

INTERIOR, ENVIRONMENT, FINANCIAL SERVICES AND GENERAL GOVERNMENT, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS ACT, 2019

Mr. MCCONNELL. Mr. President, I ask that the Chair lay before the Senate the message to accompany H.R. 6147.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the House disagree to the amendment of the Senate to the bill (H.R. 6147) entitled "An Act making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2019, and for other purposes.", and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Messrs. Frelinghuysen, Aderholt, Simpson, Calvert, Cole, Diaz-Balart, Graves of Georgia, Young of Iowa, Rutherford, Mrs. Lowey, Messrs. Price of North Carolina, Bishop of Georgia, Ms. McCollum, Mr. Quigley, and Ms. Pingree, be the managers of the conference on the part of the House.

COMPOUND MOTION

Mr. MCCONNELL. Mr. President, I move that the Senate insist on its amendment, agree to the request by the House for a conference, and authorize the Chair to appoint conferees on the part of the Senate at a ratio of 6 to 5.

I know of no further debate on the motion.

The PRESIDING OFFICER. If there is no further debate on the motion, the question is on agreeing to the motion.

The motion was agreed to.

APPOINTMENT OF CONFEREES

The PRESIDING OFFICER. The Chair appoints the following conferees on the part of the Senate:

The PRESIDING OFFICER appointed Ms. MURKOWSKI, Ms. COLLINS, Mr. LANKFORD, Mr. HOEVEN, Mr. SHELBY, Mrs. HYDE-SMITH, Mr. UDALL, Mr. REED, Mr. COONS, Mr. MERKLEY, and Mr. LEAHY conferees on the part of the Senate.

DEPARTMENT OF DEFENSE AND LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION APPROPRIATIONS ACT, 2019

Mr. MCCONNELL. Mr. President, I ask that the Chair lay before the Senate the message to accompany H.R. 6157.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the House disagree to the amendment of the Senate to the bill (H.R. 6157) entitled "An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes.", and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. Frelinghuysen, Ms. Granger, Messrs. Cole, Calvert, Womack,

Aderholt, Rogers of Kentucky, Mrs. Roby, Mrs. Lowey, Mr. Visclosky, Mses. DeLauro, Roybal-Allard, and McCollum, be the managers of the conference on the part of the House.

COMPOUND MOTION

Mr. MCCONNELL. I move that the Senate insist on its amendment, agree to the request of the House for a conference, and authorize the Chair to appoint conferees on the part of the Senate at a ratio of 4 to 3.

I know of no further debate on the motion.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the motion.

The motion was agreed to.

APPOINTMENT OF CONFEREES

The PRESIDING OFFICER. The Chair appoints the following conferees on the part of the Senate:

The Presiding Officer appointed Mr. SHELBY, Mr. BLUNT, Mr. GRAHAM, Mr. MORAN, Mr. DURBIN, Mrs. MURRAY, and Mr. LEAHY conferees on the part of the Senate.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session for the en bloc consideration of the following nominations: Executive Calendar Nos. 1054, 1055, 1056, 1058, and 1059.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the nominations en bloc.

The senior assistant legislative clerk read the nominations of Michael A. Hammer, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Republic of the Congo; Dereck J. Hogan, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Moldova; Philip S. Kosnett, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kosovo; Stephanie Sanders Sullivan, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ghana; and Judy Rising Reinke, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Montenegro.

Thereupon, the Senate proceeded to consider the nominations en bloc.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Sen-

ate vote on the nominations en bloc with no intervening action or debate; that if confirmed, the motions to reconsider be considered made and laid upon the table en bloc; that the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nominations be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the Hammer, Hogan, Kosnett, Sullivan, and Reinke nominations en bloc?

The nominations were confirmed en bloc.

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 1001, 1002, 1003 and all nominations placed on the Secretary's desk in the Foreign Service; that the nominations be confirmed; that the motions to reconsider be considered made and laid upon table with no intervening action or debate; that no further motions be in order; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

IN THE DEPARTMENT OF STATE

Randy W. Berry, of Colorado, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Democratic Republic of Nepal.

Donald Lu, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kyrgyz Republic.

Alaina B. Teplitz, of Colorado, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Socialist Republic of Sri Lanka, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Maldives.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE FOREIGN SERVICE

PN1743 FOREIGN SERVICE nominations (27) beginning Michael Calvert, and ending Marvin Smith, which nominations were received by the Senate and appeared in the Congressional Record of March 12, 2018.

PN1800—1 FOREIGN SERVICE nominations (12) beginning Polly Catherine Dunford-Zahar, and ending William M. Patterson, which nominations were received by the Senate and appeared in the Congressional Record of April 9, 2018.

PN1800—2 FOREIGN SERVICE nomination of Tanya S. Urqueta, which was received by the Senate and appeared in the Congressional Record of April 9, 2018.

PN1801—1 FOREIGN SERVICE nominations (4) beginning Sandillo Banerjee, and ending Robert Peaslee, which nominations were received by the Senate and appeared in the Congressional Record of April 9, 2018.

PN1802—1 FOREIGN SERVICE nomination of Peter A. Malnak, which was received by the Senate and appeared in the Congressional Record of April 9, 2018.

PN1802—2 FOREIGN SERVICE nomination of Maureen A. Shauket, which was received by the Senate and appeared in the Congressional Record of April 9, 2018.

PN2132 FOREIGN SERVICE nomination of Jason Alexander, which was received by the Senate and appeared in the Congressional Record of June 11, 2018.

PN2319 FOREIGN SERVICE nominations (4) beginning Philip S. Goldberg, and ending Daniel Bennett Smith, which nominations were received by the Senate and appeared in the Congressional Record of July 18, 2018.

PN2371 FOREIGN SERVICE nominations (71) beginning Ami J. Abou-Bakr, and ending Emily Yu, which nominations were received by the Senate and appeared in the Congressional Record of July 31, 2018.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume legislative session.

SAGE-GROUSE AND MULE DEER HABITAT CONSERVATION AND RESTORATION ACT OF 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be discharged from further consideration of S. 1417 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title. The legislative clerk read as follows:

A bill (S. 1417) to require the Secretary of the Interior to develop a categorical exclusion for covered vegetative management activities carried out to establish or improve habitat for greater sage-grouse and mule deer, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Hatch amendment at the desk be agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4012) was agreed to as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Sage-Grouse and Mule Deer Habitat Conservation and Restoration Act of 2018”.

SEC. 2. DEFINITIONS.

In this Act:

(1) COVERED VEGETATION MANAGEMENT ACTIVITY.—

(A) IN GENERAL.—The term “covered vegetation management activity” means any activity described in subparagraph (B) that—

(i) is carried out on public land administered by the Bureau of Land Management;

(ii) meets the objectives of the order of the Secretary numbered 3336 and dated January 5, 2015;

(iii) conforms to an applicable land use plan;

(iv) protects, restores, or improves greater sage-grouse or mule deer habitat in a sagebrush steppe ecosystem as described in—

(I) Circular 1416 of the United States Geological Survey entitled “Restoration Handbook for Sagebrush Steppe Ecosystems with Emphasis on Greater Sage-Grouse Habitat—Part 1. Concepts for Understanding and Applying Restoration” (2015); or

(II) the habitat guidelines for mule deer published by the Mule Deer Working Group of the Western Association of Fish and Wildlife Agencies;

(v) will not permanently impair—

(I) the natural state of the treated area;

(II) outstanding opportunities for solitude;

(III) outstanding opportunities for primitive, unconfined recreation;

(IV) economic opportunities consistent with multiple-use management; or

(V) the identified values of a unit of the National Landscape Conservation System; and

(vi)(I) restores native vegetation following a natural disturbance;

(II) prevents the expansion into greater sage-grouse or mule deer habitat of—

(aa) juniper, pinyon pine, or other associated conifers; or

(bb) nonnative or invasive vegetation;

(III) reduces the risk of loss of greater sage-grouse or mule deer habitat from wildfire or any other natural disturbance; or

(IV) provides emergency stabilization of soil resources after a natural disturbance.

(B) DESCRIPTION OF ACTIVITIES.—An activity referred to in subparagraph (A) is—

(i) manual cutting and removal of juniper trees, pinyon pine trees, other associated conifers, or other nonnative or invasive vegetation;

(ii) mechanical mastication, cutting, or mowing, mechanical piling and burning, chaining, broadcast burning, or yarding;

(iii) removal of cheat grass, medusa head rye, or other nonnative, invasive vegetation;

(iv) collection and seeding or planting of native vegetation using a manual, mechanical, or aerial method;

(v) seeding of nonnative, noninvasive, ruderal vegetation only for the purpose of emergency stabilization;

(vi) targeted use of an herbicide, subject to the condition that the use shall be in accordance with applicable legal requirements, Federal agency procedures, and land use plans;

(vii) targeted livestock grazing to mitigate hazardous fuels and control noxious and invasive weeds;

(viii) temporary removal of wild horses or burros in the area in which the activity is being carried out to ensure treatment objectives are met;

(ix) in coordination with the affected permit holder, modification or adjustment of permissible usage under an annual plan of use of a grazing permit issued by the Secretary to achieve restoration treatment objectives;

(x) installation of new, or modification of existing, fencing or water sources intended to control use or improve wildlife habitat; or

(xi) necessary maintenance of, repairs to, rehabilitation of, or reconstruction of an existing permanent road or construction of temporary roads to accomplish the activities described in this subparagraph.

(C) EXCLUSIONS.—The term “covered vegetation management activity” does not include—

(i) any activity conducted in a wilderness area or wilderness study area; or

(ii) any activity for the construction of a permanent road or permanent trail.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(3) TEMPORARY ROAD.—The term “temporary road” means a road that is—

(A) authorized—

(i) by a contract, permit, lease, other written authorization; or

(ii) pursuant to an emergency operation;

(B) not intended to be part of the permanent transportation system of a Federal department or agency;

(C) not necessary for long-term resource management;

(D) designed in accordance with standards appropriate for the intended use of the road, taking into consideration—

(i) safety;

(ii) the cost of transportation; and

(iii) impacts to land and resources; and

(E) managed to minimize—

(i) erosion; and

(ii) the introduction or spread of invasive species.

SEC. 3. IMPROVEMENT OF HABITAT FOR GREATER SAGE-GROUSE AND MULE DEER.

(a) CATEGORICAL EXCLUSION.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall develop 1 or more categorical exclusions (as defined in section 1508.4 of title 40, Code of Federal Regulations (or a successor regulation)) for covered vegetation management activities carried out to protect, restore, or improve habitat for greater sage-grouse or mule deer.

(2) ADMINISTRATION.—In developing and administering a categorical exclusion under paragraph (1), the Secretary shall—

(A) comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(B) apply the extraordinary circumstances procedures under section 220.6 of title 36, Code of Federal Regulations (or successor regulations), in determining whether to use the categorical exclusion; and

(C) consider—

(i) the relative efficacy of landscape-scale habitat projects;

(ii) the likelihood of continued declines in the populations of greater sage-grouse and mule deer in the absence of landscape-scale vegetation management; and

(iii) the need for habitat restoration activities after wildfire or other natural disturbances.

(b) IMPLEMENTATION OF COVERED VEGETATIVE MANAGEMENT ACTIVITIES WITHIN THE RANGE OF GREATER SAGE-GROUSE AND MULE DEER.—If a categorical exclusion developed under subsection (a) is used to implement a covered vegetative management activity in an area within the range of both greater sage-grouse and mule deer, the covered vegetative management activity shall protect, restore, or improve habitat concurrently for both greater sage-grouse and mule deer.

(c) LONG-TERM MONITORING AND MAINTENANCE.—Before commencing any covered vegetation management activity that is covered by a categorical exclusion under subsection (a), the Secretary shall develop a long-term monitoring and maintenance plan, covering at least the 20 year-period beginning on the date of commencement, to ensure that management of the treated area does not degrade the habitat gains secured by the covered vegetation management activity.

(d) DISPOSAL OF VEGETATIVE MATERIAL.—Subject to applicable local restrictions, any vegetative material resulting from a covered