BUSINESS MEETING

MEETING

BEFORE THE

COMMITTEE ON
ENIRONMENT AND PUBLIC WORKS
UNITED STATES SENATE
ONE HUNDRED FIFTEENTH CONGRESS
FIRST SESSION

APRIL 5, 2017

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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.

We are here to consider the following legislation: S. 826, the Wildlife Innovation and Longevity Driver Act, with the acronym WILD; S. 518, the Small and Rural Community Clean Water Technical Assistance Act; S. 692, the Water Infrastructure Flexibility Act of 2017; and S. 675, the Long Island Sound Restoration and Stewardship Act.

Senator Carper and I will give our opening statements. I will call up each bill for amendment. After we vote to report the bills to the Senate, I will recognize other members for any statements that they may wish to make on the bills or amendments, and I will stay until everyone has had a chance to make any statement they would like.

The Wildlife Innovation and Longevity Driver, or the WILD Act, is bipartisan legislation introduced along with Senators Carper, Inhofe, Booker, Boozman, and Whitehouse, designed to promote new innovative solutions to better battle and manage invasive species, to conserve wildlife, and to limit illegal poaching.

Wyoming grapples with many of these challenges that innovators can help solve; so do other States and other nations. America’s innovators are developing cutting edge technologies to help us more effectively fight poaching, better manage wildlife, and control invasive species.

The WILD Act incentivizes their contributions by establishing four separate cash prizes for technological innovation in these four categories: prevention of wildlife poaching and trafficking, promotion of wildlife conservation, management of invasive species, and the protection of endangered species.
The WILD Act protects water and wildlife by requiring specified Federal agencies to plan and carry out activities on land and water that they directly manage to control and manage invasive species. It reauthorizes the Partners for Fish and Wildlife Program, which provides technological and financial assistance to private landowners to improve fish and wildlife habitat. It also reauthorizes the African Elephant Conservation Act of 1988, the Asian Elephant Conservation Act of 1997, the Rhinoceros and Tiger Conservation Act of 1994, the Great Ape Conservation Act of 2000, and the Marine Turtle Conservation Act of 2004.

The business meeting also includes consideration of three bills that will address issues under the Clean Water Act. S. 518, 692, and 675 are sponsored by our Committee colleagues, and they all passed the Committee with bipartisan support last year.

I 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. I have a very long statement that I won’t give until after we have reported the legislation out.

It has been a good process, Mr. Chairman. I want to thank you and your staff, and all of our colleagues and the members of your staffs as well. You have heard me talk about Mike Enzi’s 80/20 rule, why was he so successful, Ted Kennedy getting so much done when they led the HELP Committee together. They always said the 80/20 rule, they focused on 80 percent of the stuff they agreed on. The 20 percent they didn’t agree on, they said they would come back and pick it up some other time.

That is exactly what we are doing here in the first couple of months of this new Congress, and I applaud the Chairman, and frankly, everybody around the dais.

The other thing I would say in Delaware we practice something called the three Cs. We used to have a congressional delegation that was made up of Coons, Carney, Carper. We called that the three Cs. But the other three Cs that we embrace in Delaware are communicate, compromise, collaborate. And again, everything that you see in every one of these four pieces of important legislation reflects the commitment to communicating, compromising, and collaborating.

The last thing I would say—this is just a little tongue in cheek here—but the WILD Act—I love this—Wildlife Innovation and Longevity Driver. Some of you know I love music, and there was an early song in my youth, Wild Thing, by The Troggs. So there is a shout out to The Troggs far away in England, wherever they are, to let them know that they are still remembered and embodied in this legislation, the spirit of this legislation.

With that, I will hold the rest of my comments.

Senator BARRASSO. Well, we will try to come up with legislation that we will name Troggs for our next Committee. Thank you.

Well, thank you, Senator Carper.

To begin, I will call up Senate Bill 826, the Wildlife Innovation and Longevity Driver Act. Senator Carper and I have agreed that this text, which was sent to all of the offices yesterday, replaces the text that was circulated with notice last Friday.
115th CONGRESS
1ST SESSION

S. 826

To reauthorize the Partners for Fish and Wildlife Program and certain wildlife conservation funds, to establish prize competitions relating to the prevention of wildlife poaching and trafficking, wildlife conservation, the management of invasive species, and the protection of endangered species, and for other purposes.

IN THE SENATE OF THE UNITED STATES

__________
introduced the following bill; which was read twice and referred to the Committee on

__________

A BILL

To reauthorize the Partners for Fish and Wildlife Program and certain wildlife conservation funds, to establish prize competitions relating to the prevention of wildlife poaching and trafficking, wildlife conservation, the management of invasive species, and the protection of endangered species, and for other purposes.

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

3  SECTION I. SHORT TITLE; TABLE OF CONTENTS.

4  (a) Short Title.—This Act may be cited as the
5  “Wildlife Innovation and Longevity Driver Act” or “WILD
6  Act”.


(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PARTNERS FOR FISH AND WILDLIFE PROGRAM REAUTHORIZATION

Sec. 1001. Partners for Fish and Wildlife Program reauthorization.

TITLE II—FISH AND WILDLIFE COORDINATION

Sec. 2001. Purpose.

TITLE III—WILDLIFE CONSERVATION

Sec. 3001. Reauthorization of multinational species conservation funds.

TITLE IV—PRIZE COMPETITIONS

Sec. 4001. Definitions.
Sec. 4002. Theodore Roosevelt Genius Prize for the prevention of wildlife poaching and trafficking.
Sec. 4003. Theodore Roosevelt Genius Prize for the promotion of wildlife conservation.
Sec. 4004. Theodore Roosevelt Genius Prize for the management of invasive species.
Sec. 4005. Theodore Roosevelt Genius Prize for the protection of endangered species.
Sec. 4006. Administration of prize competitions.

TITLE I—PARTNERS FOR FISH AND WILDLIFE PROGRAM REAUTHORIZATION

SEC. 1001. PARTNERS FOR FISH AND WILDLIFE PROGRAM REAUTHORIZATION.

Section 5 of the Partners for Fish and Wildlife Act (16 U.S.C. 3774) is amended by striking “$75,000,000 for each of fiscal years 2006 through 2011” and inserting “$100,000,000 for each of fiscal years 2018 through 2022”.
TITLE II—FISH AND WILDLIFE COORDINATION

SEC. 2001. PURPOSE.

The purpose of this title is to protect water and wildlife from invasive species.

SEC. 2002. AMENDMENTS TO THE FISH AND WILDLIFE COORDINATION ACT.

(a) Short Title; Authorization.—The first section of the Fish and Wildlife Coordination Act (16 U.S.C. 661) is amended by striking “For the purpose” and inserting the following:

“SECTION 1. SHORT TITLE; AUTHORIZATION.

“(a) Short Title.—This Act may be cited as the ‘Fish and Wildlife Coordination Act’.

“(b) Authorization.—For the purpose”.

(b) Protection of Water and Wildlife From Invasive Species.—The Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) is amended by adding at the end the following:

“SEC. 10. PROTECTION OF WATER AND WILDLIFE FROM INVASIVE SPECIES.

“(a) Definitions.—In this section:

“(1) Control.—The term ‘control’, with respect to an invasive species, means the eradication, suppression, or reduction of the population of the
invasive species within the area in which the invasive
species is present.

“(2) Ecosystem.—The term ‘ecosystem’
means the complex of a community of organisms
and the environment of the organisms.

“(3) Eligible State.—The term ‘eligible
State’ means any of—

“(A) a State;

“(B) the District of Columbia;

“(C) the Commonwealth of Puerto Rico;

“(D) Guam;

“(E) American Samoa;

“(F) the Commonwealth of the Northern
Mariana Islands; and

“(G) the United States Virgin Islands.

“(4) Invasive species.—

“(A) In general.—The term ‘invasive
species’ means an alien species, the introduction
of which causes, or is likely to cause, economic
or environmental harm or harm to human
health.

“(B) Associated definition.—For pur-
poses of subparagraph (A), the term ‘alien spe-
cies’, with respect to a particular ecosystem,
means any species (including the seeds, eggs,
spores, or other biological material of the species that are capable of propagating the species) that is not native to the affected ecosystem.

“(C) INCLUSION.—The terms ‘invasive species’ and ‘alien species’ include any terrestrial or aquatic species determined by the relevant tribal, regional, State, or local authority to meet the requirements of subparagraph (A) or (B), as applicable.

“(5) MANAGE; MANAGEMENT.—The terms ‘manage’ and ‘management’, with respect to an invasive species, mean the active implementation of any activity—

“(A) to reduce or stop the spread of the invasive species; and

“(B) to inhibit further infestations of the invasive species, the spread of the invasive species, or harm caused by the invasive species, including investigations regarding methods for early detection and rapid response, prevention, control, or management of the invasive species.

“(6) PREVENT.—The term ‘prevent’, with respect to an invasive species, means—

“(A) to hinder the introduction of the invasive species onto land or water; or
“(B) to impede the spread of the invasive
species within land or water by inspecting,
intercepting, or confiscating invasive species
threats prior to the establishment of the
invasive species onto land or water of an eligible
State.
“(7) SECRETARY CONCERNED.—The term ‘Sec-
retary concerned’ means—
“(A) the Secretary of the Army, acting
through the Chief of Engineers, with respect to
Federal land administered by the Corps of En-
geineers;
“(B) the Secretary of the Interior, with re-
spect to Federal land administered by the Sec-
retary of the Interior through—
“(i) the United States Fish and Wild-
life Service;
“(ii) the Bureau of Indian Affairs;
“(iii) the Bureau of Land Manag-
ment;
“(iv) the Bureau of Reclamation; or
“(v) the National Park Service;
“(C) the Secretary of Agriculture, with re-
spect to Federal land administered by the Sec-
retary of Agriculture through the Forest Service; and

“(D) the head or a representative of any other Federal agency the duties of whom require planning relating to, and the treatment of, invasive species for the purpose of protecting water and wildlife on land and in water.

“(8) SPECIES.—The term ‘species’ means a group of organisms, all of which—

“(A) have a high degree of genetic similarity;

“(B) are morphologically distinct;

“(C) generally—

“(i) interbreed at maturity only among themselves; and

“(ii) produce fertile offspring; and

“(D) show persistent differences from members of allied groups of organisms.

“(b) CONTROL AND MANAGEMENT.—Each Secretary concerned shall plan and carry out activities on land directly managed by the Secretary concerned to protect water and wildlife by controlling and managing invasive species—

“(1) to inhibit or reduce the populations of invasive species; and
“(2) to effectuate restoration or reclamation efforts.

“(c) Strategic Plan.—

“(1) In general.—Each Secretary concerned shall develop a strategic plan for the implementation of the invasive species program to achieve, to the maximum extent practicable, a substantive annual net reduction of invasive species populations or infested acreage on land or water managed by the Secretary concerned.

“(2) Coordination.—Each strategic plan under paragraph (1) shall be developed—

“(A) in coordination with affected—

“(i) eligible States;

“(ii) political subdivisions of eligible States; and

“(iii) federally recognized Indian tribes; and

“(B) in accordance with the priorities established by 1 or more Governors of the eligible States in which an ecosystem affected by an invasive species is located.

“(3) Factors for Consideration.—In developing a strategic plan under this subsection, the Secretary concerned shall take into consideration the
economic and ecological costs of action or inaction, as applicable.

“(d) **Cost-effective Methods.**—In selecting a method to be used to control or manage an invasive species as part of a specific control or management project conducted as part of a strategic plan developed under subsection (c), the Secretary concerned shall prioritize the use of methods that—

“(1) effectively control and manage invasive species, as determined by the Secretary concerned, based on sound scientific data; and

“(2) control and manage invasive species in the least costly manner.

“(e) **Comparative Economic Assessment.**—To achieve compliance with subsection (d), the Secretary concerned shall require a comparative economic assessment of invasive species control and management methods to be conducted.

“(f) **Categorical Exclusions.**—

“(1) **Categorically Excluded Projects and Activities.**—

“(A) **In General.**—Subject to subparagraph (B), an invasive species control or management project or activity described in paragraph (2) is categorically excluded from the re-
requirement to prepare an environmental assessment
or an environmental impact statement
under the National Environmental Policy Act of
1969 (42 U.S.C. 4321 et seq.) during the pe-
period for which the Secretary concerned deter-
mines that the project or activity is otherwise
conducted in accordance with applicable agency
procedures, including any land and resource
management plan or land use plan applicable to
the area.

“(B) EXCEPTION.—An invasive species
control or management project or activity shall
not be categorically excluded under subpara-
graph (A) if the Secretary concerned deter-
mines that the project or activity presents an
extraordinary circumstance that precludes the
use of a categorical exclusion in accordance
with applicable agency procedures under section
1508.4 of title 40, Code of Federal Regulations.

“(2) DESCRIPTION OF PROJECTS AND ACTIVI-
ties.—A project or activity referred to in paragraph
(1) is a project or activity to protect water or wild-
life from an invasive species that, as determined by
the Secretary concerned is, or will be, carried out on
land or water that is—
“(A) directly managed by the Secretary concerned; and

“(B) located in an area that is—

“(i) a high risk for the introduction, establishment, or spread of invasive species; and

“(ii) determined by the Secretary concerned to be a priority.

“(g) ALLOCATION OF FUNDING.—Of the amount appropriated or otherwise made available to each Secretary concerned for a fiscal year for programs that address or include protection of land or water from an invasive species, the Secretary concerned shall use not less than 75 percent for on-the-ground control and management of invasive species, which may include—

“(1) the purchase of necessary products, equipment, or services to conduct that control and management;

“(2) the use of integrated pest management options, including options that use pesticides authorized for sale, distribution, or use under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.);
“(3) the use of biological control agents that are proven to be effective to reduce invasive species populations;

“(4) the use of revegetation or cultural restoration methods designed to improve the diversity and richness of ecosystems;

“(5) the use of monitoring and detection activities for invasive species, including equipment, detection dogs, and mechanical devices;

“(6) the use of appropriate methods to remove invasive species from a vehicle or vessel capable of conveyance; or

“(7) the use of other effective mechanical or manual control methods.

“(h) INVESTIGATIONS, OUTREACH, AND PUBLIC AWARENESS.—Of the amount appropriated or otherwise made available to each Secretary concerned for a fiscal year for programs that address or include protection of land or water from an invasive species, the Secretary concerned may use not more than 15 percent for investigations, development activities, and outreach and public awareness efforts to address invasive species control and management needs.

“(i) ADMINISTRATIVE COSTS.—Of the amount appropriated or otherwise made available to each Secretary con-
cerned for a fiscal year for programs that address or include protection of land or water from an invasive species, not more than 10 percent may be used for administrative costs incurred to carry out those programs, including costs relating to oversight and management of the programs, recordkeeping, and implementation of the strategic plan developed under subsection (c).

“(j) REPORTING REQUIREMENTS.—Not later than 60 days after the end of the second fiscal year beginning after the date of enactment of this section, each Secretary concerned shall submit to Congress a report—

“(1) describing the use by the Secretary concerned during the 2 preceding fiscal years of funds for programs that address or include invasive species management; and

“(2) specifying the percentage of funds expended for each of the purposes specified in subsections (g), (h), and (i).

“(k) RELATION TO OTHER AUTHORITY.—

“(1) OTHER INVASIVE SPECIES CONTROL, PREVENTION, AND MANAGEMENT AUTHORITIES.—Nothing in this section precludes the Secretary concerned from pursuing or supporting, pursuant to any other provision of law, any activity regarding the control, prevention, or management of an invasive species,
including investigations to improve the control, prevention, or management of the invasive species.

“(2) Public water supply systems.—Nothing in this section authorizes the Secretary concerned to suspend any water delivery or diversion, or otherwise to prevent the operation of a public water supply system, as a measure to control, manage, or prevent the introduction or spread of an invasive species.

“(1) Use of partnerships.—Subject to the subsections (m) and (n), the Secretary concerned may enter into any contract or cooperative agreement with another Federal agency, an eligible State, a political subdivision of an eligible State, or a private individual or entity to assist with the control and management of an invasive species.

“(m) Memorandum of Understanding.—

“(1) In general.—As a condition of a contract or cooperative agreement under subsection (l), the Secretary concerned and the applicable Federal agency, eligible State, political subdivision of an eligible State, or private individual or entity shall enter into a memorandum of understanding that describes—
“(A) the nature of the partnership between
the parties to the memorandum of under-
standing; and

“(B) the control and management activi-
ties to be conducted under the contract or coop-
erative agreement.

“(2) CONTENTS.—A memorandum of under-
standing under this subsection shall contain, at a
minimum, the following:

“(A) A prioritized listing of each invasive
species to be controlled or managed.

“(B) An assessment of the total acres of
land or area of water infested by the invasive
species.

“(C) An estimate of the expected total
acres of land or area of water infested by the
invasive species after control and management
of the invasive species is attempted.

“(D) A description of each specific, inte-
grated pest management option to be used, in-
cluding a comparative economic assessment to
determine the least-costly method.

“(E) Any map, boundary, or Global Posi-
tioning System coordinates needed to clearly
identify the area in which each control or management activity is proposed to be conducted.

“(F) A written assurance that each partner will comply with section 15 of the Federal Noxious Weed Act of 1974 (7 U.S.C. 2814).

“(3) COORDINATION.—If a partner to a contract or cooperative agreement under subsection (l) is an eligible State, political subdivision of an eligible State, or private individual or entity, the memorandum of understanding under this subsection shall include a description of—

“(A) the means by which each applicable control or management effort will be coordinated; and

“(B) the expected outcomes of managing and controlling the invasive species.

“(4) PUBLIC OUTREACH AND AWARENESS EFFORTS.—If a contract or cooperative agreement under subsection (l) involves any outreach or public awareness effort, the memorandum of understanding under this subsection shall include a list of goals and objectives for each outreach or public awareness effort that have been determined to be efficient to inform national, regional, State, or local audiences regarding invasive species control and management.
“(n) INVESTIGATIONS.—The purpose of any invasive species-related investigation carried out under a contract or cooperative agreement under subsection (l) shall be—

“(1) to develop solutions and specific recommendations for control and management of invasive species; and

“(2) specifically to provide faster implementation of control and management methods.

“(o) COORDINATION WITH AFFECTED LOCAL GOVERNMENTS.—Each project and activity carried out pursuant to this section shall be coordinated with affected local governments in a manner that is consistent with section 202(c)(9) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712(c)(9)).”

TITLE III—WILDLIFE CONSERVATION

SEC. 3001. REAUTHORIZATION OF MULTINATIONAL SPECIES CONSERVATION FUNDS.

(a) REAUTHORIZATION OF THE AFRICAN ELEPHANT CONSERVATION ACT.—Section 2306(a) of the African Elephant Conservation Act (16 U.S.C. 4245(a)) is amend-
ed by striking “‘2007 through 2012’” and inserting “‘2018 through 2022’”.

(b) REAUTHORIZATION OF THE ASIAN ELEPHANT CONSERVATION ACT OF 1997.—Section 8(a) of the Asian
is amended by striking “2007 through 2012” and inserting “2018 through 2022”.

(c) Reauthorization of the Rhinoceros and
Tiger Conservation Act of 1994.—Section 10(a) of
the Rhinoceros and Tiger Conservation Act of 1994 (16
U.S.C. 5306(a)) is amended by striking “2007 through
2012” and inserting “2018 through 2022”.

(d) Amendments to the Great Ape Conserva-
tion Act of 2000.—

(1) Panel.—Section 4(i) of the Great Ape
Conservation Act of 2000 (16 U.S.C. 6303(i)) is
amended—

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

“(1) Convention.—Not later than 1 year after
the date of the enactment of the [Wildlife Innovation and Longevity Driver Act], and every 5 years
thereafter, the Secretary shall convene a panel of experts on great apes to identify the greatest needs
and priorities for the conservation of great apes.”;

(B) by redesignating paragraph (2) as
paragraph (5); and

(C) by inserting after paragraph (1) the
following:
“(2) COMPOSITION.—The Secretary shall ensure that the panel referred to in paragraph (1) includes, to the maximum extent practicable, 1 or more representatives—

“(A) from each country that comprises the natural range of great apes; and

“(B) with expertise in great ape conservation.

“(3) CONSERVATION PLANS.—In identifying the conservation needs and priorities under paragraph (1), the panel referred to in that paragraph shall consider any relevant great ape conservation plan or strategy, including scientific research and findings relating to—

“(A) the conservation needs and priorities of great apes;

“(B) any regional or species-specific action plan or strategy;

“(C) any applicable strategy developed or initiated by the Secretary; and

“(D) any other applicable conservation plan or strategy.

“(4) FUNDS.—Subject to the availability of appropriations, the Secretary may use amounts available to the Secretary to pay for the costs of con-
vening and facilitating any meeting of the panel referred to in paragraph (1).”.

(2) MULTIYEAR GRANTS.—Section 4 of the Great Ape Conservation Act of 2000 (16 U.S.C. 6303) is amended by adding at the end the following:

“(j) MULTIYEAR GRANTS.—

“(1) AUTHORIZATION.—The Secretary may award to a person who is otherwise eligible for a grant under this section a multiyear grant to carry out a project that the person demonstrates is an effective, long-term conservation strategy for great apes and the habitat of great apes.

“(2) EFFECT OF SUBSECTION.—Nothing in this subsection precludes the Secretary from awarding a grant on an annual basis.”.

(3) ADMINISTRATIVE EXPENSES.—Section 5(b)(2) of the Great Ape Conservation Act of 2000 (16 U.S.C. 6304(b)(2)) is amended by striking “$100,000” and inserting “$150,000”.


(e) Amendments to the Marine Turtle Conservation Act of 2004.—

(1) PURPOSE.—Section 2(b) of the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6601(b)) is amended by inserting “and territories of the United States” after “foreign countries”.

(2) DEFINITIONS.—Section 3 of the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6602) is amended—

(A) in paragraph (2), in the matter preceding subparagraph (A), by inserting “and territories of the United States” after “foreign countries”; and

(B) by adding at the end the following:

“(7) TERRITORY OF THE UNITED STATES.—The term ‘territory of the United States’ means—

“(A) the Commonwealth of Puerto Rico;

“(B) Guam;

“(C) American Samoa;

“(D) the Commonwealth of the Northern Mariana Islands;

“(E) the United States Virgin Islands; and

“(F) any other territory or possession of the United States.”.
(3) Marine turtle conservation assistance.—Section 4 of the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6603) is amended—

(A) in subsection (b)(1)(A), by inserting “or a territory of the United States” after “foreign country”; and

(B) in subsection (d), by striking “foreign countries” and inserting “a foreign country or a territory of the United States”.

(4) Administrative expenses.—Section 5(b)(2) of the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6604(b)(2)) is amended by striking “$80,000” and inserting “$150,000”.

(5) Authorization of appropriations.—Section 7 of the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6606) is amended by striking “each of fiscal years 2005 through 2009” and inserting “each of fiscal years 2018 through 2022”.

**TITLE IV—PRIZE COMPETITIONS**

**SEC. 4001. DEFINITIONS.**

In this title:

(1) Non-federal funds.—The term “non-Federal funds” means funds provided by—

(A) a State;

(B) a territory of the United States;
(C) 1 or more units of local or tribal government;

(D) a private for-profit entity;

(E) a nonprofit organization; or

(F) a private individual.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service.

SEC. 4002. THEODORE ROOSEVELT GENIUS PRIZE FOR THE PREVENTION OF WILDLIFE POACHING AND TRAFFICKING.

(a) DEFINITIONS.—In this section:

(1) BOARD.—The term “Board” means the Prevention of Wildlife Poaching and Trafficking Technology Advisory Board established by subsection (c)(1).

(2) PRIZE COMPETITION.—The term “prize competition” means the Theodore Roosevelt Genius Prize for the prevention of wildlife poaching and trafficking established under subsection (b).

(b) AUTHORITY.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish under section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719) a prize competi-
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tion, to be known as the ‘‘Theodore Roosevelt Genius
Prize’’ for the prevention of wildlife poaching and traf-
icking—

(1) to encourage technological innovation with
the potential to advance the mission of the United
States Fish and Wildlife Service with respect to the
prevention of wildlife poaching and trafficking; and

(2) to award 1 or more prizes annually for a
technological advancement that prevents wildlife
poaching and trafficking.

(c) ADVISORY BOARD.—

(1) ESTABLISHMENT.—There is established an
advisory board, to be known as the ‘‘Prevention of
Wildlife Poaching and Trafficking Technology Advi-
sory Board’’.

(2) COMPOSITION.—The Board shall be com-
posed of not fewer than 9 members appointed by the
Secretary, who shall provide expertise in—

(A) wildlife trafficking and trade;
(B) wildlife conservation and management;
(C) biology;
(D) technology development;
(E) engineering;
(F) economies;
(G) business development and management; and

(H) any other discipline, as the Secretary determines to be necessary to achieve the purposes of this section.

(3) DUTIES.—Subject to paragraph (4), with respect to the prize competition, the Board shall—

(A) select a topic;

(B) issue a problem statement; and

(C) advise the Secretary on any opportunity for technological innovation to prevent wildlife poaching and trafficking.

(4) CONSULTATION.—In selecting a topic and issuing a problem statement for the prize competition under subparagraphs (A) and (B) of paragraph (3), respectively, the Board shall consult widely with Federal and non-Federal stakeholders, including—

(A) 1 or more Federal agencies with jurisdiction over the prevention of wildlife poaching and trafficking;

(B) 1 or more State agencies with jurisdiction over the prevention of wildlife poaching and trafficking;

(C) 1 or more State, regional, or local wildlife organizations, the mission of which re-
lates to the prevention of wildlife poaching and trafficking; and

(D) 1 or more wildlife conservation groups, technology companies, research institutions, institutions of higher education, industry associations, or individual stakeholders with an interest in the prevention of wildlife poaching and trafficking.

(5) REQUIREMENTS.—The Board shall comply with all requirements under section 4006(a).

(d) AGREEMENT WITH THE NATIONAL FISH AND WILDLIFE FOUNDATION.—

(1) IN GENERAL.—The Secretary shall offer to enter into an agreement under which the National Fish and Wildlife Foundation shall administer the prize competition.

(2) REQUIREMENTS.—An agreement entered into under paragraph (1) shall comply with all requirements under section 4006(b).

(e) JUDGES.—

(1) APPOINTMENT.—The Secretary shall appoint not fewer than 3 judges who shall, except as provided in paragraph (2), select the 1 or more annual winners of the prize competition.
(2) Determination by the Secretary.—
The judges appointed under paragraph (1) shall not select any annual winner of the prize competition if the Secretary makes a determination that, in any fiscal year, none of the technological advancements entered into the prize competition merits an award.

(f) Report to Congress.—Not later than 60 days after the date on which a cash prize is awarded under this section, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Natural Resources of the House of Representatives a report on the prize competition that includes—

(1) a statement by the Board that describes the activities carried out by the Board relating to the duties described in subsection (e)(3);

(2) if the Secretary has entered into an agreement under subsection (d)(1), a statement by the National Fish and Wildlife Foundation that describes the activities carried out by the National Fish and Wildlife Foundation relating to the duties described in section 4006(h); and

(3) a statement by 1 or more of the judges appointed under subsection (e) that explains the basis on which the winner of the cash prize was selected.
(g) **TERMINATION OF AUTHORITY.**—The Board and all authority provided under this section shall terminate on December 31, 2022.

**SEC. 4003. THEODORE ROOSEVELT GENIUS PRIZE FOR THE PROMOTION OF WILDLIFE CONSERVATION.**

(a) **DEFINITIONS.**—In this section:

1. **BOARD.**—The term “Board” means the Promotion of Wildlife Conservation Technology Advisory Board established by subsection (c)(1).

2. **PRIZE COMPETITION.**—The term “prize competition” means the Theodore Roosevelt Genius Prize for the promotion of wildlife conservation established under subsection (b).

(b) **AUTHORITY.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish under section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719) a prize competition, to be known as the “Theodore Roosevelt Genius Prize” for the promotion of wildlife conservation—

1. to encourage technological innovation with the potential to advance the mission of the United States Fish and Wildlife Service with respect to the promotion of wildlife conservation; and
(2) to award 1 or more prizes annually for a technological advancement that promotes wildlife conservation.

(c) ADVISORY BOARD.—

(1) ESTABLISHMENT.—There is established an advisory board, to be known as the “Promotion of Wildlife Conservation Technology Advisory Board”.

(2) COMPOSITION.—The Board shall be composed of not fewer than 9 members appointed by the Secretary, who shall provide expertise in—

(A) wildlife conservation and management;

(B) biology;

(C) technology development;

(D) engineering;

(E) economics;

(F) business development and management; and

(G) any other discipline, as the Secretary determines to be necessary to achieve the purposes of this section.

(3) DUTIES.—Subject to paragraph (4), with respect to the prize competition, the Board shall—

(A) select a topic;

(B) issue a problem statement; and
(C) advise the Secretary on any opportunity for technological innovation to promote wildlife conservation.

(4) CONSULTATION.—In selecting a topic and issuing a problem statement for the prize competition under subparagraphs (A) and (B) of paragraph (3), respectively, the Board shall consult widely with Federal and non-Federal stakeholders, including—

(A) 1 or more Federal agencies with jurisdiction over the promotion of wildlife conservation;

(B) 1 or more State agencies with jurisdiction over the promotion of wildlife conservation;

(C) 1 or more State, regional, or local wildlife organizations, the mission of which relates to the promotion of wildlife conservation; and

(D) 1 or more wildlife conservation groups, technology companies, research institutions, institutions of higher education, industry associations, or individual stakeholders with an interest in the promotion of wildlife conservation.

(5) REQUIREMENTS.—The Board shall comply with all requirements under section 4006(a).
(d) Agreement With the National Fish and Wildlife Foundation.—

(1) In General.—The Secretary shall offer to enter into an agreement under which the National Fish and Wildlife Foundation shall administer the prize competition.

(2) Requirements.—An agreement entered into under paragraph (1) shall comply with all requirements under section 4006(b).

(e) Judges.—

(1) Appointment.—The Secretary shall appoint not fewer than 3 judges who shall, except as provided in paragraph (2), select the 1 or more annual winners of the prize competition.

(2) Determination by the Secretary.—The judges appointed under paragraph (1) shall not select any annual winner of the prize competition if the Secretary makes a determination that, in any fiscal year, none of the technological advancements entered into the prize competition merits an award.

(f) Report to Congress.—Not later than 60 days after the date on which a cash prize is awarded under this section, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Natural Resources of the House of Rep-
resentatives a report on the prize competition that includes—

(1) a statement by the Board that describes the activities carried out by the Board relating to the duties described in subsection (c)(3);

(2) if the Secretary has entered into an agreement under subsection (d)(1), a statement by the National Fish and Wildlife Foundation that describes the activities carried out by the National Fish and Wildlife Foundation relating to the duties described in section 4006(b); and

(3) a statement by 1 or more of the judges appointed under subsection (e) that explains the basis on which the winner of the cash prize was selected.

(g) TERMINATION OF AUTHORITY.—The Board and all authority provided under this section shall terminate on December 31, 2022.

SEC. 4004. THEODORE ROOSEVELT GENIUS PRIZE FOR THE MANAGEMENT OF INVASIVE SPECIES.

(a) DEFINITIONS.—In this section:

(1) BOARD.—The term “Board” means the Management of Invasive Species Technology Advisory Board established by subsection (c)(1).

(2) PRIZE COMPETITION.—The term “prize competition” means the Theodore Roosevelt Genius
Prize for the management of invasive species established under subsection (b).

(b) AUTHORITY.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish under section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719) a prize competition, to be known as the “Theodore Roosevelt Genius Prize” for the management of invasive species—

(1) to encourage technological innovation with the potential to advance the mission of the United States Fish and Wildlife Service with respect to the management of invasive species; and

(2) to award 1 or more prizes annually for a technological advancement that manages invasive species.

(c) ADVISORY BOARD.—

(1) ESTABLISHMENT.—There is established an advisory board, to be known as the “Management of Invasive Species Technology Advisory Board”.

(2) COMPOSITION.—The Board shall be composed of not fewer than 9 members appointed by the Secretary, who shall provide expertise in—

(A) invasive species;

(B) biology;

(C) technology development;
(D) engineering;

(E) economics;

(F) business development and management; and

(G) any other discipline, as the Secretary determines to be necessary to achieve the purposes of this section.

(3) DUTIES.—Subject to paragraph (4), with respect to the prize competition, the Board shall—

(A) select a topic;

(B) issue a problem statement; and

(C) advise the Secretary on any opportunity for technological innovation to manage invasive species.

(4) CONSULTATION.—In selecting a topic and issuing a problem statement for the prize competition under subparagraphs (A) and (B) of paragraph (3), respectively, the Board shall consult widely with Federal and non-Federal stakeholders, including—

(A) 1 or more Federal agencies with jurisdiction over the management of invasive species;

(B) 1 or more State agencies with jurisdiction over the management of invasive species;
(C) 1 or more State, regional, or local
wildlife organizations, the mission of which re-
lates to the management of invasive species;
and

(D) 1 or more wildlife conservation groups,
technology companies, research institutions, in-
stitutions of higher education, industry associa-
tions, or individual stakeholders with an inter-
est in the management of invasive species.

(5) REQUIREMENTS.—The Board shall comply
with all requirements under section 4006(a).

(d) AGREEMENT WITH THE NATIONAL FISH AND
WILDLIFE FOUNDATION.—

(1) IN GENERAL.—The Secretary shall offer to
enter into an agreement under which the National
Fish and Wildlife Foundation shall administer the
prize competition.

(2) REQUIREMENTS.—An agreement entered
into under paragraph (1) shall comply with all re-
quirements under section 4006(b).

(e) JUDGES.—

(1) APPOINTMENT.—The Secretary shall ap-
point not fewer than 3 judges who shall, except as
provided in paragraph (2), select the 1 or more an-
nual winners of the prize competition.
(2) Determination by the Secretary.—

The judges appointed under paragraph (1) shall not select any annual winner of the prize competition if the Secretary makes a determination that, in any fiscal year, none of the technological advancements entered into the prize competition merits an award.

(f) Report to Congress.—Not later than 60 days after the date on which a cash prize is awarded under this section, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Natural Resources of the House of Representatives a report on the prize competition that includes—

(1) a statement by the Board that describes the activities carried out by the Board relating to the duties described in subsection (e)(3);

(2) if the Secretary has entered into an agreement under subsection (d)(1), a statement by the National Fish and Wildlife Foundation that describes the activities carried out by the National Fish and Wildlife Foundation relating to the duties described in section 4006(b); and

(3) a statement by 1 or more of the judges appointed under subsection (e) that explains the basis on which the winner of the cash prize was selected.
(g) **Termination of Authority.**—The Board and all authority provided under this section shall terminate on December 31, 2022.

**SEC. 4005. THEODORE ROOSEVELT GENIUS PRIZE FOR THE PROTECTION OF ENDANGERED SPECIES.**

(a) **Definitions.**—In this section:

(1) **Board.**—The term “Board” means the Protection of Endangered Species Technology Advisory Board established by subsection (c)(1).

(2) **Prize competition.**—The term “prize competition” means the Theodore Roosevelt Genius Prize for the protection of endangered species established under subsection (b).

(b) **Authority.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish under section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719) a prize competition, to be known as the “Theodore Roosevelt Genius Prize” for the protection of endangered species—

(1) to encourage technological innovation with the potential to advance the mission of the United States Fish and Wildlife Service with respect to the protection of endangered species; and
(2) to award 1 or more prizes annually for a technological advancement that protects endangered species.

(c) ADVISORY BOARD.—

(1) ESTABLISHMENT.—There is established an advisory board, to be known as the “Protection of Endangered Species Technology Advisory Board”.

(2) COMPOSITION.—The Board shall be composed of not fewer than 9 members appointed by the Secretary, who shall provide expertise in—

(A) endangered species;

(B) biology;

(C) technology development;

(D) engineering;

(E) economics;

(F) business development and management; and

(G) any other discipline, as the Secretary determines to be necessary to achieve the purposes of this section.

(3) DUTIES.—Subject to paragraph (4), with respect to the prize competition, the Board shall—

(A) select a topic;

(B) issue a problem statement; and
(C) advise the Secretary on any opportunity for technological innovation to protect endangered species.

(4) CONSULTATION.—In selecting a topic and issuing a problem statement for the prize competition under subparagraphs (A) and (B) of paragraph (3), respectively, the Board shall consult widely with Federal and non-Federal stakeholders, including—

(A) 1 or more Federal agencies with jurisdiction over the protection of endangered species;

(B) 1 or more State agencies with jurisdiction over the protection of endangered species;

(C) 1 or more State, regional, or local wildlife organizations, the mission of which relates to the protection of endangered species; and

(D) 1 or more wildlife conservation groups, technology companies, research institutions, institutions of higher education, industry associations, or individual stakeholders with an interest in the protection of endangered species.

(5) REQUIREMENTS.—The Board shall comply with all requirements under section 4006(a).
(d) **Agreement With the National Fish and Wildlife Foundation.**—

(1) **In General.**—The Secretary shall offer to enter into an agreement under which the National Fish and Wildlife Foundation shall administer the prize competition.

(2) **Requirements.**—An agreement entered into under paragraph (1) shall comply with all requirements under section 4006(b).

(e) **Judges.**—

(1) **Appointment.**—The Secretary shall appoint not fewer than 3 judges who shall, except as provided in paragraph (2), select the 1 or more annual winners of the prize competition.

(2) **Determination by the Secretary.**—The judges appointed under paragraph (1) shall not select any annual winner of the prize competition if the Secretary makes a determination that, in any fiscal year, none of the technological advancements entered into the prize competition merits an award.

(f) **Report to Congress.**—Not later than 60 days after the date on which a cash prize is awarded under this section, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Natural Resources of the House of Rep-
resentatives a report on the prize competition that includes—

(1) a statement by the Board that describes the activities carried out by the Board relating to the duties described in subsection (e)(3);

(2) if the Secretary has entered into an agreement under subsection (d)(1), a statement by the National Fish and Wildlife Foundation that describes the activities carried out by the National Fish and Wildlife Foundation relating to the duties described in section 4006(b); and

(3) a statement by 1 or more of the judges appointed under subsection (e) that explains the basis on which the winner of the cash prize was selected.

(g) Termination of Authority.—The Board and all authority provided under this section shall terminate on December 31, 2022.

SEC. 4006. ADMINISTRATION OF PRIZE COMPETITIONS.

(a) Additional Requirements for Advisory Boards.—An advisory board established under section 4002(e)(1), 4003(e)(1), 4004(e)(1), or 4005(e)(1) (referred to in this section as a “Board”) shall comply with the following requirements:

(1) Term; Vacancies.—
(A) Term.—A member of the Board shall serve for a term of 5 years.

(B) Vacancies.—A vacancy on the Board—

(i) shall not affect the powers of the Board; and

(ii) shall be filled in the same manner as the original appointment was made.

(2) Initial Meeting.—Not later than 30 days after the date on which all members of the Board have been appointed, the Board shall hold the initial meeting of the Board.

(3) Meetings.—

(A) In general.—The Board shall meet at the call of the Chairperson.

(B) Remote participation.—

(i) In general.—Any member of the Board may participate in a meeting of the Board through the use of—

(I) teleconferencing; or

(II) any other remote business telecommunications method that allows each participating member to simultaneously hear each other participating member during the meeting.
(ii) Presence.—A member of the Board who participates in a meeting remotely under clause (i) shall be considered to be present at the meeting.

(4) Quorum.—A majority of the members of the Board shall constitute a quorum, but a lesser number of members may hold a meeting.

(5) Chairperson and vice chairperson.—The Board shall select a Chairperson and Vice Chairperson from among the members of the Board.

(6) Administrative cost reduction.—The Board shall, to the maximum extent practicable, minimize the administrative costs of the Board, including by encouraging the remote participation described in paragraph (3)(B)(i) to reduce travel costs.

(b) Agreements with the National Fish and Wildlife Foundation.—Any agreement entered into under section 4002(d)(1), 4003(d)(1), 4004(d)(1), or 4005(d)(1) shall comply with the following requirements:

(1) Contents.—An agreement shall provide the following:

(A) Duties.—The National Fish and Wildlife Foundation shall—

(i) advertise the prize competition;
(ii) solicit prize competition participants;

(iii) administer funds relating to the prize competition;

(iv) receive Federal funds—

(I) to administer the prize competition; and

(II) to award a cash prize;

(v) carry out activities to generate contributions of non-Federal funds to offset, in whole or in part—

(I) the administrative costs of the prize competition; and

(II) the costs of a cash prize;

(vi) in consultation with, and subject to final approval by, the Secretary, develop criteria for the selection of prize competition winners;

(vii) provide advice and consultation to the Secretary on the selection of judges under sections 4002(e), 4003(e), 4004(e), and 4005(e) based on criteria developed in consultation with, and subject to the final approval of, the Secretary;
(viii) announce 1 or more annual winners of the prize competition;

(ix) subject to subparagraph (B), award 1 cash prize annually; and

(x) protect against unauthorized use or disclosure by the National Fish and Wildlife Foundation of any trade secret or confidential business information of a prize competition participant.

(B) ADDITIONAL CASH PRIZES.—The National Fish and Wildlife Foundation may award more than 1 cash prize annually if the initial cash prize referred to in subparagraph (A)(ix) and any additional cash prize are awarded using only non-Federal funds.

(C) SOLICITATION OF FUNDS.—The National Fish and Wildlife Foundation—

(i) may request and accept Federal funds and non-Federal funds for a cash prize;

(ii) may accept a contribution for a cash prize in exchange for the right to name the prize; and

(iii) shall not give special consideration to any Federal agency or non-Fed-
eral entity in exchange for a donation for a cash prize awarded under this section.

(c) Award Amounts.—

(1) In general.—The amount of the initial cash prize referred to in subsection (b)(1)(A)(ix) shall be $100,000.

(2) Additional Cash Prizes.—On notification by the National Fish and Wildlife Foundation that non-Federal funds are available for an additional cash prize, the Secretary shall determine the amount of the additional cash prize.
Senator BARRASSO. Senator Whitehouse and Booker have both filed amendments on this bill. I ask unanimous consent that Whitehouse No. 1 and Booker No. 1 be revised to reflect changes that we have agreed to and revised amendments, which are before the members, they add consideration of coastal areas to Title 2, they create an additional prize for non-lethal wildlife control methods in Title 4, and they make clarifying changes to the bill.

[The text of the amendments offered by Senator Whitehouse and Senator Booker follows:]
AMENDMENT NO. ________ Calendar No. ______

Purpose: To improve the bill.


S. _____

To reauthorize the Partners for Fish and Wildlife Program and certain wildlife conservation funds, to establish prize competitions relating to the prevention of wildlife poaching and trafficking, wildlife conservation, the management of invasive species, and the protection of endangered species, 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. WHITEHOUSE

Viz:
1. On page 3, line 7, insert “, oceans, coasts,” after “water”.

2. On page 3, line 19, insert “, OCEANS, COASTS,” before “AND WILDLIFE”.

3. On page 3, line 23, insert “, OCEANS, COASTS,” before “AND WILDLIFE”.

4. On page 3, line 23, insert “, OCEANS, COASTS,” before “AND WILDLIFE”.

5. On page 3, line 23, insert “, OCEANS, COASTS,” before “AND WILDLIFE”.

6. On page 3, line 23, insert “, OCEANS, COASTS,” before “AND WILDLIFE”.
On page 7, line 10, strike “on land and in water” and insert “on land and coasts and in oceans and water”.

On page 23, between lines 4 and 5, insert the following:

(3) WILDLIFE.—The term “wildlife” has the meaning given the term in section 8 of the Fish and Wildlife Coordination Act (16 U.S.C. 666b).
AMENDMENT NO._______ Calendar No._______

Purpose: To include a Theodore Roosevelt Genius Prize for nonlethal management of human-wildlife conflict.


S._____

To reauthorize the Partners for Fish and Wildlife Program and certain wildlife conservation funds, to establish prize competitions relating to the prevention of wildlife poaching and trafficking, wildlife conservation, the management of invasive species, and the protection of endangered species, 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. BOOKER

Viz:

1    On page 9, line 16, strike “and” at the end.

2    On page 9, between lines 16 and 17, insert the following:
3    “(2) minimize environmental impacts; and

4    On page 9, line 17, strike “(2)” and insert “(3)”.

5
On page 26, line 5, strike “4006(a)” and insert “4007(a)”.

On page 26, line 14, strike “4006(b)” and insert “4007(b)”.

On page 27, line 16, strike “4006(b)” and insert “4007(b)”.

On page 30, line 16, strike “4006(a)” and insert “4007(a)”.

On page 30, line 25, strike “4006(b)” and insert “4007(b)”.

On page 32, line 2, strike “4006(b)” and insert “4007(b)”.

On page 35, line 4, strike “4006(a)” and insert “4007(a)”.

On page 35, line 13, strike “4006(b)” and insert “4007(b)”.
On page 36, line 16, strike “4006(b)” and insert “4007(b)”.

On page 39, line 16, strike “4006(a)” and insert “4007(a)”.

On page 39, line 25, strike “4006(b)” and insert “4007(b)”.

On page 41, line 2, strike “4006(b)” and insert “4007(b)”.

On page 41, between lines 8 and 9, insert the following:

SEC. 4006. THEODORE ROOSEVELT GENIUS PRIZE FOR NONLETHAL MANAGEMENT OF HUMAN-WILDLIFE CONFLICTS.

(a) DEFINITIONS.—In this section:

(1) BOARD.—The term “Board” means the Nonlethal Management of Human-Wildlife Conflicts Technology Advisory Board established by subsection (c)(1).

(2) PRIZE COMPETITION.—The term “prize competition” means the Theodore Roosevelt Genius
Prize for the nonlethal management of human-wildlife conflicts established under subsection (b).

(b) AUTHORITY.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish under section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719) a prize competition, to be known as the “Theodore Roosevelt Genius Prize” for the nonlethal management of human-wildlife conflicts—

(1) to encourage technological innovation with the potential to advance the mission of the United States Fish and Wildlife Service with respect to the nonlethal management of human-wildlife conflicts; and

(2) to award 1 or more prizes annually for a technological advancement that promotes the nonlethal management of human-wildlife conflicts.

(c) ADVISORY BOARD.—

(1) ESTABLISHMENT.—There is established an advisory board, to be known as the “Nonlethal Management of Human-Wildlife Conflicts Technology Advisory Board”.

(2) COMPOSITION.—The Board shall be composed of not fewer than 9 members appointed by the Secretary, who shall provide expertise in—
5

(A) nonlethal wildlife management;

(B) social aspects of human-wildlife conflict management;

(C) biology;

(D) technology development;

(E) engineering;

(F) economics;

(G) business development and management; and

(H) any other discipline, as the Secretary determines to be necessary to achieve the purposes of this section.

(3) DUTIES.—Subject to paragraph (4), with respect to the prize competition, the Board shall—

(A) select a topic;

(B) issue a problem statement; and

(C) advise the Secretary on any opportunity for technological innovation to promote the nonlethal management of human-wildlife conflicts.

(4) CONSULTATION.—In selecting a topic and issuing a problem statement for the prize competition under subparagraphs (A) and (B) of paragraph (3), respectively, the Board shall consult widely with Federal and non-Federal stakeholders, including—
6

(A) 1 or more Federal agencies with jurisdiction over the management of native wildlife species at risk due to conflict with human activities;

(B) 1 or more State agencies with jurisdiction over the management of native wildlife species at risk due to conflict with human activities;

(C) 1 or more State, regional, or local wildlife organizations, the mission of which relates to the management of native wildlife species at risk due to conflict with human activities; and

(D) 1 or more wildlife conservation groups, technology companies, research institutions, institutions of higher education, industry associations, or individual stakeholders with an interest in the management of native wildlife species at risk due to conflict with human activities.

(5) REQUIREMENTS.—The Board shall comply with all requirements under section 4007(a).

(d) AGREEMENT WITH THE NATIONAL FISH AND WILDLIFE FOUNDATION.—

(1) IN GENERAL.—The Secretary shall offer to enter into an agreement under which the National
Fish and Wildlife Foundation shall administer the prize competition.

(2) REQUIREMENTS.—An agreement entered into under paragraph (1) shall comply with all requirements under section 4007(b).

(e) JUDGES.—

(1) APPOINTMENT.—The Secretary shall appoint not fewer than 3 judges who shall, except as provided in paragraph (2), select the 1 or more annual winners of the prize competition.

(2) DETERMINATION BY THE SECRETARY.—

The judges appointed under paragraph (1) shall not select any annual winner of the prize competition if the Secretary makes a determination that, in any fiscal year, none of the technological advancements entered into the prize competition merits an award.

(f) REPORT TO CONGRESS.—Not later than 60 days after the date on which a cash prize is awarded under this section, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Natural Resources of the House of Rep-resentatives a report on the prize competition that in-cludes—
8

(1) a statement by the Board that describes the activities carried out by the Board relating to the duties described in subsection (c)(3);

(2) if the Secretary has entered into an agreement under subsection (d)(1), a statement by the National Fish and Wildlife Foundation that describes the activities carried out by the National Fish and Wildlife Foundation relating to the duties described in section 4007(b); and

(3) a statement by 1 or more of the judges appointed under subsection (e) that explains the basis on which the winner of the cash prize was selected.

(g) TERMINATION OF AUTHORITY.—The Board and all authority provided under this section shall terminate on December 31, 2022.

On page 41, line 9, strike "4006" and insert "4007".

On page 41, line 12, strike "or 4005(e)(1)" and insert "4005(e)(1), or 4006(c)(1)".

On page 43, line 8, strike "or".

On page 43, line 9, insert "or 4006(d)(1)" before "shall comply".
9

1 On page 44, line 11, strike “and 4005(e)” and insert “4005(e), and 4006(e)”.
Senator BARRASSO. I am pleased to accept these amendments, as revised, and move to adopt them en bloc. Is there a second?

Senator CARPER. 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.

Revised Whitehouse No. 1 and revised Booker No. 1 are agreed to.

Any other Senator seek recognition to offer additional amendments to this specific bill?

[No audible response.]

Senator BARRASSO. Seeing no other amendments, I ask unanimous consent that the amendments we just agreed to be considered incorporated into the underlying text of the WILD Act and that the revised text be considered an amendment in the nature of a substitute.

If there is no objection, I now move to adopt the substitute amendment of S. 826 and favorably report 826, as amended. Is there a second?

Senator CARPER. Second.

Senator BARRASSO. Those in favor, please say aye.

[Chorus of ayes.]

Senator BARRASSO. Opposed, nay.

[No audible response.]

Senator BARRASSO. In the opinion of the Chair, the ayes have it.

The legislation will be reported favorably to the Senate.

Next is the Small and Rural Community Clean Water Technical Assistance Act, S. 518, that I now call up.

[The text of S. 518 follows:]
115TH CONGRESS
1ST SESSION

S. 518

To amend the Federal Water Pollution Control Act to provide for technical assistance for small treatment works.

IN THE SENATE OF THE UNITED STATES

MARCH 2, 2017

Mr. WICKER (for himself, Ms. HEITKAMP, Mr. BOOZMAN, Mr. BARRASSO, Mr. CRAPO, Mr. FRANKEN, Ms. HIRONO, Ms. KLOBUCHAR, Mr. MANCHIN, Mr. RISCH, Mr. SCHATZ, and Mr. TESTER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works.

A BILL

To amend the Federal Water Pollution Control Act to provide for technical assistance for small treatment works.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
3 SECTION 1. SHORT TITLE.
4 This Act may be cited as the “Small and Rural Com-
5 munity Clean Water Technical Assistance Act”.

SEC. 2. TECHNICAL ASSISTANCE FOR SMALL TREATMENT WORKS.

(a) In General.—Title II of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) is amended by adding at the end the following:

"SEC. 222. TECHNICAL ASSISTANCE FOR SMALL TREATMENT WORKS.

"(a) Definitions.—In this section:

"(1) Qualified Nonprofit Small Treatment Works Technical Assistance Provider.—

The term ‘qualified nonprofit small treatment works technical assistance provider’ means a nonprofit organization that, as determined by the Administrator—

"(A) is qualified and experienced in providing training and technical assistance to small treatment works; and

"(B) the small treatment works in the State finds to be the most beneficial and effective.

"(2) Small Treatment Works.—The term ‘small treatment works’ means a publicly owned treatment works serving not more than 10,000 individuals,

"(b) Technical Assistance.—The Administrator may use amounts made available to carry out this section..."
to provide grants or cooperative agreements to qualified nonprofit small treatment works technical assistance providers to provide to owners and operators of small treatment works onsite technical assistance, circuit rider technical assistance programs, multi-State, regional technical assistance programs, and onsite and regional training, to assist the small treatment works in achieving compliance with this Act or obtaining financing under this Act for eligible projects.

“(c) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section for grants for small treatment works technical assistance, $15,000,000 for each of fiscal years 2018 through 2022.”.

(b) Water Pollution Control Revolving Loan Funds.—

(1) In general.—Section 603 of the Federal Water Pollution Control Act (33 U.S.C. 1383) is amended—

(A) in subsection (d)—

(i) in the matter preceding paragraph (1), by inserting “and as provided in subsection (e)” after “State law”; 

(ii) by redesignating subsections (e) through (i) as subsections (f) through (j), respectively; and
(iii) by inserting after subsection (d) the following:

“(e) ADDITIONAL USE OF FUNDS.—A State may use an additional 2 percent of the funds annually allotted to the State under this section for qualified nonprofit small treatment works technical assistance providers (as the term is defined in section 222) to provide technical assistance to small treatment works (as the term is defined in section 222) in the State.”.

(2) CONFORMING AMENDMENT.—Section 221(d) of the Federal Water Pollution Control Act (33 U.S.C. 1301(d)) is amended by striking “section 603(h)” and inserting “section 603(i)”. 

○
Senator BARRASSO. We will consider Carper No. 1 Amendment, which adds technical assistance for medium sized communities to the bill.

[The text of Amendment No. 1 offered by Senator Carper follows:]
AMENDMENT NO. _________  Calendar No. _______

Purpose: To include a provision relating to technical assistance for medium treatment works.


S. 518

To amend the Federal Water Pollution Control Act to provide for technical assistance for small treatment works.

Referred to the Committee on _______________ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by _______________

Viz:

1 On page 3, line 13, strike the closing quotation marks and the following period.

3 On page 3, between lines 13 and 14, insert the following:

"SEC. 223. TECHNICAL ASSISTANCE FOR MEDIUM TREATMENT WORKS.

"(a) DEFINITIONS.—In this section:

"(1) MEDIUM TREATMENT WORKS.—The term 'medium treatment works' means a publicly owned treatment works serving not fewer than 10,001, and not more than 75,000, individuals."
“(2) Qualified Nonprofit Medium Treatment Works Technical Assistance Provider.—

The term ‘qualified nonprofit medium treatment works technical assistance provider’ means a qualified nonprofit technical assistance provider of water and wastewater services to medium-sized communities that provides technical assistance (including circuit rider technical assistance programs, multi-State, regional assistance programs, and training and preliminary engineering evaluations) to owners and operators of medium treatment works, which may include a State agency.

“(b) Technical Assistance.—The Administrator may use amounts made available to carry out this section to provide grants or cooperative agreements to qualified nonprofit medium treatment works technical assistance providers to provide to owners and operators of medium treatment works onsite technical assistance, circuit-rider technical assistance programs, multi-State, regional technical assistance programs, and onsite and regional training to assist medium treatment works that are facing difficulty in achieving compliance with this Act or obtaining financing under this Act for eligible projects.
“(e) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2018 through 2022.”.

On page 4, line 7, insert “and qualified nonprofit medium treatment works technical assistance providers (as the term is defined in section 223)” before “to provide”.

On page 4, line 9, insert “and medium treatment works (as the term is defined in section 223)” before “in the State”.
Senator BARRASSO. I am pleased to accept this amendment and move to adopt it. Is there a second?
Senator WICKER. Second.
Senator BARRASSO. In favor, 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 agreement is agreed to.
There are no other amendments filed. I ask unanimous consent the amendment we have just agreed to be considered incorporated into the underlying text of S. 518 and that the revised text be considered an amendment in the nature of a substitute. Without objection.
Now move to adopt the substitute amendment, S. 518, favorably reported, as amended. Is there a second?
Senator CARPER. Second.
Senator BARRASSO. All 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 legislation is favorably reported.
Next is S. 692, the Water Infrastructure Flexibility Act of 2017.
Now call up S. 692.
[The text of S. 692 follows:]
115TH CONGRESS
1ST SESSION

S. 692

To provide for integrated plan permits, to establish an Office of the Municipal Ombudsman, to promote green infrastructure, and to require the revision of financial capability guidance.

IN THE SENATE OF THE UNITED STATES

MARCH 21, 2017

Mrs. FISCHER (for herself, Mr. BROWN, Mr. CARDIN, Mr. BOOZMAN, Mr. PORTMAN, Mr. BLUNT, and Mr. BOOKER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To provide for integrated plan permits, to establish an Office of the Municipal Ombudsman, to promote green infrastructure, and to require the revision of financial capability guidance.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Water Infrastructure Flexibility Act”.

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SEC. 2. DEFINITION OF ADMINISTRATOR.

In this Act, the term “Administrator” means the Admin-  
istrator of the Environmental Protection Agency.

SEC. 3. INTEGRATED PLANS.

(a) INTEGRATED PLANS.—Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

“(s) INTEGRATED PLAN PERMITS.—

“(1) DEFINITIONS.—In this subsection:

“(A) GREEN INFRASTRUCTURE.—The term ‘green infrastructure’ means the range of measures that use plant or soil systems, permeable pavement or other permeable surfaces or substrates, stormwater harvest and reuse, or landscaping to store, infiltrate, or evapotranspirate stormwater and reduce flows to sewer systems or to surface waters.

“(B) INTEGRATED PLAN.—The term ‘integrated plan’ has the meaning given in Part III of the Integrated Municipal Stormwater and Wastewater Planning Approach Framework, issued by the Environmental Protection Agency and dated June 5, 2012.

“(C) MUNICIPAL DISCHARGE.—

“(i) IN GENERAL.—The term ‘municipal discharge’ means a discharge from a
treatment works (as defined in section 212) or a discharge from a municipal storm sewer under subsection (p).

"(ii) INCLUSION.—The term ‘municipal discharge’ includes a discharge of wastewater or storm water collected from multiple municipalities if the discharge is covered by the same permit issued under this section.

"(2) INTEGRATED PLAN.—

"(A) IN GENERAL.—The Administrator (or a State, in the case of a permit program approved under subsection (b)) shall inform a municipal permittee or multiple municipal permittees of the opportunity to develop an integrated plan.

"(B) SCOPE OF PERMIT INCORPORATING INTEGRATED PLAN.—A permit issued under this subsection that incorporates an integrated plan may integrate all requirements under this Act addressed in the integrated plan, including requirements relating to—

"(i) a combined sewer overflow;
"(ii) a capacity, management, operation, and maintenance program for sanitary sewer collection systems;

"(iii) a municipal stormwater discharge;

"(iv) a municipal wastewater discharge; and

"(v) a water quality-based effluent limitation to implement an applicable wasteload allocation in a total maximum daily load.

"(3) COMPLIANCE SCHEDULES.—

"(A) IN GENERAL.—A permit for a municipal discharge by a municipality that incorporates an integrated plan may include a schedule of compliance, under which actions taken to meet any applicable water quality-based effluent limitation may be implemented over more than 1 permit term if the compliance schedules are authorized by State water quality standards.

"(B) INCLUSION.—Actions subject to a compliance schedule under subparagraph (A) may include green infrastructure if implemented as part of a water quality-based effluent limitation.
“(C) REVIEW.—A schedule of compliance may be reviewed each time the permit is renewed.

“(4) EXISTING AUTHORITIES RETAINED.—

“(A) APPLICABLE STANDARDS.—Nothing in this subsection modifies any obligation to comply with applicable technology and water quality-based effluent limitations under this Act.

“(B) FLEXIBILITY.—Nothing in this subsection reduces or eliminates any flexibility available under this Act, including the authority of—

“(i) a State to revise a water quality standard after a use attainability analysis under section 131.10(g) of title 40, Code of Federal Regulations (as in effect on the date of enactment of this subsection), subject to the approval of the Administrator under section 303(c); and

“(ii) the Administrator or a State to authorize a schedule of compliance that extends beyond the date of expiration of a permit term if the schedule of compliance meets the requirements of section 122.47
of title 40, Code of Federal Regulations
(as in effect on the date of enactment of
this subsection).

“(5) CLARIFICATION OF STATE AUTHORITY.—

“(A) IN GENERAL.—Nothing in section
301(b)(1)(C) precludes a State from author-
ing in the water quality standards of the
State the issuance of a schedule of compliance
to meet water quality-based effluent limitations
in permits that incorporate provisions of an in-
tegrated plan.

“(B) TRANSITION RULE.—In any case in
which a discharge is subject to a judicial order
or consent decree as of the date of enactment
of the Water Infrastructure Flexibility Act re-
solving an enforcement action under this Act,
any schedule of compliance issued pursuant to
an authorization in a State water quality stand-
ard shall not revise or otherwise affect a sched-
ule of compliance in that order or decree unless
the order or decree is modified by agreement of
the parties and the court.”.

(b) MUNICIPAL OMBUDSMAN.—
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(1) Establishment.—There is established within the Office of the Administrator an Office of the Municipal Ombudsman.

(2) General duties.—The duties of the municipal ombudsman shall include the provision of—

(A) technical assistance to municipalities seeking to comply with the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) and the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

(B) information to the Administrator to help the Administrator ensure that agency policies are implemented by all offices of the Environmental Protection Agency, including regional offices.

(3) Actions required.—The municipal ombudsman shall work with appropriate offices at the headquarters and regional offices of the Environmental Protection Agency to ensure that the municipality seeking assistance is provided information—

(A) about available Federal financial assistance for which the municipality is eligible;

(B) about flexibility available under the Federal Water Pollution Control Act (33 U.S.C.
1251 et seq.) and, if applicable, the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

(C) regarding the opportunity to develop an integrated plan, as defined in section 402(s)(1)(B) of the Federal Water Pollution Control Act (as added by subsection (a)).

(4) PRIORITY.—In carrying out paragraph (3), the municipal ombudsman shall give priority to any municipality that demonstrates affordability concerns relating to compliance with the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) or the Safe Drinking Water Act (42 U.S.C. 300f et seq.).

(5) INFORMATION SHARING.—The municipal ombudsman shall publish on the website of the Environmental Protection Agency—

(A) general information relating to—

(i) the technical assistance referred to in paragraph (2)(A);

(ii) the financial assistance referred to in paragraph (3)(A);

(iii) the flexibility referred to in paragraph 3(B); and
(iv) any resources related to integrated plans developed by the Administrator; and

(B) a copy of each permit, order, or judicial consent decree that implements or incorporates an integrated plan.

(c) MUNICIPAL ENFORCEMENT.—Section 309 of the Federal Water Pollution Control Act (33 U.S.C. 1319) is amended by adding at the end the following:

“(h) IMPLEMENTATION OF INTEGRATED PLANS THROUGH ENFORCEMENT TOOLS.—

“(1) IN GENERAL.—In conjunction with an enforcement action under subsection (a) or (b) relating to municipal discharges, the Administrator shall inform a municipality of the opportunity to develop an integrated plan, as defined in section 402(s).

“(2) MODIFICATION.—Any municipality under an administrative order under subsection (a) or settlement agreement (including a judicial consent decree) under subsection (b) that has developed an integrated plan consistent with section 402(s) may request a modification of the administrative order or settlement agreement based on that integrated plan.”.
(d) **Report to Congress.**—Not later than 2 years after the date of enactment of this Act, the Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available a report on each integrated plan developed and implemented through a permit, order, or judicial consent decree since the date of publication of the "Integrated Municipal Stormwater and Wastewater Planning Approach Framework" issued by the Environmental Protection Agency and dated June 5, 2012, including a description of the control measures, levels of control, estimated costs, and compliance schedules for the requirements implemented through an integrated plan.

**SEC. 4. GREEN INFRASTRUCTURE PROMOTION.**

Title V of the Federal Water Pollution Control Act (33 U.S.C. 1361 et seq.) is amended—

(1) by redesignating section 519 (33 U.S.C. 1251 note) as section 520; and

(2) by inserting after section 518 (33 U.S.C. 1377) the following:

**“(a) In General.—** The Administrator shall ensure that the Office of Water, the Office of Enforcement
Compliance Assurance, the Office of Research and Development, and the Office of Policy of the Environmental Protection Agency promote the use of green infrastructure in and coordinate the integration of green infrastructure into, permitting programs, planning efforts, research, technical assistance, and funding guidance.

“(b) DUTIES.—The Administrator shall ensure that the Office of Water—

“(1) promotes the use of green infrastructure in the programs of the Environmental Protection Agency; and

“(2) coordinates efforts to increase the use of green infrastructure with—

“(A) other Federal departments and agencies;

“(B) State, tribal, and local governments; and

“(C) the private sector.

“(c) REGIONAL GREEN INFRASTRUCTURE PROMOTION.—The Administrator shall direct each regional office of the Environmental Protection Agency, as appropriate based on local factors, and consistent with the requirements of this Act, to promote and integrate the use of green infrastructure within the region that includes—
“(1) outreach and training regarding green infrastructure implementation for State, tribal, and local governments, tribal communities, and the private sector; and

“(2) the incorporation of green infrastructure into permitting and other regulatory programs, codes, and ordinance development, including the requirements under consent decrees and settlement agreements in enforcement actions.

“(d) GREEN INFRASTRUCTURE INFORMATION SHARING.—The Administrator shall promote green infrastructure information sharing, including through an Internet website, to share information with, and provide technical assistance to, State, tribal, and local governments, tribal communities, the private sector, and the public regarding green infrastructure approaches for—

“(1) reducing water pollution;

“(2) protecting water resources;

“(3) complying with regulatory requirements;

and

“(4) achieving other environmental, public health, and community goals.”.

SEC. 5. FINANCIAL CAPABILITY GUIDANCE.

(a) DEFINITIONS.—In this section:
(1) **Affordability.**—The term “affordability” means, with respect to payment of a utility bill, a measure of whether an individual customer or household can pay the bill without undue hardship or unreasonable sacrifice in the essential lifestyle or spending patterns of the individual or household, as determined by the Administrator.

(2) **Financial Capability.**—The term “financial capability” means the financial capability of a community to make investments necessary to make water quality or drinking water improvements.

(3) **Guidance.**—The term “guidance” means the guidance published by the Administrator entitled “Combined Sewer Overflows—Guidance for Financial Capability Assessment and Schedule Development” and dated February 1997, as applicable to the combined sewer overflows and sanitary sewer overflows guidance published by the Administrator entitled “Financial Capability Assessment Framework” and dated November 24, 2014.

(b) **Use of Median Household Income.**—The Administrator shall not use median household income as the sole indicator of affordability for a residential household.

(e) **Revised Guidance.**—
(1) IN GENERAL.—Not later than 1 year after
the date of completion of the National Academy of
Public Administration study to establish a definition
and framework for community affordability required
by Senate Report 114–70, accompanying S. 1645
(114th Congress), the Administrator shall revise the
guidance described in subsection (a)(3).

(2) USE OF GUIDANCE.—Beginning on the date
on which the revised guidance referred to in para-
graph (1) is finalized, the Administrator shall use
the revised guidance in lieu of the guidance de-
scribed in subsection (a)(3).

(d) CONSIDERATION AND CONSULTATION.—

(1) CONSIDERATION.—In revising the guidance,
the Administrator shall consider—

(A) the recommendations of the study re-
ferred to in subsection (c) and any other rel-
evant study, as determined by the Adminis-
trator;

(B) local economic conditions, including
site-specific local conditions that should be
taken into consideration in analyzing financial
capability;

(C) other essential community investments;
(D) potential adverse impacts on distressed populations, including the percentage of low-income ratepayers within the service area of a utility and impacts in communities with disparate economic conditions throughout the entire service area of a utility;

(E) the degree to which rates of low-income consumers would be affected by water infrastructure investments and the use of rate structures to address the rates of low-income consumers;

(F) an evaluation of an array of factors, the relative importance of which may vary across regions and localities; and

(G) the appropriate weight for economic, public health, and environmental benefits associated with improved water quality.

(2) Consultation.—Any revised guidance issued to replace the guidance shall be developed in consultation with stakeholders.

(e) Publication and Submission.—

(1) In General.—On completion of the revision of the guidance, the Administrator shall publish in the Federal Register and submit to the Committee on Environment and Public Works of the
Senate and the Committee on Transportation and Infrastructure of the House of Representatives the revised guidance.

(2) **EXPLANATION.**—If the Administrator makes a determination not to follow one or more recommendations of the study referred to in subsection (c)(1), the Administrator shall include in the publication and submission under paragraph (1) an explanation of that decision.

(f) **EFFECT.**—Nothing in this section preempts or interferes with any obligation to comply with any Federal law, including the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).
Senator BARRASSO. We will consider Carper Amendment No. 1, which makes several technical and clarifying changes.

[The text of Amendment No. 1 offered by Senator Carper follows:]
AMENDMENT NO._______ Calendar No._______

Purpose: To modify a provision relating to flexibility and to strike a provision relating to priority consideration and to include customer assistance programs as a consideration for revised guidance.


S. 692

To provide for integrated plan permits, to establish an Office of the Municipal Ombudsman, to promote green infrastructure, and to require the revision of financial capability guidance.

Referred to the Committee on ________________ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by

__________________________

Viz:

1. On page 5, beginning on line 17, strike “(as in effect)” and all that follows through “this subsection)” on line 18 and insert “(or a successor regulation)”.

2. On page 8, strike lines 7 through 13.

3. On page 8, line 14, strike “(5)” and insert “(4)”.
On page 15, line 9, strike “investments and” and insert “investments,”.

On page 15, line 10, insert “, and customer assistance programs” before “to address”.

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Senator BARRASSO. I am pleased to accept this amendment and move to adopt it. Is there a second?
Senator CARPER. Second.
Senator BARRASSO. All those in favor 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 amendment is agreed to. No other amendments have been filed on that bill.
Ask now unanimous consent that the amendment we just agreed to be considered incorporated into the underlying text of S. 692 and that the revised text be considered an amendment in the nature of a substitute. Without objection.
Now move to adopt the substitute amendment to S. 692 favorably reported, as amended. Is there a second?
Senator CARPER. Second.
Senator BARRASSO. All those in favor, please say aye.
[Chorus of ayes.]
Senator BARRASSO. Opposed, nay.
[No audible response.]
Senator BARRASSO. In the opinion of the Chair, the ayes have it. The legislation is favorably reported.
Next call up S. 675, the Long Island Sound Restoration and Stewardship Act.
[The text of S. 675 follows:]
To amend and reauthorize certain provisions relating to Long Island Sound restoration and stewardship.

IN THE SENATE OF THE UNITED STATES

MARCH 21, 2017

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

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

SEC. 2. AMENDMENTS.

(a) LONG ISLAND SOUND RESTORATION PROGRAM.—Section 119 of the Federal Water Pollution Control Act (33 U.S.C. 1269) is amended—
(1) in subsection (b), by striking the subsection designation and heading and all that follows through “The Office shall” and inserting the following:
“(b) OFFICE.—
“(1) ESTABLISHMENT.—The Administrator shall—
“(A) continue to carry out the conference study; and
“(B) establish an office, to be located on or near Long Island Sound.
“(2) ADMINISTRATION AND STAFFING.—The Office shall”;
(2) in subsection (e)—
(A) in the matter preceding paragraph (1), by striking “Management Conference of the Long Island Sound Study” and inserting “conference study”;
(B) in paragraph (2)—
(i) in each of subparagraphs (A) through (G), by striking the commas at the end of the subparagraphs and inserting semicolons;
(ii) in subparagraph (H), by striking “, and” and inserting a semicolon;
(iii) in subparagraph (I), by striking the period at the end and inserting a semicolon; and

(iv) by adding at the end the following:

"(J) environmental impacts on the Long Island Sound watershed, including—

"(i) the identification and assessment of vulnerabilities in the watershed;

"(ii) the development and implementation of adaptation strategies to reduce those vulnerabilities; and

"(iii) the identification and assessment of the impacts of sea level rise on water quality, habitat, and infrastructure; and

"(K) planning initiatives for Long Island Sound that identify the areas that are most suitable for various types or classes of activities in order to reduce conflicts among uses, reduce adverse environmental impacts, facilitate compatible uses, or preserve critical ecosystem services to meet economic, environmental, security, or social objectives;";

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(C) by striking paragraph (4) and inserting the following:

“(4) develop and implement strategies to increase public education and awareness with respect to the ecological health and water quality conditions of Long Island Sound;”;

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

(E) in paragraph (6)—

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

(ii) by inserting “study” after “conference”; and

(F) by striking paragraph (7) and inserting the following:

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

(3) in subsection (d)(3), in the second sentence, by striking “50 per cent” and inserting “60 per cent”;}
(4) by redesignating subsection (f) as subsection (i); and

(5) by inserting after subsection (e) the following:

“(f) REPORT.—

“(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Long Island Sound Restoration and Stewardship Act, and biennially thereafter, the Director of the Office, in consultation with the Governor of each Long Island Sound State, shall submit to Congress a report that—

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

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

“(C) describes any substantive modifications to the Long Island Sound Comprehensive Conservation and Management Plan made dur-
ing the 2-year period preceding the date of sub-
mission of the report;

"(D) provides specific recommendations to
improve progress in restoring and protecting
the Long Island Sound watershed, including, as
appropriate, proposed modifications to the Long
Island Sound Comprehensive Conservation and
Management Plan;

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

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

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

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

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

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

"(B) the estimated budget for the current
fiscal year for protection and restoration
projects and studies relating to the watershed;
and

"(C) the proposed budget for succeeding
fiscal years for protection and restoration
projects and studies relating to the watershed;
and

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

"(h) FEDERAL ENTITIES.—

"(1) COORDINATION.—The Administrator shall
coordinate the actions of all Federal departments
and agencies that impact water quality in the Long
Island Sound watershed in order to improve the
water quality and living resources of the watershed.
“(2) METHODS.—In carrying out this section, the Administrator, acting through the Director of the Office, may—

“(A) enter into interagency agreements; and

“(B) make intergovernmental personnel appointments.

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

“(4) CONSISTENCY WITH COMPREHENSIVE CONSERVATION AND MANAGEMENT PLAN.—To the maximum extent practicable, the head of each Federal department and agency that owns or occupies real property, or carries out activities, within the Long Island Sound watershed shall ensure that the property and all activities carried out by the department or agency are consistent with the Long Island Sound Comprehensive Conservation and Management Plan (including any related subsequent agreements and plans).”.
(b) LONG ISLAND SOUND STEWARDSHIP PROGRAM.—

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

(A) in subsection (g), by striking “2011” and inserting “2023”; and

(B) by adding at the end the following:

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

“(1) the Advisory Committee; or

“(2) any board, committee, or other group established under this Act.”.

(2) REPORTS.—Section 9(b)(1) of the Long Island Sound Stewardship Act of 2006 (33 U.S.C. 1269 note; Public Law 109–359) is amended in the matter preceding subparagraph (A) by striking “2011” and inserting “2023”.

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

(A) by striking subsection (a);
(B) by redesignating subsections (b) through (d) as subsections (a) through (c), respectively; and 

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

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

SEC. 3. REAUTHORIZATION.

(a) IN GENERAL.—There are authorized to be appropriated to the Administrator of the Environmental Protection Agency such sums as are necessary for each of fiscal years 2018 through 2023 for the implementation of—

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


(b) LONG ISLAND SOUND GRANTS.—There is authorized to be appropriated to the Administrator of the Environmental Protection Agency to carry out section 119(d) of the Federal Water Pollution Control Act (33 U.S.C. 1269(d)) $40,000,000 for each of fiscal years 2018 through 2023.
(e) **Long Island Sound Stewardship Grants.**—

There is authorized to be appropriated to the Administrator of the Environmental Protection Agency to carry out the Long Island Sound Stewardship Act of 2006 (33 U.S.C. 1269 note; Public Law 109–359) $25,000,000 for each of fiscal years 2018 through 2023.
Senator BARRASSO. No amendments have been filed. I move to favorably report S. 675. Is there a second?

Senator CARPER. Second.

Senator BARRASSO. All those in favor say aye.

[Chorus of ayes.]

Senator BARRASSO. Opposed, nay.

[No audible response.]

Senator BARRASSO. In the opinion of the Chair, the ayes have it. The legislation is favorably reported.

The voting part of the business meeting is finished. I know some of you have additional requirements on your time, but I appreciate all of you for being here today.

I am happy to stay and recognize any member who wishes to make a statement.

Senator CARPER. Mr. Chairman, before everybody leaves, could I just say one other thing?

You have all seen on television the commercials when they advertise pharmaceuticals, and they tell you during the advertisement all the ways it will kill you, make your hair fall out, your teeth fall out, but they say it very, very fast, and it is hard to understand. I just want to say I think our Chairman has a second career, given the speed with which we moved through our agenda today.

[Laughter.]

Senator CARPER. Way to go.

Senator WHITEHOUSE. We definitely set a speed record today.

Senator BARRASSO. Would any member like to be recognized to make a statement about any of the bills?

Senator Carper.

Senator CARPER. Thanks so much.

Again, congratulations to everybody, Mr. Chairman, to you and to everyone who was part of putting all this together; those who authored the legislation, who helped us perfect it. We want to just thank everybody, particularly our staffs.

With regards to the three water bills we are considering today, two of them are extremely important tools in helping communities across our country comply with the Clean Water Act. As you know, small and rural communities—we talked about this in one of our hearings—but communities often have a difficult time providing sanitation and clean water in compliance with Federal regulations. While these communities have fewer financial resources to spend on improving their wastewater systems, they are regulated to the exact same standards as large metropolitan water systems.

Today we just considered S. 675, the Long Island Sound Restoration and Stewardship Act, which is of real importance to New York and Connecticut, and about which I am sure Senator Gillibrand will speak momentarily. Her bill has been reported out of our Committee I think any number of times, and hopefully this year, Kirsten, we will get it across the finish line.

Last, we considered the Wildlife Innovation and Longevity Driver Act, or WILD, Wild Thing. I am pleased that our Chairman and I—with a big assist from our respective staffs—were able to come up with an agreement to address concerns to Title 2 of the bill, which deals with management of invasive species on Federal lands. And
I am very pleased to join with my colleagues in this expression of support for the Partners for Fish and Wildlife Act, which protects, enhances, and restores important fish and wildlife habitats on private lands through partnerships.

The voluntary cost share programs offer a chance to regain some of America’s most important natural resources and builds on the strengths and interests of committed individuals and organizations to accomplish shared conservation goals. It is, in essence, a critical tool to demonstrate that the solution to all of our fish and wildlife challenges rests in our collective efforts. That includes the on the ground knowledge and commitment of landowners and the technical capacities and financial resources of the Federal Government.

I am heartened, too, by the inclusion of reauthorizations of the multinational species conservation funds. Without the elephants, the rhinos, tigers, marine turtles, and other iconic species protected by these laws, our world is much less home.

And I appreciate your vision, Mr. Chairman, for creating the Theodore Roosevelt Genius Prizes for prevention of wildlife poaching and trafficking, for promotion of wildlife conservation, for management of invasive species, and for protection of our endangered species. These prizes are the perfect melding of pressing needs and a deep well of American ingenuity. They are a fitting complement to our recent hearing on innovation in wildlife management and invasive species control. While we learned great things are happening, there is a lot more that we can and need to do.

Finally, Title II of this Act takes direct and much needed aim at stemming the introduction and spread of invasive species on Federal lands. I agree that in many cases the threat is great and the need for action is immediate. We are struggling to find a best way to accommodate the need for action without undue burden or delay, and I appreciate your willingness, Mr. Chairman, and the work of your staff to help us find the best way to meet those objectives.

I think the record for the most amendments that are offered and attached to these bills belongs to the senator from New Jersey. Mr. Booker, you have outdone yourself with your work on at least one of these pieces of legislation. I especially commend you.

Senator Gillibrand, my hope is the legislation that you offered again and again we can actually get done this year.

Thank you.

Senator Booker. Mr. Chairman, may I?

Senator Barrasso. Yes, Senator Booker.

Senator Booker. I just want to commend the two of you. I just really am grateful to be serving on this Committee and to have two leaders who really are committed to finding a bipartisan path forward. Both of you are just gentlemen I respect a lot personally because of that spirit that you have, especially in this time that people criticize Washington. I think you are counters to what many people believe goes on down here, and I thank you.

I want to thank you for allowing me to contribute to this bill in a substantive way. I am just happy that I was able to put two amendments on the WILD Act, despite the painful allusion to a song from decades ago.

[Laughter.]
Senator CARPER. Your amendments have made the Wild Thing a wilder thing.

Senator BOOKER. Thank you very much. Indeed, your cooperation has made my heart sing.

[Laughter.]

Senator WHITEHOUSE. That makes everything groovy.

Senator BOOKER. But I do want to say I am very excited that there is an XPRIZE. Just think about this. There is focus on finding non-lethal solutions to human wildlife conflicts, and that is something that really calls to the ingenuity of all people into thinking about ways that we can coexist. I really have a lot of frustration that we had this knee jerk reaction when there is a conflict between wildlife and human life, that we go right to the killing of the wildlife. We have to change our mindset as a country, I think, to start looking at ways to coexist with our fellow animals, live in harmony when that is possible, and I hope that this bill as a whole will move us in that direction.

So, again, thank you to my two colleagues, and if I can say, friends. This is another testimony to your leadership, and I think to the collaboration of this Committee.

Senator BARRASSO. Thank you, Senator Booker.

Senator Sullivan.

Senator SULLIVAN. Thank you, Mr. Chairman.

I want to echo my good friend from New Jersey’s comments on the leadership here. You know, this Committee actually gets a lot done. If you look at the last Congress, I think we were really producing a lot of legislation, a lot of bipartisan legislation.

The issue of water and sewer for small communities is an important one to a lot of our constituents. My constituents back home in Alaska, we have over 30 communities—30—that have no water and sewer. None. Zero. Zilch. My constituents, unfortunately, have very high rates of disease in those communities, so we are going to keep working on that and appreciate it.

I also want to commend everybody for the work on the WILD Act. Conservation, I think, is another area of strong bipartisan support.

I do want to mention, Mr. Chairman and the Ranking Member, we held a hearing, you might remember a field hearing out in Alaska on an issue that is kind of related, but there are ivory bans all over the world with regard to elephant ivory and rhino ivory, which I think we are all supportive of. Some of those bans were catching very legal trade in other forms of ivory domestically that the Obama administration, Fish and Wildlife Service was supportive of, different environmental groups have been support of, and I want to work with this Committee. I have already talked to Senator Booker about ways to address this issue to make sure that communities in my State and other places don’t get caught up in a way that really impacts their economy; to be honest, some of the most economically disadvantaged people in the country. So I just want to mention that I want to work with the Committee on and hopefully get some bipartisan resolution on this after the field hearing we had last year on this issue.

Thank you very much.

Senator BARRASSO. Thank you very much, Senator Sullivan.
Senator Gillibrand.

Senator GILLIBRAND. Thank you, Chairman Barrasso, Ranking Member Carper. I am very grateful for your leadership and the great work we are doing here. Thank you for the work with Long Island Sound Restoration and Stewardship Act that is coming out of the Committee today. I really appreciate it.

The legislation I reintroduced this Congress, along with Senators Blumenthal, Schumer, and Murphy, is the same that we unanimously passed in this Committee in previous Congresses. It has strong bipartisan support from the New York and Connecticut delegations of the House, as well as the local communities in the Long Island watershed.

The Long Island Sound contributes up to $37 billion to the regional economy each year and has been named an estuary of national significance. To protect this resource, my legislation would authorize our Federal commitment through fiscal year 2023 to help our communities in New York and Connecticut restore and maintain the health of Long Island Sound and its ecosystem.

The programs authorized by this legislation are cost effective. For every $1 in Federal funds appropriated to the Long Island Sound program, an additional $87 are leveraged from other sources, multiplying our Federal investment nearly 9 times.

Federal funding has already helped us significantly reduce—by millions of pounds—the amount of nitrogen entering the Sound from sewage treatment plants. We have protected thousands of acres of habitat land. But there is still a lot of work to do to reduce pollution and protect vital ecosystems in and around the Sound for millions of my constituents who live and work near it and want to enjoy the natural resource for recreation.

I am very grateful that you have supported my bill.

Senator BARRASSO. Thank you, Senator Gillibrand.

Senator Whitehouse.

Senator WHITEHOUSE. Chairman, thank you very much for mending the WILD bill to include oceans and coasts. For many of us who are from ocean and coastal States, that part of God's good earth has been rather overlooked compared to upland and freshwater in Congress, and it is nice to see it on an even playing field here in this legislation. I appreciate it very much.

I know that Wyoming doesn't have a lot of coasts, but you know, climate change is bringing those coasts closer to you every day. [Laughter.]

Senator BARRASSO. Thank you so much for your kind comments and elucidation.

I appreciate the work of everybody on the Committee collaboratively to really get some of the things done that need to be done. So I appreciate your three Cs and mentioning Mike Enzi, who always says, you know, take 80 percent and the other 20 percent we
can come handle another day. We were able to do that, so I appre-
ciate working with you, my good friend, on solving some things
that need to be done and getting these bills advanced to the floor
of the Senate.
I do ask unanimous consent to enter a letter of support for the
WILD Act from the Family Farm Alliance into the record. Without
objection.
[The referenced information follows:]
April 4, 2017

The Honorable John Barrasso
United States Senate
307 Dirksen Senate Office Building
Washington, DC 20510

Dear Senator Barrasso:

On behalf of the Family Farm Alliance (Alliance), we write to express our support for your “Wildlife Innovation and Longevity Driver Act”, or “WILD Act”. This important legislation would reauthorize the Partners for Fish and Wildlife Program and certain wildlife conservation funds, establish prize competitions relating to the prevention of wildlife poaching and trafficking, and authorize wildlife conservation, the management of invasive species, and the protection of endangered species.

The Alliance is a grassroots organization of family farmers, ranchers, irrigation districts and allied industries in 16 Western states. The Alliance is focused on one mission: To ensure the availability of reliable, affordable irrigation water supplies to Western farmers and ranchers. Notably, the Alliance is on record for consistently supporting the efforts a program in the U.S. Fish and Wildlife Service (USFWS) called “Partners for Fish and Wildlife” (“Partners Program”) that helps to fund habitat work on private lands. Our members also have strong concerns regarding the need to properly manage invasive species with priority.

**Partners for Fish and Wildlife**

The Partners Program demonstrates a workable process to reconcile inherent conflicts brought about by multiple demands. This program already has the infrastructure and relationships with landowners to get effective habitat work done for Endangered Species Act (ESA)-listed and candidate species. They have projects on the ground all over the country and are doing yeoman’s work to preserve habitat for toads in Nevada, Sage Grouse in Wyoming, and the Mountain Plover in Colorado, to name just a few success stories.

The Partners program is successful because it employs experts who are on the ground, working with landowners, instead of crafting mandates via biological opinions and the corresponding ‘reasonable and prudent alternatives’ (RPAs) from far-removed government offices. These federal
officials recognize that if a species exists and thrives on a property—public or private—the practices that currently occur on that property will not harm and could even possibly protect that species. They learn to recognize, for example, that sage grouse are vulnerable to predators, and that areas where ranchers run sheep tend to have heavy predator control. They take the time to respect the observations of local landowners, who every day see thriving sage grouse populations on their lambing areas. Working with landowners, they gain an understanding and shared belief that the predator control that takes place on private lambing grounds has helped to keep the sage grouse in those areas healthy.

The Partners for Fish and Wildlife is uniquely positioned to fulfill the direction of the ESA for the USFWS to manage threatened and endangered species. We strongly support the provisions of the WILD Act that amend Section 5 of the Partners for Fish and Wildlife Act (16 U.S.C. 3774) by increasing funding for the Partners Program from $75 million to $100 million for each of fiscal years 2018 through 2022.

**Protection of Water and Wildlife from Invasive Species**

Title II of the WILD Act includes important provisions intended to protect water and wildlife from invasive species. The Alliance for nearly a decade has supported administrative and legislative actions and funding for biological controls, mitigation management, and elimination of invasive species, including, but not limited to, quagga mussels and striped bass. In places like California’s Bay-Delta, there is a critical need to reduce and remove invasive vegetation and predator fish species in the Delta that adversely affect water supply operations and the health of ecosystems. In other parts of California, predation of ESA-protected fish like salmon by non-native fish needs to be controlled.

In the Colorado River Basin, there is also an important need to balance invasive removal efforts with an emphasis on restoration of native plants and the river processes that sustain them. We are hopeful that Title II of the WILD Act will increase and coordinate the removal of invasive plants that negatively impact the natural water cycle and native plant and animal endangered species (examples are tamarisk/salt cedar, Russian Olive, Golden Algae, and other phreatophytes).

Title II protects water and wildlife from invasive species. It requires that specified federal agencies plan and carry out activities on land they directly manage to protect water and wildlife by controlling and managing invasive species. It requires those federal agencies to implement strategic invasive species programs, to prioritize the least-costly methods for controlling and managing invasive species, and to allocate not less than 75 percent of funding for on-the-ground control and management of invasive species. We urge that this program provide opportunities for the Bureau of Reclamation’s water and power customers to work in partnership with Reclamation in all aspects of program implementation.
Wildlife Conservation and Prize Competitions

Title III of the WILD Act — "Wildlife Conservation" — and Title IV — "Prize Competitions" — address issues that are outside the scope of our organization's mission. Therefore, we will not address those components of the legislation in this letter.

Conclusion

This bill takes an important step towards prioritizing the Partners Program and addressing the critical challenges Western water users face regarding invasive species management. We strongly support Titles I and II of the WILD Act, which are issues of great importance to our Western farmers, ranchers and water agencies.

I encourage you or your staff to contact Dan Keppen at (541)-892-6244 if you have any questions regarding this letter.

Sincerely,

Patrick O'Toole
President

Dan Keppen
Executive Director
Senator BARRASSO. I ask unanimous consent staff have authority to make technical and conforming changes to each of the matters approved today.

The business meeting is adjourned.

[Whereupon, at 10:20 a.m. the Committee was adjourned.]