



Congressional & Legislative Affairs Update: October-November 2014

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Introduction

Welcome to the first edition of “Hill Happenings”---your inside look at goings-on with Congress, and those issues that directly impact the Mountain-Prairie Region. Much has happened since the House and Senate’s first long recess in August-September 2014, and the subsequent recess and recent mid-term elections on November 4, 2014.

In this newsletter you will find significant proposed reforms/changes to the current ESA, debate amongst committee members, and how the Service has responded to requests for information from Congressional members. There is a lot of information in our first issue of Hill Happenings, as it captures much of what has happened earlier in the year. With this newsletter, we hope to keep you informed of important legislation, and the work/votes our Region’s elected delegates take part in.

For additional information, please contact John Bryan, R6 Congressional Liaison.



House & Senate Floor Action

House:

[H.R. 4315, Endangered Species Transparency Act:](#) On July 29, the House of Representatives voted to advance H.R.4315, the Endangered Species Transparency Act, a bill that combined four previously

introduced bills that would require the Service to release on the internet the data that are the basis for each listing determination; amend the Endangered Species Act (ESA) to require the Service to provide states with all data used in ESA section 4(a) determinations prior to making its determination, and define “best available scientific and commercial data” to include all data submitted by a state, or tribal or county government; require the Secretaries of the Interior and Commerce to provide an annual report to Congress detailing litigation expenditures from agencies within their respective Departments within 90 days of fiscal year end and limit the hourly rate for prevailing attorney fees.

Earlier that day, the White House issued a [Statement of Administration Policy](#) strongly opposing the bill and threatened a veto, stating that it would constrain science, public input, and data in making determinations under the ESA. The bill was sent to the Senate and has been referred to the Senate Committee on Environment and Public Works----no further action by this committee as of Nov’ 14.

[Testimony, archived hearing webcast and additional hearing information](#)

Senate:

[S. 231, Multinational Species Conservation Funds Semipostal Stamp](#): On July 31, the U.S. Senate voted to advance S. 231, the Multinational Species Conservation Funds Semipostal Stamp without amendment by unanimous consent. The bill amends the Multinational Species Conservation Funds Semipostal Stamp Act of 2010 to require the stamp to be made available to the public for an additional four years. The bill became law Sept. 19, 2014.

[S. 2363: The Bipartisan Sportsmen’s Act of 2014](#): The bill, cosponsored by 46 Senators nearly evenly split between Republicans and Democrats, was taken up for consideration on the Senate floor but was ultimately not voted on or passed by the Senate. Nearly 100 amendments were filed, but an agreement on amendments to be debated and voted on was not achieved. Therefore, Senate Majority Leader Harry Reid (D-NV) took action to block the consideration of amendments on the bill. A vote was taken to proceed to consideration of S. 2363, but that failed to receive the necessary 60 votes. As a result the bill did not move to full floor debate and was not voted on.



Committee Action

Click hearing/markup title for testimony, hearing webcast and other information. (A ‘Markup’ refers to the process by which a U.S. Congressional Committee debates, amends and rewrites proposed legislation.)

Hearings: (of interest to USFWS and Region 6)

On September 10, the House Natural Resources Full Committee held an oversight hearing on, “The Status of the Fish and Wildlife Service’s Responses to Committee Subpoenas and the Continued Lack of Transparency about its Implementation and Enforcement of American Wildlife Laws...” Service Director Dan Ashe testified at the hearing and addressed four separate issues: 1) a Document request and subpoena regarding enforcement of MBTA (Migratory Bird Treaty Act) and the Eagle Act; 2) a Document request and subpoena regarding the listing of the White Bluffs Bladderpod under the ESA; 3) a Document request regarding the determination whether to list the Sage-Grouse under the ESA; and,

4) a Document request regarding Scientific Integrity Policy.

<http://naturalresources.house.gov/uploadedfiles/ashetestimony9-10-14.pdf>

On September 9, 2014, the House Natural Resources Full Committee held an oversight hearing on:

- H.R. 1314 (Flores), To amend the Endangered Species Act of 1973 to establish a procedure for approval of certain settlements;
- H.R. 1927 (Costa), To provide congressional direction for implementation of the Endangered Species Act as it relates to operation of the Central Valley Project and the California State Water Project and for water relief in the State of California. "More Water and Security for Californians Act;"
- H.R. 4256 (Stewart), To amend the Endangered Species Act of 1973 to require, in counting the number of a species in a State for purposes of determining whether the species is an endangered or threatened species, inclusion of the number of the species on State and private lands as determined by the State, and for other purposes. "Endangered Species Improvement Act of 2014;"
- H.R. 4284 (Neugebauer), To amend the Endangered Species Act of 1973 to encourage greater State input and authority over species and habitat management by allowing States to propose and implement State Protective Action before species are listed under that Act, and for other purposes. "ESA Improvement Act of 2014;"
- H.R. 4319 (Crawford), To amend the Endangered Species Act of 1973 to require the Secretary of the Interior to publish and make available for public comment a draft economic analysis at the time a proposed rule to designate critical habitat is published. "Common Sense in Species Protection Act of 2014;" and
- H.R. 4866 (Mullin), To reverse the Department of the Interior's listing of the lesser prairie chicken as a threatened species under the Endangered Species Act of 1973, to prevent further consideration of listing of such species as a threatened species or endangered species under that Act pending implementation of the Western Association of Fish and Wildlife Agencies' Lesser Prairie-Chicken Range-Wide Conservation Plan and other conservation measures, and for other purposes. "Lesser Prairie Chicken Voluntary Recovery Act of 2014."

Mr. Gary Frazer, Assistant Director for Ecological Services, USFWS, testified.

http://naturalresources.house.gov/uploadedfiles/fraisertestimony9_9_14.pdf

House Natural Resources Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs Legislative Hearing

On Wednesday, July 23, 2014 the House Natural Resources Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs held a legislative hearing on the following bills:

- H. R. 3109 (Young-AK), to amend Migratory Bird Treaty Act to exempt certain Alaskan Native articles—the Bill passed the House without amendments Sept. 8, 2014.
- H. R. 3409 (Fincher), the National Wildlife Refuge Expansion Limitation Act
- H. R. 5026 (Gosar), the Fish Hatchery Protection Act
- H. R. 5069 (Fleming), the Federal Duck Stamp Act of 2014

The hearing was held at 10:00 a. m. in Room 1334 Longworth House Office Building. Steve Guertin (Deputy Director for Policy) testified for the Service. In attendance were Chairman Fleming (R-LA), Ranking Member Sablan (D-NMI), Congressmen Southerland (R-FL) and Young (R-AK) from the Subcommittee, as well as Congressman Gosar (R-AZ), and Congressmen Crawford (R-AL) and Fincher

(R-TN). Also in attendance was Dean of the House Congressman Dingell (D-MI), whose father co-sponsored the Sport Fish Restoration Act (otherwise known as the Dingell-Johnson Act). Congressman Dingell spoke favorably of the Service, specifically in relation to the Duck Stamp price increase and need for refuge expansion.

Senate Environment and Public Works Water and Wildlife Subcommittee Legislative Hearing

On Wednesday, July 16, 2014, the Senate Environment and Public Works Subcommittee on Water and Wildlife held a hearing to discuss the following bills:

- S. 1153 (Gillibrand), Invasive Fish and Wildlife Prevention Act
- S. 1175 (Feinstein), Infrastructure Facilitation and Habitat Conservation Act of 2013
- S. 1202 (Whitehouse), SAFE Act
- H.R. 1300 (Runyan), To amend the Fish and Wildlife Act of 1956 to reauthorize the volunteer programs and community partnerships for the benefit of national wildlife refuges, and for other purposes.
- S. 1381(Blumenthal), Big Cats and Public Safety Protection Act
- S. 1650 (Murkowski), A bill to amend the Migratory Bird Treaty Act to exempt certain Alaska Native articles from prohibitions against sale of items containing nonedible migratory bird parts, and for other purposes.
- S. 2225 (Udall-NM), Smart Water Resource Management Conservation and Efficiency Act of 2014
- S. 2530 (Heller), A bill to amend title 18, United States Code, to prohibit the importation or exportation of mussels of certain genus, and for other purposes.
- S. 2560 (Cardin), United States Fish and Wildlife Service Resource Protection Act

The hearing was held at 3:00 p.m. in 406 Dirksen Senate Office Building. Steve Guertin (Deputy Director for Policy) testified for the Service.

House Natural Resources Hearing on Ban on the Commercial Trade in Elephant Ivory

On Tuesday, June 24, 2014, the House Natural Resources Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs held an oversight hearing entitled, “U.S. Fish and Wildlife Service’s Plan to Implement a Virtual Ban on the Commercial Trade in Elephant Ivory and the Consequences of that Policy.”

The hearing was held at 2:00 p.m. in 1324 Longworth House Office Building. Bob Dreher (Associate Director) testified for the Service.

The hearing was well attended by members of the committee and many questions were asked about the wildlife trafficking crisis and the impact to species in the wild, how to disrupt trafficking, the ivory ban, and role of hunting in conservation.

Markups:

House Natural Resources Full Committee Markup

On Wednesday, July 30, 2014 the House Natural Resources Committee held a markup on the following bills, (of specific interest to the Service were H.R. 3109, H.R. 5026, and H.R. 5069):

- H.R. 3109 (Young of Alaska), To amend the Migratory Bird Treaty Act to exempt certain Alaskan Native articles from prohibitions against sale of items containing nonedible migratory bird parts, and for other purposes.
- H.R. 5026 (Gosar), To prohibit closing or repurposing any propagation fish hatchery or aquatic species propagation program of the Department of the Interior unless such action is expressly authorized by an Act of Congress, and for other purposes (Fish Hatchery Protection Act).
- H.R. 5069 (Fleming), To amend the Migratory Bird Hunting and Conservation Stamp Act to increase in the price of Migratory Bird Hunting and Conservation Stamps to fund the acquisition of conservation easements for migratory birds, and for other purposes (Federal Duck Stamp Act of 2014).
- H.R. 5203 (Bishop of Utah), To enhance the operation of the Dwight D. Eisenhower Memorial Commission (Dwight D. Eisenhower Memorial Commission Reform Act).
- H.R. 5204 (Bishop of Utah), To amend the Federal Lands Recreation Enhancement Act to improve recreation opportunities and increase consistency and accountability in the collection and expenditure of recreation fees collected on public lands and forests, and for other purposes (Federal Lands Recreation Enhancement Modernization Act of 2014).

The markup was held at 10:00 a.m. in Room 1324 Longworth House Office Building. All bills were reported out of committee.

Senate Committee on Environment and Public Works Business Meeting

On Wednesday, July 30, 2014, the Senate Committee on Environment and Public Works held a full committee business meeting. Of specific interest to the Service was the consideration of S. 1463, the Captive Primate Safety Act, which was reported out of committee.

Note: The Committee will be considering H.R. 5204, (Bishop of Utah), To amend the Federal Lands Recreation Enhancement Act to improve recreation opportunities and increase consistency and accountability in the collection and expenditure of recreation fees collected on public lands and forests at the next Full Committee Markup.

The hearing was held at 10:00 a.m. in Longworth House Office Building. All bills were voted out of Committee. Of note, H.R. 277 was amended to reference a more recent map provided by the Service; H.R. 2158 was amended to clarify language in the bill; and H.R. 3572 was amended to reference a more recent map provided by the Service.

House Committee on Appropriations Markup

On Tuesday, July 15, 2014, after 3.5 hours of debate, the House Appropriations Committee voted 29-19 to approve the Interior and Environment spending bill for fiscal year 2015. The bill would provide \$30.22 billion for the Department of the Interior, Environmental Protection Agency, the Forest Service, Indian Health Service and related agencies.

The bill, if enacted, would provide \$1.4 billion for the U.S. Fish and Wildlife Service, \$77.9 million below the President's request, and \$29.1 million below the FY 2014 enacted levels. The bill would create new accounts for Refuges, Fisheries and Partners, pulling them out of the Resource Management account. <http://appropriations.house.gov/calendar/eventsingle.aspx?EventID=387308>

Finally, there were many provisions that were included in the House bill. Provisions included would do the following,

Science/LCCs

Prohibit the expenditure of any funds to operate LCCs.

Refuges

Prohibit the establishment or expansion of a refuge without Congressional approval.

Fisheries/Hatcheries

Limit fisheries spending on endangered species to 2012 levels.

Prohibit the closure or downsizing of facilities or termination of hatchery programs.

Require a yearly report on fishery mitigation obligations.

Direct the Secretary to obtain reimbursement of at least 50% of mitigation expenses.

Require an operations and maintenance plan for the hatchery system within 90 days.

“The Committee’s intent for fiscal year 2015 is to maintain the status quo at all hatcheries and to keep all hatcheries in proper working condition until such time as the Service has properly and in good faith consulted with the States, Tribes, the Sport Fishing and Boating Partnership Council, and other key partners, and updated the Fisheries Program Strategic Plan.” (page 21 of House Report)

Ecological Services

No funds may be used to finalize the delisting of the valley elderberry longhorn beetle.

No funds may be used to issue rules on sage-grouse or Gunnison sage-grouse.

Direct the Service to release recovery plans for the yellow-legged frog and Yosemite toad by December 2015.

The Committee recommends against the proposed new consolidated budget structure for Ecological Services.” (page 14 of House Report)

Misc.

Prohibit funds from being used to finalize the EIS for the California Foothills Legacy area. Prohibit implementation of new ivory regulations.

Prohibit reprogramming any amount of funding without advanced Congressional approval.

Senate Homeland Security Full Committee Markup on Semipostal Conservation Stamp

On Wednesday, June 25, 2014, Senate Homeland Security and Governmental Affairs Committee held a Full Committee markup of S. 231, the Multinational Species Conservation Funds Semipostal Stamp Reauthorization Act of 2013 (Sponsored by Senator Portman).

The markup was held at 10:00 a.m. in 342 Dirksen Senate Office Building. The Act was voted out of committee en bloc without amendment by a voice vote.

Upcoming Hearings (nothing of significance for R6)



Recently Introduced Legislation of Interest

Bill text can be found here: <https://beta.congress.gov/>

Region 6:

S. 2748: A bill to amend the Endangered Species Act of 1973 to conform citizen suits under that Act with other existing law, and for other purposes. Sponsor: [Sen Lee, Mike](#) [UT] (introduced 7/31/2014) Cosponsors (None)

S.2752: A bill to amend the Endangered Species Act of 1973 to improve the disclosure of certain expenditures under that Act, and for other purposes.
Sponsor: Sen Lee, Mike [UT] (introduced 7/31/2014) Cosponsors (None)

S.2630: A bill to amend the Endangered Species Act of 1973 to require disclosure to States of the basis of determinations under such Act, to ensure use of information provided by State, tribal, and county governments in decision making under such Act, and for other purposes.
Sponsor: Sen Enzi, Michael B. [WY] (introduced 7/17/2014) Cosponsors (3)

H.R.5058 : To amend the Wild Free-Roaming Horses and Burros Act to provide for State and tribal management and protection of wild free-roaming horses and burros, and for other purposes. Sponsor: Rep Stewart, Chris [UT-2] (introduced 7/10/2014) Cosponsors (2)

S.2575: A bill to require the Secretary of the Interior to prepare a report on the status of greater sage-grouse conservation efforts, and for other purposes.
Sponsor: Sen Walsh, John E. [MT] (introduced 7/9/2014) Cosponsors (2)

Other Legislation of Interest to the Service:

H.R.5329: To amend the Endangered Species Act of 1973 to require establishment of objective numerical recovery goals for removal of species from lists of endangered species and threatened species under that Act, and for other purposes.
Sponsor: [Rep Conaway, K. Michael](#) [TX-11] (introduced 7/31/2014) [Cosponsors](#) (7)

S.2677: A bill to reverse the listing by the Secretary of the Interior of the lesser prairie chicken as a threatened species under the Endangered Species Act of 1973, to prevent further consideration of listing of the species as a threatened species or endangered species under that Act pending implementation of the Western Association of Fish and Wildlife Agencies' Lesser Prairie-Chicken Range-Wide Conservation Plan and other conservation measures, and for other purposes.
Sponsor: [Sen Inhofe, James M.](#) [OK] (introduced 7/29/2014) [Cosponsors](#) (5)

S.2678: A bill to remove the American burying beetle from the list of endangered species under the Endangered Species Act (16 U.S.C. 1531 et seq.).
Sponsor: [Sen Inhofe, James M.](#) [OK] (introduced 7/29/2014) [Cosponsors](#) (1)

S.2729: A bill to amend the Endangered Species Act of 1973 to require the Secretary of the

Interior to publish and make available for public comment a draft economic analysis at the time a proposed rule to designate critical habitat is published.

Sponsor: [Sen Pryor, Mark L.](#) [AR] (introduced 7/31/2014) [Cosponsors](#) (1)

S.2635: 21st Century Endangered Species Transparency Act

Sponsor: Sen Cornyn, John [TX] (introduced 7/22/2014) [Cosponsors](#) (4)

H.R.5156: To authorize the Secretary of the Interior to identify and declare wildlife disease emergencies and to coordinate rapid response to these emergencies, and for other purposes.

Sponsor: Rep Shea-Porter, Carol [NH-1] (introduced 7/17/2014) [Cosponsors](#) (1)

S.2621: A bill to amend the Migratory Bird Hunting and Conservation Stamp Act to increase the price of Migratory Bird Hunting and Conservation Stamps to fund the acquisition of conservation easements for migratory birds, and for other purposes.

Sponsor: Sen Vitter, David [LA] (introduced 7/17/2014) [Cosponsors](#) (5)

S.2623: A bill to prohibit land management modifications relating to the Lesser Prairie Chicken.

Sponsor: Sen Moran, Jerry [KS] (introduced 7/17/2014) [Cosponsors](#) (4)

H.R.5026 : Fish Hatchery Protection Act

Sponsor: Rep Gosar, Paul A. [AZ-4] (introduced 7/8/2014) [Cosponsors](#) (5)

Committees: House Natural Resources

Latest Major Action: 7/8/2014 Referred to House committee.

Status: Referred to the House Committee on Natural Resources.

H.R.5065 : To establish an integrated Federal program to respond to ongoing and expected impacts of extreme weather and climate change by protecting, restoring, and conserving the natural resources of the United States, and to maximize government efficiency and reduce costs, in cooperation with State, local, and tribal governments and other entities.

Sponsor: Rep Cartwright, Matt [PA-17] (introduced 7/10/2014) [Cosponsors](#) (11)

H.R.5069 : To amend the Migratory Bird Hunting and Conservation Stamp Act to increase in the price of Migratory Bird Hunting and Conservation Stamps to fund the acquisition of conservation easements for migratory birds, and for other purposes.

Sponsor: Rep Fleming, John [LA-4] (introduced 7/10/2014) [Cosponsors](#) (3)

S.2587: A bill to amend the Endangered Species Act of 1973 to protect and conserve species and the lawful possession of certain ivory in the United States, and for other purposes.

Sponsor: Sen Alexander, Lamar [TN]

(introduced 7/10/2014) [Cosponsors](#) (None)

S.2560: A bill to authorize the United States Fish and Wildlife Service to seek compensation for injuries to trust resources and use those funds to restore, replace, or acquire equivalent resources, and for other purposes.

Sponsor: Sen Cardin, Benjamin L. [MD] (by request) (introduced 6/26/2014) [Cosponsors](#) (None)



2014 Congressional Recess Schedule

Senate	House	Holidays & Special Events
August 4 – Sept. 5	August 4 – Sept. 5	Sept. 1 – Labor Day
	Sept. 12 – Sept. 15	
	Sept. 22 – Sept. 26	
	October 3 – Nov. 11	October 13 – Columbus Day
		Nov. 11 – Veteran’s Day
	Nov. 21 – Nov. 28	Nov. 27 – Thanksgiving Day
	Dec. 5 – Dec. 8	
		Dec. 25 – Christmas Day
114 th Congress reconvenes January 3, 2015	114 th Congress reconvenes January 3, 2015	