

BUSINESS MEETING

Wednesday, January 20, 2016

United States Senate

Committee on Environment and Public Works

Washington, D.C.

The committee met, pursuant to notice, at 10:32 a.m. in room 406, Dirksen Senate Office Building, the Honorable James Inhofe [chairman of the committee] presiding.

Present: Senators Inhofe, Boxer, Vitter, Barrasso, Capito, Crapo, Boozman, Sessions, Fischer, Rounds, Sullivan, Cardin, Merkley, Gillibrand, Booker and Markey.

STATEMENT OF THE HONORABLE JAMES M. INHOFE, A UNITED STATES
SENATOR FROM THE STATE OF OKLAHOMA

Senator Inhofe. The meeting will come to order. We are going to be sensitive to what it takes for a quorum. It will take a quorum of 11 to report legislation and a quorum of 7 needed just for the amendments.

With the new session and competing schedules for our Senators, I will place my opening statement in the record and recognize Senator Boxer for her opening statement.

[The prepared statement of Senator Inhofe follows:]

STATEMENT OF THE HONORABLE BARBARA BOXER, A UNITED STATES
SENATOR FROM THE STATE OF CALIFORNIA

Senator Boxer. Thanks so much, Mr. Chairman. Nice to see everybody. Happy New Year, if I didn't get a chance to say that.

I want to thank my Chairman for holding this markup today. There are many important bills on the agenda, including the Lake Tahoe Bipartisan Restoration Act, which I co-sponsored, and I am so pleased the Committee is considering this important legislation.

I also like a lot of the other bills on the agenda.

I do have deep concerns about another bill, known as the Bipartisan Sportsmen's Act. While there are definitely elements of the bill I support, I am disappointed we haven't made progress in addressing some of the concerns many of my colleagues have raised with me. We tried very hard, Mr. Chairman. We worked with your staff, but it doesn't look like there is common ground there. So I am very sorry about that, because there are so many amendments that we thought we could work on together to improve it.

And I will speak about both of these bills in more detail.

On the Lake Tahoe bill, just to say that it is a bill that I support. I joined Senators Heller, Feinstein, and Harry Reid in introducing it.

Lake Tahoe, if you haven't been there, it is one of our most magnificent treasures, and it is emblematic of the natural beauty of California; one of the defining characteristics of our State. It is a huge tourist attraction. One of the things I always say, when you save the environment, you bring tourists, because there is nothing that tourists want to see more than God's creation unspoiled, and that is what we have there. The famous crystal clear waters should be preserved for our children and our grandchildren.

Our bill helps ensure that the lake will continue to provide economic, recreational and ecological benefits for generations to come by authorizing projects to address invasive species, reduce wildfires, restore and maintain the lake's clarity, and protect threatened species and wildlands.

The bipartisan bill would continue to strengthen efforts begun under the Lake Tahoe Restoration Act of 2000. So, again, I want to thank you so much.

Now, on the Sportsmen's bill, known as the Bipartisan Sportsmen's Act of 2015, personally, I don't believe it lives up to its name. It does have a provision, such as reauthorization of the North American Wetlands Conservation Act, that I strongly support, but I have other concerns. And, again, we tried very, very hard to work with your staff. It wasn't like the highway bill or the WRDA bill. We just could not find common ground.

And I appreciate that. I am not complaining about it; I am just sad about it because I think we could have made this a really good bill and had a smooth transition to the Floor. But it is not going to happen. So many groups have raised problems with it, including conservation groups, environmental groups, and animal welfare groups.

I ask unanimous consent to place in the record all of the letters I have received, and emails, against a lot of the provisions in the bill.

Senator Inhofe. Without objection.

[The referenced information follows:]

Senator Boxer. Thank you.

For example, the bill creates a broad new exemption from the Toxic Substances Control Act with no ability to determine whether the products exempted are harmful to people. The bill also prevents the Corps from implementing common sense restrictions on firearms used on Corps properties, including on infrastructure that the Corps has determined is critical to homeland security. Imagine a terrorist with a gun, because they do get guns, wandering around our lands, our public lands, near dams and near projects that could, if it gets in their hands, could just be very, very dangerous.

So I have offered four amendments to address the most serious concerns in the bill. I know Senators Cardin and other Senators have their own. I am hopeful we can adopt these. If not, I will have to oppose the legislation.

With that, I would yield back to you, Mr. Chairman.

[The prepared statement of Senator Boxer follows:]

Senator Inhofe. Thank you, Senator Boxer.

As I said, I will waive my opening statement.

I see we have exactly 11 people here now, so I would like to go ahead and get these three things out of the way that I believe are not controversial, but we need to have a quorum to do it. They would be S. 1674 and S. 2143. They have no amendments, no opposition. I will entertain a motion to accept them en bloc. Is there a second?

Senator Boxer. Second.

Senator Inhofe. Those in favor say aye.

[Chorus of ayes.]

Senator Inhofe. Opposed, no.

[No audible response.]

Senator Inhofe. They are accepted.

And then the 32 GSAs, is there a motion to approve the GSA resolutions en bloc?

Senator Boxer. So moved.

Senator Inhofe. Second? Anybody?

Senator Capito. Second.

Senator Inhofe. All right. All in favor say aye.

[Chorus of ayes.]

Senator Inhofe. Opposed, no.

[No audible response.]

Senator Inhofe. We accept the resolutions en bloc.

Now, we have several bills, as Senator Boxer said, on the agenda and, as usual, after I call up each bill I will ask members to seek recognition on the amendments that they might have and allow each member to call up their own amendments. We can have committee counsel available at the table to respond to questions that may come up. At the conclusion of the member statements and questions, we will vote on each amendment and then on whether to report each bill.

Now, what I am going to do is go back and forth, Democrat, Republican. We have 25 amendments on the first bill that we are going to bring up, which is the Sportsmen's bill. So everyone is going to be heard. We are going to call for amendments at the conclusion of the explanation of each one. Some members have several of them.

Now, I am aware of two specific conflicts which require Senator Fischer to chair the Commerce Committee hearing momentarily. Then Senator Booker is going to have a similar problem with the same committee. So what I would like to do is recognize Senator Fischer to make a statement concerning your amendment to S. 659. Then, when the appropriate time comes, Senator Crapo, who is also a sponsor of that amendment, will handle it on the Floor.

You are recognized at this time for any comment you would want to make.

Senator Boxer. Just a parliamentary inquiry. Could we make sure that Senator Booker gets to offer his amendments?

Senator Inhofe. Oh, yes. We talked to Senator Booker about that.

Senator Boxer. Thank you so much. Okay.

Senator Inhofe. Senator Fischer.

Senator Fischer. Thank you, Mr. Chairman. And my thanks to Senator Crapo for offering this very important bipartisan amendment in today's markup of the Sportsmen's Act. As vice chair of the Sportsmen's Caucus, I am proud to be an original co-sponsor of the amendment, which is identical to S. 1500, the Sensible Environmental Protection Act, that this committee approved on a bipartisan vote last August.

The significant amendment addresses duplicative permitting of pesticides under FIFRA and also the Clean Water Act. This duplicative process creates unnecessary resource burdens and challenges for pesticide registrants and users, including private homeowners, businesses, ag producers, golf courses, local water authorities, and the sportsmen's community.

Pesticides are critical for maintaining a healthy and viable environment by eliminating harmful and invasive pests that threaten outdoor activities of all kinds. For example, as a result of costly compliance regulations and the increase in Clean Water Act liability, many rural communities in this

Country, and also small municipalities, are being forced to reduce or cancel their mosquito control programs. This places families at risk for devastating mosquito-borne diseases like West Nile Virus, yellow fever, and malaria.

Additionally, managers in the national wildlife refuge system rely on pesticides to treat waterways for aquatic species that can choke waterways, wastewater, and detrimentally impact fish and other wildlife. State agencies have testified that these permitting requirements offer no additional environmental benefits because pesticide applications are already reviewed and regulated through a stringent FIFRA approval process.

Again, this amendment clarifies that NPDES permits should not be required for the application of pesticides that are already approved by the EPA and authorized for sale, distribution, or use under FIFRA. Pest protection products benefit outdoor recreation enthusiasts by protecting and maintaining natural habitats, so I ask my colleagues to please support this amendment.

Thank you, Mr. Chair.

[The text of the amendment to S. 659 offered by Senator Fischer follows:]

Senator Inhofe. Thank you, Senator Fischer.

Senator Booker, you have the same conflict that she does, and if you would like to call up your amendment at this time.

Senator Boxer. Parliamentary inquiry. Will we have a chance to respond to Senator Fischer's?

Senator Inhofe. Oh, yes. She is not bringing it up. It will be brought up by Senator Crapo.

Senator Boxer. Fine.

Senator Inhofe. Senator Booker.

Senator Booker. Chairman Inhofe, I want to thank you for being gracious this morning with the conflict that Senator Fischer and I have. I am her ranking for the subcommittee, so I will be chasing after her in a few moments to catch up. And I want to thank you for just being gracious in general about the amendment that I have before me, and obviously rank the Ranking Member, Senator Boxer, as well.

I would like to discuss Booker Amendment No. 1, which would limit the use of body-gripping traps in the natural wildlife refuge system. Leghold traps have been banned in 90 countries; yet in the United States not only are these cruel traps not banned, they are currently allowed even on Federal wildlife refuges. Body-gripping traps are not just cruel, but they are absolutely indiscriminate. Too often the animals that are caught in these traps are not the animals being targeted.

What types of non-targeted animals are being maimed and killed with gruesome routine happenings across our Country by these cruel body-gripping traps? Well, here are two illustrations. Right here you see the iconic species of the bald eagle maimed and killed in this first picture. At the time the picture was taken, the bald eagle was still listed as an endangered species.

And not just wildlife, but really tragic to many American families is that our dogs are regularly caught and killed in these cruel traps. Here, tragically, is another example. This beagle here caught is named Bella, a 20-month-old hunting dog, who was killed in the steel jaw traps that were placed on public lands.

More and more we are learning about the threat of these traps and what they pose to our pets. In just one State where data was collected, in Minnesota, there have been 112 dogs caught in these traps since 2012. Of these 112 dogs, 23 died and 50 of the dogs that were caught in these traps were on public land.

Just today, on the Internet, a story was posted about an Akita named Darby in Montana who was caught for five days in a leghold trap before being found. Her leg was amputated just yesterday.

Last May, Director Dan Ashe testified before this Committee

as to the serious concerns with our bill to ban the use of body-gripping traps on wildlife refuges. After the legislative hearing, my office worked with the Fish and Wildlife Service to address all of those concerns that had been raised to alter this amendment so that it worked in coordination with the concerns that Dan Ashe brought. So Booker Amendment 1 includes changes requested by the Fish and Wildlife Service in order to preserve their discretion to use body-gripping traps as a last resort for management purposes, such as controlling invasive species in order to protect endangered species.

Now, look, this is something that we know, 90 countries are banning it. But its history is long. Charles Darwin, in fact, called the leghold trap one of the cruelest devices ever invented by man, stating that few men could endure to watch for five minutes an animal struggling in a trap with a torn limb. Some will wonder how such cruelty can be permitted to continue in these days of civilization.

Charles Darwin said those words in 1863 and I echo them today. More than 150 years later, how can we permit such cruelty on our wildlife refuges in the United States of America?

Before I end, I just want to thank, one more time, Senator Inhofe. He has been very gracious in working with my office on this issue; gracious to me personally, knowing my passion for this issue. I want to specifically thank him for introducing

Inhofe Amendment 1, which will take at least a step in the right direction in requiring that the Fish and Wildlife Service post notice when the traps are being used and collect data on the non-target animals injured and killed.

I am not going to ask for a vote today, as I talked with the Chairman. I will withdraw my amendment. But, dear God, I hope that we can continue to work together to focus on this issue, along with the bill's sponsors, in order to try to address what I think is a level of cruelty that is unbecoming of the greatness of our Nation.

[The text of the amendment to S. 659 offered by Senator Booker follows:]

Senator Inhofe. Thank you, Senator Booker, and thank you for the passion that you are addressing here. I know what your concern is; you have expressed it before this Committee, and I will look forward to working with you between now and the Floor time to see if something can be done. Thank you for your cooperation.

Senator Booker. Thank you, Senator.

Senator Inhofe. Senator Sullivan, you are the other one that had a special request, and we would like to recognize you.

I will remind the members here that the text that we are working with right now on S. 659 is one that we distributed. All the changes we made were taking out those provisions that were already addressed in the NDAA, as well as the Consolidated Appropriations Act. Senator Sullivan?

Senator Sullivan. Thank you, Mr. Chairman, and thank you for your leadership on this bill. I appreciate the bipartisan way in which we have been focused on it.

Mr. Chairman, my amendment that I am introducing this morning would prohibit the U.S. Fish and Wildlife Service from implementing a recently proposed rule that preempts State management authority that Alaska was actually promised under the terms of our statehood compact and further guaranteed under the Alaska National Interest Lands Conservation Act, ANILCA. And, Mr. Chairman, one of the reasons I have to leave early is I am

going to hear a U.S. Supreme Court case on ANILCA that is going to start in about 45 minutes, a big, big case for Alaska.

I think not many folks would dispute the fact that Alaska has probably the best management of fish and game of any State, of any country in the world. Yet, these proposed regulations, as currently written by the Fish and Wildlife Service, would fundamentally alter not only how we now manage wildlife refuges and the fish and wildlife habitats on them, but would also change the relationship of the Fish and Wildlife Service and the individual States from one of cooperation, which it should be, to subservience.

With these new proposed regulations, which I want to emphasize to the Committee only focus on Alaska, federal regs that only focus on Alaska, the Fish and Wildlife Service will administratively impose the irregular action, a regime that will preempt science-based management approved by the Alaska Board of Game in an open and public process. This is a perfect example of where an agency philosophically disagrees with Federal law, so they bypass the will of Congress and seek to regulate policy through their regulations, again, just on one State. Where the agency directors are so far removed from the original statutory language is what we refer to as federal overreach at its worst.

And no matter what anyone says about this regulation, it is

not about stopping predatory control. The Fish and Wildlife Service uses predatory control. The Fish and Wildlife Service uses extensive predatory control and programs to eliminate the Arctic fox, to boost the Pacific Black Brant populations on the Yukon Delta Refuge, to kill mountain lions in Arizona to support the bighorn sheep, or the barred owl to enhance the survival of the spotted owl. They use these methods right now, the Fish and Wildlife Service does.

This action of the Fish and Wildlife Service is simply about controlling resources in my State. The proposed rule is opposed by the State of Alaska. It is proposed by the Alaska delegation, the entire congressional delegation; it is opposed by the Association of Fish and Wildlife agencies representing the interests of all 50 States, and they have expressly opposed this in terms of many, many communities throughout the Country in terms of the hunting and fishing community. So I urge a yes vote on my amendment.

But I would like to just mention one final thing, Mr. Chairman. As I mentioned, this, I believe, is the kind of issue where I would urge my colleagues to show deference to what is going on in a single State. So, for example, in my State, Democrats and Republicans, our governor, who is an Independent, our lieutenant governor, who is a Democrat, they are all opposed to this reg. And it is just one reg, the Federal Government

focused solely on Alaska, where we have a tremendous record of managing fish and game.

This would be similar, and I am going to use a few examples, my friend and colleague, Senator Boxer, if the Federal Government came out with a reg solely focused on the movie industry only in California; or, Senator Carper, the Federal Government coming out with a reg solely focused on the Delaware chemical industry; or, Senator Cardin, the Federal Government solely coming out with a reg focusing on Maryland crabs. In that instance I would expect, and certainly hope, that when you spoke on the issue, we would give you some deference here.

This is, once again, and I am going to go to the Supreme Court here in 30 minutes on another issue where the Federal Government, in regulations, is solely focusing on trying to control my State, and I would ask my colleagues on both sides of the aisle for a yes vote on an issue which is enormously important to the State of Alaska.

Thank you, Mr. Chairman.

[The text of the amendment to S. 659 offered by Senator Sullivan follows:]

Senator Inhofe. Questions to Senator Sullivan? Others who want to be heard?

Senator Boxer. Yes, I do.

Senator Inhofe. Senator Boxer.

Senator Boxer. We have a lot of wilderness in our State, we have a lot of marine sanctuaries in our State, and we like it when we work with the Federal Government to tailor rules and regulations to our specific State. We appreciate it, because if you just do it for everybody, you may not answer.

Now, my understanding of this rule is that it is out for two weeks, and there is all kinds of time for public hearings. There is all kinds of time to weigh in. We are talking about wildlife refuges that are not owned by the State of Alaska, but owned and operated by the people of America, because we are one Nation under God. We think it is very important. And this rule may have to change. You could persuade me that maybe they are protecting wolves too much or protecting bears too much, it is fine. But the point of a refuge is to ensure that we protect species.

So, you know, I think the proposal aims to more effectively engage the public by broadening notification outreach methods, ensuring consultation with Tribes in the State, and allowing for additional opportunities for the public to provide input. I honestly think to do this, I don't remember really ever doing

this in this Committee, stopping a rule before it has even been issued and stopping the rulemaking process. Again, it just started two weeks ago. The comment period just started. I think we ought to let this run its course. And the Senator may be able to well influence me to say, Barbara, take a look at this, they go too far in protecting the bears. I am very open to it.

But I would just argue this. You know, we see this issue popping up all the time, people taking over a Federal area, saying you have no right to tell us what to do, etcetera, etcetera. It is a big issue. And my answer to it is that this is one Country; that we all prosper together, we all do well together when we protect God's creations; and if we overreach as a Government, that is bad, and we should pull in.

So I am hoping the Senator will withdraw this amendment. I would hope we could work together. I will work with him if it is an overreach and overstep, but I don't think we should stop this in its course. I think it is precedent-setting and I don't think it is right.

Senator Inhofe. Thank you, Senator Boxer.

Senator Sullivan. Mr. Chairman, if I may respond very quickly. And I appreciate Senator Boxer's comments, but there is a fundamental issue here. The statehood compact by which Alaska became a State, the Alaska National Interest Lands

Conservation Act, what we call in Alaska ANILCA, all of these, granted by the Congress, authority for the State to manage our fish and wildlife throughout the entire State, Federal and State lands. That is what we were granted by Congress. So this is just an attempt through regulations to limit State management of the State of Alaska lands, State and Federal, and that was what we were promised, that is what is in Federal law.

So I agree with Senator Boxer in that, yes, there is a big principle at stake here: the management of Alaska's lands, State and Federal, which were guaranteed by Congress to be managed by State officials is now being usurped by this reg. So I am going to move forward and respectfully ask for a vote on my amendment.

Senator Boxer. If I could respond very briefly.

Senator Inhofe. Senator Boxer.

Senator Boxer. Thank you so much.

I respect that totally. I just want to say that my understanding from my legal team here is that there was nothing in those agreements that overrode Federal law to conserve and preserve our wildlife refuges. It may be this thing winds up in the court. I just think what we are doing here is not going to fly. It is not going to go. The President will veto the thing, if it gets that far, and I think that it probably won't even get that far. I just hope we don't stop rules before they are completed, because you may be satisfied. What could happen is

as a result of the outpouring of comments, it could be they decide to take another crack at it or change it or pull back. I just hate to see us act in this way prematurely.

The Senator may be right in his feelings, and I really respect him and like him and the rest, but I do think that we should let this run its course first. But that is the last I will say and we will be governed by the vote.

Senator Inhofe. Thank you, Senator Boxer.

My feeling is the most compelling argument is the rule that is proposed is opposed by the State of Alaska, by the Democrats and Republicans there, the delegation, and I would urge a yes vote.

Do you move your amendment?

Senator Sullivan. I move a vote on Sullivan Amendment No. 1.

Senator Inhofe. Is there a second?

Senator Vitter. Second.

Senator Inhofe. The Clerk will call the roll.

The Clerk. Mr. Barrasso?

Senator Barrasso. Aye.

The Clerk. Mr. Booker?

Senator Boxer. No by proxy.

The Clerk. Mr. Boozman?

Senator Inhofe. Let's go back and repeat that.

The Clerk. Mr. Barrasso?

Senator Barrasso. Aye.

The Clerk. Mr. Booker?

Senator Boxer. No by proxy.

The Clerk. Mr. Boozman?

Senator Inhofe. Aye by proxy.

The Clerk. Mrs. Boxer?

Senator Boxer. No.

The Clerk. Mrs. Capito?

Senator Capito. Aye.

The Clerk. Mr. Cardin?

Senator Cardin. No.

The Clerk. Mr. Carper?

Senator Boxer. No by proxy.

The Clerk. Mr. Crapo?

Senator Crapo. Aye.

The Clerk. Mrs. Fischer?

Senator Inhofe. Aye by proxy.

The Clerk. Mrs. Gillibrand?

Senator Gillibrand. No.

The Clerk. Mr. Markey?

Senator Boxer. No by proxy.

The Clerk. Mr. Merkley?

Senator Merkley. No.

The Clerk. Mr. Rounds?

Senator Rounds. Aye.

The Clerk. Mr. Sanders?

Senator Boxer. No by proxy.

The Clerk. Mr. Sessions?

Senator Inhofe. Aye by proxy.

The Clerk. Mr. Sullivan?

Senator Sullivan. Aye.

The Clerk. Mr. Vitter?

Senator Vitter. Aye.

The Clerk. Mr. Whitehouse?

Senator Boxer. No by proxy.

The Clerk. Mr. Wicker?

Senator Inhofe. Aye by proxy.

The Clerk. Mr. Chairman?

Senator Inhofe. Aye.

The Clerk. Mr. Chair, the yeas are 11, nays 9.

Senator Inhofe. And the amendment is agreed to.

Yes, Senator Cardin. We will go back and forth, as I said in my opening remarks, so we will recognize Senator Cardin.

Senator Cardin. I appreciate that. As I explained to the Chairman privately, the Senate Foreign Relations Committee is having a hearing on Iran, and I am ranking on that committee, so I will be going back and forth.

Mr. Chairman, I filed five amendments. I am going to offer two of those amendments at this time, and let me explain that.

The Cardin Amendment No. 1, which reauthorizes the Neotropical Migratory Bird Conservation Act through fiscal year 2020, this has been taken up individually by this Committee and has been, I believe, unanimously approved, that deals with the neotropical migratory birds that are critically important to our environment.

Cardin Amendment No. 2 reauthorizes the National Fish and Wildlife Foundation. I know this has been approved previously by the Committee, and I would urge they be included.

I would like to speak to Cardin Amendment 3, 4 and 5. I will not be offering them, but I think they are important. I bring them up. The reason I am not going to be offering them, quite frankly, Mr. Chairman, is I don't believe the votes are here to pass them, and our staffs have worked very constructively to try to figure out how we can get changes here.

Amendment 3 would authorize the U.S. Fish and Wildlife Service to recover response costs and damages for individuals and entities that damage a national wildlife refuge. This is identical to the authority that our National Park Service has and it is basically a practical way in which our wildlife refuges can get the responsible parties that have caused damage the funds to repair those damages. It has worked in our

national park system and it is critically important we include that in our refuge under U.S. Fish and Wildlife Service.

I hope we can work this out to the satisfaction of the members of this Committee before the bill reaches the Floor, because I do think it is important that we get this done in this Congress.

The other two amendments that I am offering deal with some of the provisions that are already in the bill that are going to need to be addressed if this bill is going to be able to make it enactment into law. One would give the Environmental Protection Agency the ability to at least investigate the impact of lead ammunition or sports fishing equipment and components so that at least we have the information. I think, at a minimum, we have to be able to allow the agency that has the responsibility here to be able to do its public service and inform the public as to risk issues.

And Cardin 5 would allow the Secretary of the Army to be able to make determinations that are necessary for protection of infrastructure and homeland security as it relates to the additional authorizations that are put on this bill in regards to the use of firearms.

I think both of those are common sense ways to deal with an overreach that is in the underlying bill and, quite frankly, if these amendments are approved, I think we have a pathway,

although I am concerned about some of the additional additions we are adding to the bill today, but I think that the bill that was originally submitted, if these amendments were approved, I think you have the pathway for consideration on the Floor of the United States Senate that will lead to the type of consensus that is going to be necessary to have Floor time and to get this bill to the President's desk.

So these amendments are being offered in a way so that we can get to the finish line. As I told the Chairman, as I told the Ranking Member, we would like to get a sportsmen's package to the President for signature. We really would. And these amendments are offered in that regard so that we can in fact get a type of bill that can have the support necessary to get it enacted into law.

So, Mr. Chairman, with your consent, I would offer en banc Cardin Amendment 1 and 2 and ask for its consideration.

[The text of Amendments No. 1 and 2 to S. 659 offered by Senator Cardin follows:]

Senator Inhofe. All right, thank you, Senator Cardin.

Did you want to be heard?

Let me just make one comment on Cardin No. 2. This reauthorizes the National Fish and Wildlife Foundation for five years as opposed to doing it one year at a time. I would urge a yes vote on Cardin No. 2.

And on Cardin No. 1, the objection that we hear is that it does set aside \$6.5 million each year for five years. However, that would also have to be appropriated at that time, and very likely that would not be, so I am not going to object to that.

Anyone else want to be heard?

Senator Boxer. Yes, Mr. Chairman.

Senator Inhofe. Senator Boxer.

Senator Boxer. Well, I am pleased you won't be objecting. I would just say that Cardin No. 1, which reauthorizes the Neotropical Migratory Bird Conservation Act, is very important. It is a small little gem and it encourages habitat protection, education, research, monitoring, and capacity building to provide for the long-term protection of these migratory birds. And I just wanted to thank Senator Cardin for his work on both of these and will put the rest of my statement in the record, if it is okay with you.

Senator Inhofe. That is fine.

Senator Boxer. Okay.

Senator Inhofe. Without objection.

[The prepared statement of Senator Boxer follows:]

Senator Inhofe. Let me just make one comment.

Senator Cardin, we are wanting to take these up one at a time. There may be some. So, if you don't mind.

Senator Cardin. Not at all. I would then move Cardin Amendment No. 1. And let me just make one final point. One of the neotropical birds is the Baltimore Oriole, and it needs all the help it can get.

[Laughter.]

Senator Inhofe. There is a motion to accept Cardin Amendment No. 1. Is there a second?

Senator Boxer. Second.

Senator Inhofe. There is a second.

All in favor say aye.

[Chorus of ayes.]

Senator Inhofe. Opposed, no.

[No audible response.]

Senator Inhofe. The ayes have it.

Now, Senator Cardin, you are recognized.

Senator Cardin. I offer Cardin Amendment No. 2, which is the National Fish and Wildlife Foundation reauthorization.

Senator Inhofe. Is there a second?

Senator Boxer. Yes.

Senator Inhofe. There is a second.

All those in favor say aye.

[Chorus of ayes.]

Senator Inhofe. Opposed, no.

[No audible response.]

Senator Inhofe. The ayes have it. Both amendments, 1 and 2, are recognized.

We now move over to the Republican side. Who wants to be heard on an amendment? Senator Crapo.

Senator Crapo. Thank you, Mr. Chairman. I call up the Crapo-Carper-Fischer Amendment No. 1 regarding pesticides over water.

Senator Inhofe. All right. You are recognized.

Senator Crapo. Mr. Chairman, the Committee should be very familiar with this amendment, so I won't go into a lot of detailed background, and Senator Fischer has already made some remarks.

But it is based on Senate Bill 1500, the Sensible Environmental Protection Act, which the Committee acted on last summer. We want to take a moment to note its connection to the issues covered in this Sportsmen's Act, such as public lands, outdoor recreation, fish and wildlife, and why that bill is an appropriate measure to discuss this issue.

Pesticides are a tool utilized by property owners, land and wildlife managers to combat invasive species, manage vegetation, and promote healthy forests, range lands, and waterways which

provide habitat for fish and wildlife. Examples of pesticide application benefits impacting the Sportsmen's Act issues include invasive pests where aerial insecticide applications have been used to control and eradicate invasive species such as the Douglas-Fir Tussock Moth and the Asian and European gypsy moths. If uncontained, these pests can defoliate entire forests, which impact wildlife habitat and stream temperatures that are vital to a number of our fish species.

Vegetation management. Aquatic herbicides are one tool used to control vegetation in riparian habitats, which is important to maintaining healthy ecosystems for water fowl, migratory birds, and promotes robust hunting and outdoor recreation experiences.

Invasive plants. Federal land management agencies use pesticides to combat invasive weeds, such as cheatgrass, to encourage the reestablishment of native plants. These efforts help promote healthy range land habitats and the wildlife that depend on them.

It is important to remember that a pesticide may not be used in or near water unless EPA approved labels are available and specifically states that it is okay to do so. The EPA provides this labeling requirement and the requirements for application of these pesticides under FIFRA, a full statutory authority regime which is currently being effectively

administered by the EPA. Requiring an NPDES permit for these same types of pesticide applications is just another layer of needless regulation.

And, by the way, it is one the EPA doesn't even agree with. The EPA has said that they are adequately and safely managing these issues through FIFRA and do not need the NPDES requirements. This diverts budgets, staff time, and agency resources to activities that do not improve environmental health, hunting or fishing opportunities, and could better be spent executing on-the-ground management objectives.

I encourage all the members of the Committee to support this amendment.

[The text of the amendment to S. 659 offered by Senators Crapo, Carper and Fischer follows:]

Senator Boxer. Mr. Chairman?

Senator Inhofe. Senator Boxer.

Senator Boxer. Well, Mr. Chairman, with all due respect to everyone who supports this, it is an amendment in search of a problem. The EPA does not support this amendment. Let's get that straight. Today, under the rules, if you have an emergency and you have pests in a forest, you can spray and get a permit after. This is the least bureaucratic system I have seen. And we are not aware of anyone really complaining.

So here is what we have right now. You have to get a Clean Water Act permit if you are going to spray pesticides that wind up in a body of water. Now, you would think if we learned anything from Flint, Michigan, it is that we don't allow more contamination in bodies of water, where our kids can get horrific brain damage. This is ridiculous. This is terrible that the Environment Committee would be doing this. What is this, the pollution committee? This is outrageous.

Now, when pesticides get into waterways where our kids swim and waterways that provide drinking water for our families, we know we are exposing our people to substances that are known to be toxic. You know, we are sitting here as if this is some academic exercise, when we see what has happened in Flint, where people are going to go to jail because of what happened, and our first activity responding to that is this amendment. It shocks

me. It shocks me.

Pesticides have been linked to a variety of human health impacts. The easy ones: irritation of the skin and eyes. Oh, maybe that is not so bad. But what about the fact that there can be neurotoxins that impact the nervous system, impact during the gestation and adolescent development of children, disrupt the hormone or endocrine system? And some have even been identified as carcinogens. That is the impact to people. And it doesn't even touch on what it does to the fisheries.

Over a billion pounds of pesticides are used annually in the U.S., and the USGS has found that 61 percent of agricultural streams and 90 percent of urban streams were contaminated with one or more pesticides. Pesticide pollution is a problem, so what does the Environment Committee do first thing after Flint? Oh, you don't have to get a permit; just spray your hearts away. I don't get it. This public health safeguard has been in place since 2011. Contrary to the fears of industry, it has not stopped the use of pesticides. But it does ensure that pesticides are used in a responsible way so that our streams, our waterways where our kids swim and where they drink the water are not contaminated.

You know, again, if it is an emergency, you can spray and get the permit after. We should not be interfering, in light of Flint in particular, with safeguards designed to protect public

health. I hope that we can either withdraw this thing. I think it is an embarrassment to this Committee. I know I am going to talk about it at home. I just don't see why this Environment Committee would do this.

And, again, I will close on this, I know I do go on, but I have never had a constituent in all my years, I have been in public life for 40 years in elected office, come up to me and say the water is too pure, the air is too clean. On the contrary, they say, Barbara, just make sure you protect us; we don't want to be in a situation where we don't know what our kids are exposed to. And, with that, I would hope we would withdraw this thing, work on it before we get to the Floor, to make it a big issue, and I don't think that is a happy option.

Senator Cardin. Mr. Chairman?

Senator Inhofe. Senator Cardin.

Senator Cardin. I want to concur with Senator Boxer's observations. If this amendment is on the bill, if it gets on the Floor, it will probably be the centerpiece of the discussion, not the sportsmen's package. It will take it over. There have been numerous efforts over the last two years to get this bill passed. This is not a new issue that is coming up.

And it is interesting, since we have seen this regulatory framework, as Senator Boxer has pointed out, there has been zero complaints. It is working. The current system is working. We

are not hearing from the stakeholders that there is a problem. So what we are doing is opening up a huge hole in protection that could very well be abused and cause a significant public health issue, and we are not solving a burdensome problem for the stakeholders because they don't have one today.

So, look, I really do, I couldn't agree more with Senator Boxer. If this gets on the bill, this bill is going to have a serious problem, and I think people need to understand that.

Senator Crapo. Mr. Chairman, could I respond?

Senator Inhofe. Senator Crapo.

Senator Crapo. This is really not an issue or a problem that is seeking for a solution, a non-existing problem. And if my colleagues are not hearing about it, then I don't know which stakeholders they are listening to. This is becoming a huge problem across the Country. We have had bipartisan support for fixing this now for several years. And you are right, we continue to run into these objections, but these objections are not founded. The fact is that with this amendment we are trying to reestablish the Environmental Protection Agency's original policy regarding the applicability of FIFRA and the Clean Water Act.

And to answer legal questions concerning the two statutes, the EPA itself issued a regulation in 2006 stating that the Agency did not interpret FIFRA-compliant pesticide applications

as discharges and pollutants, and that such applications did not need a permit. The system up until then had operated fine and there was no problem needing this solution that has been forced on it.

More recently, on February 16, 2011, at a joint hearing held by the Subcommittees of the House Agriculture and Transportation Committees, Dr. Steven Bradbury, the Director of the EPA Office of Pesticide Programs, testified that FIFRA fully protects water resources. I am going to repeat that: FIFRA fully protects water resources. This is his quote from that hearing: "In sum, EPA uses its full regulatory authority under FIFRA to ensure that pesticides do not cause unreasonable adverse effects on human health or the environment, including our Nation's water resources," said Dr. Bradbury.

This is an issue where the EPA has made it clear that there is a solution seeking a problem, rather than the other way around. I want to reiterate that a pesticide may not be used in or near water unless the EPA has approved the label under FIFRA and it specifically states that it is okay to do so. These are the types of pesticides used and applications we are talking about with this amendment.

The notion that pesticides not approved for use in or near aquatic habitats are being released into water without regulation prior to the 2009 court ruling is simply not true.

Senator Boxer. Mr. Chairman, if I could respond.

Senator Crapo. Well, I do have just a little more to say, but I would be willing to do it after you.

Senator Boxer. Sure. No, no.

Senator Inhofe. I suggest that you go ahead, because he needs to close debate.

Senator Crapo. Okay, let's do that.

Senator Boxer. You got it.

Senator Inhofe. Senator Boxer.

Senator Boxer. You got it.

Let's be clear about FIFRA. FIFRA is a labeling requirement, period. That was it. And guess how this came about? A lawsuit by the people of our great Nation who said, wait a minute, we have a Clean Water Act and we have no protection from these pesticides. And the courts ruled it and it changed everything. And what you are doing here is ignoring that history, making people think that EPA has all this power to regulate, when all they do have power is to put a label on the pesticide.

This is serious stuff. This is straight out of somebody's nightmare following up on Flint. Unbelievable. You see what is going on over there with children, and this is saying now that we will go back to where they just have to put a label on the pesticide so we know what is poisoning our children. No, that

is not going to happen. It is not. It is not going to happen, because a lot of us are going to stand on the Floor who would otherwise support that Sportsmen's bill and say this is an outrage.

I think you are making a big mistake, Mr. Chairman, to allow this to move forward. Now, knowing you, I don't think you shy away from a fight, and you will probably let it go. But I just, because you are my dear friend, want you to know the strong feelings that those of us have who have watched this thing in Flint, where kids may never recover, may never recover. And it was done to them by a government that said we can't stand regulation. All right? That is what happens, folks. There are prices to be paid. Usually you don't find out about it for 20 years, but we found out about Flint.

So what we should be doing here is the opposite of what we are doing. How do we strengthen our laws to protect our families? How do we make sure that our children aren't poisoned? Instead, what are we doing? We are taking away a program that works fine and we are going back to a program that was so weak that it caused a lawsuit where the courts ruled under the Clean Water Act we have to do more. And getting a permit before you spray a pesticide that could be harmful does not seek to me to be outrageous.

And if you go out in the street, I don't care whether it is

in Idaho or California or right here, and say before people spray pesticides, do you think that somebody ought to look at the situation to make sure that it can't really get in the water and poison the fish, poison the children, poison our families? I think most people would say, you know, I think it is worth being a little careful here.

So, again, I speak from my heart, as you know I always do, just because I don't want you to be blindsided, Mr. Chairman, when we come down in full force and say we are not taking up any bill that would allow us to put poisons into waterways.

Senator Inhofe. Thank you, Senator Boxer.

We will recognize Senator Crapo to conclude debate.

I would only observe that this has been driven by a partnership. I have always been a real fan of the partnership, so we have people, Federal, State, local agencies, conservations, sportsmen's organizations, private landowners, and business sector. So I will urge a yes vote.

Senator Crapo. Well, thank you, Mr. Chairman. I would just say, again, as I said just a moment ago, all of these problems that the opponents of this amendment are bringing up are not a result of pesticide applications under FIFRA. The fact is that EPA itself testified that the waterways, because of FIFRA activities, are fully being protected. So one can bring up issues from somewhere else and say that that justifies some

kind of an increased government regulatory system being imposed on another entire aspect of our conduct of our pest management, but it doesn't make it true.

And the truth is that I think we all agree on the nature of the importance of protecting the environment and human health. Pesticides should only be used when necessary, and applicators must follow all State, Federal, and local laws that have been established to accomplish that.

FIFRA is not just a labeling requirement; there are requirements in terms of the conduct and application of pesticides under FIFRA. And my concern is that the overregulation of these applications can have unintended consequences.

And I will conclude with this. It has been said several times today that nobody has a problem with the new regime, there are no problems being caused. That also is untrue. It is becoming a huge problem, which is why we have bipartisan support for this, and have had bipartisan support for years. And I could go through examples. I will just use one. I have pages of examples here.

But just a few years ago, forests in Northern Idaho, my State, had an invasive moth outbreak that defoliated thousands of acres of trees. And while private landowners initiated a treatment, State forestry managers opted to not treat

neighboring lands specifically due to the NPDES requirement because of the increased regulatory load. And the increased regulatory burden that is being put into place, the activities that we need to be engaged in for the kinds of invasive species and pest management that I described earlier are not happening, and the costs are being driven up and the impacts are big. That is why this issue is so important.

I think this is one of the biggest issues that the Farm Bureau is focusing on in this Congress. It is a big issue for our sportsmen and for people across this Country, and for those who want to use these beautiful resources that we have in our Country and want them to be able to be managed properly. This is a critical issue that we need to address.

Thank you, Mr. Chairman.

Mr. Inhofe. Thank you, Senator.

I would observe that this is bipartisan; Senator Carper, Senator Coons, Senator Donnelly, and others.

What do you do with your amendment?

Senator Crapo. Mr. Chairman, I do move the amendment.

Senator Inhofe. Is there a second?

Senator Vitter. Second.

Senator Inhofe. There is a second. The Clerk will call the roll.

The Clerk. Mr. Barrasso?

Senator Barrasso. Aye.

The Clerk. Mr. Booker?

Senator Boxer. No by proxy.

The Clerk. Mr. Boozman?

Senator Boozman. Yes.

The Clerk. Mrs. Boxer?

Senator Boxer. No.

The Clerk. Mrs. Capito?

Senator Capito. Yes.

The Clerk. Mr. Cardin?

Senator Cardin. No.

The Clerk. Mr. Carper?

Senator Boxer. Aye by proxy.

The Clerk. Mr. Crapo?

Senator Crapo. Aye.

The Clerk. Mrs. Fischer?

Senator Inhofe. Aye by proxy.

The Clerk. Mrs. Gillibrand?

Senator Gillibrand. No.

The Clerk. Mr. Markey?

Senator Boxer. No by proxy.

The Clerk. Mr. Merkley?

Senator Merkley. No.

The Clerk. Mr. Rounds?

Senator Rounds. Aye.

The Clerk. Mr. Sanders?

Senator Boxer. No by proxy.

The Clerk. Mr. Sessions?

Senator Inhofe. Aye by proxy.

The Clerk. Mr. Sullivan?

Senator Inhofe. Aye by proxy.

The Clerk. Mr. Vitter?

Senator Vitter. Yes.

The Clerk. Mr. Whitehouse?

Senator Boxer. No by proxy.

The Clerk. Mr. Wicker?

Senator Inhofe. Aye by proxy.

The Clerk. Mr. Chairman?

Senator Inhofe. Aye.

The Clerk. Mr. Chairman, the yeas are 21, the nays are 8.

Senator Inhofe. And the amendment is agreed to.

I will go to the Democrat side for those wanting to propose amendments. Yes, Senator Merkley.

Senator Merkley. Thank you very much, Mr. Chairman. I am going to speak to an amendment, but I am not going to ask for a vote on it. Specifically, I wanted to address Merkley No. 1, the Columbia River Basin Restoration Act.

This is an Act which has not had a hearing yet. It is

related to a conversation on how we go about having an effort to address long-time chemical contamination of the Columbia River. This is parallel to the bills that are already law for the Chesapeake Bay, for the Great Lakes, for the Gulf of Mexico, for Lake Champlain, Long Island, Pacific Islands, Puget Sound, San Francisco Bay, South Florida. In other words, every great body of water in the Country except the Columbia.

So I would like to work with my colleagues, Senator Crapo and others, who have States that are on the Columbia River, find a way that this bill could have the kind of flexibility that might suit different circumstances in different States, but still enable those States that wish to follow the model so effectively pursued on great waters across the Country apply that assistance to the Columbia River.

People may be surprised to find out that more water rolls through the Columbia River than any other river in the Country, including the Mississippi. Mississippi is much wider, but a lot slower and a lot shallower.

Senator Inhofe. A lot warmer.

Senator Merkley. And the Mississippi is a lot warmer.

So I would appreciate working with the Chairman to have a hearing on this at some point in the future.

[The text of the amendment to S. 659 offered by Senator Merkley follows:]

Senator Inhofe. Thank you, Senator Merkley.

On the Republican side? Senator Boozman.

Senator Boozman. Thank you, Mr. Chairman. I would like to call up my amendment, Boozman No. 1. This amendment is identical to legislation that the Committee passed by voice vote in the 113th Congress. Senator Boxer was very helpful in her support in marking it up at that time. The purpose is to encourage joint cooperative management at Corps of Engineers recreational sites and facilities.

Current law enables the Corps to enter into cooperative agreements with non-Federal public and private entities to provide for operation and management of recreation facilities and natural resources at civil works projects. These partnerships help ensure that Corps recreation facilities are well maintained and remain open. These agreements also ensure that natural resources are conserved and protected.

For many years, the Corps used its existing authority to allow partners to collect and reinvest user fees. However, based on a 2013 legal review, the Corps determined that this practice exceeds existing statutory authority. Unfortunately, some recreation sites and facilities are difficult, if not impossible, to maintain or keep open without partnership support.

The 2013 ruling is hurting communities and it is

discouraging the friends and partners and volunteers who contribute so much to the improvement of Corps recreation sites. This amendment would reestablish the positive partnerships that were built over many years. The Corps values these partnerships and would like to strengthen them and maintain them. This amendment restores the practice that existed before the September 2013 guidance was issued.

I look forward to working with the Committee on this issue as the legislation moves forward, and I would ask for my colleagues' support.

If the Chairman is willing, I would be happy to move the amendment by voice vote.

[The text of Amendment No. 1 to S. 659 offered by Senator Boozman follows:]

Senator Inhofe. First, Senator Boxer.

Senator Boxer. I wish to speak in support of the Boozman amendment. I won't take the Committee's time to say why. I think he speaks for me. Most important thing is this amendment restores an important source of funds for the operations and maintenance of civil works, and I think it is important and I am proud to support it.

Senator Boozman. Thank you, Senator Boxer.

Senator Inhofe. And I might also just make a comment to get in the record. We have done this before. Any time you have the private sector willing to put up resources to take care of a public need, it is a good idea. So I think this carries on that good idea and would be in strong support if it.

Before we ask for a voice vote, does this mean you would not be offering your second amendment?

Senator Boozman. No, sir, just the first.

Senator Inhofe. Yes. All right, fine.

Senator Merkley. Mr. Chairman?

Senator Inhofe. Oh, yes, Senator Merkley.

Senator Merkley. Thank you, Mr. Chairman. I wanted to speak in support of this. We have an example in my State, a partnership between Sherman County and the Army Corps, in which the Corps no longer can afford to operate a park and boat landing the way they have in the past. It would make a lot of

sense for the county to be able to take over this valuable asset to the community or receive the fees back from the operation. We have run into red tape on this. I think this amendment would help in this specific situation and I am very supportive of the amendment.

Thank you.

Senator Inhofe. Thank you.

Senator Boozman, do you move your amendment?

Senator Boozman. I ask to move the amendment.

Senator Inhofe. Second?

Senator Vitter. Second.

Senator Inhofe. All in favor say aye.

[Chorus of ayes.]

Senator Inhofe. Opposed, no.

[No audible response.]

Senator Inhofe. The ayes have it and it is agreed to.

On the Democrat side, amendments?

Senator Boxer. Not for this.

Senator Inhofe. Oh, all right. Senator Boxer, which amendment do you have?

Senator Boxer. Okay, I call up Boxer Amendment No. 1.

Senator Inhofe. Okay, Boxer Amendment No. 1.

Senator Boxer. This amendment modifies Section 2, which creates a new permanent exemption from the Toxic Substances

Control Act for a wide array of sport fishing equipment. Section 2 prevents the EPA from ever acting to address a dangerous chemical, such as lead, in fishing equipment, even if the science is clear that it is harming people's health. Again we get back to lead and the problem that lead causes, particularly in children.

So instead of burying our heads in the sand and ignoring potential impacts to children and families, I think we should make sure that experts can continue to look at this issue and alert us if any concerns arise.

So what I do is I just hone in on lead and say lead is not exempt from TSCA and everything else is exempt, but we want to make sure that we have a study to make sure that that is not harming our kids. I tried very hard to work with the Majority to get this change. Couldn't do it. I don't anticipate we are going to get it, but, again, in light of Flint, I think this is another critical issue, so I am going to ask for a recorded vote on this amendment, knowing full well I don't think I have cracked the barrier on the other side.

[The text of Amendment No. 1 to S. 659 offered by Senator Boxer follows:]

Senator Inhofe. With that last comment, I won't make my comments, then.

Senator Boxer. I speak for you in saying that?

Senator Inhofe. Yes.

Senator Boxer. I thought so.

[Laughter.]

Senator Inhofe. All those in favor of Boxer No. 1 say aye.

[Chorus of ayes.]

Senator Inhofe. Opposed, no.

[Chorus of noes.]

Senator Boxer. I ask for a recorded vote.

Senator Inhofe. The Clerk will call the roll.

The Clerk. Mr. Barrasso?

Senator Barrasso. No.

The Clerk. Mr. Booker?

Senator Boxer. Aye by proxy.

The Clerk. Mr. Boozman?

Senator Boozman. No.

The Clerk. Mrs. Boxer?

Senator Boxer. Aye.

The Clerk. Mrs. Capito?

Senator Inhofe. No by proxy.

The Clerk. Mr. Cardin?

Senator Boxer. Aye by proxy.

The Clerk. Mr. Carper?

Senator Boxer. Aye by proxy.

The Clerk. Mr. Crapo?

Senator Crapo. No.

The Clerk. Mrs. Fischer?

Senator Inhofe. No by proxy.

The Clerk. Mrs. Gillibrand?

Senator Gillibrand. Aye.

The Clerk. Mr. Markey?

Senator Boxer. Aye by proxy.

The Clerk. Mr. Merkley?

Senator Merkley. Aye.

The Clerk. Mr. Rounds?

Senator Rounds. No.

The Clerk. Mr. Sanders?

Senator Boxer. Aye by proxy.

The Clerk. Mr. Sessions?

Senator Inhofe. No by proxy.

The Clerk. Mr. Sullivan?

Senator Inhofe. No by proxy.

The Clerk. Mr. Vitter?

Senator Vitter. No.

The Clerk. Mr. Whitehouse?

Senator Boxer. Aye by proxy.

The Clerk. Mr. Wicker?

Senator Inhofe. No by proxy.

The Clerk. Mr. Chairman?

Senator Inhofe. No.

The Clerk. Mr. Chairman, the yeas are 9, the nays are 2.

Senator Inhofe. Then the amendment is not agreed to.

Senator Vitter?

Senator Vitter. Mr. Chairman, I have two amendments on the agenda, but Vitter Amendment No. 1 I am going to withdraw. We are still working on a few points regarding that with members of the Committee. Excuse me, Vitter Amendment No. 2 I am going to withdraw. Vitter Amendment No. 1 I will take up.

This concerns the regulation of fisheries, particularly fisheries in the Gulf. There is a very odd situation in the Gulf, which is that Texas and Florida State regulation go out to nine nautical miles, but everything in between, Louisiana, Mississippi, Alabama, only go out to three nautical miles. This would equalize that at nine nautical miles. This was done specifically in the omnibus bill. Some Shelby language directly to this effect was included. It is strongly supported in the Gulf. I don't think it was controversial in that context.

This amendment would simply extend that permanently, since, by nature of it being an appropriation bill, the language in the omnibus would only have effect for one fiscal year. So I would

offer this amendment, which has strong support in the Gulf.

[The text of Amendment No. 1 to S. 659 offered by Senator Vitter follows:]

Senator Inhofe. Yes. And I would only add that, from my experience down in Texas, this offers the recreational fishermen opportunities they have in Texas they don't have in Louisiana, Mississippi, and Alabama.

Others want to be heard?

Senator Boxer. Mr. Chairman?

Senator Inhofe. Senator Boxer.

Senator Boxer. I don't have a fish in this fight, but I will tell you who does, the Commerce Committee. They are very disturbed because it is under their jurisdiction; NOAA manages these species. And I have been asked by Senators Cantwell and Nelson to ask Senator Vitter not to offer it here. They are going to complain about it when we get this to the Floor. It is up to him, but I would urge a no vote because our colleagues are saying it is damaging to take NOAA out of this equation.

Senator Inhofe. Thank you. Others want to be heard?

Senator Vitter?

Senator Vitter. I would simply close by saying for an aye vote. It has great consensus support in the Gulf. It has in the Omnibus, which was obviously done by the Appropriations Committee, not the Commerce Committee. It was not highly controversial there, and I would urge an aye vote.

Senator Inhofe. Is there a second?

Senator Crapo. Second.

Senator Inhofe. There is a second.

Senator Vitter. Excuse me. Let me urge an aye vote as modified. There was a modification made this morning to it, which I think everyone has.

Senator Inhofe. And there is a second. The Clerk will call the roll.

The Clerk. Mr. Barrasso?

Senator Barrasso. Aye.

The Clerk. Mr. Booker?

Senator Boxer. No by proxy.

The Clerk. Mr. Boozman?

Senator Inhofe. Aye by proxy.

The Clerk. Mrs. Boxer?

Senator Boxer. No.

The Clerk. Mrs. Capito?

Senator Inhofe. Aye by proxy.

The Clerk. Mr. Cardin?

Senator Boxer. No by proxy.

The Clerk. Mr. Carper?

Senator Boxer. No by proxy.

The Clerk. Mr. Crapo?

Senator Crapo. Aye.

The Clerk. Mrs. Fischer?

Senator Inhofe. Aye by proxy.

The Clerk. Mrs. Gillibrand?

Senator Gillibrand. No.

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 Boxer. No by proxy.

The Clerk. Mr. Sessions?

Senator Inhofe. Aye by proxy.

The Clerk. Mr. Sullivan?

Senator Inhofe. Aye by proxy.

The Clerk. Mr. Vitter?

Senator Vitter. Aye.

The Clerk. Mr. Whitehouse?

Senator Boxer. No by proxy.

The Clerk. Mr. Wicker?

Senator Inhofe. Aye by proxy.

The Clerk. Mr. Chairman?

Senator Inhofe. Aye.

The Clerk. Mr. Chairman, the yeas are 11, nays are 9.

Senator Inhofe. The amendment is agreed to.

From the Democrat side I would ask if there are any amendments to be brought up.

Senator Boxer. Yes. Yes, I do. Am I recognized?

Senator Inhofe. Senator Boxer.

Senator Boxer. Thank you.

So I have three amendments left. I am not going to offer Amendment No. 3, so you can take that off the list. And I am going to offer Amendment No. 2, if I might, Mr. Chairman.

This amendment, I hope we can support this amendment because, at the end of the day, it doesn't do any harm to the goal, but we do worry about a precedent-setting nature here.

In Section 4 we allow the importation of polar bears that were killed in Canada prior to the species being listed under the Endangered Species Act. So this provision in Section 4 is intended to be a one-time exemption for bears that were killed between the proposed listing and the final listing of the species.

Many conservation groups who cover Republicans and Democrats are very concerned that the provision as it is now sets a precedent for future exemptions because it directly amends the Marine Mammal Protection Act. So all we do in our amendment is say remove the provision from the Marine Mammal Protection Act, but keep it in the bill that there is this one-time allowance done.

So I think if you support allowing these bears to be brought in, but you don't want to amend the Marine Mammal Protection Act to set a precedent, you would support this, and that is why I offer it up. And I tried to get some agreement; I could not reach agreement with my colleague on it, so I would offer this up. I think it is important not to set a precedent by amending the Marine Mammal Protection Act but just say, sure, this is a one-time carve-out, it is fine.

[The text of Amendment No. 2 to S. 659 offered by Senator Boxer follows:]

Senator Inhofe. Thank you, Senator Boxer.

I would only observe that the current language was a result of lengthy negotiations with the Fish and Wildlife. They are supportive of the language. In fact, in a letter to the Committee from the Service dated April 15th of this past year, the Service thanks Senator Sullivan for incorporating their comments into the sportsmen's package.

I would urge a no vote.

Senator Boxer. Can I be clear on something? They do not support this. They have taken no position on it. So let's be clear. They would much prefer that we didn't amend the Marine Mammal Protection Act. They have told us they do not support it. They did give their comments. That is my understanding.

Senator Inhofe. Well, I would only read from their letter.

Senator Boxer. Sure.

Senator Inhofe. In Section 4, permits and so forth, the Administration supports this provision and thanks Senator Sullivan for incorporating the services, so forth.

Senator Boxer. Okay. We hadn't seen that. We'll take it back.

Senator Inhofe. Ask that this be made a part of the record.

[The referenced information follows:]

Senator Boxer. I apologize. We hadn't seen that. What date was that?

Senator Inhofe. April 15th.

Senator Boxer. Oh, thank you. So that got by me. Okay. Well, I stand with the amendment. I still feel that it is better not to change the Marine Mammal Protection Act.

Senator Inhofe. You want to move your amendment?

Senator Boxer. I do. I move it.

Senator Inhofe. Is there a second?

Senator Gillibrand. Second.

Senator Inhofe. There is a second.

Senator Boxer. A roll call, please.

Senator Inhofe. Sure.

The Clerk will call the roll.

The Clerk. Mr. Barrasso?

Senator Barrasso. No.

The Clerk. Mr. Booker?

Senator Boxer. Aye by proxy.

The Clerk. Mr. Boozman?

Senator Inhofe. No by proxy.

The Clerk. Mrs. Boxer?

Senator Boxer. Aye.

The Clerk. Mrs. Capito?

Senator Inhofe. No by proxy.

The Clerk. Mr. Cardin?

Senator Boxer. Aye by proxy.

The Clerk. Mr. Carper?

Senator Boxer. Aye by proxy.

The Clerk. Mr. Crapo?

Senator Crapo. No.

The Clerk. Mrs. Fischer?

Senator Inhofe. No by proxy.

The Clerk. Mrs. Gillibrand?

Senator Gillibrand. Aye.

The Clerk. Mr. Markey?

Senator Markey. Aye.

The Clerk. Mr. Merkley?

Senator Merkley. Aye.

The Clerk. Mr. Rounds?

Senator Rounds. No.

The Clerk. Mr. Sanders?

Senator Boxer. Aye by proxy.

The Clerk. Mr. Sessions?

Senator Inhofe. No by proxy.

The Clerk. Mr. Sullivan?

Senator Inhofe. No by proxy.

The Clerk. Mr. Vitter?

Senator Inhofe. No by proxy.

The Clerk. Mr. Whitehouse?

Senator Boxer. Aye by proxy.

The Clerk. Mr. Wicker?

Senator Inhofe. No by proxy.

The Clerk. Mr. Chairman?

Senator Inhofe. No.

The Clerk. Mr. Chairman, the yeas are 9, nays are 11.

Senator Inhofe. And the amendment is not agreed to.

On the Republican side? Senator Crapo.

Senator Crapo. Mr. Chairman, I call up the Crapo Amendment No. 1. And Senator Cardin wanted to be an original co-sponsor and asked me to ask for unanimous consent on his behalf to add his name as an original co-sponsor.

Senator Inhofe. Without objection.

Senator Crapo. This amendment is a version of a bill that I have long worked with Senator Cardin on. The legislation, the National Fish Habitat Conservation Act, is modeled after other successful conservation programs, such as the North American Wetlands Conservation Act.

The amendment will codify the National Fish Habitat Board and National Fish Habitat Partnerships Programs established through a State-led public-private partnership and housed within the U.S. Fish and Wildlife Service. The Board approves fish habitat partnerships, evaluates local projects supported by the

projects, and provides funding recommendations to the Secretary of Interior ensuring the projects funded meet strategic fish habitat objectives through projects that will be permanently led by local communities and the State fish and wildlife agencies.

The new version of this legislation allows Congress to further refine how this program operates. For example, this improved fish habitat bill would add more diverse representation onto the current NFH Board, broadening the input of stakeholders and including private landowners, organizations from agriculture and private industry sectors, more diverse NGO representation, and clarified Federal agency representation.

I ask unanimous consent to pass this important legislation.

[The text of the amendment to S. 659 offered by Senator Crapo follows:]

Senator Inhofe. By unanimous consent?

Okay, Senator Boxer?

Senator Boxer. Yes. I would like to put my full statement in the record in support of this. I want to compliment my friend and Senator Cardin. Just to sum it up, I think this amendment fosters better science, communication, and partnership to unite diverse stakeholders and focus voluntary action on conserving priority habitats. And I love the public-private partnership, it is so workable, and I want to again thank my friend.

[The prepared statement of Senator Boxer follows:]

Senator Inhofe. Thank you.

Is there objection to the unanimous consent request?

Without objection, it is adopted.

Senator Markey.

Senator Markey. Thank you, Mr. Chairman, very much. My amendment will strike out all of the controversial sections of S. 659, leaving only the sections with true bipartisan support. This is Markey No. 1.

So it will leave Section 7, the North American Wetlands Conservation Act, and Section 8, the Multinational Species Conservation Funds Reauthorization, because we all agree that the fiscally responsible North American Wetlands Conservation Act conserves North America's wildlife and wetlands, while producing numerous environmental, recreational, water quality, and economic benefits. Over the life of this competitive program, the North American Wetlands Conservation Act grants have leveraged non-Federal matching contributions at a rate of 3 to 1. Among the program's biggest supporters is Ducks Unlimited, one of the Nation's largest sportsmen's groups.

And we all agree that the Multinational Species Conservation Funds Reauthorization provides crucial support for the protection of the planet's most imperiled species, including elephants, rhinoceroses, tigers, great apes, and marine turtles, which, as were previously discussed here, are a special concern

to some of our closest constituents. This program promotes international collaboration, while bolstering the goodwill of the United States and organizations seeking to assist the responsible development of emerging economies around the world. This program is also notable for its success in leveraging matching funds at a rate of 2 to 1.

So my amendment supports the economies and conservation efforts which depend on these critical programs. It would also speed action on this legislation to the Senate Floor, and I urge support of my amendment, Mr. Chairman.

[The text of the amendment to S. 659 offered by Senator Markey follows:]

Senator Inhofe. Thank you, Senator Markey.

I would observe that the amendment would strike five sections of the bill, leaving only the short title and two provisions. It also strikes language that has been negotiated and agreed to by the Administration and by others, so I would urge a no vote.

Others want to be heard?

Senator Boxer. Yes.

Senator Inhofe. Senator Boxer.

Senator Boxer. Well, the reason I am supporting this, and I thank my friend for doing it, is he is trying to get this bill done. We have been trying to get this bill done for a long time. There are Democrats and Republicans that want to get it done, but every time we try to do it there are poison pills on it and it just makes it impossible, and at the end of the day we all look at each other and say another missed opportunity.

I think what my friend is trying to do is get a situation here where we can go to the bill, and then if there are agreed-upon additions, we can do that in an amendment. I am sure my friend would work actively, so I know the handwriting is on the wall, if you will, but I just wanted to speak out in strong support, because it is not a negative thing to do, it is a positive thing to do, and I wanted to make sure I was on the record saying that.

Senator Inhofe. Thank you.

Senator Markey. Mr. Chairman?

Senator Inhofe. Senator Markey.

Senator Markey. I can accept a voice vote on this.

Senator Inhofe. All right.

You have heard the motion. Is there a second?

Senator Gillibrand. Second.

Senator Inhofe. All in favor say aye.

[Chorus of ayes.]

Senator Inhofe. Opposed, no.

[Chorus of noes.]

Senator Inhofe. The noes appear to have it. The noes do have it. It is not agreed to.

On the Republican side, who seeks recognition? Senator Rounds.

Senator Rounds. Thank you, Mr. Chairman. First of all, I would like to just say thank you to you and to Senator Sullivan for the work that you have done on this bill so far.

Senator Inhofe. Thank you.

Senator Rounds. I would like to call up the Rounds Amendment No. 1 and ask for its consideration. This amendment is designed to ask that more information be provided to individuals who are being asked or are considering making an easement to the U.S. Fish and Wildlife Service or to another

Federal agency. What this says is that all of the options available, not just permanent easement options, but intermediate easement options, should also be considered.

I was surprised to find out that there are multiple types of easements available right now. But most landowners aren't being made aware of them. So what this does is it simply says that, first of all, all of the options will be made available that are available under the Federal programs today and, second of all, that there will be a documentation that will go with this process assuring that this information has been provided. The hope is that we will get more owners, landowners to actually agree to conservation easements in the future if it doesn't have to be one size fits all of a permanent easement only. Our goal is to have more participation, but clearly more transparency and more options for those landowners to participate in these conservation programs.

Thank you, Mr. Chairman.

[The text of the amendment to S. 659 offered by Senator Rounds follows:]

Senator Inhofe. Thank you, Senator Rounds.

It is surprising to me that people are not aware of what goes along with these easements.

Senator Boxer?

Senator Boxer. Mr. Chairman, I support the intent of this amendment. I do think it needs additional work, and if my colleagues want to voice vote it out today, it is fine, and perhaps there is a way we can get to a place where we agree. But I do support the intent.

Senator Inhofe. You move your amendment?

Senator Rounds. I would move the amendment, Mr. Chair.

Senator Inhofe. Is there a second?

Senator Vitter. Second.

Senator Inhofe. There is a second.

All those in favor say aye.

[Chorus of ayes.]

Senator Inhofe. Opposed, no.

[No audible response.]

Senator Inhofe. The ayes have it and the amendment is agreed to.

On the Democrat side? Senator Boxer.

Senator Boxer. This could be the last amendment on our side. It looks like Senator Barrasso has one.

I would call up Boxer Amendment No. 4.

Senator Inhofe. Boxer Amendment No. 4.

Senator Boxer. And this amendment strikes Section 6, which prevents the Corps from implementing restrictions on the use of firearms at its facilities. Corps projects are managed for many purposes, including navigation, hydropower, water supply, fish and wildlife conservation, recreation, and flood risk management. Many of these projects, such as lock hydroelectric dams and levees are critical infrastructure with significant homeland security concerns. Significant. As a matter of fact, they are in many ways targets for terrorism.

Protection of these structures is of the highest priority, so allowing individuals to carry loaded firearms near these facilities has national security implications. The Corps should not be prohibited from implementing common sense restrictions to protect critical infrastructure. They should be encouraged to protect the infrastructure. In addition, the Corps does not have its own law enforcement officers, like the National Park Service or Fish and Wildlife. Therefore, significantly expanding the ability of the public to carry firearms prevents a significant public safety and law enforcement challenge.

Under the current Corps regulations, visitors are already allowed to possess loaded firearms for hunting or for use at established firing ranges on Corps lands. So anybody who says what I am trying to do impacts hunters, absolutely not. I

strongly support their right to bring on a loaded firearm for that purpose. But my amendment codifies existing Corps regulations, ensuring uniform application of Corps gun regulations at all Corps facilities without endangering our Nation's critical infrastructure or other users of Corps recreational sites, and I would argue not interfering with the Second Amendment.

My amendment makes clear that sportsmen can bring their firearms to Corps facilities for hunting and sport shooting. I just, again, want to say to my colleagues if you go out on the street and ask an average person do you support being able to hunt with a loaded firearm on Corps land, they would say yeah. And we do allow that; my amendment allows that. But do you support allowing folks who you have no idea who they are to get access to where there are dams, flood control, serious infrastructure where you have no armed security? Honestly, really, really? I think people would say that makes no sense at all.

So I think this is common sense legislation. Yes for the people who are shooting. After all, it is a sportsmen act, it is not a let the terrorists in with their firearms near infrastructure act. I hope we will support this.

[The text of Boxer Amendment No. 4 to S. 659 offered by Senator Boxer follows:]

Senator Inhofe. Thank you, Senator Boxer.

I would observe that the language would put restrictions on where and how law-abiding citizens can carry their guns. The language overlooks the fact that many people carry the guns for their own safety. You know, if a grizzly bear attacks, they don't know whether it is loaded or not, but an unloaded gun doesn't do much good. So I would urge a no vote.

Others want to be heard?

Senator Crapo. Yes, Mr. Chairman.

Senator Inhofe. Yes, Senator Crapo.

Senator Crapo. Yes, Mr. Chairman. I agree. First of all, I think a misimpression has been created. The fact is the language in the bill does allow the Corps to protect infrastructure in terms of not allowing firearms to be brought onto infrastructure facilities; and I think that is very important to note because that is simply a mischaracterization of what the language would do. The language basically says that an American has a right, under the Second Amendment, to bear arms for hunting and for recreation and for self-defense, as I think most Americans would willingly support.

One court recently has ruled the current approach by the Corps to be unconstitutional, which I believe is correct. This simply says that the Corps' current policy of saying that all of their land is closed unless it is specifically allowed to be

opened by some kind of permit from the head of the Corps, is not the way to approach the issue. And again I reiterate that the infrastructure issue that has been raised is a red herring, if you will. There is already property authority for the agency to protect at critical infrastructure.

Senator Boxer. If I could just say, Mr. Chairman, the Corps disagrees with that. They don't feel that they do. And if you had a big group, after all, you support everybody's right to carry a gun on there, including terrorists. They are going to get guns. So they are going to walk in. Let's say they meet up and there is a few people protecting a facility and they shoot it up and start a flood.

Look, if you feel you need a gun to protect yourself, you can go to the Corps and protect that permit. If you feel that you are going to a place that there are a lot of grizzlies, you can go to the Corps and get that permit. We do not say you can't get a permit. All we are saying is that it is dangerous to public security to allow perhaps terrorists or anybody else, bad actors, from getting on there. And if you are a good actor, what is the problem? You know, in my State you can get a permit to carry a gun. Nobody is taking away anybody's guns. But to sit here and say, oh, there is plenty of security, that is great. It is just not true. And this critical infrastructure, they are hard targets. Let's be clear, they are hard targets.

So I don't know, again, you know, somebody said why can't you get anything done in the Senate, and I say, well, first of all, it is not true, we get some things done, and I always point to our ability to work together. But then I say the truth. We see the world in different ways now, Republicans and Democrats. We really see the world in different ways. If you can sit here and think that it is for public safety that we allow anyone and anyone to carry a loaded gun near a facility that if it is attacked could wreak havoc on our people, I don't see it that way. You look at me and think what's wrong with her. I look at you and say what is wrong with you. This is serious.

I am not mad about it at all because it is just a different way of seeing the world. My belief is you can protect the Second Amendment and have common sense laws, and I think that is where Americans are. They are not one side or the other, they are straight down the center; protect my right, but also common sense. And if you are going to grizzly country, and you go to the Corps and say, look, I really need to be able to load my gun, they are going to give you a permit. They are not going to take away your right. So I just think that this amendment is important.

Again, look, we are going to have this debate on the Floor. It is going to be very interesting, if this bill ever comes to light. I doubt that it will. I think there is going to be way

more than 40 people who say don't even bring it up. But you are loading this thing up. You are loading it up with lead in the water; you are loading it up with lead from guns; you are loading it up with security threats. It is just remarkable what you are doing to a bill that ought to be bipartisan. I tried so hard. I love your staff; we work with them. We love them. We couldn't get anywhere on this stuff.

And it is just sad to me that a sportsmen's bill can't get bipartisan support when, if it was strictly a sportsmen's bill, fine. But, oh no, we have all this stuff about guns and allowing people to dump garbage in the water that is poison. What are we doing? Just stick to the sportsmen's deal, as Senator Markey suggested. Oh, no, we are going to have this ideological thing, and, frankly, it won't even get to that because I am going to go down on the Floor after this passes, which it will, and say a remarkable thing happened in the Environment Committee: we are endangering the people of this Country.

And I am going to do everything in my power, stand on my feet, do whatever I have to do to stop it unless we can come to some agreement to withdraw some of this stuff, take it up separately. Let's have a fight on bringing guns where there is infrastructure. Fine, we can do that. We can ask the Homeland Security people how they feel. We can talk about how the Humane

Society feels about some of the things you are doing. That is fine. Why not try to take out the controversy? But, no, we keep adding it. And this amendment is an effort to get us to take out this controversy because this ain't going nowhere, and that is not good for the Country.

Senator Inhofe. Senator Merkley?

Senator Merkley. Thank you, Mr. Chairman. I wanted to dwell a little bit on the point that my colleague from Idaho is making about the exemption in the underlying language, which says the Secretary of the Army shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm, including assembled or functional firearm, in any area open to the public; and then it has an exception: other than a Federal facility as defined in Section 930(g) of Title 18. I think that is the provision that you are referring to.

I have received a lot of letters on this, and the concern with this is that that leaves a little bit of a vague situation. For example, the definition referred to is "a building or part of a building owned or leased by the Federal Government where Federal employees are regularly present for the purpose of performing their official duties." So people have envisioned, for example, the Bonneville Dam, where the grounds are open to the public, they have a sturgeon pond, they have salmon rearing. But if only the building is the exception, then essentially

armed individuals coming to the door of the building would be exempted. But it poses that concern of domestic terrorism of a group, perhaps a group financed, organized by enemies abroad, bringing guns right to the door of the building, and yet they would still be protected by the language that is in this because they would not have yet entered the building. And the language is specifically the building, not the grounds of the facility.

So that confusion has led to a lot of letters from the public. I think we should work to clarify that piece. The grizzly concern is one concern separate from an assault team at the door of a Federal facility.

Senator Inhofe. Okay, others want to be heard?

Senator Boxer?

Senator Boxer. No, we can just vote.

Senator Inhofe. Do you want to move it?

Senator Boxer. I would move.

Senator Inhofe. Is there a second?

Senator Gillibrand. Second.

Senator Inhofe. Do you request a roll call?

Senator Boxer. I do.

Senator Inhofe. Okay, the Clerk will call the roll.

The Clerk. Mr. Barrasso?

Senator Barrasso. No.

The Clerk. Mr. Booker?

Senator Boxer. Aye by proxy.

The Clerk. Mr. Boozman?

Senator Inhofe. No by proxy.

The Clerk. Mrs. Boxer?

Senator Boxer. Aye.

The Clerk. Mrs. Capito?

Senator Capito. No.

The Clerk. Mr. Cardin?

Senator Boxer. Aye by proxy.

The Clerk. Mr. Carper?

Senator Boxer. Aye by proxy.

The Clerk. Mr. Crapo?

Senator Crapo. No.

The Clerk. Mrs. Fischer?

Senator Inhofe. No by proxy.

The Clerk. Mrs. Gillibrand?

Senator Gillibrand. Aye.

The Clerk. Mr. Markey?

Senator Boxer. Aye by proxy.

The Clerk. Mr. Merkley?

Senator Merkley. Aye.

The Clerk. Mr. Rounds?

Senator Rounds. No.

The Clerk. Mr. Sanders?

Senator Boxer. Aye by proxy.

The Clerk. Mr. Sessions?

Senator Inhofe. No by proxy.

The Clerk. Mr. Sullivan?

Senator Inhofe. No by proxy.

The Clerk. Mr. Vitter?

Senator Vitter. No.

The Clerk. Mr. Whitehouse?

Senator Boxer. Aye by proxy.

The Clerk. Mr. Wicker?

Senator Inhofe. No by proxy.

The Clerk. Mr. Chairman?

Senator Inhofe. No.

The Clerk. Mr. Chairman, the yeas are 9, the nays are 11.

Senator Inhofe. The amendment is not agreed to.

Senator Barrasso.

Thank you very much, Mr. Chairman. I would like to call up Barrasso Amendment No. 1 to S. 659. This amendment would delist the grey wolf in Wyoming and the Great Lakes under the Endangered Species Act. It also protects the delisting from further judicial review, similar to the judicial protections already granted by Congress to the States of Montana and Idaho.

This amendment is one of many legislative efforts I am going to continue to pursue until Wyoming's wolf management plan

is protected and fully implemented. Wyoming honors its commitment. We have put together a solid and working plan to protect the State's wolf population. Even in this Committee, Dan Ashe, who is the Director of the U.S. Fish and Wildlife Service, stated from that very table that he agrees that wolves should be delisted in Wyoming. It is time to move forward, to recognize the science, focus on our scarce taxpayer resources on truly imperiled species, and I move the amendment.

[The text of the amendment to S. 659 offered by Senator Barrasso follows:]

Senator Inhofe. Is there a second?

Senator Crapo. Second.

Senator Inhofe. Do you want a roll call?

Senator Boxer. May I speak briefly?

Senator Inhofe. Senator Boxer.

Senator Boxer. Mr. Chairman, this amendment would legislatively remove endangered species protections for grey wolves in Wyoming and the Great Lakes. It would overturn two Federal court decisions that require the protection of grey wolves in these areas and, as I understand it, according to Senator Barrasso, he would preclude the courts from getting involved in it in the future.

Now, the Federal courts were clear that the grey wolves deserve protection under the Endangered Species Act. Decisions about protecting endangered species should be made according to the law. If you don't like the law, change it, but that is the law. We shouldn't be engaging in this as politicians. If we want to change the law, change it. But it is a law that was passed by our predecessors, and it is a dangerous precedent to undermine the Endangered Species Act.

The Fish and Wildlife Service, as I understand it, did approve the Wyoming law, so that wasn't the problem. The problem was they were sued by groups such as the Humane Society. I don't know the exact groups. Is that right? Probably

Defenders of Wildlife. Those groups, similar to them. And the court said uh-uh, you know, you are wrong. They said to the Fish and Wildlife Service you are wrong. So you are trying to shut down the courts from getting involved in protecting a law and protecting the wolves. I think it is a dangerous precedent.

I do understand the frustration. My State has had situations where they have drawn up their own conservation plans and they were judged inadequate once or twice by the bureaucrats here, and the courts in another case. It is frustrating. But, in fact, you know, when we act to protect endangered species, we are doing it in accordance with the law. And as long as the law stands, it is one of the most popular laws in the Country, we have to abide by it. So I think this is a bad precedent; interferes with people's rights and the courts, etcetera, and interferes with the wolf, and I would urge a no vote.

Senator Inhofe. Thank you, Senator Boxer.

Others who want to be heard?

Senator Barrasso. I will just conclude if everyone else is finished, Mr. Chairman.

Senator Inhofe. Sure.

Senator Barrasso. Just to say that it is because of endless litigation that forced Congress to actually act and change the law with regard to Montana and with regard to Idaho. Realistically, you take a look at the map of where Idaho is,

Wyoming, Montana, these are just imaginary lines that are drawn there. So it is the same species in all three locations. This amendment is just going to provide Wyoming the same legal protections that this Congress has provided to Montana and to Idaho to be able to control the management and recovery of wolves in their States, and not have that approval of the management plan be challenged again and again in court. I believe it is an issue of fairness. Wyoming should have the same legal protections as Montana and as Idaho.

Thank you, Mr. Chairman.

Senator Inhofe. Thank you, Senator Barrasso. Do you move your amendment?

Senator Barrasso. I move the amendment.

Senator Inhofe. Second?

Senator Crapo. Second.

Senator Inhofe. Do you wish to have a roll call?

Senator Barrasso. That is not necessary.

Senator Inhofe. Okay, all in favor say aye.

[Chorus of ayes.]

Senator Inhofe. Opposed, no.

[Chorus of noes.]

Senator Inhofe. The ayes appear to have it. The ayes do have it. The amendment is agreed to.

Other amendments on 659?

Senator Gillibrand. [Remarks off microphone.]

Senator Inhofe. No, what we are going to do now, we don't have a quorum for a final passing. We will conclude our amendments on this bill. But I do want to go to two other bills I think we can dispose of pretty quick. That would be, first, the Great Lakes Restoration Initiative and, secondly, the Lake Tahoe.

Senator Gillibrand. I have one for the Great Lakes.

Senator Inhofe. Yes.

Senator Merkley?

Senator Inhofe. Let me start off. I do want to call up S. 1024, the Great Lakes Restoration Initiative, the markup vehicle.

Senator Merkley?

Senator Merkley. Mr. Chairman, I wanted to make a comment before we shifted to a new bill, if I could indulge the Committee.

Senator Inhofe. Oh, I am sorry. Ask unanimous consent. Your comments will be reflected prior to bringing up this bill.

Senator Merkley. Thank you very much. Senator Cardin put forward an amendment that he chose not to have a vote on, but it was providing the U.S. Fish and Wildlife Service with the same power that the national parks have to recover damages from individuals that damage a wildlife refuge. And because this is

so much an issue in Oregon right now, I just wanted to make a brief comment on that topic. People from outside the State have come and occupied the wildlife refuge. There has been damage to the buildings and to the fences. The sheriff from Harney County has said you all came here to say you wanted to support the community, and the best way you can support the community is to go back home.

Last night there was a community meeting held and the chair of the county commission, who is referred as a county judge, said it is time for you to go home. Judge Grasty said to Bundy, vowing to meet with him any time, any place outside of the county. And the community, now, this is a very rural, conservative community, joined a chant that said, go, go, go. It is a message that they have had repeatedly.

The reason this is relevant to the amendment that was proposed is that this very rural county with very few resources, because most of the land is Federally owned and they don't get property taxes on it, is spending about \$75,000 a day for the standoff, and the county commissioners, and specifically the county judge that is chair of the county commission, has noted that those are costs they simply can't bear and they should have a mechanism to be able to recover these costs.

So I will just conclude there saying I support the local elected leaders, the sheriff and the county judge and their

belief that the best way to resolve this is for the out-of-state individuals to return to their home States so that there is no violence. The conversation can continue about the challenges in ranching and leasing of Federal property. That conversation is important and should continue. But, also, the county is really in a tough spot here, not only in terms of the costs on a daily basis, but also in terms of the enormous friction in which individuals have people from outside the State parking in front of their homes, harassing various members of the community and that the community hopes this can be quickly and peacefully resolved.

Thank you, Mr. Chairman.

Senator Inhofe. Thank you, Senator Merkley.

We will now turn to S. 1024, the Great Lakes Restoration Initiative. We also begin with calling up the text, as amended. It was circulated yesterday to everyone's agreement.

The Great Lakes Restoration Initiative was authorized for one year during our consolidated Appropriations Act. This substitute extends the authorization for five years.

[The text of S. 1024 follows:]

Senator Inhofe. Are there amendments? Senator Gillibrand.

Senator Gillibrand. Thank you, Mr. Chairman. I don't plan to offer my amendment, but I want to talk about the bill because I am the only member on the Committee that actually represents a Great Lakes State. So I want to speak briefly about this amendment and the underlying bill.

I appreciate your willingness and the willingness of your staff to address many of our concerns with the substitute amendment; however, it is unfortunate that we have not been able to come to an agreement on the authorization level for this bill. My amendment would have ramped up the authorization by \$25 million over the next four fiscal years, to \$400 million in 2020, to help us meet the critical needs of the Great Lakes. This would address toxic contamination, restore water quality, and protect our water against the real threat of invasive species that harm our environment and economy.

While I will not oppose reporting of this bill out of Committee, I hope that, when this bill does move forward to the Floor, we can work with other Great Lakes Senators in a bipartisan way to come to an agreement on the authorization level that adequately meets the needs of the Great Lakes.

So I ask unanimous consent to include in the record signed by Healing Our Waters Great Lakes Coalition, which consists of 125 environmental, conservation, and recreational organizations,

all of which support my amendment. Members of this Coalition include the National Parks Conservation Association, Alliance for the Great Lakes, Ducks Unlimited, Trout Unlimited, Audubon Society, and many others. They understand how important it is that we can provide a strong Federal commitment to the Great Lakes.

Senator Inhofe. Okay. Without objection, so ordered.

Senator Gillibrand. Thank you.

[The referenced information follows:]

Senator Inhofe. And the same thing. We need one more member here to have a quorum. One is on his way and we are going to hope to be able to dispose of these.

We will now turn S. 1724, the Lake Tahoe Restoration Act. The only amendment offered is an amendment by Boxer and Inhofe. This amendment provides a technical fix to the underlying bill to ensure that it is consistent with our highway bill that we passed.

Senator Boxer?

Senator Boxer. Yes. No need for me to specify. You already said this is such an important bipartisan bill, including our amendment, it is Heller, Feinstein, Boxer, Reid. It is important.

If you haven't ever seen Lake Tahoe, I hope you take the chance to do it. It is an incredible lake. And you just look at that lake and you just wonder how clear it is. It is so deep and so beautiful, and surrounded by these mountains. And I would say thank you in advance because the Committee has been so kind to us on this particular bill, and I would urge an aye vote.

Should we include the amendment? Should I ask unanimous consent that the amendment become part of the bill?

Senator Inhofe. Yes. Without objection, so ordered.

Senator Boxer. And then I would urge an aye vote.

[The text of the amendment to S. 1724 offered by Senators
Inhofe and Boxer follows:]

Senator Inhofe. And we do have 11, with Senator Sessions having arrived.

Okay, we now have 11 members, as soon as Senator Sessions sits down.

We will go back now to the final vote on S. 659, the Sportsmen's Act. Seeing no further members wishing to seek recognition or offer amendments, is there a motion to accept the underlying text and report the legislation, as amended, favorably to the Senate?

Senator Barrasso. So moved.

Senator Inhofe. Is there a second?

Senator Capito. Second.

Senator Inhofe. The Clerk will call the roll.

The Clerk. Mr. Barrasso?

Senator Barrasso. Aye.

The Clerk. Mr. Booker?

Senator Boxer. No by proxy.

The Clerk. Mr. Boozman?

Senator Boozman. Aye.

The Clerk. Mrs. Boxer?

Senator Boxer. No.

The Clerk. Mrs. Capito?

Senator Capito. Aye.

The Clerk. Mr. Cardin?

Senator Boxer. No by proxy.

The Clerk. Mr. Carper?

Senator Boxer. Aye by proxy.

The Clerk. Mr. Crapo?

Senator Crapo. Aye.

The Clerk. Mrs. Fischer?

Senator Fischer. Aye.

The Clerk. Mrs. Gillibrand?

Senator Gillibrand. No.

The Clerk. Mr. Markey?

Senator Boxer. No by proxy.

The Clerk. Mr. Merkley?

Senator Merkley. No.

The Clerk. Mr. Rounds?

Senator Rounds. Aye.

The Clerk. Mr. Sanders?

Senator Boxer. No by proxy.

The Clerk. Mr. Sessions?

Senator Sessions. Aye.

The Clerk. Mr. Sullivan?

Senator Inhofe. Aye by proxy.

The Clerk. Mr. Vitter?

Senator Inhofe. Aye by proxy.

The Clerk. Mr. Whitehouse?

Senator Boxer. No by proxy.

The Clerk. Mr. Wicker?

Senator Inhofe. Aye by proxy.

The Clerk. Mr. Chairman?

Senator Inhofe. Aye.

The Clerk. Mr. Chairman, the yeas are 12, the nays are 8.

Senator Inhofe. The ayes have it and the legislation is reported favorably to the Senate.

We will now move to S. 1024, the Great Lakes Restoration Act. Is there a motion to accept the underlying text? We have already done that.

Senator Gillibrand. I ask for a voice vote.

Senator Inhofe. Okay, there is a request for a voice vote. Is there objection to a voice vote on S. 1024? No objection.

Is there a motion to accept S. 1024?

Senator Gillibrand. I move to accept 1024.

Senator Inhofe. All right. Is there a second?

Senator Capito. Second.

Senator Inhofe. Those in favor, say aye.

[Chorus of ayes.]

Senator Inhofe. Opposed, no.

[No audible response.]

Senator Inhofe. The ayes have it in the opinion of the Chair and the legislation will be reported favorably to the

Senate.

We now turn to S. 1724, Lake Tahoe Restoration Act.

Senator Boxer. So moved.

Senator Inhofe. Is there a second? As amended. Senator Boxer moves acceptance as amended. Is there a second?

All those in favor say aye.

[Chorus of ayes.]

Senator Inhofe. Opposed, no.

[No audible response.]

Senator Inhofe. In the opinion of the Chair, the ayes have it and the amendment is agreed to.

Finally, the authority to make technical and confirming changes. I ask unanimous consent that the staff have authority to make technical and conforming changes to the measure approved today. Without objection, so ordered.

I would observe, Senator Gillibrand, that we did pass your bill before you came here. Was there any comment you wanted to make about that?

Senator Gillibrand. No. I will submit my comments for the record. Thank you very much.

Senator Inhofe. Very good.

With that, the business meeting is concluded. Thank all of you for staying here.

[Whereupon, at 11:49 a.m. the committee was adjourned.]