

BUSINESS MEETING

MEETING

BEFORE THE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

UNITED STATES SENATE

ONE HUNDRED SIXTEENTH CONGRESS

FIRST SESSION

—————
FEBRUARY 5, 2019
—————

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



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

—————
U.S. GOVERNMENT PUBLISHING OFFICE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

ONE HUNDRED SIXTEENTH CONGRESS
FIRST SESSION

JOHN BARRASSO, Wyoming, *Chairman*

JAMES M. INHOFE, Oklahoma	THOMAS R. CARPER, Delaware,
SHELLEY MOORE CAPITO, West Virginia	<i>Ranking Member</i>
KEVIN CRAMER, North Dakota	BENJAMIN L. CARDIN, Maryland
MIKE BRAUN, Indiana	BERNARD SANDERS, Vermont
MIKE ROUNDS, South Dakota	SHELDON WHITEHOUSE, Rhode Island
DAN SULLIVAN, Alaska	JEFF MERKLEY, Oregon
JOHN BOOZMAN, Arkansas	KIRSTEN GILLIBRAND, New York
ROGER WICKER, Mississippi	CORY A. BOOKER, New Jersey
RICHARD SHELBY, Alabama	EDWARD J. MARKEY, Massachusetts
JONI ERNST, Iowa	TAMMY DUCKWORTH, Illinois
	CHRIS VAN HOLLEN, Maryland

RICHARD M. RUSSELL, *Majority Staff Director*
MARY FRANCES REPKO, *Minority Staff Director*

C O N T E N T S

Page

FEBRUARY 5, 2019

OPENING STATEMENTS

Barrasso, Hon. John, U.S. Senator from the State of Wyoming	1
Carper, Hon. Thomas R., U.S. Senator from the State of Delaware	3
Cardin, Hon. Benjamin L., U.S. Senator from the State of Maryland	5
Capito, Hon. Shelley Moore, U.S. Senator from the State of West Virginia	11
Booker, Hon. Cory A., U.S. Senator from the State of New Jersey	12
Sullivan, Hon. Dan, U.S. Senator from the State of Alaska	12
Markey, Hon. Edward J., U.S. Senator from the State of Massachusetts	15

LEGISLATION AND RELATED MATERIALS

Text of S. 268, 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, to amend the Marine Turtle Conservation Act of 2004 to modify the protections provided by that Act, and for other purposes	18
Text of S. 163, To prevent catastrophic failure or shutdown of remote diesel power engines due to emission control devices, and for other purposes	82
Text of S. 94, To amend the Pittman-Robertson Wildlife Restoration Act to facilitate the establishment of additional or expanded public target ranges in certain States	84
Text of S. 310, To amend the Neotropical Migratory Bird Conservation Act to reauthorize the Act	91
Nomination Reference and Report Receipts:	
Presidential Nomination 2. Nicole R. Nason, of New York, to be Administrator of the Federal Highway Administration, vice Gregory Guy Nadeau	93
Presidential Nomination 22. Andrew Wheeler, of Virginia, to be Administrator of the Environmental Protection Agency, vice Scott Pruitt	94
Presidential Nomination 78. John Fleming, of Louisiana, to be Assistant Secretary of Commerce for Economic Development, vice Roy K. J. Williams	95
Presidential Nomination 79. John L. Ryder, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2021, vice Michael McWherter, term expired	95
Presidential Nomination 80. Peter C. Wright, of Michigan, to be Assistant Administrator, Office of Solid Waste, Environmental Protection Agency, vice Mathy Stanislaus	95
Text of S. Res. 41, Authorizing expenditures by the Committee on Environment and Public Works	96
Committee Resolutions:	
Lease, U.S. Department of Veterans Affairs, San Diego, CA. PCA-01-VA19	101
Lease, Department of Homeland Security, Secret Service, Brooklyn, NY. PNY-04-BR18	103
New U.S. Courthouse, Huntsville, AL. PAL-CTC-HU18	105
New U.S. Courthouse, Fort Lauderdale, FL. PFL-CTC-FL18	106
Lease, Securities and Exchange Commission, New York, NY. PNY-05-NY19	107

IV

	Page
—Continued	
(Amended.) Construction, U.S. Land Port of Entry, Calexico, CA. PCA- BSC-CA19	109
Rules of Procedure of the Committee on Environment and Public Works. Adopted February 5, 2019	110

BUSINESS MEETING

TUESDAY, FEBRUARY 5, 2019

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

The Committee met, pursuant to notice, at 10:05 a.m. in room 406, Dirksen Senate Office Building, Hon. John Barrasso (Chairman of the Committee) presiding.

Present: Senators Barrasso, Carper, Inhofe, Capito, Boozman, Wicker, Rounds, Ernst, Sullivan, Shelby, Braun, Cramer, Cardin, Merkley, Gillibrand, Booker, Markey, and Van Hollen.

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.

Today we are going to consider five nominees, four bills, six General Services Administration resolutions, as well as the Committee funding resolution, and the Committee rules.

Senator Carper and I have agreed that we will begin voting promptly at 10:20, and at that time I will call up the items on the agenda. We will not debate the items on the agenda while we are voting; instead, we will debate the items on the agenda before we begin voting at 10:20. I also will be happy to recognize any member who still wishes to speak after the voting concludes.

Before we move to the items on the agenda, I would like to highlight this Committee's impressive history of working together on a bipartisan basis to pass important legislation for the American people.

Last Congress, working closely with Ranking Member Carper and all the Committee members, we wrote and passed major water infrastructure legislation into law, the American Waters Infrastructure Act. It included 29 separate introduced bills. We also passed, and the President signed into law, the Nuclear Energy Innovation and Modernization Act. This bipartisan bill will make sure America remains a leader of nuclear energy innovation.

Last Congress our Committee also passed the Utilizing Significant Emissions with Innovative Technologies Act, known as the USE IT Act, to support carbon utilization and direct air capture research. Look forward to continuing to work together to advance this legislation to reduce emissions.

This Congress our Committee will build on that momentum. We will together to write and pass a bipartisan highway bill that up-

grades America's roads and bridges in a fiscally responsible way and will help rural and urban areas alike.

Our Committee will also continue to focus on wildlife management and conservation efforts. Ranking Member Carper and I, along with Senators Inhofe, Whitehouse, Boozman, and Booker, re-introduced the WILD Act from last Congress, which we will consider this morning. I agree with Ranking Member Carper when he stated that the WILD Act, he said, would help make the United States a global leader on wildlife conservation.

The Committee will also continue to process nominations. We re-start that process today by considering the nominations of Andrew Wheeler to be the Administrator of the Environmental Protection Agency, Nicole Nason to be Administrator of the Federal Highway Administration, Peter Wright to be Assistant Administrator of the Environmental Protection Agency's Office of Land and Emergency Management, John Fleming to be Assistant Secretary of Commerce for Economic Development, and John Ryder to be a Member of the Board of Directors of the Tennessee Valley Authority.

Each of these nominees is well qualified and will bring a wealth of experience and expertise to these important positions.

I would like to say a few words about Andrew Wheeler.

Mr. Wheeler has served as Deputy Administrator of the Environmental Protection Agency since April 2018, when the Senate confirmed his nomination with bipartisan support. Just last week, 63 agriculture and forestry groups wrote in support of Mr. Wheeler's nomination to be the Administrator. They said, "It is hard to imagine a more qualified individual for the role of EPA Administrator, and we respectfully request that the Committee move to confirm his nomination so that he may be considered by the full Senate at the earliest possible date."

Mr. Wheeler has done an outstanding job leading the Environmental Protection Agency these past 6 months. I urge my colleagues to vote in support of his nomination to be the Administrator.

This morning we will also consider legislation that enjoyed bipartisan support in the 115th Congress. We already mentioned the WILD Act. In addition, we will vote on Senator Sullivan's Alaska Remote Generator Reliability and Protection Act, Senator Capito's Target Practice and Marksmanship Training Support Act, and Senator Cardin's Migratory Birds of the Americas Conservation Act. Each of these bills passed our Committee by voice vote in the last Congress, and I urge all my colleagues to support passage of these bills again today.

Last, we will consider six resolutions to approve prospectuses providing for General Services Administration leases, our Committee budget resolution, and our Committee rules.

After Ranking Member Carper gives his opening statement, other members may make remarks. At 10:20 we will proceed to vote on the items on the agenda, provided we have a reporting quorum. After we finish voting I will be happy to recognize any other member who wishes to speak.

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. Thanks, Mr. Chairman.

In addition to setting our Committee budget and rules today, we will vote today, as the Chairman has said, on four pieces of bipartisan legislation, five nominees, and six General Service Administration resolutions.

As our Chairman knows and my colleagues know, I enjoy serving with you on this Committee. I especially enjoy serving with you on this Committee when we can find consensus on issues that clean the air, clean the water, improve public health, and provide economic opportunity and job creation. That is the win-win that I am always looking for, and I think that is true for everybody on this Committee.

The four pieces of legislation we are considering today have all passed out of our Committee on a bipartisan basis last Congress. I intend to support them again this year.

Let me take just a moment, if I can, to begin to highlight the two bills that I am especially proud to help lead and are important for my State of Delaware, and my guess is for a lot of neighbors and others on this Committee.

Migratory Birds of America Conservation Act, led by Senator Cardin, would help protect migratory birds, including red knots, which migrate annually through Delaware, attracting birders literally from all over the world.

The Wildlife Innovation and Longevity Driver Act, also known as the WILD Act, also known as Wild Thing, would encourage innovation to protect endangered species, better manage human wildlife conflicts, prevent poaching and wildlife trafficking, and combat invasive species.

Three nominees we are considering today were also reported out of this Committee last Congress. Two of those are John Ryder, nominee to be a Member of the Board of Directors of the Tennessee Valley Authority; and John Fleming, nominated to be the Assistant Secretary of Commerce for Economic Development.

The third is Peter Wright, who has once again been nominated to serve as EPA Assistant Administrator, leading the Office of Land and Emergency Management. I appreciate our Chairman's agreement to ensure that, if Mr. Wright is confirmed, he will appear before the Committee in short order to discuss the Agency's efforts to clean up contaminated Superfund sites.

I also hope that many of the other EPA assistant administrators, who this Committee has not seen I think since their confirmation hearings, would similarly be invited to testify soon.

In the last Congress, minority staff and I worked with EPA to negotiate a set of significant policy concessions that enable us to feel comfortable with a quick confirmation process for Mr. Wright. EPA has not yet indicated now whether it remains willing to make those same commitments, so, for now, I will refrain from supporting Mr. Wright's nomination. I hope those commitments are forthcoming and soon. Then we can move this nomination expeditiously.

Today we are also considering the nomination of Nicole Nason to be Administrator of the Federal Highway Administration. It has

been more than 2 years since there has been an administrator at the agency. I think that is the longest gap in leadership in more than 100 years. It is my hope that Ms. Nason's nomination is a signal that the Administration is ready to work with us in reauthorizing our Nation's surface transportation programs, and I hope that Ms. Nason will be a real partner with us in that effort.

I must say I was a bit disappointed that Ms. Nason did not clearly commit to sharing materials that I requested at the same time they are provided to FOIA requests or House Committee chairs as part of her answers for questions for the record. I will support her today, but I expect additional clarification from her on that matter.

That brings us to the nomination of Andrew Wheeler, who I have known for just about 20 years. I know others here have known him for a long time, as well. When Andrew Wheeler was named EPA Acting Administrator in July of last year, I sent him a letter, I think it was like the next day, urging him to heed the lessons of the past and restore the confidence of the American people in the Agency's missions to protect our public health and our environment. I also cautioned Mr. Wheeler that the damage done by Scott Pruitt would not be easily undone.

It brings me no joy to say today that he has not done what I hoped he would do in a number of important respects; not all respects, but a number of important respects. In fact, in many instances Mr. Wheeler has gone further than his predecessor in his rejection of important measures that are supported by a broad list of environmentalists and industry—and industry.

For example, Mr. Wheeler has decided to ignore the course of coal fired utilities public, health, and religious leaders who have urged the Trump administration to keep the Mercury and Air Toxics Standards Rule in place and effective. In fact, under Mr. Wheeler's leadership, EPA has issued an unnecessary proposal that undermines the legal foundation of MATS, which puts the entire rule in legal jeopardy. The proposal also requests comment on whether the standards should be rescinded altogether.

In this MATS rollback proposal, EPA is woefully ignoring the actual benefits of reducing air toxics that permanently damage children's brains and cause cancer and ignoring the fact that the compliance costs were a third of what were originally estimated.

On another front, despite the repeated requests to negotiate a reasonable compromise on fuel economy and greenhouse gas tailpipe standards, under Mr. Wheeler's lead, EPA is moving forward to finalize a proposal that all but freezes standards in place for the better part of a decade and all but ensures that the auto industry spends the next half-dozen years or so embroiled in litigation with California and a dozen other States.

Let me say to my colleagues when I was elected State Treasurer of Delaware in 1976, I worked to save a Chrysler plant in Newark, Delaware. I worked for 30 years to save that plant. Four thousand people worked at that plant. I worked 30 years to save the GM plant that we had just outside of Wilmington, Delaware. For years I have fought to try to make sure that our auto industry in this country is competitive with the rest of the world.

With respect to fuel efficiency standards and a path forward, they are united in saying that they want a 50 State deal. You have

heard me say this many times. They want a 50 State deal. Andrew Wheeler sat here and said he wants a 50 State deal, too, with California at the table.

The last thing the auto industry needs in this country to be successful and profitable is to spend the next half-dozen years or so in court locked up with California and a bunch of other States, while the rest of the automakers and the rest of the world move forward to producing and building the kind of vehicles that the world is going to be buying in the year 2030.

So, I am very, very frustrated in this regard. This is a win-win situation where we can get good things for this planet by actually making sure that we don't somehow screw up the regulation that is in place for fuel efficiency standards, CAFE. We can preserve what is necessary, give them some flexibility in the near term in the early years and then crank it up on the outer years when they are going to be building electric powered vehicles and fuel cell powered vehicles to beat the band to compete with the rest of the world.

I will just say, Mr. Chairman, I will wrap it up with this. I want us to slow this down just a little bit. Mr. Wheeler has been nominated for this post. His nomination is good for 210 days. We are 183 days into that nomination, 183 days. Excuse me; we are 27 days, 27 days into that nomination. There are 183 days to go. For God's sake, slow it down. If we report him out, I think we will report him out today.

The idea of a rush to judgment to get him up on the floor before we have an opportunity to make sure that five of the issues, including the two I have just mentioned here, where we actually do good things for the planet, and we also provide for enhanced economic opportunity. Give us a chance to make sure that those are going to be locked in. That is what my request would be.

Thank you very much.

Senator BARRASSO. Senator Cardin.

**OPENING STATEMENT OF HON. BENJAMIN L. CARDIN,
U.S. SENATOR FROM THE STATE OF MARYLAND**

Senator CARDIN. Mr. Chairman, first, I want to thank you for including in today's markup the Neotropical Migratory Bird Conservation Act. This is a bill that, as you pointed out, had previously been approved by voice vote by this Committee. I want to thank Senator Portman, who has been my cosponsor, and many members of this Committee that help in regard to neotropical migratory birds.

More than half of all species found in the United States are migratory birds, so it is key to our ecosystem. This bill provides for education, research, monitoring, and habitat protection for more than 350 species of migratory birds, including the Baltimore Oriole, which I have talked about before, which is endangered in more than one respect. The bird itself is endangered, plus the baseball team is endangered. So, we can use all the help we can get in this regard, and I thank the Committee for its support.

Senator BARRASSO. We will refer that other part to the Commerce Committee.

[Laughter.]

Senator CARDIN. I talked to the Chairman and staff before we started this meeting. We do have some GSA resolutions today, and I am going to support all the GSA resolutions. Included in there are two courthouses, new courthouses, one for Huntsville, Alabama, the total cost of which is \$86 million; and one for Fort Lauderdale, Florida, the total cost is \$190 million.

Our Committee is responsible for these GSA resolutions. I know the staff is arranging for GSA to come in and explain the processes that are used in regard to these resolutions. I particularly request that we focus on courthouse selection. I pointed out that, in Maryland, the Baltimore courthouse was scheduled for No. 1 for replacement. It is a terribly designed courthouse. That was about 15 years ago, and today it is off the list. I just think it would be useful for our Committee to understand the process that is used for selecting new courthouses in this country.

I thank the Chairman for his cooperation, and I look forward to that briefing.

Senator BARRASSO. Thank you, Senator Cardin. That has already been arranged, and we are working on the schedule.

Any other Senators like to be recognized?

Senator VAN HOLLEN. Mr. Chairman, would this be the appropriate time to say something else about GSA?

Senator BARRASSO. Please.

Senator VAN HOLLEN. I appreciate the attention you and the Ranking Member and my colleague from Maryland have given to the issue of the new FBI building. As you know, we are still waiting for a prospectus from the FBI. Senator Cardin and I and others have shared our concerns about the fact that the FBI and the GSA had been headed in the direction of a new campus that met all the security requirements and consolidation requirements. There were three sites; one they were looking at in Virginia, two in Maryland. The Administration pulled the rug out from under that.

I just want to bring to the Committee's attention the fact that the appropriation bills that had been not yet passed, but supported on a bipartisan basis in the House and the Senate, request that the prospectus also include an analysis of one of those three previous sites, so not just a consolidation at the existing site in Washington, DC, but also include a prospectus on one of the other sites.

Senator BARRASSO. Thank you, Senator Van Hollen.

Senator Inhofe.

Senator INHOFE. Thank you, Mr. Chairman.

Let me make the other side of Andrew Wheeler. I would like to comment that one of the most gratifying things that I saw was, when he was first nominated, and we first acted on him in this Committee, we went over to his committee that he is going to be the director of and there must have been 300 people there, the people that were there when he first came to work. Here is a guy who spent his whole life in environment and public works in the EPA and all that activity. We are very proud. I wouldn't want to hesitate and delay it at all; I think we need to get him on the job and working.

Thank you, Mr. Chairman.

Senator BARRASSO. Now that enough members have arrived, and I promised we would vote promptly at 10:20, but I will stay for ad-

ditional comments from other members afterwards, I would like to move to the votes on the items on today's agenda.

The Ranking Member and I have agreed to bring up three nominees for separate votes, and the Ranking Member has requested that each of these nominees receive a roll call vote.

The Ranking Member and I have agreed to vote on two nominees, four bills, six GSA resolutions, the Committee rules, and the budget resolution en bloc by voice vote. Members may choose to have their votes recorded for a specific item in that bloc after the voice vote.

I would like to first call up Presidential Nomination 22, Andrew Wheeler, of Virginia, to be Administrator of the Environmental Protection Agency.

I move to approve and report the nomination favorably to the Senate.

Is there a second?

Senator INHOFE. Second.

Senator BARRASSO. The Clerk will call the roll.

The CLERK. Mr. Booker.

Senator BOOKER. No.

The CLERK. Mr. Boozman.

Senator BOOZMAN. Yes.

The CLERK. Mr. Braun.

Senator BRAUN. Yes.

The CLERK. Mrs. Capito.

Senator CAPITO. Yes.

The CLERK. Mr. Cardin.

Senator CARPER. Proxy votes no. Cardin votes no.

The CLERK. Mr. Carper.

Senator CARPER. No.

The CLERK. Mr. Cramer.

Senator CRAMER. Yes.

The CLERK. Ms. Duckworth.

Senator CARPER. Senator Duckworth votes no by proxy.

The CLERK. Ms. Ernst.

Senator ERNST. Aye.

The CLERK. Mrs. Gillibrand.

Senator GILLIBRAND. No.

The CLERK. Mr. Inhofe.

Senator INHOFE. Aye.

The CLERK. Mr. Markey.

Senator MARKEY. No.

The CLERK. Mr. Merkley.

Senator MERKLEY. No.

The CLERK. Mr. Rounds.

Senator ROUNDS. Aye.

The CLERK. Mr. Sanders.

Senator CARPER. No, by proxy.

The CLERK. Mr. Shelby.

Senator SHELBY. Aye.

The CLERK. Mr. Sullivan.

Senator SULLIVAN. Aye.

The CLERK. Mr. Van Hollen.

Senator VAN HOLLEN. No.

The CLERK. Mr. Whitehouse.

Senator CARPER. No, by proxy.

The CLERK. Mr. Wicker.

Senator WICKER. Aye.

The CLERK. Mr. Chairman.

Senator BARRASSO. Aye.

The Clerk will report.

The CLERK. Mr. Chairman, the yeas are 11; the nays are 10.

Senator BARRASSO. We have approved the nomination of Mr. Wheeler to be Administrator of the Environmental Protection Agency, which will be reported to the full Senate for approval.

Next, I would like to call up Presidential Nomination 80, Peter Wright, of Michigan, to be Assistant Administrator of the Environmental Protection Agency.

I move to approve and report the nomination favorably to the Senate.

Is there a second?

Senator INHOFE. Second.

Senator BARRASSO. The Clerk will call the roll.

The CLERK. Mr. Booker.

Senator BOOKER. No.

The CLERK. Mr. Boozman.

Senator BOOZMAN. Yes.

The CLERK. Mr. Braun.

Senator BRAUN. Yes.

The CLERK. Mrs. Capito.

Senator CAPITO. Yes.

The CLERK. Mr. Cardin.

Senator CARPER. No, by proxy.

The CLERK. Mr. Carper.

Senator CARPER. No.

The CLERK. Mr. Cramer.

Senator CRAMER. Yes.

The CLERK. Ms. Duckworth.

Senator CARPER. No, by proxy.

The CLERK. Ms. Ernst.

Senator ERNST. Aye.

The CLERK. Mrs. Gillibrand.

Senator GILLIBRAND. No.

The CLERK. Mr. Inhofe.

Senator INHOFE. Aye.

The CLERK. Mr. Markey.

Senator MARKEY. No.

The CLERK. Mr. Merkley.

Senator MERKLEY. No.

The CLERK. Mr. Rounds.

Senator ROUNDS. Aye.

The CLERK. Mr. Sanders.

Senator CARPER. No, by proxy.

The CLERK. Mr. Shelby.

Senator SHELBY. Aye.

The CLERK. Mr. Sullivan.

Senator SULLIVAN. Aye.

The CLERK. Mr. Van Hollen.

Senator VAN HOLLEN. No.

The CLERK. Mr. Whitehouse.

Senator CARPER. No, by proxy.

The CLERK. Mr. Wicker.

Senator WICKER. Aye.

The CLERK. Mr. Chairman.

Senator BARRASSO. Aye.

The Clerk will report.

The CLERK. Mr. Chairman, the yeas are 11; the nays are 10.

Senator BARRASSO. The yeas are 11; the nays are 10. We have approved the nomination of Mr. Wright to be Assistant Administrator of the Environmental Protection Agency, which will be reported to the full Senate for approval.

Next, I would like to call up Presidential Nomination 78, John Fleming, of Louisiana, to be Assistant Secretary of Commerce for Economic Development.

I move to approve and report the nomination favorably to the Senate.

Is there a second?

Senator INHOFE. Second.

Senator BARRASSO. The Clerk will call the roll.

The CLERK. Mr. Booker.

Senator BOOKER. No.

The CLERK. Mr. Boozman.

Senator BOOZMAN. Yes.

The CLERK. Mr. Braun.

Senator BRAUN. Yes.

The CLERK. Mrs. Capito.

Senator CAPITO. Yes.

The CLERK. Mr. Cardin.

Senator CARPER. Yes, by proxy.

The CLERK. Mr. Carper.

Senator CARPER. Yes.

The CLERK. Mr. Cramer.

Senator CRAMER. Yes.

The CLERK. Ms. Duckworth.

Senator CARPER. Yes, by proxy.

The CLERK. Ms. Ernst.

Senator ERNST. Yes.

The CLERK. Mrs. Gillibrand.

Senator GILLIBRAND. No.

The CLERK. Mr. Inhofe.

Senator INHOFE. Aye.

The CLERK. Mr. Markey.

Senator MARKEY. No.

The CLERK. Mr. Merkley.

Senator MERKLEY. No.

The CLERK. Mr. Rounds.

Senator ROUNDS. Aye.

The CLERK. Mr. Sanders.

Senator CARPER. No, by proxy.

The CLERK. Mr. Shelby.

Senator SHELBY. Aye.

The CLERK. Mr. Sullivan.

Senator SULLIVAN. Aye.
 The CLERK. Mr. Van Hollen.
 Senator VAN HOLLEN. No.
 The CLERK. Mr. Whitehouse.
 Senator CARPER. Yes, by proxy.
 The CLERK. Mr. Wicker.
 Senator WICKER. Aye.
 The CLERK. Mr. Chairman.
 Senator BARRASSO. Aye.

The Clerk will report.

The CLERK. Mr. Chairman, the yeas are 15; the nays are 6.

Senator BARRASSO. The yeas are 15; the nays are 6. We have approved the nomination of Dr. Fleming to be Assistant Secretary of Commerce for Economic Development, which will be reported to the full Senate for approval.

I would like to now call up S. 268, the Wildlife Innovation and Longevity Driver Act; S. 163, the Alaska Remote Generator Reliability and Protection Act; S. 94, Target Practice and Marksmanship Training Support Act; S. 310, Migratory Birds of the Americas Conservation Act; Presidential Nomination 2, Nicole Nason, of New York, to be Administrator of the Federal Highway Administration; Presidential Nomination 79, John Ryder, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority; six General Services Administration resolutions; the Committee budget resolution; the Committee rules en bloc.

I move to approve and report S. 268, S. 163, S. 94, S. 310, Presidential Nomination No. 2, Presidential Nomination 79, and the Committee budget resolution favorably to the Senate, and approve six GSA resolutions and the Committee rules en bloc.

Is there a second?

Senator CARPER. Second.

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

[Chorus of ayes.]

Senator BARRASSO. All those opposed, no.

[No audible response.]

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

We have approved S. 268, S. 163, S. 94, S. 310, Presidential Nominations 2 and 79, and the Committee budget resolution, which will be reported favorably to the Senate. We have also approved six GSA resolutions and the Committee rules.

The voting part of the meeting is concluded. I am going to be happy to recognize any member who wishes to make a statement on any of the nominations, legislations, resolutions, and other matters we just approved.

I have noted Senator Capito and Senator Sullivan both had interest in making comments. We will go back and forth. I think Senator Capito, and then Senator Gillibrand, and then Senator Sullivan.

Go right ahead.

**OPENING STATEMENT OF HON. SHELLEY MOORE CAPITO,
U.S. SENATOR FROM THE STATE OF WEST VIRGINIA**

Senator CAPITO. Thank you, Mr. Chairman.

I am very pleased that the Committee considered and approved my bill, S. 94, which is the Target Practice and Marksmanship Training Support Act, which I introduced with Senator Bennett and which has the support of 11 bipartisan sponsors.

The bill would provide needed flexibility for States in applying their Pittman-Robertson funds to build and maintain public shooting ranges. This will allow greater access to public shooting ranges for sportsmen and target shooters for gun safety education, target practice, and sighting in firearms. Best of all, it achieves this without any budget score.

This legislation moved by voice vote last Congress and is also included in the public lands package under consideration this week. I am optimistic that it will advance through to enactment this Congress, given its strong bipartisan support.

I would also like to congratulate the five important nominees for their leadership roles. I congratulate each of them for moving forward and hope the Senate will take up their nominations in a timely fashion.

I would like to highlight my support for Acting Administrator Andrew Wheeler to become the Administrator of the EPA. The Acting Administrator and his staff have always been very responsive to my staff and know the significant concerns I have raised in private meetings and in public forums, including hearings in this Committee, about the risks posed by a group of chemicals known as PFOS. I was troubled by media reports last week that an upcoming interagency plan to address PFOS would not consider standards for drinking water.

Mr. Wheeler and his staff came to my office and addressed those concerns by pledging to look at all available statutory authorities the EPA has been granted by Congress to address this potential crisis. With that in mind, and considering other policy concerns to West Virginia, I have no concerns supporting his nomination. However, I intend to closely track the steps EPA and other agencies are taking to address this public health and environmental health crisis, which has had a particular impact on West Virginians living in affected communities, to ensure that the Federal Government is sufficiently responsive to their concerns.

I would also like to take a moment to express my appreciation for Mr. Wheeler's emphasis on improving transparency and good governance practices at the EPA and proposing regulatory solutions that abide by congressional intent in statute. The important work he is doing at the Agency underscores that economic growth and environmental protection need not be at cross purposes.

West Virginia bore the brunt, more than most States, from 8 years of bureaucratic red tape coming out of Washington, and the recovery from the 2008 recession has been delayed coming to Appalachia. The EPA's effort to address the legal deficiencies in the Clean Power Plan and Waters of the U.S. rules will go a long way to helping our people get back to work, particularly in the engineering, manufacturing, construction, and forest industries that are essential to West Virginia's economy.

Thank you very much.
Senator BARRASSO. Thank you, Senator Capito.
Senator Booker.

**OPENING STATEMENT OF HON. CORY A. BOOKER,
U.S. SENATOR FROM THE STATE OF NEW JERSEY**

Senator BOOKER. Thank you very much, Mr. Chairman.

Mr. Chairman, I have lived and worked my entire professional career in low income, vulnerable communities, and I really came to the environmental movement more because of environmental justice issues than originally on climate issues, something always of concern to me.

But when you live in a community where children suffer from lead poisoning, when you live in a community where you can't plant in your soil because it is toxic in your own backyard, when you live in a community where you have toxic Superfund sites within a few miles and live in a community where the air is so bad that the asthma rates are multiple times higher than other suburban communities, you begin to realize that children and young people, as well as the elderly, are being stolen, having what should be the birthright of every American stolen from them when it comes to clean air, clean water, clean soil, and a right to be able to develop and flourish in America by having a clean environment.

Andrew Wheeler, in his brief tenure as Acting Administrator at the EPA, his actions have shown that he will be increasing water pollution, increasing air pollution, increasing carbon emissions that are causing not just global warming, but real health risks, from mercury to methane. This is someone who will make us less safe, less secure, have more health problems, and raise, unfortunately, the worst consequences of pollution, in addition to the fact that, as climate change happens, it is the vulnerable communities in America that face the most tragic consequences, the communities least resilient when these weather events occur.

I cannot support Mr. Wheeler. I voted against him. And I will continue to work with environmental justice advocates across our country to try to block and stop the rollbacks that are ultimately going to hurt human life, undermine the well being in communities like mine across the State of New Jersey, and unfortunately, set this planet back when it comes to addressing the urgent crisis we have with climate change.

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

**OPENING STATEMENT OF HON. DAN SULLIVAN,
U.S. SENATOR FROM THE STATE OF ALASKA**

Senator SULLIVAN. Thank you, Mr. Chairman.

I just want to commend you and the Ranking Member on the continued bipartisan work that gets done on this Committee. I appreciate the passage of the Alaska Remote Generator Reliability and Protection Act and note that in the last Congress, Ranking Member Carper was a cosponsor of that important legislation from my State, and I am glad to see that moving again.

I also just want to mention, with regard to Mr. Wheeler, I think when you saw his confirmation hearing, the one thing that doesn't come out a lot, doesn't get reported in the press, is his qualifications from being a career official at the EPA. I think he might be the first career EPA official to actually have the opportunity to lead the Agency, won a number of awards there; and then also his work here on this Committee. So, almost 20 years of public service on these important issues.

I do want to just briefly mention Ranking Member Carper's statement about a rush. I have a lot of respect for the Ranking Member. As a matter of fact, I have a lot of respect and work very closely with all the members of this Committee, Democrats and Republicans. I do want to mention, though, one of the kind of counterarguments to this idea of a rush is what is happening more broadly in the Senate. There has been unprecedented, by any historical measure, delay in terms of this President being able to get his nominees confirmed.

If you look at the number of times that the other side has required cloture votes, it is literally in the hundreds for the first 2 years of this President. There has been no precedent ever, ever in the first 2 years of another President, whether it is a Democrat, Republican. No one has done this. No one has delayed more than my colleagues on the other side. That is a fact. The vast majority of these delays are noncontroversial Senate confirmed positions; assistant secretaries of HHS, ambassadors for the State Department, assistant secretaries of Defense. Delay, delay, delay, delay.

So, my only point is, to my good friend, Senator Carper, whom I have worked closely with on a number of issues, the argument to say don't rush it would have a little bit more credibility if your side has not been delaying so many well qualified people who want to serve their country and have been waiting for months and months and months; and we start to lose good people. We start to lose good people, and we are starting to see that.

So, I would ask my colleagues on the other side, go to the minority leader and say, these delays, they are not helping the American people. They are certainly not helping the American people when this Administration, which was elected, is trying to place people in offices that need Senate confirmation to run the country.

Thank you, Mr. Chairman.

Senator BARRASSO. Thank you, Senator Sullivan.

Senator Carper.

Senator CARPER. If I could have just a moment to respond.

I am delighted to serve with you on this Committee, with our Chairman, and frankly, everybody who serves on this Committee. I like to get things done. I am a recovering Governor, as you know, and I like to get things done.

As a Governor, literally in 8 years—I might be mistaken on this—I think every one of my nominees for judges, for executive branch positions that required a confirmation, they were all confirmed and approved. Eight years unanimously. I am one who believes that Governors and Presidents deserve the benefit of the doubt in nominations. That doesn't mean we should rubber stamp them.

But as the Chairman knows, we worked very hard at the end of last Congress to try to get four senior officials confirmed at EPA, and to allow them to be confirmed on a voice vote by unanimous consent, and one was held up, as the Chairman knows, for reasons beyond my control, our control, and that was the nominee Peter Wright. We are taking him up today. My hope is we can get that nomination done as long as EPA recommits to what they promised to do in anticipation of our confirming of Peter Wright.

I like to say find out what works and do more of that. You can look at those four nominations and see what works to expedite the processing of those nominations. With Andrew Wheeler, there are five issues; there are five issues. They include fuel efficiency standards; they include mercury air toxic standards; they include something called HFCs, hydrofluorocarbons, that we have talked about before; they include PFOA, the stuff that gets in water and causes cancer. Within 2 years we want a drinking water standard.

We are not asking for crazy stuff; we are asking for things that actually clean the air, clean the water, provide better public health, and also provide economic opportunity. That is the win-win I am looking for. I think that is the win-win that we are looking for.

Andrew Wheeler's report out of here today, you all have the votes officially to get him confirmed in the Senate, I think. But I want to make sure, if that happens or when that happens, that the five issues that we are raising here have been addressed in an appropriate way. We will be better off as a people, healthier people. We will also be better economically as a people. That is what I want. That is what we want.

Senator SULLIVAN. But my broader point to the overall delays of many, many qualified candidates, literally hundreds, over 100 filibusters—not filibusters, cloture requirements, I think it is a very valid one. When I talk to my colleagues on the other side of the aisle, a lot of them have reservations about what the minority leader has been doing, essentially to just delay the confirmation of people just because they want to delay it. It is unprecedented, and I think it should stop, and I think it makes for stronger arguments from this side to look at more issues with regard to Mr. Wheeler.

I agree on certainly some of the ones you mentioned. I have raised a number of those with him in my meetings, but again, the broader issue of the unprecedented delay, by any historical measure, in the last 2 years. I think it needs to be addressed, and I think it gives you more credibility to make these arguments if you are not delaying an entire Administration's ability to get people to serve their Government who are noncontroversial and get confirmed.

Thank you.

Senator BARRASSO. Before turning to Senator Markey, I would point out that Mr. Wheeler has received significant praise from former Democrat vice presidential candidate and U.S. Senator Joe Lieberman, who served on this Committee, the Environment and Public Works Committee, while Mr. Wheeler was a Republican staff director. Former Senator Lieberman has called Mr. Wheeler fair and professional, and I ask unanimous consent to enter that statement in the record, and it will be offered and submitted in the record without objection.

[The referenced information was not received at time of print.]
 Senator BARRASSO. Senator Markey.

**OPENING STATEMENT OF HON. EDWARD J. MARKEY,
 U.S. SENATOR FROM THE STATE OF MASSACHUSETTS**

Senator MARKEY. Thank you, Mr. Chairman.

It is the EPA's job to protect public health and the environment, but sadly, I am concerned that Andrew Wheeler's background means that he will never understand that saving coal is not part of that mission and not his job.

Andrew Wheeler has spent years protecting the coal industry; first from here, in the Senate, where he worked to prevent passage of climate legislation as a Committee staffer; then as a lobbyist for Murray Energy, one of the largest coal companies in America that has led the fight by the coal industry to undo the progress we have made on climate policy; and now as the man overseeing a number of proposed regulatory actions that would attack the rules that protect public health, protect our environment, and protect our climate.

We should be forcefully fighting against climate change, instead of being forced to convince our lead environmental protection officer that it is a real threat. For these reasons, I oppose Andrew Wheeler's nomination.

I yield back, Mr. Chairman.

Senator BARRASSO. Thank you. I appreciate your comments.

I appreciate the contributions of all of the members.

Senator Carper, any final words before I adjourn the Committee?

Senator CARPER. Thanks, Mr. Chairman. I would ask unanimous consent to submit for the record letters pertaining to the nomination of Andrew Wheeler as Administrator of EPA from former Administrators of the Environmental Protection Agency.

Mr. Chairman, I would just reiterate what I said to our colleague from Alaska a minute ago. There is a pretty good roadmap that we can follow to lead to the vote on the floor for Mr. Wheeler sooner rather than later, and it was, as I mentioned, basically executed at the end of the last Congress. I don't think we are asking for a lot. We are asking that we listen to our automakers in this country, who are saying give us certain predictability with respect to fuel efficiency standards; not years in court, but certainly predictability so that we can compete in the world.

We are asking for this Committee and for this Congress, for EPA to listen to the voices of—with respect to mercury air toxic standards, we are asking them to listen to the voices of our utilities throughout this country, for the folks who lobby on behalf of the utilities, to the Chambers of Commerce, National Association of Manufacturers, as well as environmental organizations, as well as Moms Air Force for Clean Air and any other number of folks on the clean air side.

We are asking that the companies in this country who have actually developed a lot of time and a lot of money in alternative follow on product to hydrofluorocarbons to act as a refrigerant and a coolant. We have a follow on product invented in America by American companies, and we are unable to sell it and market it throughout the world because we cannot get a treaty, called Kigali, sent by this

Administration to us and the Senate to consider it. I think we have had at least 13 Republican Senators who have said to the Administration, send us the treaty. Send us the treaty.

Senator Capito mentioned this today; we have this PFOA stuff, a chemical that gets in the water. In my State, we have a situation where airplanes—we have big airplanes at Dover Air Force Base and a lot of other places where PFOAs get into the groundwater that they use with respect to the airplanes, and all we are asking for is, within 2 years, let's have a clean drinking water standard for PFOAs.

Finally, I can never remember how to pronounce the name, but it is a paint stripper. I think it is called fluoride chlorine. I don't say a lot of good things about Scott Pruitt, but he actually started the process when he was the Administrator of EPA to get it off the shelves so that we wouldn't actually be selling it and exposing people who have died by the dozens in this country by being exposed to this stuff. That is a paint stripper. I think in that instance Scott Pruitt was on to something right, and I would really urge Mr. Wheeler to take the handoff and get the ball in the end zone.

Thanks so much.

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

Senator BARRASSO. Thank you, Senator Carper.

Senator Cardin.

Senator CARDIN. Mr. Chairman, could I ask unanimous consent that my votes negative on Wheeler by proxy and Wright on proxy negative and positive on Fleming by proxy be changed to in person? It doesn't change the outcome.

Senator BARRASSO. Without objection.

Senator CARDIN. Thank you.

Senator BARRASSO. Thank you, Senator Cardin.

I would like to submit for the record, finally, a letter that was to me and to the Ranking Member from the Auto Alliance and Driving Innovation. On behalf of the Alliance of Automobile Manufacturers, who represents 12 leading automakers that produce over 70 percent of light duty vehicles sold in the United States. The letter says, "I want to express our support for the President's nomination of Andrew Wheeler to be the Administrator of the Environmental Protection Agency."

Without objection.

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

Senator CARPER. I don't object.

I would ask unanimous consent to submit for the record similar statements from individual auto companies in this country with respect to this and one of the issues I have discussed here today is a 50 State solution for CAFE and fuel efficiency standards.

Senator BARRASSO. Without objection.

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

Senator BARRASSO. If there is no one else who would like to make a comment, at this time, this hearing and business meeting is adjourned.

I ask unanimous consent that the staff have authority to make technical and conforming changes to each of the matters approved today.

With that, the business meeting is adjourned.

[Whereupon, at 10:45 a.m. the Committee was adjourned.]
[Legislation and related material submitted for the record follow:]

116TH CONGRESS
1ST SESSION**S.** 268

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, to amend the Marine Turtle Conservation Act of 2004 to modify the protections provided by that Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. BARRASSO (for himself, Mr. CARPER, Mr. INHOFE, Mr. BOOKER, Mr. BOOZMAN, and Mr. WHITEHOUSE) 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, to amend the Marine Turtle Conservation Act of 2004 to modify the protections provided by that Act, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Wildlife Innovation
3 and Longevity Driver Act” or the “WILD Act”.

4 **SEC. 2. WILDLIFE HABITAT AND CONSERVATION.**

5 (a) **PARTNERS FOR FISH AND WILDLIFE PROGRAM**
6 **REAUTHORIZATION.**—Section 5 of the Partners for Fish
7 and Wildlife Act (16 U.S.C. 3774) is amended by striking
8 “2006 through 2011” and inserting “2019 through
9 2023”.

10 (b) **FISH AND WILDLIFE COORDINATION.**—

11 (1) **PURPOSE.**—The purpose of this subsection
12 is to protect water, oceans, coasts, and wildlife from
13 invasive species.

14 (2) **AMENDMENTS TO FISH AND WILDLIFE CO-**
15 **ORDINATION ACT.**—

16 (A) **SHORT TITLE; AUTHORIZATION.**—The
17 first section of the Fish and Wildlife Coordina-
18 tion Act (16 U.S.C. 661) is amended by strik-
19 ing “For the purpose” and inserting the fol-
20 lowing:

21 **“SECTION 1. SHORT TITLE; AUTHORIZATION.**

22 “(a) **SHORT TITLE.**—This Act may be cited as the
23 ‘Fish and Wildlife Coordination Act’.

24 “(b) **AUTHORIZATION.**—For the purpose”.

25 (B) **PROTECTION OF WATER, OCEANS,**
26 **COASTS, AND WILDLIFE FROM INVASIVE SPE-**

1 CIES.—The Fish and Wildlife Coordination Act
2 (16 U.S.C. 661 et seq.) is amended by adding
3 at the end the following:

4 **“SEC. 10. PROTECTION OF WATER, OCEANS, COASTS, AND**
5 **WILDLIFE FROM INVASIVE SPECIES.**

6 “(a) DEFINITIONS.—In this section:

7 “(1) CONTROL.—The term ‘control’, with re-
8 spect to an invasive species, means the eradication,
9 suppression, or reduction of the population of the
10 invasive species within the area in which the invasive
11 species is present.

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

15 “(3) ELIGIBLE STATE.—The term ‘eligible
16 State’ means any of—

17 “(A) a State;

18 “(B) the District of Columbia;

19 “(C) the Commonwealth of Puerto Rico;

20 “(D) Guam;

21 “(E) American Samoa;

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

24 “(G) the United States Virgin Islands.

25 “(4) INVASIVE SPECIES.—

1 “(A) IN GENERAL.—The term ‘invasive
2 species’ means an alien species, the introduction
3 of which causes, or is likely to cause, economic
4 or environmental harm or harm to human
5 health.

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

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

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

19 “(B) to inhibit further infestations of the
20 invasive species, the spread of the invasive spe-
21 cies, or harm caused by the invasive species, in-
22 cluding investigations regarding methods for
23 early detection and rapid response, prevention,
24 control, or management of the invasive species.

1 “(6) PREVENT.—The term ‘prevent’, with re-
2 spect to an invasive species, means—

3 “(A) to hinder the introduction of the
4 invasive species onto land or water; or

5 “(B) to impede the spread of the invasive
6 species within land or water by inspecting,
7 intercepting, or confiscating invasive species
8 threats prior to the establishment of the
9 invasive species onto land or water of an eligible
10 State.

11 “(7) SECRETARY CONCERNED.—The term ‘Sec-
12 retary concerned’ means—

13 “(A) the Secretary of the Army, with re-
14 spect to Federal land administered by the
15 Corps of Engineers;

16 “(B) the Secretary of the Interior, with re-
17 spect to Federal land administered by the Sec-
18 retary of the Interior through—

19 “(i) the United States Fish and Wild-
20 life Service;

21 “(ii) the Bureau of Indian Affairs;

22 “(iii) the Bureau of Land Manage-
23 ment;

24 “(iv) the Bureau of Reclamation; or

25 “(v) the National Park Service;

1 “(C) the Secretary of Agriculture, with re-
2 spect to Federal land administered by the Sec-
3 retary of Agriculture through the Forest Serv-
4 ice; and

5 “(D) the head or a representative of any
6 other Federal agency the duties of whom re-
7 quire planning relating to, and the treatment
8 of, invasive species for the purpose of protecting
9 water and wildlife on land and coasts and in
10 oceans and water.

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

13 “(A) have a high degree of genetic simi-
14 larity;

15 “(B) are morphologically distinct;

16 “(C) generally—

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

19 “(ii) produce fertile offspring; and

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

22 “(b) CONTROL AND MANAGEMENT.—Each Secretary
23 concerned shall plan and carry out activities on land di-
24 rectly managed by the Secretary concerned to protect

1 water and wildlife by controlling and managing invasive
2 species—

3 “(1) to inhibit or reduce the populations of
4 invasive species; and

5 “(2) to effectuate restoration or reclamation ef-
6 forts.

7 “(c) STRATEGIC PLAN.—

8 “(1) IN GENERAL.—Each Secretary concerned
9 shall develop a strategic plan for the implementation
10 of the invasive species program to achieve, to the
11 maximum extent practicable, a substantive annual
12 net reduction of invasive species populations or in-
13 fested acreage on land or water managed by the Sec-
14 retary concerned.

15 “(2) COORDINATION.—Each strategic plan
16 under paragraph (1) shall be developed—

17 “(A) in coordination with affected—

18 “(i) eligible States; and

19 “(ii) political subdivisions of eligible
20 States;

21 “(B) in consultation with federally recog-
22 nized Indian tribes; and

23 “(C) in accordance with the priorities es-
24 tablished by 1 or more Governors of the eligible

1 States in which an ecosystem affected by an
2 invasive species is located.

3 “(3) FACTORS FOR CONSIDERATION.—In devel-
4 oping a strategic plan under this subsection, the
5 Secretary concerned shall take into consideration the
6 economic and ecological costs of action or inaction,
7 as applicable.

8 “(d) COST-EFFECTIVE METHODS.—In selecting a
9 method to be used to control or manage an invasive species
10 as part of a specific control or management project con-
11 ducted as part of a strategic plan developed under sub-
12 section (c), the Secretary concerned shall prioritize the use
13 of methods that—

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

17 “(2) minimize environmental impacts; and

18 “(3) control and manage invasive species in the
19 most cost-effective manner.

20 “(e) COMPARATIVE ECONOMIC ASSESSMENT.—To
21 achieve compliance with subsection (d), the Secretary con-
22 cerned shall require a comparative economic assessment
23 of invasive species control and management methods to
24 be conducted.

25 “(f) EXPEDITED ACTION.—

1 “(1) IN GENERAL.—The Secretaries concerned
2 shall use all tools and flexibilities available (as of the
3 date of enactment of this section) to expedite the
4 projects and activities described in paragraph (2).

5 “(2) DESCRIPTION OF PROJECTS AND ACTIVI-
6 TIES.—A project or activity referred to in paragraph
7 (1) is a project or activity—

8 “(A) to protect water or wildlife from an
9 invasive species that, as determined by the Sec-
10 retary concerned is, or will be, carried out on
11 land or water that is—

12 “(i) directly managed by the Secretary
13 concerned; and

14 “(ii) located in an area that is—

15 “(I) at high risk for the introduc-
16 tion, establishment, or spread of
17 invasive species; and

18 “(II) determined by the Sec-
19 retary concerned to require immediate
20 action to address the risk identified in
21 subclause (I); and

22 “(B) carried out in accordance with appli-
23 cable agency procedures, including any applica-
24 ble—

1 “(i) land or resource management
2 plan; or

3 “(ii) land use plan.

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

11 “(1) the purchase of necessary products, equip-
12 ment, or services to conduct that control and man-
13 agement;

14 “(2) the use of integrated pest management op-
15 tions, including options that use pesticides author-
16 ized for sale, distribution, or use under the Federal
17 Insecticide, Fungicide, and Rodenticide Act (7
18 U.S.C. 136 et seq.);

19 “(3) the use of biological control agents that
20 are proven to be effective to reduce invasive species
21 populations;

22 “(4) the use of revegetation or cultural restora-
23 tion methods designed to improve the diversity and
24 richness of ecosystems;

1 “(5) the use of monitoring and detection activi-
2 ties for invasive species, including equipment, detec-
3 tion dogs, and mechanical devices;

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

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

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

18 “(i) ADMINISTRATIVE COSTS.—Of the amount appro-
19 priated or otherwise made available to each Secretary con-
20 cerned for a fiscal year for programs that address or in-
21 clude protection of land or water from an invasive species,
22 not more than 10 percent may be used for administrative
23 costs incurred to carry out those programs, including costs
24 relating to oversight and management of the programs,

1 recordkeeping, and implementation of the strategic plan
2 developed under subsection (c).

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

7 “(1) describing the use by the Secretary con-
8 cerned during the 2 preceding fiscal years of funds
9 for programs that address or include invasive species
10 management; and

11 “(2) specifying the percentage of funds ex-
12 pended for each of the purposes specified in sub-
13 sections (g), (h), and (i).

14 “(k) RELATION TO OTHER AUTHORITY.—

15 “(1) OTHER INVASIVE SPECIES CONTROL, PRE-
16 VENTION, AND MANAGEMENT AUTHORITIES.—Noth-
17 ing in this section precludes the Secretary concerned
18 from pursuing or supporting, pursuant to any other
19 provision of law, any activity regarding the control,
20 prevention, or management of an invasive species,
21 including investigations to improve the control, pre-
22 vention, or management of the invasive species.

23 “(2) PUBLIC WATER SUPPLY SYSTEMS.—Noth-
24 ing in this section authorizes the Secretary con-
25 cerned to suspend any water delivery or diversion, or

1 otherwise to prevent the operation of a public water
2 supply system, as a measure to control, manage, or
3 prevent the introduction or spread of an invasive
4 species.

5 “(l) USE OF PARTNERSHIPS.—Subject to the sub-
6 sections (m) and (n), the Secretary concerned may enter
7 into any contract or cooperative agreement with another
8 Federal agency, an eligible State, a federally recognized
9 Indian tribe, a political subdivision of an eligible State,
10 or a private individual or entity to assist with the control
11 and management of an invasive species.

12 “(m) MEMORANDUM OF UNDERSTANDING.—

13 “(1) IN GENERAL.—As a condition of a con-
14 tract or cooperative agreement under subsection (l),
15 the Secretary concerned and the applicable Federal
16 agency, eligible State, political subdivision of an eli-
17 gible State, or private individual or entity shall enter
18 into a memorandum of understanding that de-
19 scribes—

20 “(A) the nature of the partnership between
21 the parties to the memorandum of under-
22 standing; and

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

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

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

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

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

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

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

21 “(F) A written assurance that each part-
22 ner will comply with section 15 of the Federal
23 Noxious Weed Act of 1974 (7 U.S.C. 2814).

24 “(3) COORDINATION.—If a partner to a con-
25 tract or cooperative agreement under subsection (1)

1 is an eligible State, political subdivision of an eligible
2 State, or private individual or entity, the memo-
3 randum of understanding under this subsection shall
4 include a description of—

5 “(A) the means by which each applicable
6 control or management effort will be coordi-
7 nated; and

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

10 “(4) PUBLIC OUTREACH AND AWARENESS EF-
11 FORTS.—If a contract or cooperative agreement
12 under subsection (l) involves any outreach or public
13 awareness effort, the memorandum of understanding
14 under this subsection shall include a list of goals and
15 objectives for each outreach or public awareness ef-
16 fort that have been determined to be efficient to in-
17 form national, regional, State, Tribal, or local audi-
18 ences regarding invasive species control and manage-
19 ment.

20 “(n) INVESTIGATIONS.—The purpose of any invasive
21 species-related investigation carried out under a contract
22 or cooperative agreement under subsection (l) shall be—

23 “(1) to develop solutions and specific rec-
24 ommendations for control and management of
25 invasive species; and

1 “(2) specifically to provide faster implementa-
2 tion of control and management methods.

3 “(o) COORDINATION WITH AFFECTED LOCAL GOV-
4 ERNMENTS.—Each project and activity carried out pursu-
5 ant to this section shall be coordinated with affected local
6 governments in a manner that is consistent with section
7 202(c)(9) of the Federal Land Policy and Management
8 Act of 1976 (43 U.S.C. 1712(c)(9)).”.

9 (c) WILDLIFE CONSERVATION.—

10 (1) REAUTHORIZATIONS.—

11 (A) REAUTHORIZATION OF AFRICAN ELE-
12 PHANT CONSERVATION ACT.—Section 2306(a)
13 of the African Elephant Conservation Act (16
14 U.S.C. 4245(a)) is amended by striking “2007
15 through 2012” and inserting “2019 through
16 2023”.

17 (B) REAUTHORIZATION OF ASIAN ELE-
18 PHANT CONSERVATION ACT OF 1997.—Section
19 8(a) of the Asian Elephant Conservation Act of
20 1997 (16 U.S.C. 4266(a)) is amended by strik-
21 ing “2007 through 2012” and inserting “2019
22 through 2023”.

23 (C) REAUTHORIZATION OF RHINOCEROS
24 AND TIGER CONSERVATION ACT OF 1994.—Sec-
25 tion 10(a) of the Rhinoceros and Tiger Con-

1 servation Act of 1994 (16 U.S.C. 5306(a)) is
2 amended by striking “2007 through 2012” and
3 inserting “2019 through 2023”.

4 (2) AMENDMENTS TO GREAT APE CONSERVA-
5 TION ACT OF 2000.—

6 (A) PANEL.—Section 4(i) of the Great Ape
7 Conservation Act of 2000 (16 U.S.C. 6303(i))
8 is amended—

9 (i) by striking paragraph (1) and in-
10 serting the following:

11 “(1) CONVENTION.—Not later than 1 year after
12 the date of enactment of the Wildlife Innovation and
13 Longevity Driver Act, and every 5 years thereafter,
14 the Secretary may convene a panel of experts on
15 great apes to identify the greatest needs and prior-
16 ities for the conservation of great apes.”;

17 (ii) by redesignating paragraph (2) as
18 paragraph (5); and

19 (iii) by inserting after paragraph (1)
20 the following:

21 “(2) COMPOSITION.—The Secretary shall en-
22 sure that the panel referred to in paragraph (1) in-
23 cludes, to the maximum extent practicable, 1 or
24 more representatives—

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

3 “(B) with expertise in great ape conserva-
4 tion.

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

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

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

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

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

19 “(4) FUNDS.—Subject to the availability of ap-
20 propriations, the Secretary may use amounts avail-
21 able to the Secretary to pay for the costs of con-
22 vening and facilitating any meeting of the panel re-
23 ferred to in paragraph (1).”.

24 (B) MULTIYEAR GRANTS.—Section 4 of
25 the Great Ape Conservation Act of 2000 (16

1 U.S.C. 6303) is amended by adding at the end
2 the following:

3 “(j) MULTIYEAR GRANTS.—

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

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

13 (C) ADMINISTRATIVE EXPENSES.—Section
14 5(b)(2) of the Great Ape Conservation Act of
15 2000 (16 U.S.C. 6304(b)(2)) is amended by
16 striking “\$100,000” and inserting “\$150,000”.

17 (D) AUTHORIZATION OF APPROPRIA-
18 TIONS.—Section 6 of the Great Ape Conserva-
19 tion Act of 2000 (16 U.S.C. 6305) is amended
20 by striking “2006 through 2010” and inserting
21 “2019 through 2023”.

22 (3) AMENDMENTS TO MARINE TURTLE CON-
23 SERVATION ACT OF 2004.—

24 (A) PURPOSE.—Section 2 of the Marine
25 Turtle Conservation Act of 2004 (16 U.S.C.

1 6601) is amended by striking subsection (b)
2 and inserting the following:

3 “(b) PURPOSE.—The purpose of this Act is to assist
4 in the conservation of marine turtles, freshwater turtles,
5 and tortoises and the habitats of marine turtles, fresh-
6 water turtles, and tortoises in foreign countries and terri-
7 tories of the United States by supporting and providing
8 financial resources for projects—

9 “(1) to conserve marine turtle, freshwater tur-
10 tle, and tortoise habitats under the jurisdiction of
11 United States Fish and Wildlife Service programs;

12 “(2) to conserve marine turtles, freshwater tur-
13 tles, and tortoises in those habitats; and

14 “(3) to address other threats to the survival of
15 marine turtles, freshwater turtles, and tortoises, in-
16 cluding habitat loss, poaching of turtles or their
17 eggs, and wildlife trafficking.”.

18 (B) DEFINITIONS.—Section 3 of the Ma-
19 rine Turtle Conservation Act of 2004 (16
20 U.S.C. 6602) is amended—

21 (i) in paragraph (2)—

22 (I) in the matter preceding sub-
23 paragraph (A), by striking “nesting
24 habitats of marine turtles in foreign
25 countries and of marine turtles in

1 those habitats” and inserting “marine
2 turtles, freshwater turtles, and tor-
3 toises, and the habitats of marine tur-
4 tles, freshwater turtles, and tortoises,
5 in foreign countries and territories of
6 the United States under the jurisdic-
7 tion of United States Fish and Wild-
8 life Service programs”;

9 (II) in subparagraphs (A), (B),
10 and (C), by striking “nesting” each
11 place it appears;

12 (III) in subparagraph (D)—

13 (aa) in the matter preceding
14 clause (i), by striking “countries
15 to—” and inserting “countries—
16 ”;

17 (bb) in clause (i)—

18 (AA) by inserting “to”
19 before “protect”; and

20 (BB) by striking “nest-
21 ing” each place it appears;
22 and

23 (cc) in clause (ii), by insert-
24 ing “to” before “prevent”;

1 (IV) in subparagraph (E)(i), by
2 striking “turtles on nesting habitat”
3 and inserting “turtles, freshwater tur-
4 tles, and tortoises”;

5 (V) in subparagraph (F), by
6 striking “turtles over habitat used by
7 marine turtles for nesting” and insert-
8 ing “turtles, freshwater turtles, and
9 tortoises over habitats used by marine
10 turtles, freshwater turtles, and tor-
11 toises”; and

12 (VI) in subparagraph (H), by
13 striking “nesting” each place it ap-
14 pears;

15 (ii) by redesignating paragraphs (3),
16 (4), (5), and (6) as paragraphs (4), (6),
17 (7), and (8), respectively;

18 (iii) by inserting before paragraph (4)
19 (as so redesignated) the following:

20 “(3) FRESHWATER TURTLE.—

21 “(A) IN GENERAL.—The term ‘freshwater
22 turtle’ means any member of the family
23 Carettochelyidae, Chelidae, Chelydridae,
24 Dermatemydidae, Emydidae, Geoemydidae,

1 Kinosternidae, Pelomedusidae, Platysternidae,
2 Podocnemididae, or Trionychidae.

3 “(B) INCLUSIONS.—The term ‘freshwater
4 turtle’ includes—

5 “(i) any part, product, egg, or off-
6 spring of a turtle described in subpara-
7 graph (A); and

8 “(ii) a carcass of such a turtle.”;

9 (iv) by inserting after paragraph (4)
10 (as so redesignated) the following:

11 “(5) HABITAT.—The term ‘habitat’ means any
12 marine turtle, freshwater turtle, or tortoise habitat
13 (including a nesting habitat) that is under the juris-
14 diction of United States Fish and Wildlife Service
15 programs.”; and

16 (v) by inserting after paragraph (8)
17 (as so redesignated) the following:

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

20 “(A) American Samoa;

21 “(B) the Commonwealth of the Northern
22 Mariana Islands;

23 “(C) the Commonwealth of Puerto Rico;

24 “(D) Guam;

25 “(E) the United States Virgin Islands; and

1 “(F) any other territory or possession of
2 the United States.

3 “(10) TORTOISE.—

4 “(A) IN GENERAL.—The term ‘tortoise’
5 means any member of the family Testudinidae.

6 “(B) INCLUSIONS.—The term ‘tortoise’ in-
7 cludes—

8 “(i) any part, product, egg, or off-
9 spring of a tortoise described in subpara-
10 graph (A); and

11 “(ii) a carcass of such a tortoise.”.

12 “(C) CONSERVATION ASSISTANCE.—Section
13 4 of the Marine Turtle Conservation Act of
14 2004 (16 U.S.C. 6603) is amended—

15 (i) in the section heading, by striking

16 “**MARINE TURTLE**”;

17 (ii) in subsection (a), by inserting “,
18 freshwater turtles, or tortoises” after “ma-
19 rine turtles”;

20 (iii) in subsection (b)(1)—

21 (I) in the matter preceding sub-
22 paragraph (A), by inserting “, fresh-
23 water turtles, or tortoises” after “ma-
24 rine turtles”;

1 (II) by striking subparagraph (A)

2 and inserting the following:

3 “(A) any wildlife management authority of
4 a foreign country or territory of the United
5 States that has within its boundaries marine
6 turtle, freshwater turtle, or tortoise habitat, if
7 the activities of the authority directly or indi-
8 rectly affect marine turtle, freshwater turtle, or
9 tortoise conservation; or”; and

10 (III) in subparagraph (B), by in-
11 serting “, freshwater turtles, or tor-
12 toises” after “marine turtles”;

13 (iv) in subsection (c)(2), in each of
14 subparagraphs (A) and (C), by inserting
15 “and territory of the United States” after
16 “each country”;

17 (v) by striking subsection (d) and in-
18 serting the following:

19 “(d) CRITERIA FOR APPROVAL.—The Secretary may
20 approve a project proposal under this section if the Sec-
21 retary determines that the project will help to restore, re-
22 cover, and sustain a viable population of marine turtles,
23 freshwater turtles, or tortoises in the wild by assisting ef-
24 forts in a foreign country or territory of the United States

1 to implement a marine turtle, freshwater turtle, or tortoise
2 conservation program.”; and

3 (vi) in subsection (e), by striking
4 “marine turtles and their nesting habitats”
5 and inserting “marine turtles, freshwater
6 turtles, or tortoises and the habitats of
7 marine turtles, freshwater turtles, or tor-
8 toises”.

9 (D) MARINE TURTLE CONSERVATION
10 FUND.—Section 5 of the Marine Turtle Con-
11 servation Act of 2004 (16 U.S.C. 6604) is
12 amended—

13 (i) in subsection (a)(2), by striking
14 “section 6” and inserting “section 7(a)”;
15 and

16 (ii) in subsection (b)(2), by striking
17 “3 percent, or up to \$80,000” and insert-
18 ing “5 percent, or up to \$150,000”.

19 (E) ADVISORY GROUP.—Section 6(a) of
20 the Marine Turtle Conservation Act of 2004
21 (16 U.S.C. 6605(a)) is amended by inserting “,
22 freshwater turtles, or tortoises” after “marine
23 turtles”.

24 (F) AUTHORIZATION OF APPROPRIA-
25 TIONS.—Section 7 of the Marine Turtle Con-

1 servation Act of 2004 (16 U.S.C. 6606) is
2 amended to read as follows:

3 **“SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

4 “(a) IN GENERAL.—There is authorized to be appro-
5 priated to the Fund \$5,000,000 for each of fiscal years
6 2020 through 2024.

7 “(b) ALLOCATION.—Of the amounts made available
8 for each fiscal year pursuant to subsection (a)—

9 “(1) not less than \$1,510,000 shall be used by
10 the Secretary for marine turtle conservation pur-
11 poses in accordance with this Act; and

12 “(2) of the amounts in excess of the amount de-
13 scribed in paragraph (1), not less than 40 percent
14 shall be used by the Secretary for freshwater turtle
15 and tortoise conservation purposes in accordance
16 with this Act.”.

17 (d) PRIZE COMPETITIONS.—

18 (1) DEFINITIONS.—In this subsection:

19 (A) NON-FEDERAL FUNDS.—The term
20 “non-Federal funds” means funds provided
21 by—

22 (i) a State;

23 (ii) a territory of the United States;

24 (iii) 1 or more units of local or tribal
25 government;

- 1 (iv) a private for-profit entity;
2 (v) a nonprofit organization; or
3 (vi) a private individual.

4 (B) SECRETARY.—The term “Secretary”
5 means the Secretary, acting through the Direc-
6 tor of the United States Fish and Wildlife Serv-
7 ice.

8 (C) WILDLIFE.—The term “wildlife” has
9 the meaning given the term in section 8 of the
10 Fish and Wildlife Coordination Act (16 U.S.C.
11 666b).

12 (2) THEODORE ROOSEVELT GENIUS PRIZE FOR
13 PREVENTION OF WILDLIFE POACHING AND TRAF-
14 FICKING.—

15 (A) DEFINITIONS.—In this paragraph:

16 (i) BOARD.—The term “Board”
17 means the Prevention of Wildlife Poaching
18 and Trafficking Technology Advisory
19 Board established by subparagraph (C)(i).

20 (ii) PRIZE COMPETITION.—The term
21 “prize competition” means the Theodore
22 Roosevelt Genius Prize for the prevention
23 of wildlife poaching and trafficking estab-
24 lished under subparagraph (B).

1 (B) AUTHORITY.—Not later than 180 days
2 after the date of enactment of this Act, the Sec-
3 retary shall establish under section 24 of the
4 Stevenson-Wydler Technology Innovation Act of
5 1980 (15 U.S.C. 3719) a prize competition, to
6 be known as the “Theodore Roosevelt Genius
7 Prize for the prevention of wildlife poaching
8 and trafficking”—

9 (i) to encourage technological innova-
10 tion with the potential to advance the mis-
11 sion of the United States Fish and Wildlife
12 Service with respect to the prevention of
13 wildlife poaching and trafficking; and

14 (ii) to award 1 or more prizes annu-
15 ally for a technological advancement that
16 prevents wildlife poaching and trafficking.

17 (C) ADVISORY BOARD.—

18 (i) ESTABLISHMENT.—There is estab-
19 lished an advisory board, to be known as
20 the “Prevention of Wildlife Poaching and
21 Trafficking Technology Advisory Board”.

22 (ii) COMPOSITION.—The Board shall
23 be composed of not fewer than 9 members
24 appointed by the Secretary, who shall pro-
25 vide expertise in—

- 1 (I) wildlife trafficking and trade;
- 2 (II) wildlife conservation and
- 3 management;
- 4 (III) biology;
- 5 (IV) technology development;
- 6 (V) engineering;
- 7 (VI) economics;
- 8 (VII) business development and
- 9 management; and
- 10 (VIII) any other discipline, as the
- 11 Secretary determines to be necessary
- 12 to achieve the purposes of this para-
- 13 graph.

14 (iii) DUTIES.—Subject to clause (iv),
15 with respect to the prize competition, the
16 Board shall—

- 17 (I) select a topic;
- 18 (II) issue a problem statement;
- 19 (III) advise the Secretary regard-
- 20 ing any opportunity for technological
- 21 innovation to prevent wildlife poaching
- 22 and trafficking; and
- 23 (IV) advise winners of the prize
- 24 competition regarding opportunities to
- 25 pilot and implement winning tech-

1 nologies in relevant fields, including in
2 partnership with conservation organi-
3 zations, Federal or State agencies,
4 federally recognized Indian tribes, pri-
5 vate entities, and research institutions
6 with expertise or interest relating to
7 the prevention of wildlife poaching
8 and trafficking.

9 (iv) CONSULTATION.—In selecting a
10 topic and issuing a problem statement for
11 the prize competition under subclauses (I)
12 and (II) of clause (iii), respectively, the
13 Board shall consult widely with Federal
14 and non-Federal stakeholders, including—

15 (I) 1 or more Federal agencies
16 with jurisdiction over the prevention
17 of wildlife poaching and trafficking;

18 (II) 1 or more State agencies
19 with jurisdiction over the prevention
20 of wildlife poaching and trafficking;

21 (III) 1 or more State, regional,
22 or local wildlife organizations, the
23 mission of which relates to the preven-
24 tion of wildlife poaching and traf-
25 ficking; and

1 (IV) 1 or more wildlife conserva-
2 tion groups, technology companies, re-
3 search institutions, institutions of
4 higher education, industry associa-
5 tions, or individual stakeholders with
6 an interest in the prevention of wild-
7 life poaching and trafficking.

8 (v) REQUIREMENTS.—The Board
9 shall comply with all requirements under
10 paragraph (7)(A).

11 (D) AGREEMENT WITH NATIONAL FISH
12 AND WILDLIFE FOUNDATION.—

13 (i) IN GENERAL.—The Secretary shall
14 offer to enter into an agreement under
15 which the National Fish and Wildlife
16 Foundation shall administer the prize com-
17 petition.

18 (ii) REQUIREMENTS.—An agreement
19 entered into under clause (i) shall comply
20 with all requirements under paragraph
21 (7)(B).

22 (E) JUDGES.—

23 (i) APPOINTMENT.—The Secretary
24 shall appoint not fewer than 3 judges who
25 shall, except as provided in clause (ii), se-

1 lect the 1 or more annual winners of the
2 prize competition.

3 (ii) DETERMINATION BY SEC-
4 RETARY.—The judges appointed under
5 clause (i) shall not select any annual win-
6 ner of the prize competition if the Sec-
7 retary makes a determination that, in any
8 fiscal year, none of the technological ad-
9 vancements entered into the prize competi-
10 tion merits an award.

11 (F) REPORT TO CONGRESS.—Not later
12 than 60 days after the date on which a cash
13 prize is awarded under this paragraph, the Sec-
14 retary shall submit to the Committee on Envi-
15 ronment and Public Works of the Senate and
16 the Committee on Natural Resources of the
17 House of Representatives a report on the prize
18 competition that includes—

19 (i) a statement by the Board that de-
20 scribes the activities carried out by the
21 Board relating to the duties described in
22 subparagraph (C)(iii);

23 (ii) if the Secretary has entered into
24 an agreement under subparagraph (D)(i),
25 a statement by the National Fish and

1 Wildlife Foundation that describes the ac-
2 tivities carried out by the National Fish
3 and Wildlife Foundation relating to the du-
4 ties described in paragraph (7)(B); and

5 (iii) a statement by 1 or more of the
6 judges appointed under subparagraph (E)
7 that explains the basis on which the winner
8 of the cash prize was selected.

9 (G) TERMINATION OF AUTHORITY.—The
10 Board and all authority provided under this
11 paragraph shall terminate on December 31,
12 2023.

13 (3) THEODORE ROOSEVELT GENIUS PRIZE FOR
14 PROMOTION OF WILDLIFE CONSERVATION.—

15 (A) DEFINITIONS.—In this paragraph:

16 (i) BOARD.—The term “Board”
17 means the Promotion of Wildlife Conserva-
18 tion Technology Advisory Board estab-
19 lished by subparagraph (C)(i).

20 (ii) PRIZE COMPETITION.—The term
21 “prize competition” means the Theodore
22 Roosevelt Genius Prize for the promotion
23 of wildlife conservation established under
24 subparagraph (B).

1 (B) AUTHORITY.—Not later than 180 days
2 after the date of enactment of this Act, the Sec-
3 retary shall establish under section 24 of the
4 Stevenson-Wydler Technology Innovation Act of
5 1980 (15 U.S.C. 3719) a prize competition, to
6 be known as the “Theodore Roosevelt Genius
7 Prize for the promotion of wildlife conserva-
8 tion”—

9 (i) to encourage technological innova-
10 tion with the potential to advance the mis-
11 sion of the United States Fish and Wildlife
12 Service with respect to the promotion of
13 wildlife conservation; and

14 (ii) to award 1 or more prizes annu-
15 ally for a technological advancement that
16 promotes wildlife conservation.

17 (C) ADVISORY BOARD.—

18 (i) ESTABLISHMENT.—There is estab-
19 lished an advisory board, to be known as
20 the “Promotion of Wildlife Conservation
21 Technology Advisory Board”.

22 (ii) COMPOSITION.—The Board shall
23 be composed of not fewer than 9 members
24 appointed by the Secretary, who shall pro-
25 vide expertise in—

- 1 (I) wildlife conservation and
- 2 management;
- 3 (II) biology;
- 4 (III) technology development;
- 5 (IV) engineering;
- 6 (V) economics;
- 7 (VI) business development and
- 8 management; and
- 9 (VII) any other discipline, as the
- 10 Secretary determines to be necessary
- 11 to achieve the purposes of this para-
- 12 graph.
- 13 (iii) DUTIES.—Subject to clause (iv),
- 14 with respect to the prize competition, the
- 15 Board shall—
- 16 (I) select a topic;
- 17 (II) issue a problem statement;
- 18 (III) advise the Secretary regard-
- 19 ing any opportunity for technological
- 20 innovation to promote wildlife con-
- 21 servation; and
- 22 (IV) advise winners of the prize
- 23 competition regarding opportunities to
- 24 pilot and implement winning tech-
- 25 nologies in relevant fields, including in

1 partnership with conservation organi-
2 zations, Federal or State agencies,
3 federally recognized Indian tribes, pri-
4 vate entities, and research institutions
5 with expertise or interest relating to
6 the promotion of wildlife conservation.

7 (iv) CONSULTATION.—In selecting a
8 topic and issuing a problem statement for
9 the prize competition under subclauses (I)
10 and (II) of clause (iii), respectively, the
11 Board shall consult widely with Federal
12 and non-Federal stakeholders, including—

13 (I) 1 or more Federal agencies
14 with jurisdiction over the promotion of
15 wildlife conservation;

16 (II) 1 or more State agencies
17 with jurisdiction over the promotion of
18 wildlife conservation;

19 (III) 1 or more State, regional,
20 or local wildlife organizations, the
21 mission of which relates to the pro-
22 motion of wildlife conservation; and

23 (IV) 1 or more wildlife conserva-
24 tion groups, technology companies, re-
25 search institutions, institutions of

1 higher education, industry associa-
2 tions, or individual stakeholders with
3 an interest in the promotion of wild-
4 life conservation.

5 (v) REQUIREMENTS.—The Board
6 shall comply with all requirements under
7 paragraph (7)(A).

8 (D) AGREEMENT WITH NATIONAL FISH
9 AND WILDLIFE FOUNDATION.—

10 (i) IN GENERAL.—The Secretary shall
11 offer to enter into an agreement under
12 which the National Fish and Wildlife
13 Foundation shall administer the prize com-
14 petition.

15 (ii) REQUIREMENTS.—An agreement
16 entered into under clause (i) shall comply
17 with all requirements under paragraph
18 (7)(B).

19 (E) JUDGES.—

20 (i) APPOINTMENT.—The Secretary
21 shall appoint not fewer than 3 judges who
22 shall, except as provided in clause (ii), se-
23 lect the 1 or more annual winners of the
24 prize competition.

1 (ii) DETERMINATION BY SEC-
2 RETARY.—The judges appointed under
3 clause (i) shall not select any annual win-
4 ner of the prize competition if the Sec-
5 retary makes a determination that, in any
6 fiscal year, none of the technological ad-
7 vancements entered into the prize competi-
8 tion merits an award.

9 (F) REPORT TO CONGRESS.—Not later
10 than 60 days after the date on which a cash
11 prize is awarded under this paragraph, the Sec-
12 retary shall submit to the Committee on Envi-
13 ronment and Public Works of the Senate and
14 the Committee on Natural Resources of the
15 House of Representatives a report on the prize
16 competition that includes—

17 (i) a statement by the Board that de-
18 scribes the activities carried out by the
19 Board relating to the duties described in
20 subparagraph (C)(iii);

21 (ii) if the Secretary has entered into
22 an agreement under subparagraph (D)(i),
23 a statement by the National Fish and
24 Wildlife Foundation that describes the ac-
25 tivities carried out by the National Fish

1 and Wildlife Foundation relating to the du-
2 ties described in paragraph (7)(B); and

3 (iii) a statement by 1 or more of the
4 judges appointed under subparagraph (E)
5 that explains the basis on which the winner
6 of the cash prize was selected.

7 (G) TERMINATION OF AUTHORITY.—The
8 Board and all authority provided under this
9 paragraph shall terminate on December 31,
10 2023.

11 (4) THEODORE ROOSEVELT GENIUS PRIZE FOR
12 MANAGEMENT OF INVASIVE SPECIES.—

13 (A) DEFINITIONS.—In this paragraph:

14 (i) BOARD.—The term “Board”
15 means the Management of Invasive Species
16 Technology Advisory Board established by
17 subparagraph (C)(i).

18 (ii) PRIZE COMPETITION.—The term
19 “prize competition” means the Theodore
20 Roosevelt Genius Prize for the manage-
21 ment of invasive species established under
22 subparagraph (B).

23 (B) AUTHORITY.—Not later than 180 days
24 after the date of enactment of this Act, the Sec-
25 retary shall establish under section 24 of the

1 Stevenson-Wydler Technology Innovation Act of
2 1980 (15 U.S.C. 3719) a prize competition, to
3 be known as the “Theodore Roosevelt Genius
4 Prize for the management of invasive spe-
5 cies”—

6 (i) to encourage technological innova-
7 tion with the potential to advance the mis-
8 sion of the United States Fish and Wildlife
9 Service with respect to the management of
10 invasive species; and

11 (ii) to award 1 or more prizes annu-
12 ally for a technological advancement that
13 manages invasive species.

14 (C) ADVISORY BOARD.—

15 (i) ESTABLISHMENT.—There is estab-
16 lished an advisory board, to be known as
17 the “Management of Invasive Species
18 Technology Advisory Board”.

19 (ii) COMPOSITION.—The Board shall
20 be composed of not fewer than 9 members
21 appointed by the Secretary, who shall pro-
22 vide expertise in—

23 (I) invasive species;

24 (II) biology;

25 (III) technology development;

- 1 (IV) engineering;
- 2 (V) economics;
- 3 (VI) business development and
- 4 management; and
- 5 (VII) any other discipline, as the
- 6 Secretary determines to be necessary
- 7 to achieve the purposes of this para-
- 8 graph.

9 (iii) DUTIES.—Subject to clause (iv),
10 with respect to the prize competition, the
11 Board shall—

- 12 (I) select a topic;
- 13 (II) issue a problem statement;
- 14 (III) advise the Secretary regard-
- 15 ing any opportunity for technological
- 16 innovation to manage invasive species;
- 17 and
- 18 (IV) advise winners of the prize
- 19 competition regarding opportunities to
- 20 pilot and implement winning tech-
- 21 nologies in relevant fields, including in
- 22 partnership with conservation organi-
- 23 zations, Federal or State agencies,
- 24 federally recognized Indian tribes, pri-
- 25 vate entities, and research institutions

1 with expertise or interest relating to
2 the management of invasive species.

3 (iv) CONSULTATION.—In selecting a
4 topic and issuing a problem statement for
5 the prize competition under subclauses (I)
6 and (II) of clause (iii), respectively, the
7 Board shall consult widely with Federal
8 and non-Federal stakeholders, including—

9 (I) 1 or more Federal agencies
10 with jurisdiction over the management
11 of invasive species;

12 (II) 1 or more State agencies
13 with jurisdiction over the management
14 of invasive species;

15 (III) 1 or more State, regional,
16 or local wildlife organizations, the
17 mission of which relates to the man-
18 agement of invasive species; and

19 (IV) 1 or more wildlife conserva-
20 tion groups, technology companies, re-
21 search institutions, institutions of
22 higher education, industry associa-
23 tions, or individual stakeholders with
24 an interest in the management of
25 invasive species.

1 (v) REQUIREMENTS.—The Board
2 shall comply with all requirements under
3 paragraph (7)(A).

4 (D) AGREEMENT WITH NATIONAL FISH
5 AND WILDLIFE FOUNDATION.—

6 (i) IN GENERAL.—The Secretary shall
7 offer to enter into an agreement under
8 which the National Fish and Wildlife
9 Foundation shall administer the prize com-
10 petition.

11 (ii) REQUIREMENTS.—An agreement
12 entered into under clause (i) shall comply
13 with all requirements under paragraph
14 (7)(B).

15 (E) JUDGES.—

16 (i) APPOINTMENT.—The Secretary
17 shall appoint not fewer than 3 judges who
18 shall, except as provided in clause (ii), se-
19 lect the 1 or more annual winners of the
20 prize competition.

21 (ii) DETERMINATION BY SEC-
22 RETARY.—The judges appointed under
23 clause (i) shall not select any annual win-
24 ner of the prize competition if the Sec-
25 retary makes a determination that, in any

1 that explains the basis on which the winner
2 of the cash prize was selected.

3 (G) TERMINATION OF AUTHORITY.—The
4 Board and all authority provided under this
5 paragraph shall terminate on December 31,
6 2023.

7 (5) THEODORE ROOSEVELT GENIUS PRIZE FOR
8 PROTECTION OF ENDANGERED SPECIES.—

9 (A) DEFINITIONS.—In this paragraph:

10 (i) BOARD.—The term “Board”
11 means the Protection of Endangered Spe-
12 cies Technology Advisory Board estab-
13 lished by subparagraph (C)(i).

14 (ii) PRIZE COMPETITION.—The term
15 “prize competition” means the Theodore
16 Roosevelt Genius Prize for the protection
17 of endangered species established under
18 subparagraph (B).

19 (B) AUTHORITY.—Not later than 180 days
20 after the date of enactment of this Act, the Sec-
21 retary shall establish under section 24 of the
22 Stevenson-Wydler Technology Innovation Act of
23 1980 (15 U.S.C. 3719) a prize competition, to
24 be known as the “Theodore Roosevelt Genius

1 Prize for the protection of endangered spe-
2 cies”—

3 (i) to encourage technological innova-
4 tion with the potential to advance the mis-
5 sion of the United States Fish and Wildlife
6 Service with respect to the protection of
7 endangered species; and

8 (ii) to award 1 or more prizes annu-
9 ally for a technological advancement that
10 protects endangered species.

11 (C) ADVISORY BOARD.—

12 (i) ESTABLISHMENT.—There is estab-
13 lished an advisory board, to be known as
14 the “Protection of Endangered Species
15 Technology Advisory Board”.

16 (ii) COMPOSITION.—The Board shall
17 be composed of not fewer than 9 members
18 appointed by the Secretary, who shall pro-
19 vide expertise in—

20 (I) endangered species;

21 (II) biology;

22 (III) technology development;

23 (IV) engineering;

24 (V) economics;

1 (VI) business development and
2 management; and

3 (VII) any other discipline, as the
4 Secretary determines to be necessary
5 to achieve the purposes of this para-
6 graph.

7 (iii) DUTIES.—Subject to clause (iv),
8 with respect to the prize competition, the
9 Board shall—

10 (I) select a topic;

11 (II) issue a problem statement;

12 (III) advise the Secretary regard-
13 ing any opportunity for technological
14 innovation to protect endangered spe-
15 cies; and

16 (IV) advise winners of the prize
17 competition regarding opportunities to
18 pilot and implement winning tech-
19 nologies in relevant fields, including in
20 partnership with conservation organi-
21 zations, Federal or State agencies,
22 federally recognized Indian tribes, pri-
23 vate entities, and research institutions
24 with expertise or interest relating to
25 the protection of endangered species.

1 (iv) CONSULTATION.—In selecting a
2 topic and issuing a problem statement for
3 the prize competition under subclauses (I)
4 and (II) of clause (iii), respectively, the
5 Board shall consult widely with Federal
6 and non-Federal stakeholders, including—

7 (I) 1 or more Federal agencies
8 with jurisdiction over the protection of
9 endangered species;

10 (II) 1 or more State agencies
11 with jurisdiction over the protection of
12 endangered species;

13 (III) 1 or more State, regional,
14 or local wildlife organizations, the
15 mission of which relates to the protec-
16 tion of endangered species; and

17 (IV) 1 or more wildlife conserva-
18 tion groups, technology companies, re-
19 search institutions, institutions of
20 higher education, industry associa-
21 tions, or individual stakeholders with
22 an interest in the protection of endan-
23 gered species.

1 (v) REQUIREMENTS.—The Board
2 shall comply with all requirements under
3 paragraph (7)(A).

4 (D) AGREEMENT WITH NATIONAL FISH
5 AND WILDLIFE FOUNDATION.—

6 (i) IN GENERAL.—The Secretary shall
7 offer to enter into an agreement under
8 which the National Fish and Wildlife
9 Foundation shall administer the prize com-
10 petition.

11 (ii) REQUIREMENTS.—An agreement
12 entered into under clause (i) shall comply
13 with all requirements under paragraph
14 (7)(B).

15 (E) JUDGES.—

16 (i) APPOINTMENT.—The Secretary
17 shall appoint not fewer than 3 judges who
18 shall, except as provided in clause (ii), se-
19 lect the 1 or more annual winners of the
20 prize competition.

21 (ii) DETERMINATION BY SEC-
22 RETARY.—The judges appointed under
23 clause (i) shall not select any annual win-
24 ner of the prize competition if the Sec-
25 retary makes a determination that, in any

1 fiscal year, none of the technological ad-
2 vancements entered into the prize competi-
3 tion merits an award.

4 (F) REPORT TO CONGRESS.—Not later
5 than 60 days after the date on which a cash
6 prize is awarded under this paragraph, the Sec-
7 retary shall submit to the Committee on Envi-
8 ronment and Public Works of the Senate and
9 the Committee on Natural Resources of the
10 House of Representatives a report on the prize
11 competition that includes—

12 (i) a statement by the Board that de-
13 scribes the activities carried out by the
14 Board relating to the duties described in
15 subparagraph (C)(iii);

16 (ii) if the Secretary has entered into
17 an agreement under subparagraph (D)(i),
18 a statement by the National Fish and
19 Wildlife Foundation that describes the ac-
20 tivities carried out by the National Fish
21 and Wildlife Foundation relating to the du-
22 ties described in paragraph (7)(B); and

23 (iii) a statement by 1 or more of the
24 judges appointed under subparagraph (E)

1 that explains the basis on which the winner
2 of the cash prize was selected.

3 (G) TERMINATION OF AUTHORITY.—The
4 Board and all authority provided under this
5 paragraph shall terminate on December 31,
6 2023.

7 (6) THEODORE ROOSEVELT GENIUS PRIZE FOR
8 NONLETHAL MANAGEMENT OF HUMAN-WILDLIFE
9 CONFLICTS.—

10 (A) DEFINITIONS.—In this paragraph:

11 (i) BOARD.—The term “Board”
12 means the Nonlethal Management of
13 Human-Wildlife Conflicts Technology Advi-
14 sory Board established by subparagraph
15 (C)(i).

16 (ii) PRIZE COMPETITION.—The term
17 “prize competition” means the Theodore
18 Roosevelt Genius Prize for the nonlethal
19 management of human-wildlife conflicts es-
20 tablished under subparagraph (B).

21 (B) AUTHORITY.—Not later than 180 days
22 after the date of enactment of this Act, the Sec-
23 retary shall establish under section 24 of the
24 Stevenson-Wydler Technology Innovation Act of
25 1980 (15 U.S.C. 3719) a prize competition, to

1 be known as the “Theodore Roosevelt Genius
2 Prize for the nonlethal management of human-
3 wildlife conflicts”—

4 (i) to encourage technological innova-
5 tion with the potential to advance the mis-
6 sion of the United States Fish and Wildlife
7 Service with respect to the nonlethal man-
8 agement of human-wildlife conflicts; and

9 (ii) to award 1 or more prizes annu-
10 ally for a technological advancement that
11 promotes the nonlethal management of
12 human-wildlife conflicts.

13 (C) ADVISORY BOARD.—

14 (i) ESTABLISHMENT.—There is estab-
15 lished an advisory board, to be known as
16 the “Nonlethal Management of Human-
17 Wildlife Conflicts Technology Advisory
18 Board”.

19 (ii) COMPOSITION.—The Board shall
20 be composed of not fewer than 9 members
21 appointed by the Secretary, who shall pro-
22 vide expertise in—

23 (I) nonlethal wildlife manage-
24 ment;

- 1 (II) social aspects of human-wild-
- 2 life conflict management;
- 3 (III) biology;
- 4 (IV) technology development;
- 5 (V) engineering;
- 6 (VI) economics;
- 7 (VII) business development and
- 8 management; and
- 9 (VIII) any other discipline, as the
- 10 Secretary determines to be necessary
- 11 to achieve the purposes of this para-
- 12 graph.

13 (iii) DUTIES.—Subject to clause (iv),
14 with respect to the prize competition, the
15 Board shall—

- 16 (I) select a topic;
- 17 (II) issue a problem statement;
- 18 (III) advise the Secretary regard-
- 19 ing any opportunity for technological
- 20 innovation to promote the nonlethal
- 21 management of human-wildlife con-
- 22 flicts; and
- 23 (IV) advise winners of the prize
- 24 competition regarding opportunities to
- 25 pilot and implement winning tech-

1 nologies in relevant fields, including in
2 partnership with conservation organi-
3 zations, Federal or State agencies,
4 federally recognized Indian tribes, pri-
5 vate entities, and research institutions
6 with expertise or interest relating to
7 the nonlethal management of human-
8 wildlife conflicts.

9 (iv) CONSULTATION.—In selecting a
10 topic and issuing a problem statement for
11 the prize competition under subclauses (I)
12 and (II) of subparagraph (C), respectively,
13 the Board shall consult widely with Fed-
14 eral and non-Federal stakeholders, includ-
15 ing—

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

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

24 (III) 1 or more State, regional,
25 or local wildlife organizations, the

1 mission of which relates to the man-
2 agement of native wildlife species at
3 risk due to conflict with human activi-
4 ties; and

5 (IV) 1 or more wildlife conserva-
6 tion groups, technology companies, re-
7 search institutions, institutions of
8 higher education, industry associa-
9 tions, or individual stakeholders with
10 an interest in the management of na-
11 tive wildlife species at risk due to con-
12 flict with human activities.

13 (v) REQUIREMENTS.—The Board
14 shall comply with all requirements under
15 paragraph (7)(A).

16 (D) AGREEMENT WITH NATIONAL FISH
17 AND WILDLIFE FOUNDATION.—

18 (i) IN GENERAL.—The Secretary shall
19 offer to enter into an agreement under
20 which the National Fish and Wildlife
21 Foundation shall administer the prize com-
22 petition.

23 (ii) REQUIREMENTS.—An agreement
24 entered into under clause (i) shall comply

1 with all requirements under paragraph
2 (7)(B).

3 (E) JUDGES.—

4 (i) APPOINTMENT.—The Secretary
5 shall appoint not fewer than 3 judges who
6 shall, except as provided in clause (ii), se-
7 lect the 1 or more annual winners of the
8 prize competition.

9 (ii) DETERMINATION BY SEC-
10 RETARY.—The judges appointed under
11 clause (i) shall not select any annual win-
12 ner of the prize competition if the Sec-
13 retary makes a determination that, in any
14 fiscal year, none of the technological ad-
15 vancements entered into the prize competi-
16 tion merits an award.

17 (F) REPORT TO CONGRESS.—Not later
18 than 60 days after the date on which a cash
19 prize is awarded under this paragraph, the Sec-
20 retary shall submit to the Committee on Envi-
21 ronment and Public Works of the Senate and
22 the Committee on Natural Resources of the
23 House of Representatives a report on the prize
24 competition that includes—

1 (i) a statement by the Board that de-
2 scribes the activities carried out by the
3 Board relating to the duties described in
4 subparagraph (C)(iii);

5 (ii) if the Secretary has entered into
6 an agreement under subparagraph (D)(i),
7 a statement by the National Fish and
8 Wildlife Foundation that describes the ac-
9 tivities carried out by the National Fish
10 and Wildlife Foundation relating to the du-
11 ties described in paragraph (7)(B); and

12 (iii) a statement by 1 or more of the
13 judges appointed under subparagraph (E)
14 that explains the basis on which the winner
15 of the cash prize was selected.

16 (G) TERMINATION OF AUTHORITY.—The
17 Board and all authority provided under this
18 paragraph shall terminate on December 31,
19 2023.

20 (7) ADMINISTRATION OF PRIZE COMPETI-
21 TIONS.—

22 (A) ADDITIONAL REQUIREMENTS FOR AD-
23 VISORY BOARDS.—An advisory board estab-
24 lished under paragraph (2)(C)(i), (3)(C)(i),
25 (4)(C)(i), (5)(C)(i), or (6)(C)(i) (referred to in

1 participate in a meeting of the
2 Board through the use of—

3 (AA) teleconferencing;

4 or

5 (BB) any other remote
6 business telecommunications
7 method that allows each
8 participating member to si-
9 multaneously hear each
10 other participating member
11 during the meeting.

12 (bb) PRESENCE.—A member
13 of the Board who participates in
14 a meeting remotely under item
15 (aa) shall be considered to be
16 present at the meeting.

17 (iv) QUORUM.—A majority of the
18 members of the Board shall constitute a
19 quorum, but a lesser number of members
20 may hold a meeting.

21 (v) CHAIRPERSON AND VICE CHAIR-
22 PERSON.—The Board shall select a Chair-
23 person and Vice Chairperson from among
24 the members of the Board.

1 (vi) ADMINISTRATIVE COST REDUC-
2 TION.—The Board shall, to the maximum
3 extent practicable, minimize the adminis-
4 trative costs of the Board, including by en-
5 couraging the remote participation de-
6 scribed in clause (iii)(II)(aa) to reduce
7 travel costs.

8 (B) AGREEMENTS WITH NATIONAL FISH
9 AND WILDLIFE FOUNDATION.—Any agreement
10 entered into under paragraph (2)(D)(i),
11 (3)(D)(i), (4)(D)(i), (5)(D)(i), or (6)(D)(i) shall
12 comply with the following requirements:

13 (i) DUTIES.—An agreement shall pro-
14 vide that the National Fish and Wildlife
15 Foundation shall—

16 (I) advertise the prize competi-
17 tion;

18 (II) solicit prize competition par-
19 ticipants;

20 (III) administer funds relating to
21 the prize competition;

22 (IV) receive Federal funds—

23 (aa) to administer the prize
24 competition; and

25 (bb) to award a cash prize;

1 (V) carry out activities to gen-
2 erate contributions of non-Federal
3 funds to offset, in whole or in part—

4 (aa) the administrative costs
5 of the prize competition; and

6 (bb) the costs of a cash
7 prize;

8 (VI) in consultation with, and
9 subject to final approval by, the Sec-
10 retary, develop criteria for the selec-
11 tion of prize competition winners;

12 (VII) provide advice and con-
13 sultation to the Secretary on the se-
14 lection of judges under paragraphs
15 (2)(E), (3)(E), (4)(E), (5)(E), and
16 (6)(E) based on criteria developed in
17 consultation with, and subject to the
18 final approval of, the Secretary;

19 (VIII) announce 1 or more an-
20 nual winners of the prize competition;

21 (IX) subject to clause (ii), award
22 1 cash prize annually; and

23 (X) protect against unauthorized
24 use or disclosure by the National Fish
25 and Wildlife Foundation of any trade

1 secret or confidential business infor-
2 mation of a prize competition partici-
3 pant.

4 (ii) ADDITIONAL CASH PRIZES.—An
5 agreement shall provide that the National
6 Fish and Wildlife Foundation may award
7 more than 1 cash prize annually if the ini-
8 tial cash prize referred to in clause (i)(IX)
9 and any additional cash prize are awarded
10 using only non-Federal funds.

11 (iii) SOLICITATION OF FUNDS.—An
12 agreement shall provide that the National
13 Fish and Wildlife Foundation—

14 (I) may request and accept Fed-
15 eral funds and non-Federal funds for
16 a cash prize;

17 (II) may accept a contribution
18 for a cash prize in exchange for the
19 right to name the prize; and

20 (III) shall not give special consid-
21 eration to any Federal agency or non-
22 Federal entity in exchange for a dona-
23 tion for a cash prize awarded under
24 this subsection.

25 (C) AWARD AMOUNTS.—

1 (i) IN GENERAL.—The amount of the
2 initial cash prize referred to in subpara-
3 graph (B)(i)(IX) shall be \$100,000.

4 (ii) ADDITIONAL CASH PRIZES.—On
5 notification by the National Fish and Wild-
6 life Foundation that non-Federal funds are
7 available for an additional cash prize, the
8 Secretary shall determine the amount of
9 the additional cash prize.

116TH CONGRESS
1ST SESSION

S. 163

To prevent catastrophic failure or shutdown of remote diesel power engines due to emission control devices, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 16, 2019

Mr. SULLIVAN (for himself and Ms. MURKOWSKI) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To prevent catastrophic failure or shutdown of remote diesel power engines due to emission control devices, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Alaska Remote Gener-
5 ator Reliability and Protection Act”.

6 **SEC. 2. REVISION OF REGULATIONS REQUIRED.**

7 (a) IN GENERAL.—The Administrator of the Envi-
8 ronmental Protection Agency shall revise section
9 60.4216(c) of title 40, Code of Federal Regulations (as

1 in effect on the date of enactment of this Act), by striking
2 “that was not certified” and all that follows through
3 “compared to engine-out emissions” and inserting “must
4 have that engine certified as meeting at least Tier 3 PM
5 standards”.

6 (b) EMISSIONS AND ENERGY RELIABILITY STUDY.—
7 Not later than 1 year after the date of enactment of this
8 Act, the Administrator of the Environmental Protection
9 Agency, in consultation with the Secretary of Energy,
10 shall submit to the Committee on Environment and Public
11 Works of the Senate and the Committee on Energy and
12 Commerce of the House of Representatives a report as-
13 sessing options for the Federal Government to assist re-
14 mote areas in the State of Alaska in meeting the energy
15 needs of those areas in an affordable and reliable manner
16 using—

- 17 (1) existing emissions control technology; or
- 18 (2) other technology that achieves emissions re-
19 ductions similar to the technology described in para-
20 graph (1).

○

116TH CONGRESS
1ST SESSION

S. 94

To amend the Pittman-Robertson Wildlife Restoration Act to facilitate the establishment of additional or expanded public target ranges in certain States.

IN THE SENATE OF THE UNITED STATES

JANUARY 10, 2019

Mrs. CAPITO (for herself, Mr. BENNET, Mr. BOOZMAN, Mr. CRAPO, Ms. ERNST, Mr. KING, Mr. MANCHIN, Mr. RISCH, Mr. ROUNDS, and Mr. SULLIVAN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Pittman-Robertson Wildlife Restoration Act to facilitate the establishment of additional or expanded public target ranges in certain States.

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 “Target Practice and
5 Marksmanship Training Support Act”.

6 **SEC. 2. FINDINGS; PURPOSE.**

7 (a) FINDINGS.—Congress finds that—

8 (1) the use of firearms and archery equipment
9 for target practice and marksmanship training ac-

1 activities on Federal land is allowed, except to the ex-
2 tent specific portions of that land have been closed
3 to those activities;

4 (2) in recent years preceding the date of enact-
5 ment of this Act, portions of Federal land have been
6 closed to target practice and marksmanship training
7 for many reasons;

8 (3) the availability of public target ranges on
9 non-Federal land has been declining for a variety of
10 reasons, including continued population growth and
11 development near former ranges;

12 (4) providing opportunities for target practice
13 and marksmanship training at public target ranges
14 on Federal and non-Federal land can help—

15 (A) to promote enjoyment of shooting, rec-
16 reational, and hunting activities; and

17 (B) to ensure safe and convenient locations
18 for those activities;

19 (5) Federal law in effect on the date of enact-
20 ment of this Act, including the Pittman-Robertson
21 Wildlife Restoration Act (16 U.S.C. 669 et seq.),
22 provides Federal support for construction and ex-
23 pansion of public target ranges by making available
24 to States amounts that may be used for construc-

1 tion, operation, and maintenance of public target
2 ranges; and

3 (6) it is in the public interest to provide in-
4 creased Federal support to facilitate the construction
5 or expansion of public target ranges.

6 (b) PURPOSE.—The purpose of this Act is to facili-
7 tate the construction and expansion of public target
8 ranges, including ranges on Federal land managed by the
9 Forest Service and the Bureau of Land Management.

10 **SEC. 3. DEFINITION OF PUBLIC TARGET RANGE.**

11 In this Act, the term “public target range” means
12 a specific location that—

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

15 (2) is open to the public;

16 (3) may be supervised; and

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

19 **SEC. 4. AMENDMENTS TO PITTMAN-ROBERTSON WILDLIFE
20 RESTORATION ACT.**

21 (a) DEFINITIONS.—Section 2 of the Pittman-Robert-
22 son Wildlife Restoration Act (16 U.S.C. 669a) is amend-
23 ed—

24 (1) by redesignating paragraphs (2) through
25 (8) as paragraphs (3) through (9), respectively; and

1 (2) by inserting after paragraph (1) the fol-
2 lowing:

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

5 “(A) is identified by a governmental agen-
6 cy for recreational shooting;

7 “(B) is open to the public;

8 “(C) may be supervised; and

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

11 (b) EXPENDITURES FOR MANAGEMENT OF WILD-
12 LIFE AREAS AND RESOURCES.—Section 8(b) of the Pitt-
13 man-Robertson Wildlife Restoration Act (16 U.S.C.
14 669g(b)) is amended—

15 (1) by striking “(b) Each State” and inserting
16 the following:

17 “(b) EXPENDITURES FOR MANAGEMENT OF WILD-
18 LIFE AREAS AND RESOURCES.—

19 “(1) IN GENERAL.—Except as provided in para-
20 graph (2), each State”;

21 (2) in paragraph (1) (as so designated), by
22 striking “construction, operation,” and inserting
23 “operation”;

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

1 “(3) NON-FEDERAL SHARE.—The non-Federal
2 share”;

3 (4) in the third sentence, by striking “The Sec-
4 retary” and inserting the following:

5 “(4) REGULATIONS.—The Secretary”; and

6 (5) by inserting after paragraph (1) (as des-
7 ignated by paragraph (1) of this subsection) the fol-
8 lowing:

9 “(2) EXCEPTION.—Notwithstanding the limita-
10 tion described in paragraph (1), a State may pay up
11 to 90 percent of the cost of acquiring land for, ex-
12 panding, or constructing a public target range.”.

13 (c) FIREARM AND BOW HUNTER EDUCATION AND
14 SAFETY PROGRAM GRANTS.—Section 10 of the Pittman-
15 Robertson Wildlife Restoration Act (16 U.S.C. 669h-1)
16 is amended—

17 (1) in subsection (a), by adding at the end the
18 following:

19 “(3) ALLOCATION OF ADDITIONAL AMOUNTS.—
20 Of the amount apportioned to a State for any fiscal
21 year under section 4(b), the State may elect to allo-
22 cate not more than 10 percent, to be combined with
23 the amount apportioned to the State under para-
24 graph (1) for that fiscal year, for acquiring land for,
25 expanding, or constructing a public target range.”;

1 (2) by striking subsection (b) and inserting the
2 following:

3 “(b) COST SHARING.—

4 “(1) IN GENERAL.—Except as provided in para-
5 graph (2), the Federal share of the cost of any activ-
6 ity carried out using a grant under this section shall
7 not exceed 75 percent of the total cost of the activ-
8 ity.

9 “(2) PUBLIC TARGET RANGE CONSTRUCTION OR
10 EXPANSION.—The Federal share of the cost of ac-
11 quiring land for, expanding, or constructing a public
12 target range in a State on Federal or non-Federal
13 land pursuant to this section or section 8(b) shall
14 not exceed 90 percent of the cost of the activity.”;
15 and

16 (3) in subsection (c)(1)—

17 (A) by striking “Amounts made” and in-
18 serting the following:

19 “(A) IN GENERAL.—Except as provided in
20 subparagraph (B), amounts made”; and

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

22 “(B) EXCEPTION.—Amounts provided for
23 acquiring land for, constructing, or expanding a
24 public target range shall remain available for
25 expenditure and obligation during the 5-fiscal-

1 year period beginning on October 1 of the first
2 fiscal year for which the amounts are made
3 available.”.

4 **SEC. 5. SENSE OF CONGRESS REGARDING COOPERATION.**

5 It is the sense of Congress that, consistent with appli-
6 cable laws and regulations, the Chief of the Forest Service
7 and the Director of the Bureau of Land Management
8 should cooperate with State and local authorities and
9 other entities to carry out waste removal and other activi-
10 ties on any Federal land used as a public target range
11 to encourage continued use of that land for target practice
12 or marksmanship training.

○

116TH CONGRESS
1ST SESSION

S. 310

To amend the Neotropical Migratory Bird Conservation Act to reauthorize the Act.

IN THE SENATE OF THE UNITED STATES

Mr. CARDIN (for himself, Mr. PORTMAN, Mr. LEAHY, Mrs. FEINSTEIN, Mr. CARPER, Mr. WHITEHOUSE, Mr. UDALL, Mr. MERKLEY, Mr. COONS, Mr. MARKEY, and Mr. VAN HOLLEN) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Neotropical Migratory Bird Conservation Act to reauthorize the Act.

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 “Migratory Birds of
5 the Americas Conservation Act”.

1 **SEC. 2. REAUTHORIZATION OF NEOTROPICAL MIGRATORY**
2 **BIRD CONSERVATION ACT.**

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

6 **“SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

7 “(a) IN GENERAL.—There is authorized to be appro-
8 priated to carry out this Act \$6,500,000 for each of fiscal
9 years 2020 through 2024.

10 “(b) USE OF FUNDS.—Of the amounts made avail-
11 able under subsection (a) for each fiscal year, not less than
12 75 percent shall be expended for projects carried out at
13 a location outside of the United States.”.

**UNITED STATES SENATE - OFFICE OF THE SECRETARY
NOMINATION REFERENCE AND REPORT RECEIPT**

REFERRED TO COMMITTEE: Environment and Public Works HSOB-407

DATE DELIVERED: January 3, 2019 TRANSMITTED BY E-MAIL

Department of Transportation

PN2

Nicole R. Nason, of New York, to be Administrator of the Federal Highway Administration,
Vice Gregory Guy Nadeau.

**UNITED STATES SENATE - OFFICE OF THE SECRETARY
NOMINATION REFERENCE AND REPORT RECEIPT**

REFERRED TO COMMITTEE: Environment and Public Works HSOB-407

DATE DELIVERED: January 9, 2019 TRANSMITTED BY E-MAIL

Environmental Protection Agency

PN22

Andrew Wheeler, of Virginia, to be Administrator of the Environmental Protection Agency,
vice Scott Pruitt.

**UNITED STATES SENATE - OFFICE OF THE SECRETARY
NOMINATION REFERENCE AND REPORT RECEIPT**

REFERRED TO COMMITTEE: Environment and Public Works HSOB-407

DATE DELIVERED: January 16, 2019 TRANSMITTED BY E-MAIL

Department of Commerce

PN78

John Fleming, of Louisiana, to be Assistant Secretary of Commerce for Economic Development, vice Roy K. J. Williams.

Tennessee Valley Authority

PN79

John L. Ryder, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2021, vice Michael McWherter, term expired.

Environmental Protection Agency

PN80

Peter C. Wright, of Michigan, to be Assistant Administrator, Office of Solid Waste, Environmental Protection Agency, vice Mathy Stanislaus.

116TH CONGRESS
1ST SESSION

S. RES. 41

Authorizing expenditures by the Committee on Environment and Public Works.

IN THE SENATE OF THE UNITED STATES

Mr. BARRASSO, from the Committee on Environment and Public Works, reported the following original resolution; which was

RESOLUTION

Authorizing expenditures by the Committee on Environment and Public Works.

- 1 *Resolved,*
- 2 **SECTION 1. GENERAL AUTHORITY.**
- 3 In carrying out its powers, duties, and functions
- 4 under the Standing Rules of the Senate, in accordance
- 5 with its jurisdiction under rule XXV of the Standing Rules
- 6 of the Senate, including holding hearings, reporting such
- 7 hearings, and making investigations as authorized by
- 8 paragraphs 1 and 8 of rule XXVI of the Standing Rules
- 9 of the Senate, the Committee on Environment and Public
- 10 Works (in this resolution referred to as the "committee")

1 is authorized from March 1, 2019 through February 28,
2 2021, in its discretion, to—

3 (1) make expenditures from the contingent fund
4 of the Senate;

5 (2) employ personnel; and

6 (3) with the prior consent of the Government
7 department or agency concerned and the Committee
8 on Rules and Administration, use on a reimbursable
9 or nonreimbursable basis the services of personnel of
10 any such department or agency.

11 **SEC. 2. EXPENSES.**

12 (a) EXPENSES FOR PERIOD ENDING SEPTEMBER 30,
13 2019.—The expenses of the committee for the period
14 March 1, 2019 through September 30, 2019 under this
15 resolution shall not exceed \$3,183,482, of which amount—

16 (1) not to exceed \$4,666 may be expended for
17 the procurement of the services of individual consult-
18 ants, or organizations thereof (as authorized by sec-
19 tion 202(i) of the Legislative Reorganization Act of
20 1946 (2 U.S.C. 4301(i)); and

21 (2) not to exceed \$1,166 may be expended for
22 the training of the professional staff of the com-
23 mittee (under procedures specified by section 202(j)
24 of that Act).

1 (b) EXPENSES FOR FISCAL YEAR 2020 PERIOD.—
2 The expenses of the committee for the period October 1,
3 2019 through September 30, 2020 under this resolution
4 shall not exceed \$5,457,399, of which amount—

5 (1) not to exceed \$8,000 may be expended for
6 the procurement of the services of individual consult-
7 ants, or organizations thereof (as authorized by sec-
8 tion 202(i) of the Legislative Reorganization Act of
9 1946 (2 U.S.C. 4301(i))); and

10 (2) not to exceed \$2,000 may be expended for
11 the training of the professional staff of the com-
12 mittee (under procedures specified by section 202(j)
13 of that Act).

14 (c) EXPENSES FOR PERIOD ENDING FEBRUARY 28,
15 2021.—The expenses of the committee for the period Oc-
16 tober 1, 2020 through February 28, 2021 under this reso-
17 lution shall not exceed \$2,273,917, of which amount—

18 (1) not to exceed \$3,334 may be expended for
19 the procurement of the services of individual consult-
20 ants, or organizations thereof (as authorized by sec-
21 tion 202(i) of the Legislative Reorganization Act of
22 1946 (2 U.S.C. 4301(i))); and

23 (2) not to exceed \$834 may be expended for the
24 training of the professional staff of the committee

1 (under procedures specified by section 202(j) of that
2 Act).

3 **SEC. 3. EXPENSES AND AGENCY CONTRIBUTIONS.**

4 (a) **EXPENSES OF THE COMMITTEE.—**

5 (1) **IN GENERAL.—**Except as provided in para-
6 graph (2), expenses of the committee under this res-
7 olution shall be paid from the contingent fund of the
8 Senate upon vouchers approved by the chairman of
9 the committee.

10 (2) **VOUCHERS NOT REQUIRED.—**Vouchers shall
11 not be required for—

12 (A) the disbursement of salaries of employ-
13 ees paid at an annual rate;

14 (B) the payment of telecommunications
15 provided by the Office of the Sergeant at Arms
16 and Doorkeeper;

17 (C) the payment of stationery supplies pur-
18 chased through the Keeper of the Stationery;

19 (D) payments to the Postmaster of the
20 Senate;

21 (E) the payment of metered charges on
22 copying equipment provided by the Office of the
23 Sergeant at Arms and Doorkeeper;

24 (F) the payment of Senate Recording and
25 Photographic Services; or

1 (G) the payment of franked and mass mail
2 costs by the Sergeant at Arms and Doorkeeper.

3 (b) AGENCY CONTRIBUTIONS.—There are authorized
4 to be paid from the appropriations account for “Expenses
5 of Inquiries and Investigations” of the Senate such sums
6 as may be necessary for agency contributions related to
7 the compensation of employees of the committee—

8 (1) for the period March 1, 2019 through Sep-
9 tember 30, 2019;

10 (2) for the period October 1, 2019 through Sep-
11 tember 30, 2020; and

12 (3) for the period October 1, 2020 through
13 February 28, 2021.

COMMITTEE RESOLUTION**LEASE
U.S. DEPARTMENT OF VETERANS AFFAIRS
SAN DIEGO, CA
PCA-01-VA19****RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for a lease of approximately 99,986 net usable square feet of space, including approximately 550 parking spaces, for the U.S. Department of Veterans Affairs for a Community Based Outpatient Clinic in San Diego, California, at a proposed unserviced annual cost of \$5,844,182, for a lease of term of up to 20 years, a description of which is attached hereto and by reference made part of this resolution, is approved. This resolution amends the Prospectus No. PCA-01-VA17 approved by the Committee on November 29, 2017.

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

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

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

Provided further, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.

Provided further, the Administrator of General Services may not enter into this lease if it does not contain a provision barring any individual holding a Federally-elected office, regardless of whether such individual took office before or after execution of this lease, to directly participate in, or benefit from or under this lease or any part thereof and that such provision provide that if this lease is found to have been made in violation of the foregoing prohibition or it is found that this prohibition has been violated during the term of the lease, the lease shall be void, except that the foregoing limitation shall not apply if the lease is entered into with a publicly-held corporation or publicly-held entity for the general benefit of such corporation or entity.

Provided further, prior to entering into this lease or approving a novation agreement involving a change of ownership under this lease, the Administrator of General Services shall require the offeror or the parties requesting the novation, as applicable, to identify and disclose whether the owner of the leased space, including an entity involved in the financing thereof, is a foreign person or a foreign-owned entity; provided further, in such an instance, the Administrator of General Services shall notify the occupant

agency(ies) in writing, and consult with such occupant agency(ies) regarding security concerns and necessary mitigation measures (if any) prior to award of the lease or approval of the novation agreement.

Chairman

Ranking Member

Adopted: February 5, 2019

COMMITTEE RESOLUTION

LEASE
DEPARTMENT OF HOMELAND SECURITY
SECRET SERVICE
BROOKLYN, NY
PNY-04-BR18

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

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for a lease of approximately 92,210 rentable square feet of space, for the Department of Homeland Security (DHS)-Secret Service (USSS) currently located in the Renaissance Plaza Building at 335 Adams Street in Brooklyn, New York at a proposed total annual cost of \$5,593,459 for a lease term of up to 5 years, a description of which is attached hereto and by reference made part of this resolution, is approved.

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

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

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

Provided further, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.

Provided further, the Administrator of General Services may not enter into this lease if it does not contain a provision barring any individual holding a Federally-elected office, regardless of whether such individual took office before or after execution of this lease, to directly participate in, or benefit from or under this lease or any part thereof and that such provision provide that if this lease is found to have been made in violation of the foregoing prohibition or it is found that this prohibition has been violated during the term of the lease, the lease shall be void, except that the foregoing limitation shall not apply if the lease is entered into with a publicly-held corporation or publicly-held entity for the general benefit of such corporation or entity.

Provided further, prior to entering into this lease or approving a novation agreement involving a change of ownership under this lease, the Administrator of General Services shall require the offeror or the parties requesting the novation, as applicable, to identify and disclose whether the owner of the leased space, including an entity involved in the financing thereof, is a foreign person or a foreign-owned entity; provided further, in such an instance, the Administrator of General Services shall notify the occupant

agency(ies) in writing, and consult with such occupant agency(ies) regarding security concerns and necessary mitigation measures (if any) prior to award of the lease or approval of the novation agreement.

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

Chairman

Ranking Member

Adopted: February 5, 2019

COMMITTEE RESOLUTION

**NEW U.S. COURTHOUSE
HUNTSVILLE, AL
PAL-CTC-HU18**

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

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for the site work, design, and construction of a new U.S. Courthouse of approximately 123,100 gross square feet, including approximately 26 parking spaces, in Huntsville, Alabama at a site work cost of \$1,150,000, a design cost of \$6,504,000, an estimated construction cost of \$73,799,000, and a management and inspection cost of \$5,010,000 for a total estimated project cost of \$86,463,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

Provided, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.

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

Chairman

Ranking Member

Adopted: February 5, 2019

COMMITTEE RESOLUTION

**NEW U.S. COURTHOUSE
FORT LAUDERDALE, FL
PFL-CTC-FL18**

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

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for the site acquisition and related site work, design, and construction of a new U.S. Courthouse of approximately 255,000 gross square feet, including approximately 50 inside parking spaces, in Fort Lauderdale, Florida, at a site cost of \$15,675,000, a design cost of \$12,670,000, an estimated construction cost of \$152,365,000, and a management and inspection cost of \$9,290,000 for a total estimated project cost of \$190,000,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

Provided, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.

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

Chairman

Ranking Member

Adopted: February 5, 2019

COMMITTEE RESOLUTION**LEASE
SECURITIES AND EXCHANGE COMMISSION
NEW YORK, NY
PNY-05-NY19****RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF
THE UNITED STATES SENATE**

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for a lease of approximately 207,000 rentable square feet of space for the Securities and Exchange Commission currently located at 200 Vesey Street in New York, New York at a proposed total annual cost of \$14,332,680 for a lease term of up to 20 years, a description of which is attached to and included in this resolution, is approved.

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

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

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

Provided further, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.

Provided further, the Administrator of General Services may not enter into this lease if it does not contain a provision barring any individual holding a Federally-elected office, regardless of whether such individual took office before or after execution of this lease, to directly participate in, or benefit from or under this lease or any part thereof and that such provision provide that if this lease is found to have been made in violation of the foregoing prohibition or it is found that this prohibition has been violated during the term of the lease, the lease shall be void, except that the foregoing limitation shall not apply if the lease is entered into with a publicly-held corporation or publicly-held entity for the general benefit of such corporation or entity.

Provided further, prior to entering into this lease or approving a novation agreement involving a change of ownership under this lease, the Administrator of General Services shall require the offeror or the parties requesting the novation, as applicable, to identify and disclose whether the owner of the leased space, including an entity involved in the financing thereof, is a foreign person or a foreign-owned entity; provided further, in such an instance, the Administrator of General Services shall notify the occupant agency(ies) in writing, and consult with such occupant agency(ies) regarding security concerns and necessary mitigation measures (if any) prior to award of the lease or approval of the novation agreement.

Chairman

Ranking Member

Adopted: February 5, 2019

AMENDED COMMITTEE RESOLUTION

**CONSTRUCTION
U.S. LAND PORT OF ENTRY
CALEXICO, CA
PCA-BSC-CA19**

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

that pursuant to title 40 U.S.C. § 3307, additional appropriations are authorized for Phase II of a two-phase project to reconfigure and expand the existing land port of entry in Calexico, California at an additional design cost of \$970,000, an additional estimated construction cost of \$14,847,000 and a reduction of management and inspection cost of \$1,625,000 for a total additional cost of \$14,192,000, a prospectus for which is attached to and included in this resolution. This resolution amends the authorization of the Committee on April 28, 2015 of Prospectus No. PCA-BSC-CA15.

Provided, that the Administrator shall provide to the Chairman or Ranking Member of the Committee on Environment and Public Works of the Senate, in a timely manner, requested documents and information regarding this prospectus and resulting contractual materials, without redaction other than redactions to exclude business confidential, proprietary, and/or procurement sensitive information.

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

Chairman

Ranking Member

Adopted: February 5, 2019

116th Congress }
1st Session }

COMMITTEE PRINT

{ S. PRT
{ 116-1

RULES OF PROCEDURE
OF THE
COMMITTEE ON
ENVIRONMENT AND PUBLIC WORKS
UNITED STATES SENATE



ADOPTED FEBRUARY 5, 2019

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

U.S. GOVERNMENT PUBLISHING OFFICE

34-134 PDF

WASHINGTON : 2019

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

ONE HUNDRED SIXTEENTH CONGRESS, FIRST SESSION

JOHN BARRASSO, Wyoming, *Chairman*

JAMES M. INHOFE, Oklahoma	THOMAS R. CARPER, Delaware
SHELLEY MOORE CAPITO, West Virginia	BENJAMIN L. CARDIN, Maryland
KEVIN CRAMER, North Dakota	BERNARD SANDERS, Vermont
MIKE BRAUN, Indiana	SHELDON WHITEHOUSE, Rhode Island
MIKE ROUNDS, South Dakota	JEFF MERKLEY, Oregon
DAN SULLIVAN, Alaska	KIRSTEN GILLIBRAND, New York
JOHN BOOZMAN, Arkansas	CORY A. BOOKER, New Jersey
ROGER WICKER, Mississippi	EDWARD J. MARKEY, Massachusetts
RICHARD SHELBY, Alabama	TAMMY DUCKWORTH, Illinois
JONI ERNST, Iowa	CHRIS VAN HOLLEN, Maryland

RICHARD M. RUSSELL, *Majority Staff Director*

MARY FRANCES REPKO, *Minority Staff Director*

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Jurisdiction

Rule XXV, Standing Rules of the Senate

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

* * * * * * *

(h)(1) Committee on Environment and Public Works, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Air pollution.
2. Construction and maintenance of highways.
3. Environmental aspects of Outer Continental Shelf lands.
4. Environmental effects of toxic substances, other than pesticides.
5. Environmental policy.
6. Environmental research and development.
7. Fisheries and wildlife.
8. Flood control and improvements of rivers and harbors, including environmental aspects of deepwater ports.
9. Noise pollution.
10. Nonmilitary environmental regulation and control of nuclear energy.
11. Ocean dumping.
12. Public buildings and improved grounds of the United States generally, including Federal buildings in the District of Columbia.
13. Public works, bridges, and dams.
14. Regional economic development.
15. Solid waste disposal and recycling.
16. Water pollution.
17. Water resources.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to environmental protection and resource utilization and conservation, and report thereon from time to time.

RULES OF PROCEDURE**RULE 1. COMMITTEE MEETINGS IN GENERAL**

(a) **REGULAR MEETING DAYS:** For purposes of complying with paragraph 3 of Senate Rule XXVI, the regular meeting day of the committee is the first and third Thursday of each month at 10:00 a.m. If there is no business before the committee, the regular meeting shall be omitted.

(b) **ADDITIONAL MEETINGS:** The chair may call additional meetings, after consulting with the ranking minority member. Subcommittee chairs may call meetings, with the concurrence of the chair, after consulting with the ranking minority members of the subcommittee and the committee.

(c) **PRESIDING OFFICER:**

(1) The chair shall preside at all meetings of the committee. If the chair is not present, the ranking majority member shall preside.

(2) Subcommittee chairs shall preside at all meetings of their subcommittees. If the subcommittee chair is not present, the ranking majority member of the subcommittee shall preside.

(3) Notwithstanding the rule prescribed by paragraphs (1) and (2), any member of the committee may preside at a hearing.

(d) **OPEN MEETINGS:** Meetings of the committee and subcommittees, including hearings and business meetings, are open to the public. A portion of a meeting may be closed to the public if the committee determines by roll call vote of a majority of the members present that the matters to be discussed or the testimony to be taken—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) relate solely to matters of committee staff personnel or internal staff management or procedure; or

(3) constitute any other grounds for closure under paragraph 5(b) of Senate Rule XXVI.

(e) **BROADCASTING:**

(1) Public meetings of the committee or a subcommittee may be televised, broadcast, or recorded by a member of the Senate press gallery or an employee of the Senate.

(2) Any member of the Senate Press Gallery or employee of the Senate wishing to televise, broadcast, or record a committee meeting must notify the staff director or the staff director's designee by 5:00 p.m. the day before the meeting.

(3) During public meetings, any person using a camera, microphone, or other electronic equipment may not position or use the equipment in a way that interferes with the seating, vision, or hearing of committee members or staff on the dais, or with the orderly process of the meeting.

RULE 2. QUORUMS

(a) **BUSINESS MEETINGS:** At committee business meetings, and for the purpose of approving the issuance of a subpoena or approving

a committee resolution, seven members of the committee, at least two of whom are members of the minority party, constitute a quorum, except as provided in subsection (d).

(b) SUBCOMMITTEE MEETINGS: At subcommittee business meetings, a majority of the subcommittee members, at least one of whom is a member of the minority party, constitutes a quorum for conducting business.

(c) CONTINUING QUORUM: Once a quorum as prescribed in subsections (a) and (b) has been established, the committee or subcommittee may continue to conduct business.

(d) REPORTING: No measure or matter may be reported to the Senate by the committee unless a majority of committee members cast votes in person.

(e) HEARINGS: One member constitutes a quorum for conducting a hearing.

RULE 3. HEARINGS

(a) ANNOUNCEMENTS: Before the committee or a subcommittee holds a hearing, the chair of the committee or subcommittee shall make a public announcement and provide notice to members of the date, place, time, and subject matter of the hearing. The announcement and notice shall be issued at least one week in advance of the hearing, unless the chair of the committee or subcommittee, with the concurrence of the ranking minority member of the committee or subcommittee, determines that there is good cause to provide a shorter period, in which event the announcement and notice shall be issued at least twenty-four hours in advance of the hearing.

(b) STATEMENTS OF WITNESSES:

(1) A witness who is scheduled to testify at a hearing of the committee or a subcommittee shall file 100 copies of the written testimony at least 48 hours before the hearing. If a witness fails to comply with this requirement, the presiding officer may preclude the witness' testimony. This rule may be waived for field hearings, except for witnesses from the Federal Government.

(2) Any witness planning to use at a hearing any exhibit such as a chart, graph, diagram, photo, map, slide, or model must submit one identical copy of the exhibit (or representation of the exhibit in the case of a model) and 100 copies reduced to letter or legal paper size at least 48 hours before the hearing. Any exhibit described above that is not provided to the committee at least 48 hours prior to the hearing cannot be used for purpose of presenting testimony to the committee and will not be included in the hearing record.

(3) The presiding officer at a hearing may have a witness confine the oral presentation to a summary of the written testimony.

(4) Notwithstanding a request that a document be embargoed, any document that is to be discussed at a hearing, including, but not limited to, those produced by the General Accounting Office, Congressional Budget Office, Congressional Research Service, a Federal agency, an Inspector General, or a nongovernmental entity, shall be provided to all members of the committee at least 72 hours before the hearing.

RULE 4. BUSINESS MEETINGS: NOTICE AND FILING REQUIREMENTS

(a) **NOTICE:** The chair of the committee or the subcommittee shall provide notice, the agenda of business to be discussed, and the text of agenda items to members of the committee or subcommittee at least 72 hours before a business meeting. If the 72 hours falls over a weekend, all materials will be provided by close of business on Friday.

(b) **AMENDMENTS:** First-degree amendments must be filed with the chair of the committee or the subcommittee at least 24 hours before a business meeting. After the filing deadline, the chair shall promptly distribute all filed amendments to the members of the committee or subcommittee.

(c) **MODIFICATIONS:** The chair of the committee or the subcommittee may modify the notice and filing requirements to meet special circumstances, with the concurrence of the ranking member of the committee or subcommittee.

RULE 5. BUSINESS MEETINGS: VOTING**(a) PROXY VOTING:**

(1) Proxy voting is allowed on all measures, amendments, resolutions, or other matters before the committee or a subcommittee.

(2) A member who is unable to attend a business meeting may submit a proxy vote on any matter, in writing, orally, or through personal instructions.

(3) A proxy given in writing is valid until revoked. A proxy given orally or by personal instructions is valid only on the day given.

(b) **SUBSEQUENT VOTING:** Members who were not present at a business meeting and were unable to cast their votes by proxy may record their votes later, so long as they do so that same business day and their vote does not change the outcome.

(c) PUBLIC ANNOUNCEMENT:

(1) Whenever the committee conducts a rollcall vote, the chair shall announce the results of the vote, including a tabulation of the votes cast in favor and the votes cast against the proposition by each member of the committee.

(2) Whenever the committee reports any measure or matter by rollcall vote, the report shall include a tabulation of the votes cast in favor of and the votes cast in opposition to the measure or matter by each member of the committee.

RULE 6. SUBCOMMITTEES

(a) **REGULARLY ESTABLISHED SUBCOMMITTEES:** The committee has four subcommittees: Transportation and Infrastructure; Clean Air and Nuclear Safety; Superfund, Waste Management, and Regulatory Oversight; and Fisheries, Water, and Wildlife.

(b) **MEMBERSHIP:** The committee chair, after consulting with the ranking minority member, shall select members of the subcommittees.

RULE 7. STATUTORY RESPONSIBILITIES AND OTHER MATTERS

(a) ENVIRONMENTAL IMPACT STATEMENTS: No project or legislation proposed by any executive branch agency may be approved or otherwise acted upon unless the committee has received a final environmental impact statement relative to it, in accordance with section 102(2)(C) of the National Environmental Policy Act, and the written comments of the Administrator of the Environmental Protection Agency, in accordance with section 309 of the Clean Air Act. This rule is not intended to broaden, narrow, or otherwise modify the class of projects or legislative proposals for which environmental impact statements are required under section 102(2)(C).

(b) PROJECT APPROVALS:

(1) Whenever the committee authorizes a project under Public Law 89-298, the Rivers and Harbors Act of 1965; Public Law 83-566, the Watershed Protection and Flood Prevention Act; or Public Law 86-249, the Public Buildings Act of 1959, as amended; the chairman shall submit for printing in the Congressional Record, and the committee shall publish periodically as a committee print, a report that describes the project and the reasons for its approval, together with any dissenting or individual views.

(2) Proponents of a committee resolution shall submit appropriate evidence in favor of the resolution.

(c) BUILDING PROSPECTUSES:

(1) When the General Services Administration submits a prospectus, pursuant to section 7(a) of the Public Buildings Act of 1959, as amended, for construction (including construction of buildings for lease by the government), alteration and repair, or acquisition, the committee shall act with respect to the prospectus during the same session in which the prospectus is submitted.

A prospectus rejected by majority vote of the committee or not reported to the Senate during the session in which it was submitted shall be returned to the General Services Administration and must then be resubmitted in order to be considered by the committee during the next session of the Congress.

(2) A report of a building project survey submitted by the General Services Administration to the committee under section 11(b) of the Public Buildings Act of 1959, as amended, may not be considered by the committee as being a prospectus subject to approval by committee resolution in accordance with section 7(a) of that Act. A project described in the report may be considered for committee action only if it is submitted as a prospectus in accordance with section 7(a) and is subject to the provisions of paragraph (1) of this rule.

(d) NAMING PUBLIC FACILITIES: The committee may not name a building, structure or facility for any living person, except former Presidents or former Vice Presidents of the United States, former Members of Congress over 70 years of age, former Justices of the United States Supreme Court over 70 years of age, or Federal judges who are fully retired and over 75 years of age or have taken senior status and are over 75 years of age.

RULE 8. AMENDING THE RULES

The rules may be added to, modified, amended, or suspended by vote of a majority of committee members at a business meeting if a quorum is present.

○

○