

Speaker, sometimes they don't return home.

May the good Lord accept Nathan Desjardins and Eugene Cole to rest in peace. Maine, America, and our world is a much better place because of their good work and their sacrifice.

RECOGNIZING NATIONAL POLICE WEEK

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, I rise to recognize May 13 through 19 as National Police Week. This week is a special time to honor the law enforcement officers who gave their lives in the line of duty protecting our communities.

Last Sunday, 360 of those brave men and women were added to the number of fallen law enforcement heroes on the National Law Enforcement Officers Memorial. Their sacrifice is not forgotten, and their families remain in our prayers during this week of remembrance.

We are blessed to live in a country founded on the rule of law, and this cherished principle would not be preserved without our Nation's dedicated law enforcement officers.

This week, we also show our gratitude to the 900,000 sworn law enforcement officers who put their lives on the line daily for our safety. Thanks for all you do.

AGRICULTURE AND NUTRITION ACT OF 2018

GENERAL LEAVE

Mr. CONAWAY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extra-record material.

The SPEAKER pro tempore (Ms. FOXX). Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 900 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2.

Will the gentleman from Georgia (Mr. FERGUSON) kindly take the chair.

□ 0914

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2) to provide for the reform and continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2023, and for other purposes, with Mr. FERGUSON (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Thursday, May 17, 2018, amendment No. 20 printed

in House Report 115-679 offered by the gentlewoman from Wyoming (Ms. CHENEY) had been disposed of.

□ 0915

AMENDMENT NO. 21 OFFERED BY MR. PEARCE

The Acting CHAIR. It is now in order to consider amendment No. 21 printed in House Report 115-679.

Mr. PEARCE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of part III of subtitle C of title VIII, add the following new section:

SEC. 8334. PILOT PROJECT FOR FOREST HEALTH, WATERSHED IMPROVEMENT, AND HABITAT RESTORATION IN NEW MEXICO.

(a) PILOT PROJECT ESTABLISHED.—The Secretary of Agriculture, acting through the Chief of the Forest Service, shall conduct a pilot project within the Lincoln National Forest, Cibola National Forest, and Gila National Forest in the State of New Mexico to analyze and demonstrate the effectiveness of various tools and techniques to address the following natural resource concerns:

- (1) Thinning for forest health.
- (2) Watershed improvement.
- (3) Habitat restoration.

(b) AUTHORIZED ACTIVITIES.—The Secretary of Agriculture in carrying out the pilot project established under subsection (a) may conduct applied silvicultural investigations and treatments, including—

- (1) silvicultural investigations conducted for the purposes of information gathering and research relating to the natural resource concerns described in subsection (a); and
- (2) mechanical thinning.

(c) COUNTY REFUSAL OF SILVICULTURAL INVESTIGATION OR TREATMENT.—The Secretary may not carry out a silvicultural investigation or treatment under this section if a county in which such investigation or treatment would be conducted provides a refusal to the Secretary with respect to such investigation or treatment.

(d) ENVIRONMENTAL ASSESSMENT UNDER THE NATIONAL ENVIRONMENTAL POLICY ACT.—Forest management activities carried out by the Secretary of Agriculture under this section are a category of actions hereby designated as being categorically excluded from the preparation of an environmental assessment or an environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(f) PUBLIC PARTICIPATION.—The Secretary shall encourage meaningful public participation during preparation of a silvicultural investigation or treatment under this section.

(g) USE OF ARBITRATION INSTEAD OF LITIGATION TO ADDRESS CHALLENGES TO FOREST MANAGEMENT ACTIVITIES.—

(1) DISCRETIONARY ARBITRATION PROCESS PILOT PROGRAM.—

(A) IN GENERAL.—The Secretary of Agriculture shall establish a discretionary arbitration pilot program as an alternative dispute resolution process in lieu of judicial review for the an objection or protest to a forest management activity carried out pursuant to this section.

(B) ACTIVITIES DESCRIBED.—The Secretary of Agriculture, at the sole discretion of the Secretary, may designate objections or protests to forest management activities for arbitration under the arbitration pilot program established under subparagraph (A).

(C) MAXIMUM AMOUNT OF ARBITRATIONS.—Under the arbitration pilot program, the Secretary concerned may not arbitrate more

than 10 objections or protests to forest management activities in a fiscal year in each Forest Service Region.

(D) DETERMINING AMOUNT OF ARBITRATIONS.—An objection or protest to a forest management activity shall not be counted towards the limitation on number of arbitrations under subparagraph (C) unless—

(i) on the date such objection or protest is designated for arbitration, the forest management activity for which such objection or protest is filed has not been the subject of arbitration proceedings under the pilot program; and

(ii) the arbitration proceeding has commenced with respect to such objection or protest.

(2) INTERVENING PARTIES.—

(A) REQUIREMENTS.—Any person that submitted a public comment on the forest management activity that is subject to arbitration may intervene in the arbitration—

- (i) by endorsing—
 - (I) the forest management activity; or
 - (II) the modification proposal submitted under clause (ii); or
- (ii) by submitting a proposal to further modify the forest management activity.

(B) DEADLINE FOR SUBMISSION.—With respect to an objection or protest that is designated for arbitration under paragraph (1)(B), a request to intervene in an arbitration must be submitted not later than the date that is 30 days after the date on which such objection or protest was designated for arbitration.

(C) MULTIPLE PARTIES.—Multiple intervening parties may submit a joint proposal so long as each intervening party meets the eligibility requirements of subparagraph (A).

(3) APPOINTMENT OF ARBITRATOR.—

(A) APPOINTMENT.—The Secretary of Agriculture shall develop and publish a list of not fewer than 20 individuals eligible to serve as arbitrators for the arbitration pilot program under this section.

(B) QUALIFICATIONS.—In order to be eligible to serve as an arbitrator under this paragraph, an individual shall be, on the date of the appointment of such arbitrator—

- (i) certified by the American Arbitration Association; and
- (ii) not a registered lobbyist.

(C) SELECTION OF ARBITRATOR.—

(i) IN GENERAL.—For each arbitration commenced under this subsection, the Secretary concerned and each applicable objector or protestor shall agree, not later than 14 days after the agreement process is initiated, on a mutually acceptable arbitrator from the list published under subparagraph (A).

(ii) APPOINTMENT AFTER 14-DAYS.—In the case of an agreement with respect to a mutually acceptable arbitrator not being reached within the 14-day limit described in clause (i), the Secretary concerned shall appoint an arbitrator from the list published under subparagraph (A).

(4) SELECTION OF PROPOSALS.—

(A) IN GENERAL.—The arbitrator appointed under paragraph (3)—

(i) may not modify any of the proposals submitted with the objection, protest, or request to intervene; and

(ii) shall select to be conducted—

- (I) the forest management activity, as approved by the Secretary; or
- (II) a proposal submitted by an objector or an intervening party.

(B) SELECTION CRITERIA.—An arbitrator shall, when selecting a proposal, consider—

- (i) whether the proposal is consistent with the applicable forest plan, laws, and regulations;
- (ii) whether the proposal can be carried out by the Secretary of Agriculture; and
- (iii) the effect of each proposal on—
 - (I) forest health;

(II) habitat diversity;
 (III) wildfire potential;
 (IV) insect and disease potential;
 (V) timber production; and
 (VI) the implications of a resulting decline in forest health, loss of habitat diversity, wildfire, or insect or disease infestation, given fire and insect and disease historic cycles, on—
 (aa) domestic water costs;
 (bb) wildlife habitat loss; and
 (cc) other economic and social factors.
 (5) EFFECT OF DECISION.—The decision of an arbitrator with respect to the forest management activity—
 (A) shall not be considered a major Federal action;
 (B) shall be binding; and
 (C) shall not be subject to judicial review, except as provided in section 10(a) of title 9, United States Code.

(6) DEADLINE FOR COMPLETION.—Not later than 90 days after the date on which the arbitration is filed with respect to the forest management activity, the arbitration process shall be completed.

(h) TERMINATION.—The authority to carry out this section shall terminate on the date that is 7 years after the date of the enactment of this section.

The Acting CHAIR. Pursuant to House Resolution 900, the gentleman from New Mexico (Mr. PEARCE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. PEARCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the chairman of the Agriculture Committee having this bill in such good form for us today, but I have an amendment which addresses the forests in the West.

We are facing an unprecedented fire season this year. The drought has been extreme in many of the western States. We are facing decades of management by a Forest Service that decided that we can manage forests in the West, where we have arid climates and not enough rainfall, the same as we have managed in the East, where they have plenty of rainfall.

As we find the droughts continuing, we have trees that are stressed by disease, by the drought, by pests, and, then when catastrophe strikes, when a fire actually starts, it just burns the entire landscape. Usually, these forests are not going to be regrown for decades. They will have soft undergrowth brush that comes up in the meantime, but no large trees, no national forests, as we know it. They are overgrown. The thinning projects that would restore forest health aren't happening due to the lengthy delays, costly regulations, and litigation.

The Forest Service budget has stayed pretty constant, but the thinning projects, the cutting, the balanced thinning projects that would restore the health to our western forests, have declined precipitously since the 1990s. From the 1950s to the mid 1990s, timber harvest averaged somewhere between 10 and 12 billion board feet. From 1996 until now, they have only harvested between 1.5 and 3.3 billion board feet.

This has occurred while the Forest Service budgets, again, have been enough to accommodate the programs.

But in 1993, the spotted owl was listed as endangered. The scientific understanding, at that point, was that the spotted owl would go extinct because of the logging, because we were cutting trees. About 80 percent of the timber industry across the Nation was killed. In New Mexico, we used to have 123 mills. Those were reduced down to one or two that are still operational today. That is the devastating impact that the decision on the spotted owl had.

Twenty years later, President Obama, and then-Director Ashe, determined that: Oh, logging wasn't the problem. It was other predators.

So they killed the logging industry. They killed the thinning of projects in the West over a mistake in their scientific assumptions. The government is directly at fault for thousands of acres of timber that are being burned annually across the West.

The Forest Service is forced to do expensive and time-consuming surveys in project areas every 5 years. They are hesitant to manage because of how close they are to the nesting area of the spotted owls, even though the understanding has been given that logging is not the problem.

In the Mescalero, which butts up against the Lincoln National Forest—both are approximately the same size, about a million acres—the spotted owls are actually moving en masse across to the thinned areas in the Mescalero. The fire, instead of burning up habitat, drops down. When it is burning through the Lincoln, it hits Mescalero, drops down, and becomes a grass fire. Every indication tells us that we are managing incorrectly, but still, the Forest Service is not able to do large projects.

Mr. Chairman, I reserve the balance of my time.

Mr. GRIJALVA. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New Mexico.

The Acting CHAIR. The gentleman from Arizona is recognized for 5 minutes.

Mr. GRIJALVA. Mr. Chairman, I yield myself such time as I may consume.

This amendment and existing authority in the base bill establishes so-called pilot programs on three national forests in New Mexico.

The pilot would exempt all logging activity from environmental review and establish an untested arbitration system for anyone who wants to object to an unauthorized project. While we are told that this is necessary to promote forest health and mitigate wildfire, this sets a dangerous precedent, with the potential to do lasting environmental damage to over 3 million acres of national forests.

What this amendment calls a pilot program would upend critical environmental safeguards and limit public participation in forest management decisions. This is more like a management

reorientation project than a pilot project.

The omnibus bill passed less than 2 months ago, included a bipartisan compromise to fix the wildfire budget and update forest management authorities. The Forest Service has the tools it needs to restore our national forests. Unfortunately, my colleagues on the other side of the aisle would rather use the threat of wildfire to roll back bedrock laws to increase commercial logging. This doesn't make sense in New Mexico, or any other State.

Mr. Chairman, I urge a "no" vote on the amendment, and I reserve the balance of my time.

Mr. PEARCE. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman from New Mexico has 1½ minutes remaining.

Mr. PEARCE. Mr. Chairman, I yield 30 seconds to the gentleman from Pennsylvania (Mr. THOMPSON).

Mr. THOMPSON of Pennsylvania. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of this amendment. As chair of the Nutrition Subcommittee, I have been out West. This amendment not only helps preserve our forests, but it prevents mudslides in California, it prevents erosion, and it prevents the killing of fish. Without managing the understory, the intensity of these wildfires will caramelize, or bake, the soil to where no water is absorbed. It runs off, takes everything with it, including soil particles, and increase turbidity in streams. My point is that clean watersheds depend on this amendment as well.

Mr. GRIJALVA. Mr. Chairman, this amendment and the existing authority in the base bill would also give unprecedented power to the Forest Service to shield future final agency actions from any judicial review. This is an extremely dangerous power to give any agency. Allowing an agency to decide when and which actions to shield from oversight gives them power to ignore the laws passed by Congress.

Under the language of this amendment, the Forest Service could advance any plan and be relatively sure their internal hand-picked arbitrator would approve it. Review by independent courts provides oversight to ensure agencies are carrying out a statute according to congressional intent. This check and balance ensures good governance and prevents abuse.

Mr. Chairman, I urge a "no" vote on the amendment, and I yield back the balance of my time.

Mr. PEARCE. Mr. Chairman, my friend from Pennsylvania was pointing out about the problem with storm waters running off. Bonito Lake, in the middle of the Lincoln National Forest, close to Ruidoso, provides water for Holloman Air Force Base and for Alamogordo. It is 75 feet deep, just a small lake in the middle of the forest.

After the fire, the Little Bear fire, the next rain put 50 feet of fill into

that lake. So, 75 feet; 50 feet now has mud and debris in it. All the fish were killed, and it is no longer usable for drinking water. That is what is going on in the West. Our watersheds are destroyed, our forests are destroyed, and our grazing habitat is destroyed, all because of the management of the forests.

This amendment does a very simple thing: It allows the Forest Service to go in and do large-scale projects. Typically, they will be in a million acre forest, cleaning 30 to 50 acres at a time. This allows them to get very large-scale projects to where we can restore the health of our forests. It is a commonsense amendment.

Mr. Chairman, again, I urge adoption of my amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Mexico (Mr. PEARCE).

The amendment was agreed to.

AMENDMENT NO. 22 OFFERED BY MS. STEFANIK

The Acting CHAIR. It is now in order to consider amendment No. 22 printed in House Report 115-679.

Ms. STEFANIK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subtitle E of title VIII, insert the following:

SEC. —. COMPETITIVE FORESTRY, NATURAL RESOURCES, AND ENVIRONMENTAL GRANTS PROGRAM.

Section 1232 of the Food, Agriculture, Conservation, and Trade Act of 1990 (16 U.S.C. 582a-8) is amended—

(1) in subsection (a) by inserting “or forest restoration” after “research”; and

(2) by amending subsection (c) to read as follows:

“(c) PRIORITIES.—

“(1) RESEARCH.—In awarding the initial grants under subsection (a) the Secretary shall give priority to applicants who will use such grants for research concerning—

“(A) the biology of forest organisms, including physiology, genetic mechanisms, and biotechnology;

“(B) ecosystem function and management, including forest ecosystem research, biodiversity, forest productivity, pest management, water resources, and alternative silvicultural systems;

“(C) wood as a raw material, including forest products and harvesting;

“(D) human forest interactions, including outdoor recreation, public policy formulation, economics, sociology, and administrative behavior;

“(E) international trade, competition, and cooperation related to forest products;

“(F) alternative native crops, products, and services that can be produced from renewable natural resources associated with privately held forest lands;

“(G) viable economic production and marketing systems for alternative natural resource products and services;

“(H) economic and environmental benefits of various conservation practices on forest lands;

“(I) genetic tree improvement; and

“(J) market expansion.

“(2) FOREST RESTORATION.—Grants may be used to support programs that restore forest tree species native to American forests that

may have suffered severe levels of mortality caused by non-native insects, plant pathogens, or others pests.

“(A) REQUIRED COMPONENT OF FOREST RESTORATION STRATEGY.—To receive a grant under this subsection, an eligible institution shall demonstrate that it offers a program with a forest restoration strategy that incorporates not less than one of the following components:

“(i) Collection and conservation of native tree genetic material.

“(ii) Production of propagules of native trees in numbers large enough for landscape scale restoration.

“(iii) Site preparation of former of native tree habitat.

“(iv) Planting of native tree seedlings.

“(v) Post-planting maintenance of native trees.

“(B) AWARD OF GRANTS.—The Secretary shall award competitive grants under this subsection based on the degree to which the applicant addresses the following criteria:

“(i) Risk posed to the forests of that State by non-native pests, as measured by such factors as the number of such pests present in the State.

“(ii) The proportion of the State’s forest composed of species vulnerable to non-native pests present in the United States.

“(iii) The pests’ rate of spread via natural or human-assisted means.”

The Acting CHAIR. Pursuant to House Resolution 900, the gentlewoman from New York (Ms. STEFANIK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. STEFANIK. Mr. Chairman, America’s forests are one of our greatest natural resources: building our homes, empowering local economies, providing for sportsmen and women, and even supplying energy for Fort Drum, in my district.

Unfortunately, our vast forests are under constant threat from the scourge of invasive species. These intruders bring not only ecological harm, but damage the economic viability of the communities that rely on these forests. Forests face added pressure when the invasive species attacking them are resistant to known remedies, face no known natural predators, and are spread easily by human land use.

My district is home of the Adirondacks. With 6 million acres of parkland, I am deeply concerned with the spread of invasive species.

One particular example of an invasive pest that is destroying American forests and threatens the Adirondack Park is the hemlock woolly adelgid. This sap-sucking insect is causing the widespread death and decline of hemlock trees not only in the Adirondacks, but in the eastern United States.

Since its arrival in the U.S. in the 1920s, the hemlock woolly adelgid has spread rapidly from New England, all the way down to the Great Smoky Mountains, feeding on eastern hemlock and Carolina hemlock in 17 States. This invasive species has few natural enemies in the eastern States, and native trees are neither resistant nor tolerant to their feeding.

Without natural defenses, the hemlock woolly adelgid and other invasive pests pose a significant threat to the long-term health of our forests. That is why ongoing research is needed to produce solutions and to account for the unique biology of these organisms and the way they impact the larger forest ecosystem. In addition to research, we must work to restore our damaged forests.

My amendment before the House would modernize the competitive forestry, natural resources, and environmental grants program. This amendment realigns the priorities of the grant program to focus on researching the characteristics and ecosystem-wide impact of these species, while also allowing for restoration projects of native forests that have suffered severe levels of mortality caused by invasive species.

Mr. Chairman, I encourage my colleagues to support this very commonsense amendment.

Mr. THOMPSON of Pennsylvania. Will the gentlewoman yield?

Ms. STEFANIK. I yield to the gentleman.

Mr. THOMPSON of Pennsylvania. Mr. Chairman, I thank the gentlewoman for offering this amendment. It is an incredibly important amendment.

Ms. STEFANIK talked about just one of many invasive species. This body, uniformly and united, put a lot of money into a significant threat to our forests, which was wildfire funding. Those of us who live on the East Coast, we have wildfires, Mr. Chairman, but they are more limited in scope. We don’t have, certainly, the devastating effects of the half a million acres that I saw when I visited Washington.

Our primary threat is invasive species. The hemlock woolly adelgid is one of those. That is actually our State tree that it goes after in Pennsylvania, so we take that pretty personal. When the hemlock woolly adelgid kills the hemlock trees, it warms our trout streams, which we are known for, and that is an important part of our number two industry, which is tourism.

We have a new threat that has just recently come into this country from somewhere in Asia. It might have been China, I am not sure. It is called the spotted lanternfly. The spotted lanternfly is the most beautiful butterfly you have ever seen, Mr. Chairman, but it is the most deadly to grapes, apple trees, pear trees, all fruit trees, and hardwoods. That is a big part of our economy, certainly in Pennsylvania and on the East Coast.

Mr. Chairman, I really support this amendment. We need research, we need not just solutions on how to deal with these invasive species, but we need to find solutions that are landscaped, that can be applied broadly, because it is very difficult to do it tree by tree. We are doing that with the hemlock woolly adelgid, but we do need more research. The U.S. Forest Research Lab is a great part of the U.S. Forest Service.

I appreciate the work also on restoring those forests. A good healthy forest, which means we are actively harvesting and we are maintaining and we are preventing wildfires and dealing with invasive species, provides us with clean air and clean water. They are the largest carbon sinks in the world, a good healthy forest.

□ 0930

Ms. STEFANIK. Mr. Chair, I yield 1 minute to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Mr. Chair, I thank the gentlewoman for letting me speak on her amendment.

Mr. Chair, I have the great pleasure and honor of representing a community called Notrees, Texas, and so to be standing up in support of a forestry amendment might be a little odd, but I certainly recognize the great importance it has to this country.

Holding off these invasive species in a stalemate is not a fix. We have got to be aggressive to protect this natural resource and this incredible legacy that has been bestowed upon this great country. So maintaining healthy forests are a big deal.

Mr. Chair, I am supportive of the gentlewoman's amendment and I urge all of my colleagues to vote "yes" when it is time for the vote.

Ms. STEFANIK. Mr. Chair, I yield back the balance of my time.

The Acting CHAIR (Mr. COSTELLO of Pennsylvania). The question is on the amendment offered by the gentlewoman from New York (Ms. STEFANIK).

The amendment was agreed to.

AMENDMENT NO. 23 OFFERED BY MR. FASO

The Acting CHAIR. It is now in order to consider amendment No. 23 printed in House Report 115-679.

Mr. FASO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 572, after line 23, add the following:

SEC. 9122. PREVENTING THE ARRIVAL IN THE UNITED STATES OF FOREST PESTS THROUGH RESTRICTIONS ON THE IMPORTATION OF CERTAIN PLANTS FOR PLANTING.

(a) CRITERIA FOR ADDING PLANTS TO NOT AUTHORIZED PENDING PEST RISK ANALYSIS LIST.—Section 412(a) of the Plant Protection Act (7 U.S.C. 7711(a)) is amended—

(1) by striking "The Secretary" and inserting the following:

"(1) REGULATION OF MOVEMENT.—The Secretary"; and

(2) by adding at the end the following new paragraph:

"(2) CRITERIA FOR ADDING PLANTS TO NOT AUTHORIZED PENDING PEST RISK ANALYSIS LIST.—In determining whether to add a genus of a plant for planting to the not authorized pending pest risk analysis list, the Secretary shall consider the environmental impact on natural, managed, and urban ecosystems in the United States of a pest that may be carried on a plant for planting."

(b) REPORTING REQUIREMENT.—Section 412(e) of the Plant Protection Act (7 U.S.C. 7712(e)) is amended to read as follows:

"(e) REPORT ON INTERCEPTION OF FOREST PESTS.—Not later than March 1, 2021, the

Secretary shall submit to Congress a report—

"(1) evaluating the effectiveness of the Federal Government in intercepting pests in international shipping and on plants for planting;

"(2) describing the geographic sources of intercepted pests and the commodities or plant species most often associated with infested shipments;

"(3) quantifying the detection of forest pests in the national surveillance networks, including the Cooperative Agricultural Pest Survey and the Early Detection and Rapid Response network of the Forest Service;

"(4) describing new outbreaks of forest pests in the United States and the spread of existing infestations;

"(5) describing how the numbers of such interceptions, detections, and outbreaks described in a preceding paragraph have changed since January 1, 2018;

"(6) containing proposed additional actions to further reduce the rate of arrival for forest pests across the borders of the United States; and

"(7) identifying current challenges with intercepting, detecting, and addressing outbreaks of tree and wood pests, as well as challenges in achieving compliance with this Act and recommendations with respect to such challenges."

(c) DECLARATION OF EXTRAORDINARY EMERGENCY AND RESULTING AUTHORITIES.—Section 415(a) of the Plant Protection Act (7 U.S.C. 7715(a)) is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "and"; and

(3) by adding at the end the following new paragraph:

"(5) use available funds for all activities necessary for pest eradication, including pest identification, development of a pest-specific management plan, and implementation of that plan."

(d) FOREST SERVICE AND ANIMAL AND PLANT HEALTH INSPECTION SERVICE COOPERATION IN RESPONSE TO FOREST PLANT PESTS.—Section 431(a) of the Plant Protection Act (7 U.S.C. 7751(a)) is amended—

(1) by striking "(a) IN GENERAL.—" and inserting the following:

"(a) COOPERATION AUTHORITY.—

"(1) IN GENERAL.—"; and

(2) by adding at the end the following new paragraph:

"(2) IMPROVED COOPERATION WITH FOREST SERVICE AGAINST FOREST PLANT PESTS.—The Secretary shall ensure that appropriate coordination and collaboration is occurring between the Animal and Plant Health Inspection Service and the Forest Service with respect to—

"(A) periodically identifying and prioritizing critical detection, surveillance, and eradication needs for tree and wood pests; and

"(B) identifying the actions each agency will take within their respective missions with respect to addressing identified priorities."

(e) EFFECTIVE DATE AND IMPLEMENTATION.—

(1) EFFECTIVE DATE.—The amendments made by this section shall take effect 60 days after the date of the enactment of this Act.

(2) IMPLEMENTATION.—The Secretary shall issue or revise such regulations as may be necessary to implement the amendments made by this section.

The Acting CHAIR. Pursuant to House Resolution 900, the gentleman from New York (Mr. FASO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. FASO. Mr. Chairman, I rise today to offer an amendment which would require the USDA to comprehensively assess and evaluate the importation of forest pests and to provide options as to how we can best address this issue.

Imported forest pests pose what is among the most grievous threat to forest health in the United States. Over the past century, forest pests have devastated entire species of trees, and threatened agricultural industries, businesses, and recreational opportunities for all Americans.

These destructive pests cost the United States billions of dollars each year in damages and eradication.

By engaging stakeholders, tracking the geographic sources of pests, and assessing the effectiveness of current pest surveillance efforts, my amendment takes important steps toward understanding the scope of the problem and why it is happening, while also giving the ability of the USDA to strengthen its regulatory response.

The problem of forest pests is not isolated to my district in upstate New York, but exists all throughout the Nation. From the laurel wilt in the southeast to the white pine blister rust in the Rockies, all 50 States face a variety of forest pests.

Now, specifically, Mr. Chairman, what our amendment would do, it would require the Department of Agriculture to evaluate the effectiveness of the Federal Government in intercepting the pests in international shipping and on plants for planting.

It would describe the geographic sources of the intercepted pests and the commodities or plant species that are most associated with these infested shipments.

It would require the Agriculture Department to quantify the detection of forest pests in the national surveillance networks, including the Cooperative Agricultural Pest Survey and the Early Detection and Rapid Response Network of the Forest Service.

We would have the department describe new outbreaks of forest pests in the United States and the spread of existing infestations. This public information is going to be critically important in allowing us to prevent and assess the problems that exist.

The Agriculture Department would help describe how the numbers of such interceptions, detections, and outbreaks, which are described in this amendment, have changed since the beginning of 2018. We would require them to have additional actions to further reduce the arrival of forest pests across the borders of the United States.

Identifying these current challenges with the interception, detecting, and addressing outbreaks of tree and wood pests is a critical part of the mandate of the agency in the Department of Agriculture that is charged with this task.

Mr. Chairman, I urge the passage of this commonsense amendment to protect our environment, to strengthen our trade relations, and to promote our local economies.

Mr. Chairman, I reserve the balance of my time.

Mr. THOMPSON of Pennsylvania. Mr. Chair, I claim the time in opposition to the amendment, even though I am not opposed to it.

The Acting CHAIR. Without objection, the gentleman from Pennsylvania is recognized for 5 minutes.

There was no objection.

Mr. THOMPSON of Pennsylvania. Mr. Chair, I want to thank Mr. FASO for his amendment. I have had the privilege and honor of visiting his district, where we had one of our listening sessions that we did.

This is only my second farm bill to participate in, and the last one was very good. Chairman LUCAS did a great job. But this one, we kind of broke the barriers, I think, in terms of transparency and in the amount of listening sessions that we had.

I appreciate we were in Harrisburg, Pennsylvania, where each January, we have a farm show, the largest indoor agriculture exposition in the country—that was a shameless plug, I know—but we were also in New York, and I appreciate what Mr. FASO is offering here with his amendment.

I certainly speak in favor and support of his amendment. Identifying the geographic sources is so incredibly important, Mr. Chairman, because then we can see what are the natural enemies to these bugs, these fungi, the invasive species that really today are having such a devastating effect.

In the Allegheny National Forest, we are proud of our hardwood cherry. We are very afraid of the spotted lanternfly because of what that could do.

Compared to the West, we are probably what are considered a puny or very small National Forest, about 513,000 acres, but it is the most profitable National Forest because of the value of our timber, and invasive species go right after the value. Today, standing in that forest, we have a lot of ash—which makes great baseball bats, among other things—that are dead because of the emerald ash borer.

So the gentleman's amendment, which would track and really provide the tools that the Forest Service—it builds on the tools that the Forest Service has. These are additional tools that they need to have.

It is so incredibly important when you look at the economic threat, and that is the way I look at invasive species. It is not just forest health, but these are assets. Our national forests were created not to be national parks. That is why they are managed by the Department of Agriculture, not the Department of Interior.

They are meant to provide resources, timber, energy resources, minerals, and the invasive species represent just a

tremendous threat. So we should do anything that we can to protect the value of that taxpayer-owned asset.

Again, everybody benefits from a healthy forest. It takes CO₂ out of the air, it creates oxygen. They are the largest carbon sinks in the world. It keeps our watersheds healthy.

Mr. Chair, I appreciate all parts of this gentleman's amendment and I thank him for his amendment.

Mr. Chair, I yield as much time as he may consume to the gentleman from Texas (Mr. CONAWAY), the chairman of the Agriculture Committee.

Mr. CONAWAY. Mr. Chair, the scope of this problem is really not appreciated unless you go to our borders and see what happens. All the things that come into this country, that are shipped into this country, generally come in on wooden pallets, and those wooden pallets are a haven or a potential pest nest for all of these wood-borne pests.

We have laws on the books right now that say all of those pallets have to be treated. Those pallets have to be stamped with a stamp that says the wood has been treated properly.

But if you go down there and talk to our hardworking men and women at APHIS who man these posts and try to prevent this from happening, they will tell you that they are constantly on the lookout for counterfeit stamps, pallets that have not been stamped or properly treated. It doesn't take many of them having a pest in that pallet that then gets transported into the United States as a result of transit, and now we are in a fight that we shouldn't have had to begin with.

So I am fully supportive of the gentleman's amendment to strengthen this whole process, add sunlight to it, even more light to it, because we have got great hardworking men and women manning these posts on every border. We have been to the northern border, we have been down south. Just the volume of stuff coming through every single day that has to come through, we can't stack it up and not get it through.

Mr. Chair, I am supportive of the gentleman's amendment.

Mr. FASO. Mr. Chairman, I think that the comment that Mr. CONAWAY, our distinguished chairman, just made, he and I were privileged to tour a border station where the employees of our Federal Government were working very hard to inspect the deliveries of all sorts of materials and commodities across that border. It was actually in Ms. STEFANK's district up on the St. Lawrence River where we went to that border crossing some months ago.

It is truly a remarkable process that our Federal employees go through in terms of trying to assess and monitor and inspect these shipments of various commodities into our Nation.

The issue of agricultural pests is something that is truly significant and important for all of us as Americans to make sure that we can protect our for-

ests. This may be not something that the average American thinks about very much, but it is something that those of us on the committee and those who are in the affected industries are very acutely aware of the importance of this issue.

Mr. Chair, I yield back the balance of my time.

Mr. THOMPSON of Pennsylvania. Mr. Chair, just once again, let me thank the gentleman for his amendment.

Let me also say that this farm bill, from my perspective, is groundbreaking with what is in the base language with healthy forests, and the series of amendments that we have seen made in order. The people that will vote for this farm bill today are ones that are concerned with too much CO₂ in the area, because the work that we do as a result of this farm bill, if you are concerned about climate change and you are concerned about CO₂, this is probably the most effective piece of legislation to deal with that in my 10 years serving here in Congress, because, once again, these forests—and I am a little biased. I am from Pennsylvania, Penn Wood. We have more trees today than we did when William Penn got the charter.

Our healthy forests are our largest carbon sinks. It is the most effective tool that we have to take CO₂ out of the air and to deal with any impact that CO₂ may have on climate change. So certainly anyone who is concerned about that, talks about that, needs to support this amendment and certainly needs to support the underlying bill.

Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. FASO).

The amendment was agreed to.

The Acting CHAIR. The Chair understands that amendment No. 24 will not be offered.

AMENDMENT NO. 25 OFFERED BY MR. MASSIE

The Acting CHAIR. It is now in order to consider amendment No. 25 printed in House Report 115-679.

Mr. MASSIE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subtitle C of title IX, add the following:

SEC. 9204. INTERSTATE TRAFFIC OF UNPASTEURIZED MILK AND MILK PRODUCTS.

(a) IN GENERAL.—Notwithstanding the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), section 361 of the Public Health Service Act (42 U.S.C. 264), and any regulations or other guidance thereunder, a Federal department, agency, or court may not take any action (including any administrative, civil, criminal, or other action) that would prohibit, interfere with, regulate, or otherwise restrict the interstate traffic of milk, or a milk product, that is unpasteurized and packaged for direct human consumption, if—

(1) such prohibition, interference, regulation, or restriction is based on a determination that, solely because such milk or milk

product is unpasteurized, such milk or milk product is adulterated, misbranded, or otherwise in violation of Federal law;

(2) the milk or milk product's State of origin allows (by law, regulation, or policy) unpasteurized milk or unpasteurized milk products to be distributed for direct human consumption by any means, including any form of retail sale, direct farm to consumer distribution, or cowshare;

(3) the milk or milk product is produced, packaged, and moved in compliance with the laws of such State of origin, including any such laws relating to labeling, warning, and packaging requirements; and

(4) the milk or milk product is moved from the State of origin with the intent to transport the milk or milk product to another State which allows the distribution of unpasteurized milk or unpasteurized milk products for direct human consumption, as described in paragraph (2), irrespective of whether the applicable laws of such other State are identical to the laws of the State of origin.

(b) NO PREEMPTION.—Nothing in this section preempts any State law.

(c) DEFINITIONS.—In this section, the following definitions apply:

(1) The term “cowshare” means an undivided interest in a milk-producing animal (such as a cow, goat, sheep, or water buffalo, or a herd of such animals) created by a written contractual relationship between a consumer and a farmer—

(A) that includes a legal bill of sale to the consumer for an interest in the animal or dairy herd and a boarding contract under which the consumer boards the animal or dairy herd in which the consumer has an interest with the farmer for care and milking; and

(B) under which the consumer is entitled to receive a share of milk from the animal or dairy herd.

(2) The term “milk” means the lacteal secretion, practically free from colostrum, obtained by the milking of one or more healthy animals.

(3) The term “milk product”—

(A) means a food product made from milk; and

(B) includes low-fat milk, skim milk, cream, half and half, dry milk, nonfat milk, dry cream, condensed or concentrated milk products, cultured or acidified milk or milk products, kefir, eggnog, yogurt, butter, cheese, whey, condensed or dry whey or whey products, ice cream, ice milk, and other frozen dairy desserts.

(4) The term “packaged for direct human consumption” with respect to milk or milk products—

(A) means packaged for the final consumer and intended for human consumption; and

(B) does not apply if the milk or milk products are packaged for additional processing, including pasteurization, before being consumed by humans.

(5) The term “pasteurized” means the process of—

(A) heating milk or milk products to the applicable temperature specified in the tables contained in section 1240.61 of title 21, Code of Federal Regulations (as in effect on the date of enactment of this Act); and

(B) holding the milk or milk product continuously at or above that temperature for at least the corresponding specified time in such tables.

(6) The term “unpasteurized” means not pasteurized.

The Acting CHAIR. Pursuant to House Resolution 900, the gentleman from Kentucky (Mr. MASSIE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. MASSIE. Mr. Chairman, I want you to imagine this scenario: a heavily armed Federal SWAT team dressed in black from head to toe with body armor on, guns blazing, military-style assault weapons, extra magazines loaded, come in intent on crushing all opposition.

Now, what crime could they possibly be going after? Is it a human trafficking ring? Is it a drug bust? No. They are after an Amish farmer for selling milk straight from the cow.

I would like to tell you this is an imaginary scenario, but it has happened and it keeps happening. Unfortunately, this isn't a joke.

So what is interesting about this is that Congress has never passed a ban on raw milk, yet the FDA has imposed a ban on raw milk.

So what I seek to do today, and my colleagues, with this amendment is to allow States which have legalized raw milk, to allow the interstate transport of that raw milk between two States that have made it legal to sell unpasteurized milk.

It is a very commonsense amendment. There are millions of people who drink raw milk in this country. They drink it safely. They believe it is much healthier for them than pasteurized milk. The Greatest Generation in our country grew up drinking raw milk that was unpasteurized. Twenty-eight States allow the sale of unpasteurized raw milk.

So it is ridiculous for us, I believe, the Federal Government, to go in and keep people from buying raw milk or transporting raw milk across State lines so long as it is legal in those two States.

Mr. Chair, I reserve the balance of my time.

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Mr. MARSHALL. Mr. Chair, I rise in opposition to this amendment.

The Acting CHAIR. The gentlemen from Kansas is recognized for 5 minutes.

Mr. MARSHALL. Mr. Chairman, while many today will debate the role of the Federal Government in regulating product sales between two willing States, I simply want to make one point: The medical evidence against raw milk, against unpasteurized milk, is clear. There is no denying the link between raw milk consumption and life-threatening foodborne illnesses.

According to the CDC, unpasteurized dairy products, otherwise known as raw milk, while consumed by less than 4 percent of the population, account for 96 percent of illnesses from contaminated dairy products.

As a physician who has recently retired from obstetrics, what truly touches my heart is that two-thirds of these outbreaks are associated with raw milk consumption involving children.

How any school could allow raw milk inside their walls is nothing short of

appalling, and that is why I stand today and ask you to oppose this amendment that would expand the interstate sale of raw milk and would fly in the face of both the FDA and CDC's best science.

Mr. Chairman, I reserve the balance of my time.

Mr. MASSIE. Mr. Chairman, I would just like to point out that this amendment is a bipartisan amendment. This has been a very partisan debate over a lot of these amendments over the farm bill, and I think it is time that we have something that is supported by both sides of the aisle.

This amendment is modeled after a stand-alone bill that has over a dozen cosponsors from both sides of the aisle, and the sponsors of this amendment are Congressman POLIS and Congressman ROHRBACHER in addition to me.

It is very simple. If you understand federalism, you can understand this bill. It says that, if two States have legalized the sale of unpasteurized milk, no Federal department, agency, or court may take any action to prohibit or restrict the interstate traffic of milk or milk products between those two States. There are 28 States that have legalized the sale of raw milk.

With a debt of over \$21 trillion, the Federal Government doesn't have the time, the money, or the resources to chase down and prosecute peaceful farmers. This is an issue of both personal freedom and smart government.

I reserve the balance of my time.

Mr. MARSHALL. Madam Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. YOHO), a veterinarian who knows more about these foodborne illnesses than I do.

Mr. YOHO. Madam Chairman, as a veterinarian, I rise to voice my opposition to the amendment.

Madam Chairman, the amendment poses a threat to the health of Americans. Consumption of raw milk has demonstrated public health risks, as you just heard. The link between raw milk and foodborne illnesses has been well documented in scientific literature for over 100 years.

Raw milk is a key vehicle in the transmission of human pathogens, including E. coli, campylobacter, Listeria, tuberculosis, leptospirosis, cryptosporidiosis, brucellosis, cowpox, diphtheria, and typhoid fever. You can throw some ascarids in there, too.

Since the beginning of time, humankind has strived to improve survivability and increase human health. In fact, Louis Pasteur, in 1864—1864, over 154 years ago—discovered the benefits of heating milk to kill the microbes that were detrimental to human health, hence the term “pasteurization.”

Nearly two-thirds of all raw milk or raw milk products—cheese, butter, ice cream—and the outbreaks that come from those involve children who are not able to make informed decisions on what to consume. And according to the

CDC, at least one child younger than 5 was involved in 46 percent of the raw milk and raw milk product outbreaks reported between 2007 and 2016.

It is obvious and scientifically proven that this amendment would threaten the health and well-being of all Americans. I am not against raw milk, but if it is your cow, I think you ought to drink it at your house, and it shouldn't be sold as a healthy product without contaminants.

Madam Chair, I encourage my colleagues to vote "no" on this amendment.

Mr. MASSIE. Madam Chair, how much time do I have remaining?

The Acting CHAIR (Ms. STEFANIK). The gentleman from Kentucky has 2 minutes remaining.

Mr. MASSIE. Madam Chair, I want to thank the gentleman for mentioning Louis Pasteur and the pasteurization process, because what we have today is pasteurization without representation here in this country.

Madam Chair, I yield 1½ minutes to the gentleman from Wisconsin (Mr. GROTHMAN), my friend.

Mr. GROTHMAN. Madam Chair, I would like to speak on this amendment and make a few points.

Madam Chair, it is true the public health establishment is opposed to this amendment. It is also true, if you look at the amount of allergies out there, the amount of some other diseases that are affecting young kids, to some degree, the public health establishment is dropping the ball, and I don't think we can trust them entirely.

In my district, there is a substantial number of people who drink raw milk, and I would say it is tilted strongly towards people with a scientific background; chiropractors, nurses, veterinarians are the ones who feel strongest about drinking raw milk.

My final comment is I like to talk to people from foreign countries about the differences between their country and this country. Last year, I talked to a diplomat from Northern Europe and I asked him what the best and worst things about America were. To my surprise, he said the worst thing about America is the difficulty in getting unpasteurized cheese and unpasteurized milk.

Madam Chair, I thought it was a shame that America, the land of the free—when people come here from Europe, we are supposed to be freer in the United States. A complaint from people in Europe where you can drink unpasteurized milk, raw milk is that we don't have those freedoms in America.

Madam Chair, I think it is a great amendment for people who believe in freedom. And like I said, the people in my district who drink raw milk are the most informed on health issues.

Mr. MARSHALL. Madam Chair, how much time do I have remaining?

The Acting CHAIR. The gentleman from Kansas has 2½ minutes remaining.

Mr. MARSHALL. Madam Chair, I yield 1 minute to the gentleman from Oregon (Mr. SCHRADER).

Mr. SCHRADER. Madam Chair, as a veterinarian, I agree with my good friend and colleague, a large animal practitioner from the great State of Florida, TED YOHO, that pasteurization is essential to preventing the reemergence of some of the most basic foodborne diseases that, unfortunately, we now take for granted in the United States of America.

Prior to the advent of pasteurization, tuberculosis, brucellosis, and all the diseases my good friend and colleague alluded to were commonplace. Commonplace, and this is only over a little over 100 years ago.

Milk, which is high in protein, starch, and fat, is an ideal medium for bacterial growth. Within days, if not from original contamination at the dairy, these deadly bacterial diseases develop. Pasteurization is the modest heat treating of milk that keeps these deadly bacteria from growing, thereby improving shelf life and allowing widespread distribution of safe, clean, healthy, uncontaminated milk that makes us the envy of the world.

It does not denature or impair the nutritional value of this super nutritional food source. Indeed, do we all not remember just a few years ago the melamine contamination in China, their milk source? Chinese mothers now feed their babies American milk.

One of our most basic duties in the Federal Government is to protect the health of the American people. It would be an unconscionable dereliction of our duty to not allow this amendment to go forward. Let's support the Constitution to protect the health and welfare of the American people.

Mr. MASSIE. Madam Chair, I know Big Milk opposes raw milk. The milk lobby doesn't like my amendment. In fact, the lactose lobby is very intolerant of freedom.

But I am here today to take up for consumers and small farmers and States' rights, and I urge my colleagues to vote "yes" on this. Reject pasteurization without representation. Vote to allow the interstate transport of raw milk between two States where it is legal.

Madam Chair, I yield back the balance of my time.

Mr. MARSHALL. Madam Chair, I yield 1½ minutes to the gentleman from Minnesota (Mr. PETERSON), the ranking member of the House Agriculture Committee, if he has any tolerance for the issue.

Mr. PETERSON. Madam Chair, I rise in strong opposition to this amendment.

You are 840 times more likely to get a disease or have a problem by drinking unpasteurized milk. And 60 percent of the people who are impacted by this are kids under 20 years old who have not bought the milk; their parents bought it.

This is not something we should be doing. All of the folks who are involved

in this, veterinarians, the CDC, FDA, all of them oppose this.

The International Dairy Foods Association and the National Milk Producers, who don't always agree with each other, both oppose this because they are concerned that, if something happens and people say it is milk, they are not going to know the difference between raw milk or pasteurized milk or whatever it is.

This is not a good situation for maintaining our markets in the dairy product area. Madam Chair, I ask my colleagues to oppose this amendment.

Mr. MARSHALL. Madam Chair, according to a veterinarian well known to me, he has claimed that drinking raw milk is akin to drinking water out of a cow hoof print in the dirt.

Madam Chair, I want to encourage folks to vote against this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Kentucky (Mr. MASSIE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MASSIE. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Kentucky will be postponed.

AMENDMENT NO. 26 OFFERED BY MR. COSTELLO OF PENNSYLVANIA

The Acting CHAIR. It is now in order to consider amendment No. 26 printed in House Report 115-679.

Mr. COSTELLO of Pennsylvania. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

After section 11201, insert the following (and make such conforming changes as may be necessary):

SEC. ____ . STATE BEGINNING FARMER AND RANCHER COORDINATOR.

Section 226 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6934) is amended by adding at the end the following new subsection:

“(1) STATE BEGINNING FARMER AND RANCHER COORDINATOR.—

“(1) IN GENERAL.—The Secretary shall designate a State beginning farmer and rancher coordinator from among existing employees of the Farm Service Agency, the Natural Resources Conservation Service, the Risk Management Agency, the Rural Business-Cooperative Service, and the Rural Utilities Service.

“(2) TRAINING.—The Agency shall coordinate the development of a training plan so that each State coordinator shall receive sufficient training to have a general working knowledge of the programs and services available from each agency of the Department to assist beginning farmers and ranchers and be familiar with issues relating to beginning farmers and ranchers.

“(3) DUTIES.—The coordinator shall—

“(A) coordinate technical assistance at the State level to help beginning farmers and ranchers gain access to programs of the Department;

“(B) work with outreach coordinators in the State offices of the Farm Service Agency, the Natural Resources Conservation Service, the Risk Management Agency, the Rural Business-Cooperative Service, and the Rural Utilities Service to ensure appropriate information about technical assistance is available at outreach events and activities; and

“(C) work with the Office of Partnerships and Public Engagement and regional, state, and local offices of the Department to facilitate partnerships and joint outreach efforts with State regional, state, and local organizations and key stakeholders serving beginning farmers and ranchers through contracts and cooperative agreements.”

The Acting CHAIR. Pursuant to House Resolution 900, the gentleman from Pennsylvania (Mr. COSTELLO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. COSTELLO of Pennsylvania. Madam Chair, I yield myself such time as I may consume.

Madam Chair, we all care a great deal about supporting the next generation of farmers, and my amendment would expedite the U.S. Department of Agriculture’s loan application process for young farmers who are in the process of securing farmland, providing funding for the farmers market program, and also extend the Beginning Farmer and Rancher Development Program, which awards grants to organizations for education and mentoring purposes through a competitive grant process.

A constituent of mine, Frank Kurylo, the organizer at the Young Farmers Coalition of Southeastern Pennsylvania and co-owner of the community-supported Kimberlton CSA in my district, said it best:

Without support of this amendment, we risk losing our Nation’s future farms and farmers. 100 million acres of U.S. farmland is expected to change ownership in the next 5 years. We need to be able to connect young farmers to the land and provide the resources to help make farming a viable option for the next generation. The Young and Beginning Farmers Act is critical to reaching these goals and reconnecting people to a food system built around the sustainable principles that drive our access to healthy food.

Madam Chair, I would like to thank the chairman for his support, encourage my colleagues to support this amendment, and I reserve the balance of my time.

Mr. PETERSON. Madam Chair, I claim the time in opposition, even though I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. PETERSON. Madam Chair, this is maybe not a bad idea, but I just want to point out that the Secretary can already do this. I don’t know exactly why we are doing this, but I guess that is a decision between the authors and the Secretary. They can already do it.

The thing that I am little bit concerned about is that this might help a

little bit with beginning farmers, but, frankly, we are not doing enough in the underlying bill to put the money in there that would actually do some good for beginning farmers and ranchers. That would be more important than naming a coordinator if we don’t have enough money to do what we want to do.

I am not going to oppose the amendment, but I just want to point out that this is good intentions, but this is something that could be done anyway.

Madam Chair, I reserve the balance of my time.

Mr. COSTELLO of Pennsylvania. Madam Chair, I yield 2 minutes to the gentleman from Minnesota (Mr. EMMER).

Mr. EMMER. Madam Chair, I rise today in support of an amendment that I was pleased to coauthor with my colleague, Representative COSTELLO from Pennsylvania.

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Our amendment directs the Secretary of Agriculture to designate a beginning farmer and rancher coordinator in each of the 50 States at no cost to the taxpayer. According to the 2017 National Young Farmers survey, a lack of familiarity with Federal programs was among the top reasons young farmers don’t access those programs.

At a time when there are six times as many farmers over the age of 65 as there are under the age of 35, now more than ever, we need to help grow the next generation of farmers. Minnesotans who farm have made our State a top producer for sugar, beets, and turkeys.

Meanwhile, in my colleague’s home State of Pennsylvania, dairy and mushrooms top the list. Each State is different, and so are the challenges facing their farmers. Having a State-specific coordinator will ensure outreach efforts that are tailored to every State’s need.

The Costello amendment is supported by the National Young Farmers Coalition as well. I thank the chairman for his work on the farm bill and his support of this amendment, and urge my colleagues to do the same. Support America’s young farmers by supporting this amendment.

Mr. PETERSON. Madam Chair, I have no further speakers or discussion, so I yield back the balance of my time.

Mr. COSTELLO of Pennsylvania. Madam Chairwoman, I yield 1 minute to the gentleman from Pennsylvania (Mr. THOMPSON).

Mr. THOMPSON of Pennsylvania. Madam Chair, I just want to thank my colleague and friend from Pennsylvania for this amendment. Yes, the USDA has existing authority, but I think this expresses the intent of Congress and our recognition that one of the biggest issues that we face in the agriculture industry—which is the number one industry in Pennsylvania, one out of every seven jobs comes di-

rectly or indirectly from agriculture—it is our succession planning. It is where is the next generation of farmer coming from? Congress recognizes the need of having this type of leadership designated so that there is somebody on point overseeing, and pointing, and administering the young and beginning farmer programs that we have put in place for the past couple of farm bills.

It is actually a crisis, given the average age of farmers across this Nation. And I appreciate the fact that we are going to help to certainly further express the intent of this Congress on the importance of this, and provide a direction so that resources can be administered to meet this need. I appreciate the gentleman’s effort.

Mr. COSTELLO of Pennsylvania. Madam Chair, I want to thank my legislative aide, Andrew Furman, for his work on this. I encourage all of my colleagues to support this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. COSTELLO).

The amendment was agreed to.

AMENDMENT NO. 27 OFFERED BY MRS. NOEM

The Acting CHAIR. It is now in order to consider amendment No. 27 printed in House Report 115-679.

Mrs. NOEM. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 605, strike lines 16 through 21 and insert the following:

SEC. 11203. OFFICE OF TRIBAL RELATIONS.

Section 309 of the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6921) is amended to read as follows:

“SEC. 309. OFFICE OF TRIBAL RELATIONS.

“(a) ESTABLISHMENT.—The Secretary shall maintain in the Office of Partnerships and Public Engagement established under section 226B an Office of Tribal Relations, which shall advise the Secretary on policies related to Indian tribes and carry out such other functions as the Secretary considers appropriate.

“(b) NEW BEGINNINGS INITIATIVE.—Not later than one year after the date of the enactment of the Agriculture and Nutrition Act of 2018, the Secretary shall establish, in consultation with the Office of Tribal Relations, an initiative (to be known as the ‘New Beginnings Initiative’) under which the Secretary shall provide funds to a land-grant college or university in an amount equal to the amount of funds such land-grant college or university expends for providing educational programs and services for, or tuition paid with respect to, Indians (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)) at such land-grant college or university.”

The Acting CHAIR. Pursuant to House Resolution 900, the gentlewoman from South Dakota (Mrs. NOEM) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from South Dakota.

Mrs. NOEM. Madam Chair, many States in which agriculture is important are also home to Native Americans Tribes. South Dakota, for example, has nine federally recognized Tribes. Many of these communities are poor. They lack basic services and have high rates of unemployment.

No one suffers from these conditions more than the youth: the children, high school students, and hopeful college students who live there. That is why it is so important to ensure that native youth have the opportunity to obtain a higher education; to attend college; and that they are given the tools that they need to succeed.

So my amendment is designed to work in concert with programs that assist native students, like the Wokini Initiative. It was designed by my alma mater, South Dakota State University. In the Lakota language, Wokini means "new beginnings." It is the title of the program that this amendment establishes. This amendment simply authorizes USDA to match funds spent by land-grant universities on efforts to help native students succeed and ultimately graduate.

Madam Chairwoman, I reserve the balance of my time.

Mr. PETERSON. Mr. Chair, I am going to claim the time in opposition so that I can support the amendment, and I yield back the balance of my time.

Mrs. NOEM. Mr. Chairman, this initiative is incredibly important. We have huge challenges in the Great Plains region. Our Tribes are stressed and impoverished more than any other Tribes in the Nation. Many times, those youth struggle with hopelessness, a lack of belief in a strong future and opportunities that they have.

I want to thank our ranking member for supporting the amendment. It is incredibly important that we offer opportunities to those Tribal youth and give them the chance to go on to post secondary education opportunities.

Mr. Chair, I would like to use the balance of my time that I have here today to speak about my strong support for this farm bill that we have on the floor. While not everybody farms, everybody eats. And whenever I talk about agriculture to other people that don't have it in their district or in their region, I talk about how this farm bill is a national security issue.

You see, when we grow our own food in this country, we control our own future. If we rely on another country to feed us, then they control us. And as we do business and trade with other countries, we create a much friendlier environment and neighborhood worldwide because we are doing business with those countries.

We decided years ago in this country that we wanted to have an affordable and a safe food supply. And today, we have the safest food supply in the entire world because this country has a farm bill—a farm bill that provides safety nets for our farmers and ranch-

ers that are out there taking highly leveraged risks each and every year to put a crop in the ground and to harvest that and to feed this country and the world.

So maintaining control of our food supply—and the world's most affordable and abundant food supply at that—is essential. Because once we depend on another Nation to feed us, then they will continue to control us. So this is about having a safety net and making sure that every single family in this country has affordable and safe food.

We do this in this bill by maintaining a strong crop insurance program. We remain committed to strong livestock disaster programs which were essential in making sure that South Dakota ranchers could recover from that devastating Winter Storm Atlas that killed tens of thousands of cattle that we experienced. It helped them rebuild, and it helped them continue to grow beef in our country.

Commodity programs are improved in this bill as well. I am proud that the language I drafted was included to make these programs work better for the future. We also increase investment in farm country. We dedicate resources for rural broadband development. We do this while also investing in essential research opportunities, and continue to drive innovation.

As a lifelong farmer and rancher, I understand the uncertainty our farmers face every day. In fact, across the country and across my home State of South Dakota, farm income in the last several years has dropped over 50 percent. I know how highly leveraged farmers are, and how important it is that we manage that risk.

We can't control all of the risk factors that these families face. Hail storms and droughts will strike, but we can make sure that our policies that we write here today enable them to fulfill our own nutrition needs while also feeding the world.

So I want to urge my colleagues to support this bill, to support this amendment, and make sure that we continue to provide the food that feeds the world.

Mr. Chair, I yield back the balance of my time.

The Acting CHAIR (Mr. COSTELLO of Pennsylvania). The question is on the amendment offered by the gentlewoman from South Dakota (Mrs. NOEM).

The amendment was agreed to.

AMENDMENT NO. 28 OFFERED BY MR. ROSKAM

The Acting CHAIR. It is now in order to consider amendment No. 28 printed in House Report 115-679.

Mr. ROSKAM. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subtitle F of title XI, add the following (and make such conforming changes as may be necessary):

SEC. 11613. EXTENDING PROHIBITION ON ANIMAL FIGHTING TO THE TERRITORIES.

(a) IN GENERAL.—Section 26 of the Animal Welfare Act (7 U.S.C. 2156) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "Except as provided in paragraph (3), it" and inserting "It"; and

(B) by striking paragraph (3);

(2) by striking subsection (d); and

(3) by redesignating subsections (e), (f), (g), (h), (i), and (j) as subsections (d), (e), (f), (g), (h), and (i), respectively.

(b) USE OF POSTAL SERVICE OR OTHER INTERSTATE INSTRUMENTALITIES.—Section 26(c) of the Animal Welfare Act (7 U.S.C. 2156(c)) is amended by striking "(e)" and inserting "(d)".

(c) CRIMINAL PENALTIES.—Subsection (i) of section 26 of the Animal Welfare Act (7 U.S.C. 2156), as redesignated by section 2(3), is amended by striking "(e)" and inserting "(d)".

(d) ENFORCEMENT OF ANIMAL FIGHTING PROHIBITIONS.—Section 49(a) of title 18, United States Code, is amended by striking "(e)" and inserting "(d)".

The Acting CHAIR. Pursuant to House Resolution 900, the gentleman from Illinois (Mr. ROSKAM) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. ROSKAM. Mr. Chair, I will yield myself 30 seconds because I have got to watch this clock sort of tight.

So here is the situation: Animal fighting is inappropriate and wrong no matter where it happens. It is against the law in the continental United States, and, I should say, in all 50 States, and what we are proposing is to make that a standard in the territories as well.

There are some elements of animal fighting that is illegal in territories, but not altogether. This has been a long journey. It is a 40-year journey in this country. It reached a crescendo about 10 years ago when a standard was created in all 50 States. What this amendment does, Mr. Chairman, is very simple: it proposes to do the same thing in the territories.

Mr. Chair, I reserve the balance of my time.

Ms. PLASKETT. Mr. Chairman, I claim the time in opposition to this amendment.

The Acting CHAIR. The gentlewoman from the Virgin Islands is recognized for 5 minutes.

Ms. PLASKETT. Mr. Chair, I am thankful for the opportunity to express my strong opposition to the amendment.

It is deeply unfair to the United States Territories and contrary to the original intent of the Federal law in question: the Animal Welfare Act amendment, under which States have always been defined to include the territories.

First, the characterization of this amendment is closing a loophole and bringing the territories in with the States is highly misleading. The Animal Welfare Act adequately addresses interstate and foreign commerce of fowl for gaming purposes. The intent of

the Federal law in this area has always been to aid States and other local law enforcement in jurisdictions where gamefowl events are illegal, and to prohibit the transport of animals from areas where they are, in fact, allowed.

The reason that there is a ban in all 50 States is not because of Federal law, but because of States' laws, and those States have banned them in their States. So for the Federal Government to impose that on the territories at this time, I believe, is deeply unfair. This is a highly regulated, cultural, and historic activity in the territories.

Let's not forget that the real author of this bill is The Humane Society which—when the Federal Government gets into this—becomes a slippery slope, as The Humane Society also wants to ban sporting activities or hunting activities in which animals hunt another animal. Is the gentleman from Illinois going to then offer an amendment to stop dogs who assist humans in looking for ducks and in other places? No.

But all of the territories' Delegates are against this amendment. And for someone from another State to offer an amendment to restrict something in the U.S. territories is deeply unfair.

At the last hearing of the committee in which this issue was addressed, which was nine sessions ago, The Humane Society also testified that legislation at State level should be the proper fora to ultimately decide whether fowl gaming is permitted within those State's borders. And, again, States also meaning territories.

I agree, and so should this body. If only they were true to their word—and the gentleman from Illinois agreed with them—and the well-documented legislative history, we wouldn't be here. And hopefully, we would be talking about much more important matters—matters related to the farm bill, such as SNAP, such as school lunches, such as subsidies to our farmers.

Those are the things that should be in this farm bill, not this legislation. I reserve the balance of my time.

Mr. ROSKAM. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I have been involved for 20 years to try and stop the barbaric practice of animal fighting, dogfighting, cockfighting, and slowly but surely, we have made the point under Federal law. It is a felony crime: to sponsor; exhibit an animal in a fighting venue; to buy, sell, deliver, possess, train animals; or to bring a minor to an animal fight.

But this has been long and slow and painful. And I violently disagree with the notion that we should have one set of rules. It is already a felony in Puerto Rico, Guam, and the Virgin Islands. We shouldn't have one set of rules for some territories, and for the rest of the States. At core, this is a barbaric, inhumane practice. The animals are drugged to make them more ferocious.

In cockfighting, they are equipped with metal spurs to slash each other—

fighting to the death. I am sorry, this Congress has rejected the notion that this is culturally specific. Animal cruelty has no place in any territory, in any State, in any venue, by any race or ethnic group or cultural tradition. We have gone past that. We heard those arguments in some States when we were fighting to achieve these protections.

I strongly urge that we continue this 20-year fight to protect animals and protect people from being involved with this horrific activity, and close what is, in fact, a loophole. We should have no separate rules for States, territories, or anywhere under our jurisdiction.

□ 1015

The Roskam-Blumenauer amendment will fix this and finish a journey that we started 20 years ago. But sadly, because some people think it is acceptable, we are still going to have to fight this battle in the illegal sector as well.

Ms. PLASKETT. Mr. Chair, may I ask how much time do I have remaining.

The Acting CHAIR. The gentlewoman from the Virgin Islands has 2½ minutes remaining.

Ms. PLASKETT. Mr. Chair, I would hope that in the future, Congressman ROSKAM, the gentleman from Illinois, as well as Mr. BLUMENAUER would consider that no law should be different for the States and the territories, to allow the territories' people to be treated the same as the States.

Mr. Chair, I yield 2 minutes to the gentlewoman from Guam (Ms. BORDALLO).

Ms. BORDALLO. Mr. Chairman, I rise to strongly oppose the Roskam amendment which would force a Federal ban on the territories without our consent.

I am sure Congressman ROSKAM would not want an amendment forced on his constituents without his consent or input. All five members from the territories oppose this amendment, as cockfighting is a culturally significant practice in many of our islands.

As importantly, this amendment dictates to the territories without any opportunity for our constituents or their elected representatives to have any say.

Guam and other territories have enacted local laws to regulate cockfighting. Congress should not force this on more than 4 million Americans. Are you aware we are denied the right of a vote against this amendment on this House floor?

So many issues affecting the territories require Congress' attention: disaster recovery, poverty, healthcare, infrastructure, education, and equal voting rights on this floor. That is what we should be thinking about, and the House should be spending more time addressing these priorities.

I was not consulted on this matter, and neither were any of the other representatives from the territories. This is not fair, Mr. Chairman. This is not fair.

Yes, I agree. We should all be treated equally. Then why aren't the territories allowed to come down on the floor and to vote for final passage? That is the question I want to ask you. Let's be fair all the way.

Mr. Chairman, I ask this sponsor to withdraw this amendment so that we can provide our input and maybe we can work toward an agreement. Otherwise, I urge all Members to oppose the Roskam amendment.

Mr. ROSKAM. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. KNIGHT).

Mr. KNIGHT. Mr. Chairman, I would like to begin by thanking Chairman ROSKAM for his work on this amendment.

I do speak in favor of amendment No. 14 which strengthens Federal laws against animal fighting and has garnered bipartisan support many times over the past two decades. This is something that still happens. It still happens in our country. Just a month ago, over 1,000 birds were collected in a cockfighting raid just in my district in southern California.

Forcing two animals to fight to the death is not only a crime problem, it is a moral problem as well. There is strong bipartisan agreement that animal fighting is an inexcusable crime. We should strengthen our laws to protect animals and society from this barbaric activity which has no place in modern society.

Ms. PLASKETT. Mr. Chair, I reserve the balance of my time to close as the member of the committee.

Mr. ROSKAM. Mr. Chairman, although I don't like what she is about to say, in courtesy, I yield 1 minute to the Resident Commissioner of Puerto Rico (Miss GONZÁLEZ-COLÓN).

Miss GONZÁLEZ-COLÓN of Puerto Rico. Mr. Chairman, I thank the chairman for yielding.

We would never have had this debate if we had had an opportunity to have a public hearing on the issue. So I oppose this amendment because this is more Federal regulation for the territories.

Cockfighting is already a highly regulated industry in Puerto Rico. Originally regulated in 1933, then in 2007. We actually have offices regulating this issue that creates an \$18 million industry on our island with 27,000 direct and indirect jobs. Already the farm bill permits that cockfighting will be prohibited in the States and interstate commerce, but can be legal if the State or the territory authorizes and regulates the event.

That is the situation with the territories; we regulate the event. Actually, this proposed legislation will cause a highly regulated industry to go underground and go to the streets where there is no control at all.

Our constituents were never heard on this issue, and we are looking for that opportunity. I do believe that we are not having the opportunity to be treated equally. That is the reason I oppose this amendment, and we should have at least a public hearing on this issue.

Ms. PLASKETT. Mr. Chair, once again, you have heard the opposition to this at this time.

The characterization that it is closing a loophole, as I said, is misleading. I think it is important to understand what is going to happen if this is, in fact, made law, that this will drive this underground, and it will criminalize what has happened. Many individuals will become criminals at engaging in this activity.

If individuals are truly concerned with the territories, I would ask them to cosponsor legislation that helps people in the Virgin Islands and allows them to be treated fairly and not to be cruel to us with the cap on Medicaid.

I would ask that they would cosponsor much of the legislation that many of the delegates have offered up to support the people who live in the Virgin Islands as well.

Mr. Chair, I yield back the balance of my time.

Mr. ROSKAM. Mr. Chairman, this is a heartfelt issue obviously, but we are talking about rough stuff. We are talking about stuff that attracts gangs. We are talking about stuff that attracts drug trafficking. We are talking about stuff that attracts violence. We are talking about things that you would be ashamed to bring a child to. We are talking about things that if it were to happen in the well of this Chamber, many of us would look away because we would be shocked at the gratuitous violence.

To characterize this as a cultural norm that we should just walk away from is a misrepresentation, in my view. It is not persuasive to me. It is wrong. It is wrong if it happens in the 50 States, it is wrong if it happens in the territories, and we ought not be complicit in it.

The notion that this is going to drive this activity underground is a hackneyed old argument. We heard that before as it relates to the 50 States. That wasn't persuasive. We know what this activity is. We ought not be complicit in it.

Mr. Chairman, we should pass this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. ROSKAM).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Ms. PLASKETT. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois will be postponed.

AMENDMENT NO. 29 OFFERED BY MR. JOHNSON
OF LOUISIANA

The Acting Chair. It is now in order to consider amendment No. 29 printed in House Report 115-679.

Mr. JOHNSON of Louisiana. Mr. Chair, I have an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subtitle F of title XI, insert the following:

SEC. 116 . . . CONSIDERATION OF THE TOTALITY OF CONSERVATION MEASURES.

Section 7(b)(3) of the Endangered Species Act of 1973 (16 U.S.C. 1536(b)(3)) is amended by adding at the end the following:

“(C) In determining whether a Federal agency action is likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of the critical habitat of a species, the Secretary shall consider the offsetting effects of all avoidance, minimization, and other species-protection or conservation measures that are already in place or proposed to be implemented as part of the action, including the development, improvement, protection, or management of species habitat whether or not it is designated as critical habitat of such species.”.

The Acting CHAIR. Pursuant to House Resolution 900, the gentleman from Louisiana (Mr. JOHNSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. JOHNSON of Louisiana. Mr. Chair, the Endangered Species Act, or ESA, as we call it, imposes numerous burdensome and duplicative regulations on America's hardworking farmers and ranchers. This adversely impacts their ability to provide food not only to America, but, of course, to people all around the world.

We all know that activist groups are employing sue-and-settle tactics to further their ideological agenda to increase the number of species listed under the ESA. As the ESA list grows, however, farmers and ranchers are forced to shift their primary focus from food production—which we all need them to focus on—to navigate and comply with bureaucratic hurdles threatening their very livelihoods.

My amendment would require the Secretary to consider the totality of conservation measures already in place when determining whether a potential Federal action will jeopardize species or habitat loss. Our Nation's farmers and ranchers already opt to participate in conservation programs. They do so voluntarily. They implement protections and mitigation factors on their land, and they do everything they can to protect habitat and wildlife.

Our agricultural community proactively promotes conservation measures, and they seek guidance from the USDA on best practices. But the ESA has expanded far beyond the original intent of the law, and it has become a serious problem.

The time has come for us in this Congress to modernize the ESA, which will ease the difficulties farmers and ranchers face when bearing the brunt of undue burdens placed on agriculture. To that end, my amendment to H.R. 2 takes a holistic approach to protecting species and preserving habitats, ultimately helping America's farmers and ranchers go back to doing what they do

best, and that is providing a safe, sustainable food source for our Nation.

I urge my colleagues to support this amendment. It is a matter of fairness and common sense.

Mr. Chairman, I reserve the balance of my time.

Mr. GRIJALVA. Mr. Chairman, I claim the time in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Arizona is recognized for 5 minutes.

Mr. GRIJALVA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I oppose the amendment that is being offered by the gentleman. It is unwarranted and undermines one of the bedrock environmental laws, the Endangered Species Act.

The first issue at stake is that my colleagues seem to imply that the U.S. Fish and Wildlife Service does not already have the authority to consider beneficial conservation actions already in place during the section 7 consultation process under the Endangered Species Act. This is simply not true.

The jeopardy analysis already takes into account the beneficial actions that have been implemented when determining if a Federal agency's activities would put a species in danger of extinction. Thus, this part of the amendment is redundant and would only cause uncertainty in the consultation process.

But perhaps more problematic is that this amendment includes a requirement to consider future proposed conservation measures. The keyword here is proposed. In no way are these proposals locked in stone. There would be no way to know if these proposals would be part of the final action.

The service always considers conservation measures. The service considers proposed actions where they are reasonably certain to occur. The service, however, should not include speculation about proposed actions in the future. This amendment lowers the bar for species protection and should be rejected.

Unfortunately for our imperiled wildlife, this amendment is not the only way my colleagues across the aisle are attempting to undermine the Endangered Species Act in this farm bill.

If this bill becomes law, a person could spray early spring pesticides directly on endangered wildlife in the field, like the whooping crane, for example, and it would be completely legal even if some were killed.

Not to mention, these early spring pesticides are often acutely toxic. Some pesticides are suspected to cause Parkinson's disease in people, and others are likely to cause cancerous tumors. Imagine the damage, not only to human life, but what it would do to our endangered wildlife.

This bill also removes the requirement under section 7 of the Endangered Species Act for the EPA to consult

with expert wildlife agencies on the impact of pesticides to threatened and endangered wildlife.

Pesticides have caused the dramatic decline of numerous species of birds, bees, fish, and butterflies. With the very existence of species such as the monarch butterfly and the whooping crane at stake, it is unconscionable to allow the EPA to approve the use of pesticides without properly assessing the effects they have on hundreds of endangered species across the country.

I cannot say this strongly or more frequently enough: the ESA does not need to be reformed or modernized to work better. What it needs is congressional support. Instead of rolling back critical safeguards and introducing harmful anti-ESA riders like these, Congress should be implementing measures to fully fund the act and protect species and their habitats from permanent extinction.

We have a responsibility to be good stewards of our environment and uphold the strong protections of the ESA. The American people deserve to be able to experience their natural legacy for generations to come.

Mr. Chairman, I reserve the balance of my time.

Mr. JOHNSON of Louisiana. Mr. Chairman, I yield such time as he may consume to the gentleman from Arizona (Mr. GOSAR).

Mr. GOSAR. Mr. Chairman, I rise in support of the amendment offered by my good friend and colleague, Mr. JOHNSON of Louisiana.

This good governance and common-sense amendment will reduce costs associated with consultation and allow important projects to move forward while ensuring these actions don't negatively impact species and result in more private contributions that help recover endangered species.

In recent years, local landowners showed unprecedented support for lesser prairie chicken conservation and committed approximately 4 million acres and more than \$26 million toward these efforts. Unfortunately, current practices do not allow conservation measures that take place outside of designated critical habitat to count in relation to Federal actions.

□ 1030

This arbitrary interpretation results in less conservation efforts for species and stifles private investment that would otherwise be encouraged if the totality of habitat conservation measures underway were allowed to be considered.

Last year, Senator JOHN BARRASSO pointed out that, of the more than 1,600 species of animals and plants listed on the Endangered Species Act since 1973, only 3 percent have been recovered. That is 3 percent. This is failure by any definition or reason.

This amendment encourages voluntary conservation that will help recover threatened and endangered species. Property owners, States, and local

communities should be encouraged to be part of the solution, not pushed aside in favor of Federal micromanagement.

I applaud Representative JOHNSON for his strong leadership and tireless efforts to improve an outdated system that is failing to protect species and failing to consider the totality of conservation measures underway before moving forward with new Federal actions.

I urge adoption of this amendment.

Mr. GRIJALVA. Mr. Chairman, I urge a "no" vote on the amendment, and I yield back the balance of my time.

Mr. JOHNSON of Louisiana. Mr. Chair, I yield such time as he may consume to the gentleman from Arkansas (Mr. CRAWFORD).

Mr. CRAWFORD. Mr. Chairman, I thank Mr. JOHNSON for his work on this amendment.

This amendment would require the Secretary to consider measures already in place or proposed to mitigate species or habitat loss when determining whether Federal action is likely to jeopardize existing work taking place. This would help address agriculture's ongoing concerns with the Endangered Species Act by recognizing the habitat protections and benefits already being provided through USDA conservation program practices that farmers and ranchers implement on their land.

Farmers are our best stewards of the land and environment, and I applaud efforts that take into account the good work the ag industry is already doing to prevent habitat and species loss. I urge my colleagues to prevent duplicative measures that may compromise conservation progress by voting in support of the Johnson amendment.

Mr. JOHNSON of Louisiana. Mr. Chair, in closing, I have mentioned that this is a matter of fairness and common sense. We need to do right by our farmers and ranchers, and I urge my colleagues to support the amendment.

Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. JOHNSON).

The amendment was agreed to.

AMENDMENT NO. 30 OFFERED BY MR.
HOLLINGSWORTH

The Acting CHAIR. It is now in order to consider amendment No. 30 printed in House Report 115-679.

Mr. HOLLINGSWORTH. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In title XI, at the end of subtitle F insert the following:

SEC. —. DEPREDATION PERMITS FOR BLACK VULTURES.

(a) IN GENERAL.—The Secretary of the Interior, in conjunction with the Director of the United States Fish and Wildlife Service, may issue depredation permits to livestock

farmers, authorizing takings of black vultures otherwise prohibited by Federal law to prevent such vultures from taking livestock during the calving season.

(b) LIMITED TO AFFECTED STATES OR REGIONS.—The Secretary may issue such permits only to livestock farmers in States and regions in which livestock farmers are affected by black vultures, as determined by Secretary in conjunction with the Director.

(c) REPORTING.—The Secretary shall require, as a condition of such a permit, that the permit holder shall report to the appropriate enforcement agencies the takings of black vultures under the permit.

The Acting CHAIR. Pursuant to House Resolution 900, the gentleman from Indiana (Mr. HOLLINGSWORTH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. HOLLINGSWORTH. Mr. Chairman, I yield myself such time as I may consume.

I recently had a townhall in a small county, Washington County, Indiana, where a farmer came up to me and explained to me the choice that he had before him: he could lose thousands of dollars of his cattle or pay thousands of dollars in fees because he is unable to kill the black vultures that continue to murder his calves during calving season.

This amendment changes that process and enables him to take proactive nonlethal and lethal steps if the Secretary of the Interior deems it worthwhile in that region or that State to protect those young calves, to protect his property. I want to make sure that we enable and empower farmers to be able to keep their livestock alive, to be able to keep their property alive.

This amendment simply allows the Secretary of the Interior to designate States or designate regions where farmers can take proactive nonlethal and lethal measures to protect their property from black vultures.

It is important to note that black vultures are not protected under the Endangered Species Act. Right now they are listed in the least concern category. But they are protected under the Migratory Bird Treaty Act.

All this amendment does is enable them to take proactive measures rather than waiting until they have lost thousands of dollars' worth of calves in taking reactive measures.

Mr. Chairman, I reserve the balance of my time.

Mr. PETERSON. Mr. Chairman, I claim the time in opposition, even though I am not sure I am opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. PETERSON. Mr. Chairman, I want to raise some issues.

We have got problems in a number of different areas, not just with black vultures, caused by the Migratory Bird Treaty with Mexico and Canada that we signed in 1973.

Apparently, black birds are sacred in Mexico. Because of that, we are in this situation. That is why you need this bill.

It eliminated crow hunting for a while, until we were able to define it in the States. It says in the treaty that if they are about to do damage, then you can take them. So, in Minnesota, we passed a law that says that crows are always about to do damage so that we could have a season.

I have still got a big problem with cormorants. We can get depredation permits for cormorants, but it is not adequate. We had a hunting season that we got through here. We got the Fish and Wildlife Service to supposedly do this, and then they screwed it up. So we have got cormorants out there eating fish in my neck of the woods and other places causing a big problem.

I have got wolves, which is a little bit different situation, but that is the Endangered Species Act, in which it was claimed there was no problem with. Well, I can tell you, there is a problem with the Endangered Species Act in terms of wolves. We need to fix that. Four different times I have been promised to get that fixed, and we haven't been able to do it.

I am frustrated with this whole process. I am going to support your amendment, but I would like to get some further clarity on cormorants and timber wolves, if we could.

Mr. Chair, I reserve the balance of my time.

Mr. HOLLINGSWORTH. Mr. Chairman, I appreciate the gentleman's support.

Mr. Chairman, I yield 1 minute to the gentleman from Arkansas (Mr. CRAWFORD).

Mr. CRAWFORD. Mr. Chairman, I rise this morning to support the Hollingsworth amendment, which would allow the Secretary of the Interior to issue depredation permits to livestock farmers authorizing the taking of black vultures during calving season.

Currently, the black vulture is protected under the Migratory Bird Treaty Act. I don't know why they are all migrating to my district, and that is where they all live and they are not leaving.

The current permit process doesn't provide farmers the flexibility they need to adequately protect calves from black vulture attacks. By allowing the Secretary of the Interior to work with Fish and Wildlife to issue State or regionwide depredation orders, we will provide farmers with the ability to protect their livelihood.

This isn't just about giving farmers flexibility; it is also about being humane. If you have ever seen a black vulture attack calves, that is not something you want to see more than once.

It is time we give our cattle farmers the authority to legally handle this dire situation.

I want to point out that the ranking member's comments are very relevant

to me, as well, with cormorants. We have a big problem with cormorants, as well, in my district. So, certainly, we need to be taking these issues into consideration.

Mr. PETERSON. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. CONAWAY), chairman of the committee.

Mr. CONAWAY. Mr. Chair, I represent a lot of cattle ranchers, but also represent folks who raise sheep and goats. Black vultures are a big predator during kidding season. When these small lambs and young kid goats are on the ground, they are susceptible to the same type of trauma that the calves go through when they are being eaten alive by these vultures. Moving this gentleman's amendment may be a step in the right direction.

I also share my ranking member's comments about timber wolves and other endangered species that are prey on the lands. That needs to be examined, as well. I would be happy to work with him on that issue.

Mr. HOLLINGSWORTH. Mr. Chair, I would submit to Mr. CRAWFORD that perhaps those black vultures moved in because of the great representation he provides to all of his constituents.

Mr. Chairman, I yield to the gentleman from Tennessee (Mr. DESJARLAIS).

Mr. DESJARLAIS. Mr. Chairman, I rise today in support of the amendment of Mr. HOLLINGSWORTH of Indiana on this issue.

In short, the amendment would allow the Secretary of the Interior to issue depredation permits to livestock farmers authorizing the taking of black vultures. This is an issue that has been brought to my attention by farmers across the entire Southeast, as well, who have all witnessed black vultures prey on and kill their livestock. Unfortunately, because black vultures are protected under the Migratory Bird Treaty Act, farmers are left with little or no recourse of action.

After years of frustration, the U.S. Fish and Wildlife Service began issuing depredation permits as part of a pilot program to try to address this shortage. While this has worked well in my State, it is clear that our farmers and ranchers need a more permanent fix to this ongoing problem.

Black vulture attacks on various livestock have already led to significant economic losses for many, and I encourage my colleagues to vote "yes" on this commonsense amendment.

Mr. PETERSON. Mr. Chair, I yield back the balance of my time.

Mr. HOLLINGSWORTH. Mr. Chair, in closing, again, I think this amendment is very common sense and very focused on exactly what I hear from Hoosier farmers back home, what I have heard from farmers all the way across the country, which is they want to take the proactive measures to protect these calves, to protect other livestock, to protect their property, and also to save them from the horrific death caused by black vultures.

I urge all of my colleagues to vote "yes" on this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Indiana (Mr. HOLLINGSWORTH).

The amendment was agreed to.

AMENDMENT NO. 31 OFFERED BY MR. BANKS OF INDIANA

The Acting CHAIR. It is now in order to consider amendment No. 31 printed in House Report 115-679.

Mr. BANKS of Indiana. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subtitle F of title XI, add the following:

SEC. 11613. WATERS OF THE UNITED STATES RULE.

The final rule issued by the Administrator of the Environmental Protection Agency and the Secretary of the Army entitled "Clean Water Rule: Definition of 'Waters of the United States'", published on June 29, 2015 (80 Fed. Reg. 37054), is repealed, and any regulation or policy revised under, or otherwise affected as a result of, that rule shall be applied as if that rule had not been issued.

The Acting CHAIR. Pursuant to House Resolution 900, the gentleman from Indiana (Mr. BANKS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. BANKS of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment would fully repeal the poster child of government overreach from the Obama administration, the 2015 waters of the United States rule.

This rule gave unelected bureaucrats at the EPA the power to broadly interpret what is a navigable waterway and has led to mass confusion for farmers in my district and across the country.

The Obama-era WOTUS rule, which has been delayed thanks to the Trump administration, is confusing, overreaching, and broad. Under this rule, a navigable waterway could be interpreted in such a way that even a puddle in a farm's drainage ditch could be subjected to Federal regulation.

Mr. Chairman, it is vitally important that the definition of a navigable waterway be carefully and clearly determined. The encroachment of the Federal Government upon farmers and landowners has been severe.

We in Congress have a responsibility to call a spade a spade and remove this onerous regulation and go back to the drawing board with input from all stakeholders.

Mr. Chairman, unelected bureaucrats sitting behind a desk in Washington should not implement these overreaching Federal regulations on local farmers in northeast Indiana. Congress should work together with local and

State officials and experts to determine an appropriate solution and remove the detrimental and excessive approach attempted by the Obama administration.

I urge my colleagues to support my amendment, and I reserve the balance of my time.

Mrs. NAPOLITANO. Mr. Chairman, I claim the time in opposition to the Banks amendment.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Mrs. NAPOLITANO. Mr. Chairman, I rise in opposition to the amendment.

Congress has a long history in supporting the Clean Water Act. In 1972, Congress overrode President Nixon's veto of the Clean Water Act, demonstrating bipartisan support for the Federal regulation of our Nation's water. The measure was very clear: human health would no longer take a backseat to big business.

Now, more than 45 years later, we are again voting to overturn the Clean Water Protection rule, a rule that, for the first time in over a decade, provides clarity for regulated parties and protection for our Nation's rivers and waters.

What message are we sending today? Clearly, we are telling the American people that what water they have left isn't worth protecting.

Mr. Chairman, when developing the Clean Water Protection rule, the EPA and Army Corps of Engineers went to unprecedented lengths to engage with stakeholders, including ranchers, farmers, and municipalities. They held over 400 stakeholder meetings on the rule and reviewed approximately 1 million public comments to the rule.

It is evident that EPA and the Corps wholeheartedly considered these comments and concerns because many of the Clean Water rule's reforms benefit industry, agriculture, and municipalities. These reforms include limiting permits for ditches and municipal storm water sewers, and codified exemptions for certain agricultural, construction, and mining activities.

Let us not forget that the farmers and developers, alike, call the Clean Water Act's current regulatory process "ad hoc," "inconsistent," and "costly."

The rule we are attempting to overturn would keep the old, confusing regulations in place permanently. The same groups that asked for this rule and actually benefited from the rule are now asking us to do away with the rule.

The only thing I can surmise is that those who oppose the rule would oppose any rulemaking that did not drastically limit the application of the Clean Water Act; or, said in another way, these groups are simply opposed to the Clean Water Act entirely.

□ 1045

In my State of California, 99.2 percent of the population gets its water

from the drinking water systems that rely on water bodies protected by this rule. With numbers like that on the line, intervening now is simply reckless.

Mr. Chairman, I urge my colleagues to join me in opposition to this amendment, and I reserve the balance of my time.

Mr. BANKS of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. GOSAR), the chairman of the Western Caucus, who has been instrumental in developing this amendment.

Mr. GOSAR. Mr. Chairman, I rise in support of the amendment offered by my good friend and colleague, Mr. BANKS.

The previous administration's Waters of the U.S. rule, commonly referred to as WOTUS, attempted to assert Clean Water Act jurisdiction over nearly all areas with even the slightest connection to water resources, including man-made conveyances. The Obama administration threatened the very livelihoods of farmers, ranchers, small businesses, water users, and property owners when unilaterally enacting this overreaching water and land grab by executive fiat.

Contrary to claims by the Obama administration, this regulation directly contradicts prior U.S. Supreme Court decisions which imposed limits on the extent of Federal Clean Water Act authority. Although the agencies maintained the rule was narrow and clarified the Clean Water Act jurisdiction, it would actually aggressively expand Federal authority under the Clean Water Act while bypassing Congress and creating unnecessary ambiguity. In fact, even the agencies admitted, when announcing the final rule, that WOTUS would expand agency control over 60 percent of our country's streams and millions of acres of wetlands that were previously non-jurisdictional.

Moreover, the rule was based on incomplete scientific and economic analysis. In recent years, the House has voted at least five different times to block or reduce the damage associated with the Obama WOTUS rule. In January 2016, the House and Senate passed legislation blocking WOTUS, utilizing the Congressional Review Act, and put a bill on President Obama's desk that he subsequently vetoed.

WOTUS is a dream-killer for future generations and will result in significant job losses as well as considerable harm to our economy. Congress must take action today to repeal this fundamentally flawed mandate once and for all. I applaud Representative BANKS for his strong leadership and tireless efforts to protect the livelihoods of farmers, ranchers, businessmen, and other local stakeholders by repealing this unconstitutional power grab.

Mr. Chair, I urge adoption of this lawful and necessary amendment.

The Acting CHAIR. The Committee will rise informally.

The Speaker pro tempore (Mr. NORMAN) assumed the chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Gabrielle Cuccia, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

AGRICULTURE AND NUTRITION ACT OF 2018

The Committee resumed its sitting.

The Acting CHAIR (Mr. COLLINS of Georgia). The gentlewoman from California is recognized.

Mrs. NAPOLITANO. Mr. Chair, I yield 1 minute to the gentleman from Pennsylvania (Mr. CARTWRIGHT).

Mr. CARTWRIGHT. Mr. Chairman, I rise in opposition to this amendment, the Banks/Gosar amendment, as a clear threat to a bedrock protection of the American people of the Clean Water Rule. The Clean Water Rule guarantees clean drinking water for 117 million Americans. My constituents rely on the Clean Water Rule, which protects critical waterways like the Chesapeake Bay.

By eliminating this rule, we jeopardize the streams, headwaters, wetlands, and other bodies of water supporting critical wildlife ecosystems that naturally filter out pollution and provide essential, clean drinking water to a third of our Nation.

Mr. Chairman, the farm bill should be a tool for protecting Americans. It must not be used to poison their water. A vote for this amendment is a vote against clean water, and I urge my colleagues to oppose it.

Mr. BANKS of Indiana. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana (Mr. JOHNSON), my fellow freshman colleague and a great defender of private property rights.

Mr. JOHNSON of Louisiana. Mr. Chairman, I appreciate the gentleman from Indiana's leadership on this amendment, and that of Mr. GOSAR and others.

Since its inception, the 2015 Waters of the U.S. rule has been an unworkable and unreasonable interpretation of the intent of the Clean Water Act. It was an overreach of an administration wishing to flex its muscles by imposing additional regulations where it had no jurisdiction.

We are regulating things like backyard ditches and mud puddles, which we have a lot of in Louisiana. The absurdity of this rule has been evidenced by the back-and-forth legal battles that have ensued in the courts, most recently this past January in *National Association of Manufacturers v. Department of Defense*. The Supreme Court's opinion in that case has thrown some industries into chaos, as uncertainty once again looms.

Congress has the capability to provide a permanent statutory answer on