

BUSINESS MEETING

Wednesday, April 5, 2017

United States Senate

Committee on Environment and Public Works

Washington, D.C.

The committee met, pursuant to notice, at 10:02 a.m. in room 406, Dirksen Senate Office Building, the Honorable John Barrasso [chairman of the committee] presiding.

Present: Senators Barrasso, Carper, Inhofe, Capito, Boozman, Wicker, Fischer, Moran, Rounds, Ernst, Sullivan, Whitehouse, Gillibrand, Booker, and Harris.

STATEMENT OF THE HONORABLE JOHN BARRASSO, A UNITED STATES
SENATOR FROM THE STATE OF WYOMING

Senator Barrasso. Good morning. I call this business meeting to order.

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

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

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

Wyoming grapples with many of these challenges that innovators can help solve; so do other States and other nations.

America's innovators are developing cutting-edge technologies to help us more effectively fight poaching, better manage wildlife, and control invasive species.

The WILD Act incentivizes their contributions by establishing four separate cash prizes for technological innovation in these four categories: prevention of wildlife poaching and trafficking, promotion of wildlife conservation, management of invasive species, and the protection of endangered species.

The WILD Act protects water and wildlife by requiring specified Federal agencies to plan and carry out activities on land and water that they directly manage to control and manage invasive species. It reauthorizes the Partners for Fish and Wildlife Program, which provides technological and financial assistance to private landowners to improve fish and wildlife habitat. It also reauthorizes the African Elephant Conservation Act of 1988, the Asian Elephant Conservation Act of 1997, the Rhinoceros and Tiger Conservation Act of 1994, the Great Ape Conservation Act of 2000, and the Marine Turtle Conservation Act of 2004.

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

I now turn to Ranking Member Carper for his statement.

[The prepared statement of Senator Barrasso follows:]

STATEMENT OF THE HONORABLE THOMAS R. CARPER, A UNITED STATES
SENATOR FROM THE STATE OF DELAWARE

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

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

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

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

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

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

[The prepared statement of Senator Carper follows:]

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

Well, thank you, Senator Carper.

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

[The text of S. 826 follows:]

Senator Barrasso. Senator Whitehouse and Booker have both filed amendments on this bill. I ask unanimous consent that Whitehouse No. 1 and Booker No. 1 be revised to reflect changes that we have agreed to and revised amendments, which are before the members, they add consideration of coastal areas to Title 2, they create an additional prize for non-lethal wildlife control methods in Title 4, and they make clarifying changes to the bill.

[The text of the amendments offered by Senator Whitehouse and Senator Booker follows:]

Senator Barrasso. I am pleased to accept these amendments, as revised, and move to adopt them en bloc. Is there a second?

Senator Carper. Second.

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

[Chorus of ayes.]

Senator Barrasso. Opposed, no.

[No audible response.]

Senator Barrasso. In the opinion of the Chair, the ayes have it. Revised Whitehouse No. 1 and revised Booker No. 1 are agreed to.

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

[No audible response.]

Senator Barrasso. Seeing no other amendments, I ask unanimous consent that the amendments we just agreed to be considered incorporated into the underlying text of the WILD Act and that the revised text be considered an amendment in the nature of a substitute. If there is no objection, I now move to adopt the substitute amendment of S. 826 and favorably report 826, as amended. Is there a second?

Senator Carper. Second.

Senator Barrasso. Those in favor, please say aye.

[Chorus of ayes.]

Senator Barrasso. Opposed, nay.

[No audible response.]

Senator Barrasso. In the opinion of the Chair, the ayes have it. The legislation will be reported favorably to the Senate.

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

[The text of S. 518 follows:]

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

[The text of the amendment offered by Senator Carper follows:]

Senator Barrasso. I am pleased to accept this amendment and move to adopt it. Is there a second?

Senator Wicker. Second.

Senator Barrasso. In favor, say aye.

[Chorus of ayes.]

Senator Barrasso. Opposed, no.

[No audible response.]

Senator Barrasso. In the opinion of the Chair, the ayes have it. The agreement is agreed to.

There are no other amendments filed. I ask unanimous consent the amendment we have just agreed to be considered incorporated into the underlying text of S. 518 and that the revised text be considered an amendment in the nature of a substitute. Without objection.

Now move to adopt the substitute amendment, S. 518, favorably reported, as amended. Is there a second?

Senator Carper. Second.

Senator Barrasso. All in favor please say aye.

[Chorus of ayes.]

Senator Barrasso. Opposed, no.

[No audible response.]

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

Next is S. 692, the Water Infrastructure Flexibility Act of 2017. Now call up S. 692.

[The text of S. 692 follows:]

Senator Barrasso. We will consider Carper Amendment No. 1, which makes several technical and clarifying changes.

[The text of the amendment offered by Senator Carper follows:]

Senator Barrasso. I am pleased to accept this amendment and move to adopt it. Is there a second?

Senator Carper. Second.

Senator Barrasso. All those in favor say aye.

[Chorus of ayes.]

Senator Barrasso. Opposed, no.

[No audible response.]

Senator Barrasso. In the opinion of the Chair, the ayes have it. The amendment is agreed to. No other amendments have been filed on that bill.

Ask now unanimous consent that the amendment we just agreed to be considered incorporated into the underlying text of S. 692 and that the revised text be considered an amendment in the nature of a substitute. Without objection.

Now move to adopt the substitute amendment to S. 692 favorably reported, as amended. Is there a second?

Senator Carper. Second.

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

[Chorus of ayes.]

Senator Barrasso. Opposed, nay.

[No audible response.]

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

Next call up S. 675, the Long Island Sound Restoration and Stewardship Act.

[The text of S. 675 follows:]

Senator Barrasso. No amendments have been filed. I move to favorably report S. 675. Is there a second?

Senator Carper. Second.

Senator Barrasso. All those in favor say aye.

[Chorus of ayes.]

Senator Barrasso. Opposed, nay.

[No audible response.]

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

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

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

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

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

[Laughter.]

Senator Carper. Way to go.

Senator Whitehouse. We definitely set a speed record today.

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

Senator Carper. Thanks so much.

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

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

Today we just considered S. 675, the Long Island Sound Restoration and Stewardship Act, which is of real importance to New York and Connecticut, and about which I am sure Senator Gillibrand will speak momentarily. Her bill has been reported

out of our Committee I think any number of times, and hopefully this year, Kirsten, we will get it across the finish line.

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

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

I am heartened, too, by the inclusion of reauthorizations of the multinational species conservation funds. Without the

elephants, the rhinos, tigers, marine turtles, and other iconic species protected by these laws, our world is much less home.

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

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

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

at least one of these pieces of legislation. I especially commend you.

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

Thank you.

Senator Booker. Mr. Chairman, may I?

Senator Barrasso. Yes, Senator Booker.

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

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

[Laughter.]

Senator Carper. Your amendments have made the Wild Thing a wilder thing.

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

[Laughter.]

Senator Whitehouse. That makes everything groovy.

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

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

[The prepared statement of Senator Booker follows:]

Senator Barrasso. Thank you, Senator Booker.

Senator Sullivan.

Senator Sullivan. Thank you, Mr. Chairman.

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

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

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

I do want to mention, Mr. Chairman and the Ranking Member, we held a hearing, you might remember a field hearing out in Alaska on an issue that is kind of related, but there are ivory bans all over the world with regard to elephant ivory and rhino ivory, which I think we are all supportive of. Some of those bans were catching very legal trade in other forms of ivory

domestically that the Obama Administration, Fish and Wildlife Service was supportive of, different environmental groups have been support of, and I want to work with this Committee. I have already talked to Senator Booker about ways to address this issue to make sure that communities in my State and other places don't get caught up in a way that really impacts their economy; to be honest, some of the most economically disadvantaged people in the Country. So I just want to mention that I want to work with the Committee on and hopefully get some bipartisan resolution on this after the field hearing we had last year on this issue.

Thank you very much.

[The prepared statement of Senator Sullivan follows:]

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

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

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

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

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

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

I am very grateful that you have supported my bill.

[The prepared statement of Senator Gillibrand follows:]

Senator Barrasso. Thank you, Senator Gillibrand.

Senator Whitehouse.

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

Also, I know Senator Sullivan had to go, but I wanted to express my appreciation to him. We announced bipartisan legislation on marine plastic debris that came from a hearing that he chaired in this Committee. It has very solid bipartisan sponsorship and the support of the Oceans Caucus, which is a very bipartisan organization. So I think we are seeing continued progress on oceans and coasts, and I appreciate that very much.

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

[Laughter.]

[The prepared statement of Senator Whitehouse follows:]

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

I appreciate the work of everybody on the Committee collaboratively to really get some of the things done that need to be done. So I appreciate your three Cs and mentioning Mike Enzi, who always says, you know, take 80 percent and the other 20 percent come handle another day. We were able to do that, so I appreciate working with you, my good friend, on solving some things that need to be done and getting these bills advanced to the Floor of the Senate.

I do ask unanimous consent to enter a letter of support for the WILD Act from the Family Farm Alliance into the record. Without objection.

[The referenced information follows:]

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

The business meeting is adjourned.

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