endangered Species Act listing of the gray wolf in Wyoming and the Great Lakes, which will free up the U.S. Fish and Wildlife Service to redirect resources that were being spent on the already fully recovered gray wolf to other species that are truly in need.

It is time for this Committee to take a major step toward furthering conservation efforts in our States in a bipartisan way. I urge my colleagues to stand with the 50+ environmental and sportsmen’s organizations and constituents that they represent who want further conservation efforts in this country.

I look forward to passing this important legislation out of the Committee today and working with my colleagues to pass it on the Senate floor.

I will now turn to Ranking Member Carper for his statement.

OPENING STATEMENT OF HON. THOMAS R. CARPER, U.S. SENATOR FROM THE STATE OF DELAWARE

Senator CARPER. Thank you, Mr. Chairman.

Good morning, everyone. As we heard from our witnesses last week, the HELP for Wildlife Act addresses many issues that are important for our nation’s sportsmen and sportswomen who are currently working collectively to ensure that outdoor recreational opportunities abound for our generation and for future generations.

I am especially pleased that the programs reauthorized in this legislation are highly leveraged by private funding, funding that is
often secured by the outdoor recreation community. I am encouraged that these dedicated individuals are willing to work hard to better conserve our nation's wildlife and to work together.

These programs also create wonderful opportunities in my home State of Delaware. I was pleased to learn from Dale Hall last week that Delaware has 10 projects completed or underway for funding through the North American Wetlands Conservation Act. These projects have conserved more than 10,000 acres of wetlands, and for a little State like Delaware, that is a lot. Contributions from partners tripled the Government's investment in these projects. Tripled the Government's investment.

Delaware receives approximately $2 million per year through the Chesapeake Bay Program for a variety of non-point source pollution control, habitat conservation, and other initiatives that help improve local water quality, benefit fish and wildlife, and reduce the flow of harmful nutrients and sediments downriver to the Chesapeake Bay.

I just want to take a moment just to applaud Ben Cardin for his continued work and commitment to cleaning up the Chesapeake Bay. I became Governor in 1993, and we had not been very good neighbors in Delaware; we were contributing to the degradation of the Chesapeake Bay. I think we have cleaned up our act a whole lot, and I hope we are much better neighbors to these guys. But nobody has worked harder than Ben.

And we have received, as recently as last week, an update report on the Chesapeake Bay, and all the efforts for the last 20 years actually paying off. Water quality continues to improve, and the people who make their livelihoods there are better off because of that, so, Ben, I want to thank you.

Senator CARDIN. Chairman, if the Ranking Member would just yield for a second.

Senator CARPER. I refuse to yield.

[Laughter.]

Senator CARDIN. You can take as much time as you want. You said take a moment. Take more time if you need it.

But let me first, you are kind in your praise, but I think the Committee should know that Senator Carper has been one of the great leaders on this issue, and we have done things together in Delmarva on the Bay, so thank you, Senator Carper.

Senator CARPER. Thanks for saying that.

Building upon these necessary investments in the Bay watershed, the National Fish and Wildlife Foundation enables complementary water quality improvements by working with Delaware communities in agricultural industries. The National Fish and Wildlife Foundation also recently funded monitoring the restoration in our beloved First State National Historical Park, which is the newest national park, I believe, in America, in order to provide a better park experience for our residents and our visits.

Last, but not least, the Migratory Bird Conservation Act and National Fish Habitat Partnership create and conserve habitat for some of our State's most important birds and fish species.

For all these reasons, I support the HELP for Wildlife Act. However, no bill is perfect, certainly none that I have ever written, and this one is no exception. I must respectfully reaffirm my concern
with the provision in this bill that removes Endangered Species Act protection for gray wolves and prohibits judicial review in the Great Lakes and in Wyoming. I have listened carefully, as we all have, to our colleagues and stakeholders on both sides of this difficult issue, and while I understand the Chairman's concerns, I continue to believe that congressional intervention is not the best path forward, and I urge us not to make it a habit.

Having said that, though, Mr. Chairman, I want to thank you for your efforts to produce a bipartisan bill and for everyone who has worked on this to get us here to this point today, and I look forward to working with our Chairman and with all of you colleagues going forward.

Thanks so much.

Senator BARRASSO. Thank you very much, Senator Carper.

We do have a quorum, so we are ready to move.

I would like to call up S. 1514, the Hunting Heritage and Environmental Legacy Preservation for Wildlife Act, the HELP for Wildlife Act.

[The text of S. 1514 follows:]
115TH CONGRESS  
1ST SESSION  
S. 1514  

To amend certain Acts to reauthorize those Acts and to increase protections for wildlife, and for other purposes.

IN THE SENATE OF THE UNITED STATES  
JUNE 29, 2017

Mr. BARRASO (for himself, Mr. CASSIDY, Mr. Baucus, Ms. Klobuchar,  
Mr. Casey, and Ms. Baldwin) introduced the following bill, which was  
read twice and referred to the Committee on Environment and Public  
Works

A BILL

To amend certain Acts to reauthorize those Acts and to  
increase protections for wildlife, and for other purposes.

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

SECTION 1. SHORT TITLE.

4 This Act may be cited as the “Hunting Heritage and  
Environmental Legacy Preservation for Wildlife Act” or  
the “HELP for Wildlife Act”.

SEC. 2. TARGET PRACTICE AND MARKSMANSHIP.

(a) PURPOSE.—The purpose of this section is to fa-  
cilitate the construction and expansion of public target
ranges, including ranges on Federal land managed by the Forest Service and the Bureau of Land Management.

(h) **DEFINITION OF PUBLIC TARGET RANGE.**—In this section, the term "public target range" means a specific location that—

(1) is identified by a governmental agency for recreational shooting;

(2) is open to the public;

(3) may be supervised; and

(4) may accommodate archery or rifle, pistol, or shotgun shooting.

(c) **AMENDMENTS TO PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.**—

(1) **DEFINITIONS.**—Section 2 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669a) is amended—

(A) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively; and

(B) by inserting after paragraph (1) the following:

"(2) the term ‘public target range’ means a specific location that—

(A) is identified by a governmental agency for recreational shooting;
“(B) is open to the public;

“(C) may be supervised; and

“(D) may accommodate archery or rifle, pistol, or shotgun shooting.”

(2) Expenditures for Management of Wildlife Areas and Resources.—Section 8(b) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669g(b)) is amended—

(A) by striking “(b) Each State” and inserting the following:

“(b) Expenditures for Management of Wildlife Areas and Resources.—

“(1) In general.—Except as provided in paragraph (2), each State”;

(B) in paragraph (1) (as so designated), in the first sentence, by striking “construction, operation,” and inserting “operation”;

(C) in the second sentence, by striking “The non-Federal share” and inserting the following:

“(3) Non-Federal share.—The non-Federal share”;

(D) in the third sentence, by striking “The Secretary” and inserting the following:

“(4) Regulations.—The Secretary”; and
(E) by inserting after paragraph (1) (as designated by subparagraph (A)) the following:

“(2) EXCEPTION.—Notwithstanding the limitation described in paragraph (1), a State may pay up to 90 percent of the cost of acquiring land for, expanding, or constructing a public target range.”.

(3) FIREARM AND HUNTER EDUCATION AND SAFETY PROGRAM GRANTS.—Section 10 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b–1) is amended—

(A) in subsection (a), by adding at the end of the following:

“(3) ALLOCATION OF ADDITIONAL AMOUNTS.—

Of the amount apportioned to a State for any fiscal year under section 4(b), the State may elect to allocate not more than 10 percent, to be combined with the amount apportioned to the State under paragraph (1) for that fiscal year, for acquiring land for, expanding, or constructing a public target range.”;

(B) by striking subsection (b) and inserting the following:

“(b) COST SHARING.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Federal share of the cost of any activity carried out using a grant under this section shall
not exceed 75 percent of the total cost of the activity.

"(2) Public target range construction or expansion.—The Federal share of the cost of acquiring land for, expanding, or constructing a public target range in a State on Federal or non-Federal land pursuant to this section or section 8(b) shall not exceed 90 percent of the cost of the activity."

and

(C) in subsection (c)(1)—

(i) by striking "Amounts made" and inserting the following:

"(A) In general.—Except as provided in subparagraph (B), amounts made"; and

(ii) by adding at the end the following:

"(B) Exception.—Amounts provided for acquiring land for, constructing, or expanding a public target range shall remain available for expenditure and obligation during the 5-fiscal-year period beginning on October 1 of the first fiscal year for which the amounts are made available."

(d) Sense of Congress regarding cooperation.—It is the sense of Congress that, consistent with
6

1 applicable laws (including regulations), the Chief of the
2 Forest Service and the Director of the Bureau of Land
3 Management should cooperate with State and local au-
4 thorities and other entities to carry out waste removal and
5 other activities on any Federal land used as a public target
6 range to encourage continued use of that land for target
7 practice or marksmanship training.

8 SEC. 3. BAITING OF MIGRATORY GAME BIRDS.
9 Section 3 of the Migratory Bird Treaty Act (16
10 U.S.C. 704) is amended by striking subsection (b) and in-
11 serting the following:
12 "(b) PROHIBITION OF BAITING.—
13 "(1) DEFINITIONS.—In this subsection:
14 "(A) BAITED AREA.—
15 "(i) IN GENERAL.—The term ‘baited
16 area’ means—
17 ((T) any area on which salt,
18 grain, or other feed has been placed,
19 exposed, deposited, distributed, or
20 scattered, if the salt, grain, or feed
21 could lure or attract migratory game
22 birds; and
23 ((II) in the case of waterfowl,
24 cranes (family Gruidae), and coots
25 (family Rallidae), a standing,
unharvested crop that has been manipulated through activities such as mowing, discing, or rolling, unless the activities are normal agricultural practices.

“(ii) EXCLUSIONS.—An area shall not be considered to be a ‘baited area’ if the area—

“(I) has been treated with a normal agricultural practice;

“(II) has standing crops that have not been manipulated; or

“(III) has standing crops that have been or are flooded.

“(B) BAITING.—The term ‘baiting’ means the direct or indirect placing, exposing, depositing, distributing, or scattering of salt, grain, or other feed that could lure or attract migratory game birds to, on, or over any areas on which a hunter is attempting to take migratory game birds.

“(C) MIGRATORY GAME BIRD.—The term ‘migratory game bird’ means migratory bird species—
“(i) that are within the taxonomic families of Anatidae, Columbidae, Gruidae, Rallidae, and Scolopacidae; and

“(ii) for which open seasons are prescribed by the Secretary of the Interior.

“(D) NORMAL AGRICULTURAL PRACTICE.—

“(i) IN GENERAL.—The term ‘normal agricultural practice’ means any practice in an annual growing season that—

“(I) is carried out in order to produce a marketable crop, including planting, harvest, post-harvest, or soil conservation practices; and

“(II) is recommended for the successful harvest of a given crop by the applicable State office of the Cooperative Extension System of the Department of Agriculture, in consultation with, and if requested, the concurrence of, the head of the applicable State department of fish and wildlife.

“(ii) INCLUSIONS.—

“(I) IN GENERAL.—Subject to subclause (II), the term ‘normal agri-
cultural practice' includes the destruction of a crop in accordance with practices required by the Federal Crop Insurance Corporation for agricultural producers to obtain crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) on land on which a crop during the current or immediately preceding crop year was not harvestable due to a natural disaster (including any hurricane, storm, tornado, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, drought, fire, snowstorm, or other catastrophe that is declared a major disaster by the President in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170)).

"(II) LIMITATIONS.—The term 'normal agricultural practice' only includes a crop described in subclause (I) that has been destroyed or manip-
ulated through activities that include
(but are not limited to) mowing,
discarding, or rolling if the Federal Crop
Insurance Corporation certifies that
flooding was not an acceptable method
of destruction to obtain crop insur-
ance under the Federal Crop Insur-
ance Act (7 U.S.C. 1501 et seq.).

"(E) WATERFOWL.—The term ‘waterfowl’
means native species of the family Anatidae.

"(2) PROHIBITION.—It shall be unlawful for
any person—

"(A) to take any migratory game bird by
baiting or on or over any baited area, if the
person knows or reasonably should know that
the area is a baited area; or

"(B) to place or direct the placement of
bait on or adjacent to an area for the purpose
of causing, inducing, or allowing any person to
take or attempt to take any migratory game
bird by baiting or on or over the baited area.

"(3) REGULATIONS.—The Secretary of the In-
terior may promulgate regulations to implement this
subsection.
“(4) Reports.—Annually, the Secretary of Agriculture shall submit to the Secretary of the Interior a report that describes any changes to normal agricultural practices across the range of crops grown by agricultural producers in each region of the United States in which the recommendations are provided to agricultural producers.”.

SEC. 4. NORTH AMERICAN WETLANDS CONSERVATION ACT.

(a) REAL PROPERTY.—Section 6(a)(3) of the North American Wetlands Conservation Act (16 U.S.C. 4405(a)(3)) is amended—

(1) by striking “(3) in lieu of” and inserting the following:

“(3) PROVISION OF FUNDS OR CONVEYANCE OF REAL PROPERTY INTEREST.—

“(A) IN GENERAL.—In lieu of”;

(2) in the second sentence, by striking “The Secretary shall” and inserting the following:

“(B) DETERMINATION.—The Secretary shall”; and

(3) by striking the third sentence and inserting the following:

“(C) REAL PROPERTY.—Any real property interest conveyed under this paragraph shall be
subject to terms and conditions that ensure that—

“(i) the real property interest will be administered for the long-term conservation and management of the wetland ecosystem and the fish and wildlife dependent on that ecosystem;

“(ii) the grantor of a real property interest has been provided with information relating to all available conservation options, including conservation options that involve the conveyance of a real property interest for a limited period of time; and

“(iii) the provision of the information described in clause (ii) has been documented.”.

(b) Authorization of Appropriations.—Section 7(c) of the North American Wetlands Conservation Act (16 U.S.C. 4406(c)) is amended—

(1) in paragraph (4), by striking “and”;

(2) in paragraph (5), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(6) $50,000,000 for each of fiscal years 2018 through 2022.”.
SEC. 5. NATIONAL FISH AND WILDLIFE FOUNDATION ESTABLISHMENT ACT.

(a) BOARD OF DIRECTORS OF FOUNDATION.—

(1) IN GENERAL.—Section 3 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702) is amended—

(A) in subsection (b)—

(i) by striking paragraph (2) and inserting the following:

“(2) IN GENERAL.—After consulting with the Secretary of Commerce and considering the recommendations submitted by the Board, the Secretary of the Interior shall appoint 28 Directors who, to the maximum extent practicable, shall—

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

“(B) represent a balance of expertise in ocean, coastal, freshwater, and terrestrial resource conservation.”; and

(ii) by striking paragraph (3) and inserting the following:

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

(B) in subsection (g)(2)—
(i) in subparagraph (A), by striking
“(A) Officers and employees may not be
appointed until the Foundation has suffi-
cient funds to pay them for their service.
Officers” and inserting the following:
“(A) IN GENERAL.—Officers”; and
(ii) by striking subparagraph (B) and
inserting the following:
“(B) EXECUTIVE DIRECTOR.—The Foun-
dation shall have an Executive Director who
shall be—
“(i) appointed by, and serve at the di-
rection of, the Board as the chief executive
officer of the Foundation; and
“(ii) knowledgeable and experienced in
matters relating to fish and wildlife con-
servation.”.

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

(b) RIGHTS AND OBLIGATIONS OF FOUNDATION.—
Section 4 of the National Fish and Wildlife Foundation
Establishment Act (16 U.S.C. 3703) is amended—
(1) in subsection (c)—

(A) by striking “(c) Powers.—To carry out its purposes under” and inserting the following:

“(c) Powers.—

“(1) In general.—To carry out the purposes described in”;

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

(C) in subparagraph (D) (as redesignated by subparagraph (B)), by striking “that are insured by an agency or instrumentality of the United States” and inserting “at 1 or more financial institutions that are members of the Federal Deposit Insurance Corporation or the Securities Investment Protection Corporation”;

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

(E) in subparagraph (J) (as redesignated by subparagraph (B)), by striking “and” at the end;
(F) by striking subparagraph (K) (as redesignated by subparagraph (B)) and inserting the following:

“(K) to receive and administer restitution and community service payments, amounts for mitigation of impacts to natural resources, and other amounts arising from legal, regulatory, or administrative proceedings, subject to the condition that the amounts are received or administered for purposes that further the conservation and management of fish, wildlife, plants, and other natural resources; and

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

(G) by striking the undesignedated matter at the end and inserting the following:

“(2) TREATMENT OF REAL PROPERTY.—

“(A) IN GENERAL.—For purposes of this Act, an interest in real property shall be treated as including easements or other rights for preservation, conservation, protection, or enhancement by and for the public of natural, scenic, historic, scientific, educational, inspirational, or recreational resources.
"(B) ENCUMBERED REAL PROPERTY.—A gift, devise, or bequest may be accepted by the Foundation even though the gift, devise, or bequest is encumbered, restricted, or subject to beneficial interests of private persons if any current or future interest in the gift, devise, or bequest is for the benefit of the Foundation.

"(3) SAVINGS CLAUSE.—The acceptance and administration of amounts by the Foundation under paragraph (1)(K) does not alter, supersede, or limit any regulatory or statutory requirement associated with those amounts.

(2) by striking subsections (f) and (g); and
(3) by redesignating subsections (h) and (i) as subsections (f) and (g), respectively.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 10 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3709) is amended—

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

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this Act for each of fiscal years 2018 through 2022—

(A) $15,000,000 to the Secretary of the Interior;
"(B) $5,000,000 to the Secretary of Agriculture; and

"(C) $5,000,000 to the Secretary of Commerce.");

(2) in subsection (b)—

(A) by striking paragraph (1) and inserting the following:

"(1) AMOUNTS FROM FEDERAL AGENCIES.—

"(A) IN GENERAL.—In addition to the amounts authorized to be appropriated under subsection (a), Federal departments, agencies, or instrumentalities are authorized to provide funds to the Foundation through Federal financial assistance grants and cooperative agreements, subject to the condition that the amounts are used for purposes that further the conservation and management of fish, wildlife, plants, and other natural resources in accordance with this Act.

"(B) ADVANCES.—Federal departments, agencies, or instrumentalities may advance amounts described in subparagraph (A) to the Foundation in a lump sum without regard to when the expenses for which the amounts are used are incurred.
“(C) MANAGEMENT FEES.—The Foundation may assess and collect fees for the management of amounts received under this paragraph;”;

(B) in paragraph (2)—

(i) in the paragraph heading, by striking “FUNDS” and inserting “AMOUNTS”;

(ii) by striking “shall be used” and inserting “may be used”; and

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

(C) by adding at the end the following:

“(3) ADMINISTRATION OF AMOUNTS.—

“(A) IN GENERAL.—In entering into contracts, agreements, or other partnerships pursuant to this Act, a Federal department, agency, or instrumentality shall have discretion to waive any competitive process applicable to the department, agency, or instrumentality for entering into contracts, agreements, or partnerships with the Foundation if the purpose of the waiver is—
20

"(i) to address an environmental emergency resulting from a natural or other disaster; or

"(ii) as determined by the head of the applicable Federal department, agency, or instrumentality, to reduce administrative expenses and expedite the conservation and management of fish, wildlife, plants, and other natural resources.

"(B) REPORTS.—The Foundation shall include in the annual report submitted under section 7(b) a description of any use of the authority under subparagraph (A) by a Federal department, agency, or instrumentality in that fiscal year."; and

(3) by adding at the end the following:

"(d) USE OF GIFTS, DEVISES, OR BEQUESTS OF MONEY OR OTHER PROPERTY.—Any gifts, devises, or bequests of amounts or other property, or any other amounts or other property, transferred to, deposited with, or otherwise in the possession of the Foundation pursuant to this Act, may be made available by the Foundation to Federal departments, agencies, or instrumentalities and may be accepted and expended (or the disposition of the amounts or property directed), without further appropriation, by
those Federal departments, agencies, or instrumentalities, subject to the condition that the amounts or property be used for purposes that further the conservation and management of fish, wildlife, plants, and other natural resources."

(d) LIMITATION ON AUTHORITY.—Section 11 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3710) is amended by inserting "exclusive" before "authority".

SEC. 6. REAUTHORIZATION OF NEOTROPICAL MIGRATORY BIRD CONSERVATION ACT.

Section 10 of the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6109) is amended to read as follows:

"SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act $6,500,000 for each of fiscal years 2018 through 2022.

"(b) USE OF FUNDS.—Of the amounts made available under subsection (a) for each fiscal year, not less than 75 percent shall be expended for projects carried out at a location outside of the United States."
26

22

SEC. 7. REISSUANCE OF FINAL RULE REGARDING GRAY

WOLVES IN WESTERN GREAT LAKES.

Before the end of the 60-day period beginning on the
date of enactment of this Act, the Secretary of the Interior
shall reissue the final rule published on December 28,
2011 (76 Fed. Reg. 81668), without regard to any other
provision of statute or regulation that applies to issuance
of such rule. Such reissuance shall not be subject to judi-
cial review.

SEC. 8. REISSUANCE OF FINAL RULE REGARDING GRAY

WOLVES IN WYOMING.

The final rule published on September 10, 2012 (77
Fed. Reg. 55530) that was reinstated on March 3, 2017,
by the decision of the U.S. Court of Appeals for the Dis-
trict of Columbia (No. 14–5300) and further republished
on May 1, 2017 (82 Fed. Reg. 20284–85) that reinstates
the removal of Federal protections for the gray wolf in
Wyoming under the Endangered Species Act of 1973, as
amended, shall not be subject to judicial review.

SEC. 9. MODIFICATION OF DEFINITION OF SPORT FISHING

EQUIPMENT UNDER TOXIC SUBSTANCES

CONTROL ACT.

Section 3(2)(B) of the Toxic Substances Control Act
(15 U.S.C. 2602(2)(B)) is amended—

(1) in clause (v), by striking “and” at the end;
(2) in clause (vi) by striking the period at the end and inserting "; and"

(3) by inserting after clause (vi) the following:

"(vii) any sport fishing equipment (as such term is defined in section 4162(a) of the Internal Revenue Code of 1986) the sale of which is subject to the tax imposed by section 4161(a) of such Code (determined without regard to any exemptions from such tax provided by section 4162 or 4221 or any other provision of such Code), and sport fishing equipment components.".

SEC. 10. REAUTHORIZATION OF CHESAPEAKE BAY PROGRAM.

Section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267) is amended by striking subsection (j) and inserting the following:

"(j) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $90,000,000 for each of fiscal years 2018 through 2022.".


Section 502(c) of the Chesapeake Bay Initiative Act of 1998 (Public Law 105–312; 112 Stat. 2963; 129 Stat. 2579) is amended by striking "2017" and inserting "2023".
SEC. 12. NATIONAL FISH HABITAT CONSERVATION THROUGH PARTNERSHIPS.

(a) PURPOSE.—The purpose of this section is to encourage partnerships among public agencies and other interested parties to promote fish conservation—

(1) to achieve measurable habitat conservation results through strategic actions of Fish Habitat Partnerships that lead to better fish habitat conditions and increased fishing opportunities by—

(A) improving ecological conditions;

(B) restoring natural processes; or

(C) preventing the decline of intact and healthy systems;

(2) to establish a consensus set of national conservation strategies as a framework to guide future actions and investment by Fish Habitat Partnerships;

(3) to broaden the community of support for fish habitat conservation by—

(A) increasing fishing opportunities;

(B) fostering the participation of local communities, especially young people in local communities, in conservation activities; and

(C) raising public awareness of the role healthy fish habitat play in the quality of life and economic well-being of local communities;
(4) to fill gaps in the National Fish Habitat Assessment and the associated database of the National Fish Habitat Assessment—

(A) to empower strategic conservation actions supported by broadly available scientific information; and

(B) to integrate socioeconomic data in the analysis to improve the lives of humans in a manner consistent with fish habitat conservation goals; and

(5) to communicate to the public and conservation partners—

(A) the conservation outcomes produced collectively by Fish Habitat Partnerships; and

(B) new opportunities and voluntary approaches for conserving fish habitat.

(b) Definitions.—In this section:

(1) Appropriate congressional committees.—The term “appropriate congressional committees” means—

(A) the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.
(2) BOARD.—The term "Board" means the National Fish Habitat Board established by subsection (c)(1)(A).

(3) DIRECTOR.—The term "Director" means the Director of the United States Fish and Wildlife Service.

(4) EPA ASSISTANT ADMINISTRATOR.—The term "EPA Assistant Administrator" means the Assistant Administrator for Water of the Environmental Protection Agency.

(5) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(6) NOAA ASSISTANT ADMINISTRATOR.—The term "NOAA Assistant Administrator" means the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration.

(7) PARTNERSHIP.—The term "Partnership" means a self-governed entity designated by Congress as a Fish Habitat Partnership under subsection (d)(6) after a recommendation by the Board under subsection (d)(1).
(8) **Real property interest.**—The term "real property interest" means an ownership interest in—

(A) land; or
(B) water (including water rights).

(9) **Secretary.**—The term "Secretary" means the Secretary of the Interior.

(10) **State.**—The term "State" means each of the several States.

(11) **State agency.**—The term "State agency" means—

(A) the fish and wildlife agency of a State; and
(B) any department or division of a department or agency of a State that manages in the public trust the inland or marine fishery resources or sustains the habitat for those fishery resources of the State pursuant to State law or the constitution of the State.

(c) **National Fish Habitat Board.**—

(1) **Establishment.**—

(A) **Fish habitat board.**—There is established a board, to be known as the "National Fish Habitat Board", whose duties are—
(i) to promote, oversee, and coordinate
the implementation of this section;
(ii) to establish national goals and pri-
orities for fish habitat conservation;
(iii) to recommend to Congress enti-
ties for designation as Partnerships; and
(iv) to review and make recommenda-
tions regarding fish habitat conservation
projects.

(B) MEMBERSHIP.—The Board shall be
composed of 25 members, of whom—

(i) 1 shall be a representative of the
Department of the Interior;
(ii) 1 shall be a representative of the
United States Geological Survey;
(iii) 1 shall be a representative of the
Department of Commerce;
(iv) 1 shall be a representative of the
Department of Agriculture;
(v) 1 shall be a representative of the
Association of Fish and Wildlife Agencies;
(vi) 4 shall be representatives of State
agencies, 1 of whom shall be nominated by
a regional association of fish and wildlife
agencies from each of the Northeast,
Southeast, Midwest, and Western regions of the United States;

(vii) 1 shall be a representative of either—

(I) Indian tribes in the State of Alaska; or

(II) Indian tribes in States other than the State of Alaska;

(viii) 1 shall be a representative of either—

(I) the Regional Fishery Management Councils established under section 302 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852); or

(II) a representative of the Marine Fisheries Commissions, which is composed of—

(aa) the Atlantic States Marine Fisheries Commission;

(bb) the Gulf States Marine Fisheries Commission; and

(cc) the Pacific States Marine Fisheries Commission;
(ix) I shall be a representative of the Sportfishing and Boating Partnership Council;

(x) 7 shall be representatives selected from each of—

(I) the recreational sportfishing industry;

(II) the commercial fishing industry;

(III) marine recreational anglers;

(IV) freshwater recreational anglers;

(V) habitat conservation organizations; and

(VI) science-based fishery organizations;

(xi) I shall be a representative of a national private landowner organization;

(xii) I shall be a representative of an agricultural production organization;

(xiii) I shall be a representative of local government interests involved in fish habitat restoration;
(xiv) 2 shall be representatives from
different sectors of corporate industries,
which may include—

(I) natural resource commodity
interests, such as petroleum or min-
eral extraction;

(II) natural resource user indus-
tries; and

(III) industries with an interest
in fish and fish habitat conservation;

and

(xv) 1 shall be a leadership private
sector or landowner representative of an
active partnership.

(C) COMPENSATION.—A member of the
Board shall serve without compensation.

(D) TRAVEL EXPENSES.—A member of the
Board may be allowed travel expenses, includ-
ing per diem in lieu of subsistence, at rates au-
thorized for an employee of an agency under
subchapter I of chapter 57 of title 5, United
States Code, while away from the home or reg-
ular place of business of the member in the per-
formance of the duties of the Board.

(2) APPOINTMENT AND TERMS.—
(A) IN GENERAL.—Except as otherwise provided in this subsection, a member of the Board described in any of clauses (vi) through (xiv) of paragraph (1)(B) shall serve for a term of 3 years.

(B) INITIAL BOARD MEMBERSHIP.—

(i) IN GENERAL.—The initial Board will consist of representatives as described in clauses (i) through (vi) of paragraph (1)(B).

(ii) REMAINING MEMBERS.—Not later than 60 days after the date of enactment of this Act, the representatives of the initial Board pursuant to clause (i) shall appoint the remaining members of the Board described in clauses (viii) through (xiv) of paragraph (1)(B).

(iii) TRIBAL REPRESENTATIVES.—Not later than 60 days after the enactment of this Act, the Secretary shall provide to the Board a recommendation of not fewer than 3 tribal representatives, from which the Board shall appoint 1 representative pursuant to clause (vii) of paragraph (1)(B).
(C) Transitional terms.—Of the members described in paragraph (1)(B)(x) initially appointed to the Board—

(i) 2 shall be appointed for a term of 1 year;

(ii) 2 shall be appointed for a term of 2 years; and

(iii) 3 shall be appointed for a term of 3 years.

(D) Vacancies.—

(i) In general.—A vacancy of a member of the Board described in any of clauses (viii) through (xiv) of paragraph (1)(B) shall be filled by an appointment made by the remaining members of the Board.

(ii) Tribal representatives.—Following a vacancy of a member of the Board described in clause (vii) of paragraph (1)(B), the Secretary shall recommend to the Board a list of not fewer than 3 tribal representatives, from which the remaining members of the Board shall appoint a representative to fill the vacancy.
(E) CONTINUATION OF SERVICE.—An individual whose term of service as a member of the Board expires may continue to serve on the Board until a successor is appointed.

(F) REMOVAL.—If a member of the Board described in any of clauses (viii) through (xiv) of paragraph (1)(B) misses 3 consecutive regularly scheduled Board meetings, the members of the Board may—

(i) vote to remove that member; and

(ii) appoint another individual in accordance with subparagraph (D).

(3) CHAIRPERSON.—

(A) IN GENERAL.—The representative of the Association of Fish and Wildlife Agencies appointed pursuant to paragraph (1)(B)(v) shall serve as Chairperson of the Board.

(B) TERM.—The Chairperson of the Board shall serve for a term of 3 years.

(4) MEETINGS.—

(A) IN GENERAL.—The Board shall meet—

(i) at the call of the Chairperson; but

(ii) not less frequently than twice each calendar year.
(B) PUBLIC ACCESS.—All meetings of the Board shall be open to the public.

(5) PROCEDURES.—

(A) IN GENERAL.—The Board shall establish procedures to carry out the business of the Board, including—

(i) a requirement that a quorum of the members of the Board be present to transact business;

(ii) a requirement that no recommendations may be adopted by the Board, except by the vote of 2/3 of all members;

(iii) procedures for establishing national goals and priorities for fish habitat conservation for the purposes of this section;

(iv) procedures for designating Partnerships under subsection (d); and

(v) procedures for reviewing, evaluating, and making recommendations regarding fish habitat conservation projects.

(B) QUORUM.—A majority of the members of the Board shall constitute a quorum.

(d) FISH HABITAT PARTNERSHIPS.—
36

1 (1) AUTHORITY TO RECOMMEND.—The Board
2 may recommend to Congress the designation of Fish
3 Habitat Partnerships in accordance with this sub-
4 section.

5 (2) PURPOSES.—The purposes of a Partnership
6 shall be—

7 (A) to work with other regional habitat
8 conservation programs to promote cooperation
9 and coordination to enhance fish and fish habi-
10 tats;

11 (B) to engage local and regional commu-
12 nities to build support for fish habitat conserva-
13 tion;

14 (C) to involve diverse groups of public and
15 private partners;

16 (D) to develop collaboratively a strategic
17 vision and achievable implementation plan that
18 is scientifically sound;

19 (E) to leverage funding from sources that
20 support local and regional partnerships;

21 (F) to use adaptive management prin-
22 ciples, including evaluation of project success
23 and functionality;

24 (G) to develop appropriate local or regional
25 habitat evaluation and assessment measures.
and criteria that are compatible with national
habitat condition measures; and

(II) to implement local and regional prior-
ity projects that improve conditions for fish
and fish habitat.

(3) CRITERIA FOR DESIGNATION.—An entity
seeking to be designated by Congress as a Partner-
ship shall—

(A) submit to the Board an application at
such time, in such manner, and containing such
information as the Board may reasonably re-
quire; and

(B) demonstrate to the Board that the en-
tity has—

(i) a focus on promoting the health of
important fish and fish habitats;

(ii) an ability to coordinate the imple-
mentation of priority projects that support
the goals and national priorities set by the
Board that are within the Partnership
boundary;

(iii) a self-governance structure that
supports the implementation of strategic
priorities for fish habitat;
(iv) the ability to develop local and regional relationships with a broad range of entities to further strategic priorities for fish and fish habitat;

(v) a strategic plan that details required investments for fish habitat conservation that addresses the strategic fish habitat priorities of the Partnership and supports and meets the strategic priorities of the Board;

(vi) the ability to develop and implement fish habitat conservation projects that address strategic priorities of the Partnership and the Board; and

(vii) the ability to develop fish habitat conservation priorities based on sound science and data, the ability to measure the effectiveness of fish habitat projects of the Partnership, and a clear plan as to how Partnership science and data components will be integrated with the overall Board science and data effort.

(4) REQUIREMENTS FOR RECOMMENDATION TO CONGRESS.—The Board may recommend to Congress for designation an application for a Partner-
ship submitted under paragraph (3)(A) if the Board
determines that the applicant—

(A) meets the criteria described in para-

graph (3)(B);

(B) identifies representatives to provide
support and technical assistance to the Partner-
ship from a diverse group of public and private
partners, which may include State or local gov-
ernments, nonprofit entities, Indian tribes, and
private individuals, that are focused on con-
servation of fish habitats to achieve results
across jurisdictional boundaries on public and
private land;

(C) is organized to promote the health of
important fish species and important fish habi-
tats, including reservoirs, natural lakes, coastal
and marine environments, and estuaries;

(D) identifies strategic fish and fish habi-
tat priorities for the Partnership area in the
form of geographical focus areas or key
stressors or impairments to facilitate strategic
planning and decisionmaking;

(E) is able to address issues and priorities
on a nationally significant scale;

(F) includes a governance structure that—
(i) reflects the range of all partners; and

(ii) promotes joint strategic planning and decisionmaking by the applicant;

(G) demonstrates completion of, or significant progress toward the development of, a strategic plan to address the decline in fish populations, rather than simply treating symptoms, in accordance with the goals and national priorities established by the Board; and

(II) promotes collaboration in developing a strategic vision and implementation program that is scientifically sound and achievable.

(5) REPORT TO CONGRESS.—

(A) IN GENERAL.—Not later than February 1 of the first fiscal year beginning after the date of enactment of this Act and each February 1 thereafter, the Board shall develop and submit to the appropriate congressional committees an annual report, to be entitled “Report to Congress on Future Fish Habitat Partnerships and Modifications”, that—

(i) identifies any entity that—

(I) meets the requirements described in paragraph (4); and
(II) the Board recommends for designation as a Partnership;

(ii) describes any proposed modifications to a Partnership previously designated by Congress under paragraph (b);

(iii) with respect to each entity recommended for designation as a Partnership, describes, to the maximum extent practicable—

(I) the purpose of the recommended Partnership; and

(II) how the recommended Partnership fulfills the requirements described in paragraph (4).

(B) Public availability; notification.—The Board shall—

(i) make the report publicly available, including on the Internet; and

(ii) provide to the appropriate congressional committees and the State agency of any State included in a recommended Partnership area written notification of the public availability of the report.
(6) DESIGNATION OR MODIFICATION OF PARTNERSHIP.—Congress shall have the sole authority to designate or modify a Partnership.

(7) EXISTING PARTNERSHIPS.—

(A) DESIGNATION REVIEW.—Not later than 5 years after the date of enactment of this Act, any fish habitat partnership receiving Federal funds as of the date of enactment of this Act shall be subject to a designation review by Congress in which Congress shall have the opportunity to designate the partnership under paragraph (6).

(B) INELIGIBILITY FOR FEDERAL FUNDS.—A partnership referred to in subparagraph (A) that Congress does not designate as described in that subparagraph shall be ineligible to receive Federal funds under this section.

(e) FISH HABITAT CONSERVATION PROJECTS.—

(1) SUBMISSION TO BOARD.—Not later than March 31 of each calendar year, each Partnership shall submit to the Board a list of priority fish habitat conservation projects recommended by the Partnership for annual funding under this section.
(2) **Recommendations by Board.**—Not later than July 1 of each calendar year, the Board shall submit to the Secretary a priority list of fish habitat conservation projects that includes the description, including estimated costs, of each project that the Board recommends that the Secretary approve and fund under this section for the following fiscal year.

(3) **Criteria for Project Selection.**—The Board shall select each fish habitat conservation project to be recommended to the Secretary under paragraph (2) after taking into consideration, at a minimum, the following information:

(A) A recommendation of the Partnership that is, or will be, participating actively in implementing the fish habitat conservation project.

(B) The capabilities and experience of project proponents to implement successfully the proposed project.

(C) The extent to which the fish habitat conservation project —

(i) fulfills a local or regional priority that is directly linked to the strategic plan of the Partnership and is consistent with the purpose of this section;
(ii) addresses the national priorities established by the Board;

(iii) is supported by the findings of the Habitat Assessment of the Partnership or the Board, and aligns or is compatible with other conservation plans;

(iv) identifies appropriate monitoring and evaluation measures and criteria that are compatible with national measures;

(v) provides a well-defined budget linked to deliverables and outcomes;

(vi) leverages other funds to implement the project;

(vii) addresses the causes and processes behind the decline of fish or fish habitats; and

(viii) includes an outreach or education component that includes the local or regional community.

(D) The availability of sufficient non-Federal funds to match Federal contributions for the fish habitat conservation project, as required by paragraph (5);

(E) The extent to which the local or regional fish habitat conservation project—
(i) will increase fish populations in a manner that leads to recreational fishing opportunities for the public;

(ii) will be carried out through a cooperative agreement among Federal, State, and local governments, Indian tribes, and private entities;

(iii) increases public access to land or water for fish and wildlife-dependent recreational opportunities;

(iv) advances the conservation of fish and wildlife species that have been identified by the States as species of greatest conservation need;

(v) where appropriate, advances the conservation of fish and fish habitats under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) and other relevant Federal law and State wildlife action plans; and

(vi) promotes strong and healthy fish habitats so that desired biological communities are able to persist and adapt.

(F) The substantiality of the character and design of the fish habitat conservation project.
(4) LIMITATIONS.—

(A) REQUIREMENTS FOR EVALUATION.—
No fish habitat conservation project may be recommended by the Board under paragraph (2) or provided financial assistance under this section unless the fish habitat conservation project includes an evaluation plan designed using applicable Board guidance—

(i) to appropriately assess the biological, ecological, or other results of the habitat protection, restoration, or enhancement activities carried out using the assistance;

(ii) to reflect appropriate changes to the fish habitat conservation project if the assessment substantiates that the fish habitat conservation project objectives are not being met;

(iii) to identify improvements to existing fish populations, recreational fishing opportunities and the overall economic benefits for the local community of the fish habitat conservation project; and

(iv) to require the submission to the Board of a report describing the findings of the assessment.
(B) ACQUISITION AUTHORITIES.—

(i) IN GENERAL.—A State, local government, or other non-Federal entity is eligible to receive funds for the acquisition of real property from willing sellers under this section if the acquisition ensurs 1 of—

(I) public access for compatible fish and wildlife-dependent recreation; or

(II) a scientifically based, direct enhancement to the health of fish and fish populations, as determined by the Board.

(ii) STATE AGENCY APPROVAL.—

(I) IN GENERAL.—All real property interest acquisition projects funded under this section are required to be approved by the State agency in the State in which the project is occurring.

(II) PROHIBITION.—The Board may not recommend, and the Secretary may not provide any funding for, any real property interest acquisi-
tion that has not been approved by
the State agency.

(iii) Assessment of Other Au-
thorities.—The Fish Habitat Part-
nership shall conduct a project assessment,
submitted with the funding request and
approved by the Board, to demonstrate all
other Federal, State, and local authorities
for the acquisition of real property have
been exhausted.

(iv) Restrictions.—A real property
interest may not be acquired pursuant to a
fish habitat conservation project by a
State, local government, or other non-Fed-
eral entity, unless—

(I) the owner of the real property
authorizes the State, local govern-
ment, or other non-Federal entity to
acquire the real property; and

(II) the Secretary and the Board
determine that the State, local govern-
ment, or other non-Federal entity
would benefit from undertaking the
management of the real property
being acquired because that is in ac-
49

conform with the goals of a partnership.

(5) Non-Federal Contributions.—

(A) In General.—Except as provided in subparagraph (B), no fish habitat conservation project may be recommended by the Board under paragraph (2) or provided financial assistance under this section unless at least 50 percent of the cost of the fish habitat conservation project will be funded with non-Federal funds.

(B) Non-Federal Share.—The non-Federal share of the cost of a fish habitat conservation project—

(i) may not be derived from another Federal grant program; but

(ii) may include in-kind contributions and cash.

(C) Special Rule for Indian Tribes.—Notwithstanding subparagraph (A) or any other provision of law, any funds made available to an Indian tribe pursuant to this section may be considered to be non-Federal funds for the purpose of subparagraph (A).

(6) Approval.—
(A) IN GENERAL.—Not later than 90 days after the date of receipt of the recommended priority list of fish habitat conservation projects under paragraph (2), subject to the limitations of paragraph (4), and based, to the maximum extent practicable, on the criteria described in paragraph (3), the Secretary, after consulting with the Secretary of Commerce on marine or estuarine projects, shall approve or reject any fish habitat conservation project recommended by the Board.

(B) FUNDING.—If the Secretary approves a fish habitat conservation project under subparagraph (A), the Secretary shall use amounts made available to carry out this section to provide funds to carry out the fish habitat conservation project.

(C) NOTIFICATION.—If the Secretary rejects any fish habitat conservation project recommended by the Board under paragraph (2), not later than 180 days after the date of receipt of the recommendation, the Secretary shall provide to the Board, the appropriate Partnership, and the appropriate congressional committees a written statement of the reasons that the Sec-
(f) TECHNICAL AND SCIENTIFIC ASSISTANCE.—

(1) IN GENERAL.—The Director, the NOAA Assistant Administrator, the EPA Assistant Administrator, and the Director of the United States Geological Survey, in coordination with the Forest Service and other appropriate Federal departments and agencies, may provide scientific and technical assistance to the Partnerships, participants in fish habitat conservation projects, and the Board.

(2) INCLUSIONS.—Scientific and technical assistance provided pursuant to paragraph (1) may include—

(A) providing technical and scientific assistance to States, Indian tribes, regions, local communities, and nongovernmental organizations in the development and implementation of Partnerships;

(B) providing technical and scientific assistance to Partnerships for habitat assessment, strategic planning, and prioritization;

(C) supporting the development and implementation of fish habitat conservation projects
that are identified as high priorities by Partnerships and the Board;

(D) supporting and providing recommendations regarding the development of science-based monitoring and assessment approaches for implementation through Partnerships;

(E) supporting and providing recommendations for a national fish habitat assessment;

(F) ensuring the availability of experts to assist in conducting scientifically based evaluation and reporting of the results of fish habitat conservation projects; and

(G) providing resources to secure state agency scientific and technical assistance to support Partnerships, participants in fish habitat conservation projects, and the Board.

(g) COORDINATION WITH STATES AND INDIAN TRIBES.—The Secretary shall provide a notice to, and cooperate with, the appropriate State agency or tribal agency, as applicable, of each State and Indian tribe within the boundaries of which an activity is planned to be carried out pursuant to this section, including notification, by not later than 30 days before the date on which the activity is implemented.
(h) INTERAGENCY OPERATIONAL PLAN.—Not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, the Director, in cooperation with the NOAA Assistant Administrator, the EPA Assistant Administrator, the Director of the United States Geological Survey, and the heads of other appropriate Federal departments and agencies (including at a minimum, those agencies represented on the Board) shall develop an interagency operational plan that describes—

(1) the functional, operational, technical, scientific, and general staff, administrative, and material needs for the implementation of this section; and

(2) any interagency agreements between or among Federal departments and agencies to address those needs.

(i) ACCOUNTABILITY AND REPORTING.—

(1) REPORTING.—

(A) IN GENERAL.—Not later than 5 years after the date of enactment of this Act, and every 5 years thereafter, the Board shall submit to the appropriate congressional committees a report describing the progress of this section.

(B) CONTENTS.—Each report submitted under subparagraph (A) shall include—
(i) an estimate of the number of acres, stream miles, or acre-feet, or other suitable measures of fish habitat, that was maintained or improved by partnerships of Federal, State, or local governments, Indian tribes, or other entities in the United States during the 5-year period ending on the date of submission of the report;

(ii) a description of the public access to fish habitats established or improved during that 5-year period;

(iii) a description of the improved opportunities for public recreational fishing; and

(iv) an assessment of the status of fish habitat conservation projects carried out with funds provided under this section during that period, disaggregated by year, including—

(I) a description of the fish habitat conservation projects recommended by the Board under subsection (c)(2);

(II) a description of each fish habitat conservation project approved
by the Secretary under subsection (c)(6), in order of priority for funding:

(III) a justification for—

(aa) the approval of each fish habitat conservation project;

and

(bb) the order of priority for funding of each fish habitat conservation project;

(IV) a justification for any rejection of a fish habitat conservation project recommended by the Board under subsection (c)(2) that was based on a factor other than the criteria described in subsection (c)(3);

and

(V) an accounting of expenditures by Federal, State, or local governments, Indian tribes, or other entities to carry out fish habitat conservation projects.

(2) STATUS AND TRENDS REPORT.—Not later than December 31, 2018, and every 5 years thereafter, the Board shall submit to the appropriate congressional committees a report that includes—
(A) a status of all Partnerships designated under this section;

(B) a description of the status of fish habitats in the United States as identified by established Partnerships; and

(C) enhancements or reductions in public access as a result of—

(i) the activities of the Partnerships;

or

(ii) any other activities carried out pursuant to this section.

(j) EFFECT OF SECTION.—

(1) WATER RIGHTS.—Nothing in this section—

(A) establishes any express or implied reserved water right in the United States for any purpose;

(B) affects any water right in existence on the date of enactment of this Act;

(C) preempts or affects any State water law or interstate compact governing water; or

(D) affects any Federal or State law in existence on the date of enactment of the Act regarding water quality or water quantity.

(2) AUTHORITY TO ACQUIRE WATER RIGHTS OR RIGHTS TO PROPERTY.—Under this section, only a
State, local government, or other non-Federal entity
may acquire, under State law, water rights or rights
to property.

(3) **STATE AUTHORITY.**—Nothing in this sec-
tion—

(A) affects the authority, jurisdiction, or
responsibility of a State to manage, control, or
regulate fish and wildlife under the laws and
regulations of the State; or

(B) authorizes the Secretary to control or
regulate within a State the fishing or hunting
of fish and wildlife.

(4) **EFFECT ON INDIAN TRIBES.**—Nothing in
this section supersedes, abrogates, affects, modifies,
supersedes, or alters any right of an Indian tribe
recognized by treaty or any other means, includ-
ing—

(A) an agreement between the Indian tribe
and the United States;

(B) Federal law (including regulations);

(C) an Executive order; or

(D) a judicial decree.

(5) **ADJUDICATION OF WATER RIGHTS.**—Noth-
ing in this section diminishes or affects the ability
of the Secretary to join an adjudication of rights to
the use of water pursuant to subsection (a), (b), or (c) of section 208 of the Department of Justice Appropriation Act, 1953 (43 U.S.C. 666).

(6) Department of Commerce Authority.—Nothing in this section affects the authority, jurisdiction, or responsibility of the Department of Commerce to manage, control, or regulate fish or fish habitats under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(7) Effect on Other Authorities.—

(A) Private property protection.—Nothing in this section permits the use of funds made available to carry out this section to acquire real property or a real property interest without the written consent of each owner of the real property or real property interest.

(B) Mitigation.—Nothing in this section permits the use of funds made available to carry out this section for fish and wildlife mitigation purposes under—

(i) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(ii) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);
(iii) the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4082); or
(iv) any other Federal law or court settlement.

(C) CLEAN WATER ACT.—Nothing in this section affects any provision of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), including any definition in that Act.

(k) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to—

(1) the Board; or
(2) any Partnership.

(l) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—

(A) Fish habitat conservation projects.—There is authorized to be appropriated to the Secretary $7,200,000 for each of fiscal years 2018 through 2022 to provide funds for fish habitat conservation projects approved under subsection (c)(6), of which 5 percent shall be made available for each fiscal year for projects carried out by Indian tribes.
(B) Administrative and planning expenses.—There is authorized to be appropriated to the Secretary for each of fiscal years 2018 through 2022 an amount equal to 5 percent of the amount appropriated for the applicable fiscal year pursuant to subparagraph (A)—

(i) for administrative and planning expenses; and

(ii) to carry out subsection (i).

(C) Technical and scientific assistance.—There is authorized to be appropriated for each of fiscal years 2018 through 2022 to carry out, and provide technical and scientific assistance under, subsection (f)—

(i) $500,000 to the Secretary for use by the United States Fish and Wildlife Service;

(ii) $500,000 to the NOAA Assistant Administrator for use by the National Oceanic and Atmospheric Administration;

(iii) $500,000 to the EPA Assistant Administrator for use by the Environmental Protection Agency; and
(iv) $500,000 to the Secretary for use by the United States Geological Survey.

(2) AGREEMENTS AND GRANTS.—The Secretary may—

(A) on the recommendation of the Board, and notwithstanding sections 6304 and 6305 of title 31, United States Code, and the Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note; Public Law 106–107), enter into a grant agreement, cooperative agreement, or contract with a Partnership or other entity for a fish habitat conservation project or restoration or enhancement project;

(B) apply for, accept, and use a grant from any individual or entity to carry out the purposes of this section; and

(C) make funds available to any Federal department or agency for use by that department or agency to provide grants for any fish habitat protection project, restoration project, or enhancement project that the Secretary determines to be consistent with this section.

(3) DONATIONS.—

(A) IN GENERAL.—The Secretary may—
(i) enter into an agreement with any
organization described in section 501(c)(3)
of the Internal Revenue Code of 1986 that
is exempt from taxation under section
501(a) of that Code to solicit private dona-
tions to carry out the purposes of this sec-
tion; and

(ii) accept donations of funds, prop-
erty, and services to carry out the purposes
of this section.

(B) Treatment.—A donation accepted
under this section—

(i) shall be considered to be a gift or
bequest to, or otherwise for the use of, the
United States; and

(ii) may be—

(I) used directly by the Sec-
retary; or

(II) provided to another Federal
department or agency through an
interagency agreement.

(m) Prohibition Against Implementation of
Regulatory Authority by Federal Agencies.—
Any Partnership designated under this section—
(1) shall be for the sole purpose of promoting fish conservation; and
(2) shall not be used to implement any regulatory authority of any Federal agency.
Senator BARRASSO. Members have filed amendments to S. 1514. The record will reflect any member requesting to be recorded on any item on today’s agenda, as long as he or she does so by the close of business today and it does not change the outcome of the vote that was obtained in the Committee meeting.

I would now recognize Senator Duckworth to offer Duckworth Amendment No. 1.

Senator DUCKWORTH. Thank you, Mr. Chairman. My amendment is based on a bipartisan bill that was introduced by longstanding leaders on Great Lakes issues, Senator Peters, Senator Stabenow, Senator Portman. It simply authorizes and increases funding for the Great Lakes Science Center, which is foundational for fishery management decisions on each Great Lake.

The Center currently lacks a dedicated funding stream and has no permanent authorization. This uncertainty undermines the Great Lakes Science Center’s ability to conduct long-term planning and most effectively carry out its mission to manage the Great Lakes.

I urge all my colleagues to support this amendment and yield back. Thank you.

[The text of Duckworth Amendment No. 1 follows:]
AMENDMENT NO._______ Calendar No._____

Purpose: To authorize the Director of the United States Geological Survey to conduct monitoring, assessment, science, and research, in support of the binational fisheries within the Great Lakes Basin.


S.1514

To amend certain Acts to reauthorize those Acts and to increase protections for wildlife, 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 Ms. DUCKWORTH

Viz:
1 At the end, add the following:

2 SEC. 13. GREAT LAKES MONITORING, ASSESSMENT, SCIENCE, AND RESEARCH.

3 (a) DEFINITIONS.—In this section:
4
5 (1) DIRECTOR.—The term “Director” means
6 the Director of the United States Geological Survey.
7
8 (2) GREAT LAKES BASIN.—The term “Great Lakes Basin” means the air, land, water, and living organisms in the United States within the drainage basin of the Saint Lawrence River at and upstream from the point at which such river and the Great
Lakes become the international boundary between
Canada and the United States.

(b) FINDINGS.—Congress finds the following:

(1) The Great Lakes support a diverse ecosys-
   tem, on which the vibrant and economically valu-
   able Great Lakes fisheries depend.

(2) To continue successful fisheries manage-
    ment and coordination, as has occurred since signing
    of the Convention on Great Lakes Fisheries between
    the United States and Canada on September 10,
    1954, management of the ecosystem and its fisheries
    require sound, reliable science, and the use of mod-
    ern scientific technologies.

(3) Fisheries research is necessary to support
    multi-jurisdictional fishery management decisions
    and actions regarding recreational and sport fishing,
    commercial fisheries, tribal harvest, allocation deci-
    sions, and fish stocking activities.

(4) President Richard Nixon submitted, and the
    Congress approved, Reorganization Plan No. 4 (84
    Stat. 2090), conferring science activities and man-
    agement of marine fisheries to the National Oceanic
    and Atmospheric Administration.

(5) Reorganization Plan No. 4 expressly ex-
    cluded fishery research activities within the Great
Lakes from the transfer, retaining management and scientific research duties within the already-established jurisdictions under the 1954 Convention on Great Lakes Fisheries, including those of the Great Lakes Fishery Commission and the Department of the Interior.

(c) MONITORING, ASSESSMENT, SCIENCE, AND RESEARCH.—

(1) IN GENERAL.—The Director may conduct monitoring, assessment, science, and research, in support of the binational fisheries within the Great Lakes Basin.

(2) SPECIFIC AUTHORITIES.—The Director shall, under paragraph (1)—

(A) execute a comprehensive, multi-lake, freshwater fisheries science program;

(B) coordinate with and work cooperatively with regional, State, tribal, and local governments; and

(C) consult with other interested entities groups, including academia and relevant Canadian agencies.

(3) INCLUDED RESEARCH.—To properly serve the needs of fisheries managers, monitoring, assess-
ment, science, and research under this section may include—

(A) deepwater ecosystem sciences;

(B) biological and food-web components;

(C) fish movement and behavior investigations;

(D) fish population structures;

(E) fish habitat investigations;

(F) invasive species science;

(G) use of existing, new, and experimental biological assessment tools, equipment, vessels, other scientific instrumentation and laboratory capabilities necessary to support fishery management decisions; and

(H) studies to assess impacts on Great Lakes Fishery resources.

(4) SAVINGS CLAUSE.—Nothing in this section is intended or shall be construed to impede, supersede, or alter the authority of the Great Lakes Fishery Commission, States, and Indian tribes under the Convention on Great Lakes Fisheries between the United States of America and Canada on September 10, 1954, and the Great Lakes Fishery Act of 1956 (16 U.S.C. 931 et seq.).
(d) Authorization of Appropriations.—For each of fiscal years 2018 through 2022, there is authorized to be appropriated $15,000,000 to carry out this section.
Senator BARRASSO. Thank you very much, Senator Duckworth. I am pleased to support your amendment, Duckworth No. 1.

Would anyone else like to be heard on this amendment?

Senator CARPER. I would also like to record my support. I have a statement for the record. I applaud the Senator from Illinois for good work on this. Pleased to be able to support you.

Senator BARRASSO. I then move to vote on the amendment. Is there a second?

Senator INHOFE. Second.

Senator BARRASSO. All those in favor, please say aye.

[Chorus of ayes.]

Senator BARRASSO. Opposed, no.

[No audible response.]

Senator BARRASSO. In the opinion of the Chair, the ayes have it. The Duckworth No. 1 amendment is agreed to.

Senator Inhofe has filed Amendment No. 1 to S. 1514.

Senator INHOFE. Mr. Chairman, when an entity would like to fund an eligible project using Pittman-Robertson funds, they can use the value of the land as part of their match, and the match is required. However, an exception is made in that if it is a land grant university, they are precluded from doing this. All this would do is allow the land grant universities to have the same opportunities for a match that other universities have.

[The text of Inhofe Amendment No. 1 follows:]
AMENDMENT NO._______  Calendar No._______

Purpose: To include a provision relating to the use of the value of certain land for purposes of cost sharing.


S. 1514

To amend certain Acts to reauthorize those Acts and to increase protections for wildlife, 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 appropriate place, insert the following:

2 SEC. ___. USE OF VALUE OF LAND FOR COST SHARING.

3 The Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.) is amended—

4 (1) by redesignating section 13 as section 14; and

5 (2) by inserting after section 12 the following:

8 "SEC. 13. VALUE OF LAND.

9 "Notwithstanding any other provision of law, any insti-

10 tution eligible to receive Federal funds under the Agri-

11 cultural Research, Extension, and Education Reform Act

12 of 1998 (7 U.S.C. 7601 et seq.) shall be allowed to use
1 the value of any land owned by the institution as an in-
2 kind match to satisfy any cost sharing requirement under
3 this Act.”.
Senator BARRASSO. It is my understanding, Senator Inhofe, that this is a revised amendment that will allow land grant universities to use land they own to satisfy the in-kind cost share requirement under the Pittman-Robertson Wildlife Restoration. That is certainly my understanding. I am pleased to support Inhofe No. 1, as revised.

Would anyone else like to comment on the Inhofe amendment?
[No audible response.]

Senator BARRASSO. Seeing none, move to vote on the amendment. Is there a second?

Senator SHELBY. Second.

Senator BARRASSO. All those in favor, please say aye.

[Chorus of ayes.]

Senator BARRASSO. Opposed, no.

[No audible response.]

Senator BARRASSO. In the opinion of the Chair, the ayes have it. The revised Inhofe No. 1 is agreed to.

I now recognize Senator Sullivan to offer Sullivan Amendment No. 1.

Senator SULLIVAN. Thank you, Mr. Chairman. This is an amendment that permits the importation of polar bear trophies that were taken from legal hunts in Canada by American citizens prior to the 2008 listing of the polar bear as threatened.

In 2014 the Obama administration issued a statement of administration policy in support of this exact language. It is a provision that is very narrowly tailored to address just these 41 sets of legal trophies, and I ask my colleagues for their support on this narrowly drafted legislation that was previously supported by the Fish and Wildlife Service of the Obama administration, and I think should have bipartisan support in this Committee.

[The text of Sullivan Amendment No. 1 follows:]
AMENDMENT NO._______ Calendar No._______

Purpose: To include a provision relating to importation of polar bear trophies.


S. 1514

To amend certain Acts to reauthorize those Acts and to increase protections for wildlife, 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 appropriate place, insert the following:

2. SEC. ___. PERMITS FOR IMPORTATION OF POLAR BEAR TROPHIES TAKEN IN SPORT HUNTS IN CANADA.

3. ADA.

Section 104(c)(5)(D) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374(c)(5)(D)) is amended to read as follows:

"(D)(i) The Secretary of the Interior shall, expeditiously after the expiration of the applicable 30-day period under subsection (d)(2), issue a permit for the importation of any polar bear part (other
than an internal organ) from a polar bear taken in a sport hunt in Canada to any person—

“(I) who submits, with the permit application, proof that the polar bear was legally harvested by the person before February 18, 1997; or

“(II) who has submitted, in support of a permit application submitted before May 15, 2008, proof that the polar bear was legally harvested by the person before May 15, 2008, from a polar bear population from which a sport-hunted trophy could be imported before that date in accordance with section 18.30(i) of title 50, Code of Federal Regulations.

“(ii) The Secretary shall issue permits under clause (i)(I) without regard to subparagraphs (A) and (C)(ii) of this paragraph, subsection (d)(3), and sections 101 and 102. Sections 101(a)(3)(B) and 102(b)(3) shall not apply to the importation of any polar bear part authorized by a permit issued under clause (i)(I). This clause shall not apply to polar bear parts that were imported before June 12, 1997.

“(iii) The Secretary shall issue permits under clause (i)(II) without regard to subparagraph (C)(ii) of this paragraph or subsection (d)(3). Sections
101(a)(3)(B) and 102(b)(3) shall not apply to the importation of any polar bear part authorized by a permit issued under clause (i)(II). This clause shall not apply to polar bear parts that were imported before the date of enactment of the Hunting Heritage and Environmental Legacy Preservation for Wildlife Act.”
Senator BARRASSO. Thank you, Senator Sullivan. I am pleased to support your Amendment No. 1.

Would anyone else like to be heard on the Sullivan Amendment No. 1?

Senator MERKLEY. Mr. Chairman.

Senator BARRASSO. Senator Merkley.

Senator MERKLEY. I know my colleague has brought this forward, and he accurately cites the previous support. I do oppose this because essentially when there is consideration of listing, you are on the verge of a listing, there has been a surge in hunting for species that this would encourage. Should we have some other endangered species that has a certain date, then there would be a rush to go do takings of that endangered species. I think it is not great policy, and I think we should oppose it.

Senator BARRASSO. Thank you very much, Senator Merkley.

Would anyone else like to be heard on the Sullivan Amendment No. 1?

Senator SULLIVAN. I just would respond.

Senator BARRASSO. Senator Sullivan.

Senator SULLIVAN. There is no evidence that that rush takes place. There is no evidence at all; that is speculation. And second, these were legal hunts, completely legal. The previous Administration supported this. If you are kind of retroactively saying to people who engage in conservation and hunting that you can no longer do something even though it was legal at the time, I think that is bad policy, and we are just trying to correct it. It is very narrowly tailored, and I ask my colleagues to support it.

Senator BARRASSO. Would anyone else like to be heard on the Sullivan Amendment?

Senator CARPER. I have a statement I would like to submit for the record, if I could. Thank you.

Senator BARRASSO. Absolutely. Without objection.

[The prepared statement of Senator Carper follows:]

STATEMENT OF HON. THOMAS R. CARPER, 
U.S. SENATOR FROM THE STATE OF DELAWARE

I recognize that this amendment applies to only 41 hunters who participated in legal hunting activities. Allowing them to import their trophies seems reasonable to me, particularly since import fees fund necessary polar bear conservation measures.

But I have heard from stakeholders and from some of my colleagues that, by creating this exception, we could set a bad precedent. We do not want to make a retroactive decision that would encourage a rush to hunt declining species, particularly those that may ultimately need Endangered Species Act protections. This is troubling.

The HELP for Wildlife Act includes mostly non-controversial provisions, and I am concerned about adding another controversial provision that affects so few individuals. While I can certainly understand Senator Sullivan’s case for adding this amendment, I cannot support it.

Senator BARRASSO. Seeing no others wishing to make a statement, I move that we vote on this amendment. Is there a second?

Senator INHOFE. Second.

Senator BARRASSO. All those in favor, please say aye.

[Chorus of ayes.]

Senator BARRASSO. Opposed, nay.

[Chorus of nays.]
Senator BARRASSO. In the opinion of the Chair, the ayes have it, and Sullivan No. 1 is agreed to.

Senator MERKLEY. Mr. Chairman, I would like to be recorded as a no vote. Thank you.

Senator BARRASSO. The record will reflect that.

I would now like to recognize Senator Carper——

Senator CARDIN. Would you also put me as no on that?

Senator BARRASSO. Yes, sir.

I now recognize Senator Carper to offer Carper Amendment No. 1.

Senator CARPER. Thanks, Mr. Chairman.

Mr. Chairman, I realize that gray wolf management is a priority for you and for a number of our colleagues. I fully acknowledge that wolves present unique challenges in your State that much of our country may not understand. We have heard compelling arguments for why wolves should be managed at the State level in Wyoming, and I commend you for allowing that robust defense to occur in our Committee.

Having said that, though, I have a strong interest in preserving the publicly informed, science driven process that currently exists for making endangered species determinations, and I am not sure that legislatively delisting species is consistent with that interest.

States and wildlife agencies typically have many years—sometimes decades—of advanced notice that a species is declining, and Endangered Species Act protection is only required when State management to protect and recover species has failed. For this reason, I believe the rigors of judicial review are warranted.

There is a genuine concern on our side of the aisle, I think as you know, about the implications of legislatively delisting species. We have heard from stakeholders and citizens from across our country who do not believe that this is the right approach, and I believe it is my duty as Ranking Member of this Committee to ensure that these concerns are represented and that our Committee has an opportunity to vote on these provisions based on their standalone merits.

Thank you.

[The text of Carper Amendment No. 1 follows:]
AMENDMENT NO.________ Calendar No._____

Purpose: To remove a provision that legislatively delists gray wolves in the western Great Lakes and prohibits judicial review and to remove a provision that prohibits judicial review of the delisting of gray wolves in Wyoming.


S.1514

To amend certain Acts to reauthorize those Acts and to increase protections for wildlife, 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 Mr. CARPER

Viz:

1. On page 22, strike lines 1 through 19.

2. On page 22, line 20, strike “SEC. 9.” and insert

3. “SEC. 7.”.

4. On page 23, line 12, strike “SEC. 10.” and insert

5. “SEC. 8.”.

6. On page 23, line 20, strike “SEC. 11.” and insert

7. “SEC. 9.”.
1. On page 24, line 1, strike "SEC. 12." and insert "SEC. 10."
Senator BARRASSO. Well, thank you very much, Senator Carper. I strongly oppose the Carper Amendment. It should be no surprise. This amendment would strike Sections 7 and 8 of the bill, which contains language strongly supported by not just me, but by a number of Democratic colleagues, including Senator Baldwin and Senator Klobuchar.

The Obama administration’s Fish and Wildlife Service delisted the gray list in Wyoming and the western Great Lakes only to be dragged through seemingly never ending court processes. These sections put the species management back where they have always belonged, in the hands of the States. Neither Section 7 nor Section 8 of the bill prohibits future rules listing the gray wolf, should either population become threatened or endangered.

In 2011 Senators Carper, Cardin, Merkley, Whitehouse, and Gillibrand voted in favor of H.R. 1473. That was the Department of Defense and Full Year Continuing Appropriations Act. That bill included a similar gray wolf delisting provision for both Montana and Idaho that was sponsored by Senators Tester and Risch. Responsibly controlling wolves while maintaining healthy populations is the goal of Wyoming and the Great Lakes States embodied in the language in this conservation bill.

Wyoming, Wisconsin, and Minnesota have far exceeded their population recovery goals for the gray wolf. Wolf populations have increased so much that they have led to serious conflicts within these States. Attacks on household pets, hunting dogs, and other domestic animals are very serious.

As this chart shows, in Wisconsin, from 2013 to 2016, death and injury of domesticated animals, this is of domesticated animals, of hunting dogs, of pets, in that single year were 42. So that is what we are looking at.

In addition, killing of wildlife populations in Wyoming has also raised concerns about maintaining our State’s iconic elk population. This shows a number of elk that were taken. It shows an example of what is called a surplus kill done by wolves of native elk that occurred in 2016 in Bondurant, Wyoming.

Finally, I was looking at this and thinking about a friend of mine who is an athletic trainer, who I have worked with for a number of years, me being an orthopedic surgeon, he an athletic trainer. I ran into him one day, and I said, how are you doing? He said, terrible. I said, what happened? He said, well, I had my hunting dog with me in western Wyoming, and then he pulled out his iPhone to show me pictures of his dog that had an interaction with a wolf, and it was graphic. And you knew that this dog was not going to survive and then ultimately didn’t survive. This hunting dog, this was a member of my family, and got into a scrape with a wolf and very quickly was lost.

So this is a serious matter and certainly meaningful to all the people who have been experiencing it, so it is for these reasons that I urge a no vote on the Carper Amendment.

Would anyone else like to be heard on Carper Amendment No. 1?

Senator CARPER. Mr. Chairman, I would ask for a roll call vote, please.

Senator BARRASSO. OK.
Seeing none, I move to a vote, and a roll call has been asked. Is there a second?
Senator INHOFE. Second.
Senator BARRASSO. We would ask the Clerk to call the roll.
The CLERK. Mr. Booker.
Senator CARPER. Yes by proxy.
The CLERK. Mr. Boozman.
Senator BOOZMAN. No.
The CLERK. Mrs. Capito.
Senator BARRASSO. No by proxy.
The CLERK. Mr. Cardin.
Senator CARDIN. Aye.
The CLERK. Mr. Carper.
Senator CARPER. Aye.
The CLERK. Ms. Duckworth.
Senator DUCKWORTH. Aye.
The CLERK. Mrs. Ernst.
Senator ERNST. No.
The CLERK. Mrs. Fischer.
Senator FISCHER. No.
The CLERK. Mrs. Gillibrand.
Senator GILLIBRAND. Aye.
The CLERK. Ms. Harris.
Senator HARRIS. Aye.
The CLERK. Mr. Inhofe.
Senator INHOFE. No.
The CLERK. Mr. Markey.
Senator MARKEY. Aye.
The CLERK. Mr. Merkley.
Senator MERKLEY. Aye.
The CLERK. Mr. Moran.
Senator BARRASSO. No by proxy.
The CLERK. Mr. Rounds.
Senator ROUNDS. No.
The CLERK. Mr. Sanders.
Senator CARPER. Yes by proxy.
The CLERK. Mr. Shelby.
Senator SHELBY. No.
The CLERK. Mr. Sullivan.
Senator SULLIVAN. No.
The CLERK. Mr. Whitehouse.
Senator CARPER. Yes by proxy.
The CLERK. Mr. Wicker.
Senator WICKER. No.
The CLERK. Mr. Chairman.
Senator BARRASSO. No.
The Clerk will report.
The CLERK. Mr. Chairman, the yeas are 10, the nays are 11.
Senator BARRASSO. On this vote, the amendment has failed.
Does any Senator seek recognition to offer any additional amendments to the bill?
[No audible response.]
Senator BARRASSO. Seeing none, I move that we vote on the bill.
Is there a second?
Senator INHOFE. Second.
Senator CARPER. Second.
Senator BARRASSO. All those in favor, please say aye.
[Chorus of ayes.]
Senator BARRASSO. All those opposed, no.
[Chorus of nos.]
Senator CARPER. Can we have a roll call vote, please?
Senator BARRASSO. The roll call vote has been requested. The Clerk will please call the roll.
The Clerk. Mr. Booker.
Senator CARPER. No by proxy.
The Clerk. Mr. Boozman.
Senator Boozman. Yes.
The Clerk. Mrs. Capito.
Senator BARRASSO. Aye by proxy.
The Clerk. Mr. Cardin.
Senator CARDIN. Aye.
The Clerk. Mr. Carper.
Senator CARPER. Aye.
The Clerk. Ms. Duckworth.
Senator DUCKWORTH. Aye.
The Clerk. Mrs. Ernst.
Senator ERNST. Aye.
The Clerk. Mrs. Fischer.
Senator FISCHER. Aye.
The Clerk. Mrs. Gillibrand.
Senator GILLIBRAND. No.
The Clerk. Ms. Harris.
Senator HARRIS. No.
The Clerk. Mr. Inhofe.
Senator INHOFE. Aye.
The Clerk. Mr. Markey.
Senator MARKEY. No.
The Clerk. Mr. Merkley.
Senator MERKLEY. No.
The Clerk. Mr. Moran.
Senator BARRASSO. Aye by proxy.
The Clerk. Mr. Rounds.
Senator ROUND. Aye.
The Clerk. Mr. Sanders.
Senator CARPER. No by proxy.
The Clerk. Mr. Shelby.
Senator SHELBY. Aye.
The Clerk. Mr. Sullivan.
Senator SULLIVAN. Aye.
The Clerk. Mr. Whitehouse.
Senator CARPER. No by proxy.
The Clerk. Mr. Wicker.
Senator WICKER. Aye.
The Clerk. Mr. Chairman.
Senator BARRASSO. Aye.
The Clerk will report.
The Clerk. Mr. Chairman, the yeas are 14, the nays are 7.
Senator BARRASSO. So we have approved S. 1514, as amended, by a vote of 14 to 7. It shall be reported favorably to the Senate.

The voting part of the business meeting is finished; however, I would be happy to remain and recognize any member who wishes to make a statement on this legislation that we have just approved.

Senator CARDIN. Mr. Chairman, I ask consent to put a statement in the record.

Senator BARRASSO. Without objection, so ruled.

[The referenced statement was not received at time of print.]

Senator BARRASSO. I ask unanimous consent that the staff have authority to make technical and conforming changes to each of the matters approved today. I also ask unanimous consent that the amendments that we just agreed to be considered incorporated into the underlying text of S. 1514 and the revised text be considered as the amendment in the nature of the substitute. Without objection.

With that, our business meeting is concluded.

[Whereupon, at 10:25 a.m. the Committee was adjourned.]