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PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 6157) MAKING APPROPRIATIONS FOR THE DEPARTMENT OF DEFENSE FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2019, AND FOR OTHER PURPOSES, AND PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 2083) TO AMEND THE MARINE MAMMAL PROTECTION ACT OF 1972 TO REDUCE PREDATION ON ENDANGERED COLUMBIA RIVER SALMON AND OTHER NONLISTED SPECIES, AND FOR OTHER PURPOSES

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June 25, 2018.—Referred to the House Calendar and ordered to be printed.

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MS. CHENEY, from the Committee on Rules, submitted the following

## R E P O R T

[To accompany H. Res.\_\_\_\_]

The Committee on Rules, having had under consideration House Resolution\_\_\_\_, by a record vote of 8 to 3, report the same to the House with the recommendation that the resolution be adopted.

### SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 6157, the Department of Defense Appropriations Act, 2019, under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The resolution waives all points of order against consideration of the bill. The resolution provides that an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115-77 shall be considered as adopted and the bill, as amended, shall be considered as read. The resolution waives all points of order against provisions in the bill, as amended, for failure to comply with clause 2 rule XXI, except beginning on page 86, line 1, through page 86, line 7. The resolution makes in order only those further amendments printed in part A of this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not

be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The resolution waives all points of order against the amendments printed in part A of this report. The resolution provides that no further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

Section 3 of the resolution provides that the chair and ranking minority member of the Committee on Appropriations or their respective designees may offer up to 10 pro forma amendments each at any point for the purpose of debate.

Section 4 of the resolution provides that during consideration of H.R. 6157, it shall not be in order to use a decrease in Overseas Contingency Operations funds to offset an amendment that increases an appropriation not designated as Overseas Contingency Operations funds or vice versa, but does not apply to amendments between the Houses.

Section 2 of the resolution provides for consideration of H.R. 2083, Endangered Salmon and Fisheries Predation Prevention Act, under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources. The resolution waives all points of order against consideration of the bill. The resolution makes in order as original text for the purpose of amendment an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115-79 and provides that it shall be considered as read. The resolution waives all points of order against that amendment in the nature of a substitute. The resolution makes in order only those further amendments printed in part B of this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The resolution waives all points of order against the amendments printed in part B of this report. The resolution provides one motion to recommit with or without instructions.

Section 5 of the resolution provides that H. Res. 952 is laid on the table.

#### EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of H.R. 6157 includes a waiver of the following:

- Section 306 of the Congressional Budget Act, which prohibits consideration of legislation within the jurisdiction of the Committee on the Budget unless referred to or reported by the Budget Committee.

The waiver of all points of order against provisions in H.R. 6157, as amended, includes a waiver of clause 2 of rule XXI, which prohibits unauthorized appropriations or legislative provisions in an appropriations bill. This waiver is necessary because the bill, as amended, contains unauthorized appropriations and legislative provisions.

Although the resolution waives all points of order against the amendments printed in part A of this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against consideration of H.R. 2083, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendment in the nature of a substitute to H.R. 2083 made in order as original text, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendments printed in part B of this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

#### COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

##### Rules Committee Record Vote No. 248

Motion by Mr. Cole to report the rule. Adopted: 8-3

Majority Members	Vote	Minority Members	Vote
Mr. Cole.....	Yea	Mr. McGovern.....	Nay
Mr. Woodall.....	Yea	Mr. Hastings of Florida.....	Nay
Mr. Burgess.....	Yea	Mr. Polis.....	
Mr. Collins.....	Yea	Mrs. Torres.....	Nay
Mr. Byrne.....	Yea		
Mr. Newhouse.....			
Mr. Buck.....	Yea		
Ms. Cheney.....	Yea		
Mr. Sessions, Chairman.....	Yea		

SUMMARY OF THE AMENDMENTS TO H.R. 6157 IN PART A MADE IN  
ORDER

1. Jackson Lee (TX): Allocates \$2 million to provide the Secretary of Defense the flexibility needed for technical assistance for U.S. military women to military women in other countries combating violence targeting women and children as a weapon of war, terrorism, human trafficking, narcotics trafficking. (10 minutes)
2. Lowenthal (CA), Welch (VT): Increases the STARBASE fifth grade youth STEM education program found in Operations and Maintenance, Defense-Wide, Civil Military Programs by \$5 million, and to reduce Operations and Maintenance, Army, Other Servicewide Activities by the offsetting amount. (10 minutes)
3. Gallagher (WI), Murphy, Stephanie (FL): Shifts \$48.242M within defense-wide operation and maintenance to support the Maritime Security Initiative to address Indo-PACOM budget priorities for building partner capacity to contribute to maritime security and domain awareness. (10 minutes)
4. Napolitano (CA), McKinley (WV): Increases funding for the National Guard Youth Challenge Program by \$6 million to match the program's 2018 funding of \$180 million (10 minutes)
5. McGovern (MA), Emmer (MN): Provides the Department of Defense with \$250,000 for administrative expenses for purposes of creating a military service medal to honor retired and former members of the Armed Forces who are radiation-exposed veterans (Atomic Veterans). Atomic Veterans are determined in section 1112(c)(3) of title 38, in the United States Code. (10 minutes)
6. Allen (GA), Raskin (MD): Transfers \$10,000,000 to the Defense POW/Missing Persons Office to assist in identifying unclaimed remains missing since the Korean conflict. (10 minutes)
7. McSally (AZ), Hartzler (MO), Scott, Austin (GA): Increases A-10 wing replacement funds to House-passed NDAA level. (10 minutes)
8. Soto (FL): Increases funding for the Quantum Information Sciences program within the Research, Development, Test and Evaluation, Army account by \$5 million to further advance quantum computing research. (10 minutes)
9. Langevin (RI), Gallagher (WI): Provides \$10 million for Weapons and Munitions Technology (0602624A), \$10 million for Innovative Naval Prototypes (INP) Applied Research (0602792N), and \$20 million for Innovative Naval Prototypes Advanced Technology Development (0603801N) to be used for accelerated development and prototyping for the electromagnetic railgun. (10 minutes)
10. Lipinski (IL): Provides \$30M for MD5, the National Security Technology Accelerator, to support national security innovation and entrepreneurial education programs at universities. Reduces Operations and Maintenance-Defense Wide by the same amount. (10 minutes)
11. Larson, John (CT), Lipinski (IL): Provides for an additional \$12.5 million to the National Defense Education Programs (NDEP) account (PE 0601120D8Z) to be directed to the Barry Goldwater Scholarship and Excellence in Education Foundation to remain available until expended,

offset by \$12.5 million reduction in the Operation and Maintenance, Defense-wide account. (10 minutes)

12. Jackson Lee (TX): Reduces funding for Operations and Maintenance-Defense Wide, by \$6.25 million and increases funding for Defense Health Care for PTSD by \$5 million. (10 minutes)
13. Duffy (WI), DeLauro (CT): Increases funding for the Peer-Reviewed Ovarian Cancer Research Program by \$10 million offset by a reduction in funding for defense-wide operations and maintenance appropriations by a similar amount. (10 minutes)
14. Soto (FL): Increases funding for Gulf War illness research under the Defense Health Program by \$1 million. (10 minutes)
15. Lamborn (CO), Norcross (NJ), Biggs (AZ), Brooks (AL), O'Halleran (AZ): Decreases the Defense Wide Procurement account by \$99,280,000 and increases the account by the same amount to restore funding requested by Missile Defense Agency in the FY19 budget request in order to initiate multi-year procurement of the SM-3 IB interceptor. (10 minutes)
16. Hastings, Alcee (FL), McGovern (MA), Costello (PA), King, Peter (NY): Increases Peer-Reviewed Breast Cancer Research Program funding by \$5,000,000. (10 minutes)
17. McKinley (WV), Eshoo (CA), King, Peter (NY), Katko (NY): Creates a \$20 million dedicated line item for arthritis research within the Congressionally Directed Medical Research Program (CDMRP). (10 minutes)
18. Speier (CA): Specifies that \$25 million of the \$1,300,315,000 appropriated for Defense Health Program research, development, test and evaluation may be used to award grants to medical researchers and universities to support research into early detection of chronic traumatic encephalopathy (CTE), as authorized by H.R. 2810, the FY18 National Defense Authorization Act. (10 minutes)
19. Huffman (CA), Buck (CO), Norman (SC): Strikes the restriction on the Pentagon's ability to flexibly source its energy for the Rhine Ordnance Barracks Army Medical Center in Germany. (10 minutes)
20. Poe (TX): Reduces the amount of Coalition Support Fund reimbursements Pakistan is eligible to receive by \$200 million. (10 minutes)
21. Polis (CO), Lee, Barbara (CA), Grothman (WI): Reduces spending by 1 percent with exceptions. (10 minutes)
22. Moore, Gwen (WI): Bars the use of funds in contravention of existing federal requirements for meaningful consultation and engagement with tribal communities related to activities that will impact them. (10 minutes)
23. Khanna (CA), Moore, Gwen (WI): Reduces the total amount appropriated by \$5 billion. (10 minutes)
24. Brown (MD), Ruppersberger (MD): Ensures none of the funds made available by this Act may be used to transfer the information technology contracting and acquisition services or the Senior Leader Communications functions of the Defense Information Systems Agency. (10 minutes)

SUMMARY OF THE AMENDMENTS TO H.R. 2083 IN PART B MADE IN  
ORDER

1. Kilmer (WA), Heck, Denny (WA): Limits the application of this bill to only sea lions, rather than all pinnipeds. (10 minutes)
2. Huffman (CA): Protects endangered and threatened salmon and to prevent predation by sea lions through deterrence and limited removal measures. (10 minutes)
3. Vargas (CA): Mandates that the Secretary of the Interior produce a report to Congress on the potential impact of the lethal taking of California Sea Lions on the recovery of Salmonid stocks. (10 minutes)

**PART A—TEXT OF AMENDMENTS TO H.R. 6157 MADE IN ORDER**

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON LEE OF TEXAS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES



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41

**AMENDMENT TO RULES COMM. PRINT 115-77**

**OFFERED BY Ms. JACKSON LEE OF TEXAS**

Page 2, line 15, after the dollar amount, insert “(reduced by \$2,000,000) (increased by \$2,000,000)”.



2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LOWENTHAL OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO RULES COMMITTEE PRINT 115-**

**77**

**OFFERED BY MR. LOWENTHAL OF CALIFORNIA**

13

Page 7, line 6, after the dollar amount insert the following: “(reduced by \$5,600,000)”.

Page 8, line 15, after the dollar amount inset the following: “(increased by \$5,000,000)”.



3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
GALLAGHER OF WISCONSIN OR HIS DESIGNEE, DEBATABLE  
FOR 10 MINUTES

52

**AMENDMENT TO RULES COMMITTEE PRINT 115-**

**77**

**OFFERED BY MR. GALLAGHER OF WISCONSIN**

Page 8, line 15, after the dollar amount, insert “(reduced by \$48,242,000) (increased by \$48,242,000)”.



4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE NAPOLITANO OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO RULES COMMITTEE PRINT 115-**

**77**

**OFFERED BY MRS. NAPOLITANO OF CALIFORNIA**

Page 8, line 15, after the dollar amount insert the following: “(increased by \$6,000,000) (reduced by \$6,000,000)”.



5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
MCGOVERN OF MASSACHUSETTS OR HIS DESIGNEE,  
DEBATABLE FOR 10 MINUTES



**AMENDMENT TO RULES COMMITTEE PRINT**

**115-77**

**OFFERED BY MR. MCGOVERN OF  
MASSACHUSETTS**

20

Page 8, line 15, after the dollar amount, insert “(reduced by \$250,000) (increased by \$250,000)”.



6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ALLEN  
OF GEORGIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

113

**AMENDMENT TO RULES COMMITTEE PRINT 115-**

**77**

**OFFERED BY MR. ALLEN OF GEORGIA**

Page 8, line 15, after the dollar amount, insert “(reduced by \$10,000,000) (increased by \$10,000,000)”.



7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MCSALLY OF ARIZONA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO RULES COMMITTEE PRINT 115-**

5R

77

**OFFERED BY MS. MCSALLY OF ARIZONA**

Page 8, line 15, after the dollar amount, insert “(reduced by \$65,000,000)”.

Page 27, line 11, after the dollar amount, insert “(increased by \$65,000,000)”.



8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SOTO OF FLORIDA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO RULES COMMITTEE PRINT 115-**

99

**77**

**OFFERED BY MR. SOTO OF FLORIDA**

Page 8, line 15, after the dollar amount, insert “(reduced by \$5,000,000)”.

Page 31, line 18, after the dollar amount, insert “(increased by \$5,000,000)”.



9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
LANGEVIN OF RHODE ISLAND OR HIS DESIGNEE, DEBATABLE  
FOR 10 MINUTES



**AMENDMENT TO RULES COMMITTEE PRINT 115-**

59

**77**

**OFFERED BY MR. LANGEVIN OF RHODE ISLAND**

Page 8, line 15, after the dollar amount, insert “(reduced by \$33,000,000)”.

Page 31, line 18, after the dollar amount, insert “(increased by \$10,000,000)”.

Page 32, line 1, after the dollar amount, insert “(increased by \$30,000,000)”.

Page 32, line 23, after the dollar amount, insert “(reduced by \$7,000,000)”.



10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
LIPINSKI OF ILLINOIS OR HIS DESIGNEE, DEBATABLE FOR 10  
MINUTES

**AMENDMENT TO RULES COMMITTEE PRINT 115-**

18

77

**OFFERED BY MR. LIPINSKI OF ILLINOIS**

Page 8, line 15, after the dollar amount, insert “(reduced by \$30,000,000)”.

Page 32, line 23, after the dollar amount, insert “(increased by \$30,000,000)”.



11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
LARSON OF CONNECTICUT OR HIS DESIGNEE, DEBATABLE FOR  
10 MINUTES

**AMENDMENT TO RULES COMMITTEE PRINT 115-**

50

**77**

**OFFERED BY MR. LARSON OF CONNECTICUT**

Page 8, line 15, after the dollar amount, insert “(reduced by \$12,500,000)”.

Page 32, line 23, after the dollar amount, insert “(increased by \$12,500,000)”.



12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON LEE OF TEXAS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

49

**AMENDMENT TO RULES COMMITTEE PRINT**

**115-77**

**OFFERED BY MS. JACKSON LEE OF TEXAS**

Page 8, line 15, after the dollar amount, insert “(reduced by \$6,250,000)”.

Page 34, line 13, after the dollar amount, insert “(increased by \$5,000,000)”.

Page 34, line 21, after the dollar amount, insert “(increased by \$5,000,000)”.



13. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DUFFY  
OF WISCONSIN OR HIS DESIGNEE, DEBATABLE FOR 10  
MINUTES



6

**AMENDMENT TO RULES COMMITTEE PRINT**

**115-77**

**OFFERED BY MR. DUFFY OF WISCONSIN**

Page 8, line 15, after the dollar amount, insert “(reduced by \$10,000,000)”.

Page 34, line 13, after the dollar amount, insert “(increased by \$10,000,000)”.

Page 34, line 21, after the dollar amount, insert “(increased by \$10,000,000)”.



14. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SOTO OF FLORIDA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO RULES COMMITTEE PRINT**

**115-77**

**OFFERED BY MR. SOTO OF FLORIDA**

107L

Page 8, line 15, after the dollar amount, insert “(reduced by \$1,000,000)”.

Page 34, line 13, after the dollar amount, insert “(increased by \$1,000,000)”.

Page 34, line 21, after the dollar amount, insert “(increased by \$1,000,000)”.



15. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LAMBORN OF COLORADO OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

27

**AMENDMENT TO RULES COMMITTEE PRINT**

**115-77**

**OFFERED BY MR. LAMBORN OF COLORADO**

Page 30, line 14, after the dollar amount, insert  
“(reduced by \$99,280,000) (increased by \$99,280,000)”.



16. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
HASTINGS OF FLORIDA OR HIS DESIGNEE, DEBATABLE FOR 10  
MINUTES

19

**AMENDMENT TO RULES COMMITTEE PRINT**

**115-77**

**OFFERED BY MR. HASTINGS OF FLORIDA**

Page 32, line 23, after the dollar amount, insert  
“(reduced by \$5,000,000)”.

Page 34, line 13, after the dollar amount, insert  
“(increased by \$5,000,000)”.

Page 34, line 21, after the dollar amount, insert  
“(increased by \$5,000,000)”.



17. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
MCKINLEY OF WEST VIRGINIA OR HIS DESIGNEE, DEBATABLE  
FOR 10 MINUTES



**AMENDMENT TO RULES COMMITTEE PRINT**

**115-77**

**OFFERED BY MR. MCKINLEY OF WEST VIRGINIA**

51

Page 34, line 14, after the dollar amount, insert  
“(reduced by \$20,000,000)”.

Page 34, line 21, after the dollar amount, insert  
“(increased by \$20,000,000)”.



18. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SPEIER  
OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10  
MINUTES

**AMENDMENT TO RULES COMMITTEE PRINT**

**115-77**

**OFFERED BY MS. SPEIER OF CALIFORNIA**

Page 34, line 21, after the dollar amount, insert  
“(reduced by \$25,000,000) (increased by \$25,000,000)”.



19. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
HUFFMAN OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR  
10 MINUTES

91

**AMENDMENT TO RULES COMMITTEE PRINT 115-**  
**77**  
**OFFERED BY MR. HUFFMAN OF CALIFORNIA**

Page 115, line 10, insert “and” after the semicolon.

Page 115, beginning line 12, strike “from a mixed-fuel system”.

Page 115, line 16, strike “; and” and insert a period.

Page 115, strike lines 17 through 19.



20. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE POE OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO RULES COMMITTEE PRINT 115-**

8

**77**

**OFFERED BY MR. POE OF TEXAS**

Page 122, line 10, after the dollar amount, insert  
“(reduced by \$200,000,000)”.

Page 122, line 12, after the dollar amount, insert  
“(reduced by \$200,000,000)”.

Page 154, line 21, after the dollar amount, insert  
“(increased by \$200,000,000)”.



21. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE POLIS  
OF COLORADO OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES



**AMENDMENT TO RULES COMMITTEE PRINT 115-**

37

**77**

**OFFERED BY MR. POLIS OF COLORADO**

At the end of the bill (before the short title), insert  
the following:

1        SEC. \_\_\_\_\_. (a) The total amount of appropriations  
2        made available by this Act is hereby reduced by one per-  
3        cent.

4        (b) The reduction in subsection (a) shall not apply  
5        to amounts made available—

6            (1) under title I for “Military Personnel”;

7            (2) under title VI for “Defense Health Pro-  
8        gram”;

9            (3) under title IX; or

10          (4) by this Act for the salaries and expenses of  
11        any civilian employee of the Department of Defense.



22. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MOORE  
OF WISCONSIN OR HER DESIGNEE, DEBATABLE FOR 10  
MINUTES

**AMENDMENT TO RULES COMMITTEE PRINT 115-**

**77**

**OFFERED BY MS. MOORE OF WISCONSIN**

1094

At the end of the bill (before the short title), insert  
the following:

- 1 SEC. \_\_\_\_ . None of the funds made available by this
- 2 Act may be used in contravention of—
- 3 (1) Executive Order 13175 (65 Fed. Reg.
- 4 67249; relating to consultation and coordination
- 5 with Indian Tribal governments); or
- 6 (2) section 1501.2(d)(2) of title 40, Code of
- 7 Federal Regulations.



23. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KHANNA OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

73R

**AMENDMENT TO RULES COMMITTEE PRINT 115-**

**77**

**OFFERED BY MR. KHANNA OF CALIFORNIA**

At the end of the bill (before the short title), insert  
the following:

1        SEC. \_\_\_\_\_. (a) The total amount of appropriations  
2        made available by this Act is hereby reduced by  
3        \$5,000,000,000.

4        (b) The reduction in subsection (a) shall not apply  
5        to amounts made available—

6            (1) under title I for “Military Personnel”;

7            (2) under title VI for “Defense Health Pro-  
8        gram”; or

9            (3) by this Act for the salaries and expenses of  
10       any civilian employee of the Department of Defense.



24. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BROWN  
OF MARYLAND OR HIS DESIGNEE, DEBATABLE FOR 10  
MINUTES

65R

**AMENDMENT TO RULES COMMITTEE PRINT 115-**

**77**

**OFFERED BY MR. BROWN OF MARYLAND**

At the end of the bill (before the short title), insert  
the following:

- 1 SEC. \_\_\_\_\_. None of the funds made available by this
- 2 Act may be used to transfer the information technology
- 3 contracting and acquisition services or the Senior Leader
- 4 Communications functions of the Defense Information
- 5 Systems Agency.



PART B—TEXT OF AMENDMENTS TO H.R. 2083 MADE IN ORDER



1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KILMER OF WASHINGTON OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO RULES COMMITTEE PRINT 115-**

**79**

**OFFERED BY MR. KILMER OF WASHINGTON**

6

Strike “pinnipeds” in each place it appears and insert “sea lions”.

Strike “pinniped” in each place it appears and insert “sea lion”.



2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HUFFMAN OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO RULES COMMITTEE**

**PRINT 115-79**

**OFFERED BY MR. HUFFMAN OF CALIFORNIA**

Page 1, strike line 4 and all that follows and insert the following:

**1 SEC. 2. SENSE OF CONGRESS.**

2 It is the sense of the Congress that—

3 (1) prevention of predation by sea lions, recov-  
4 ery of salmonid stocks listed under the Endangered  
5 Species Act of 1973 (16 U.S.C. 1531 et seq.), and  
6 prevention of the future listings of fish stocks in the  
7 Columbia River under such Act are a vital priority;  
8 and

9 (2) the Federal Government should continue to  
10 fund lethal and nonlethal removal of sea lions as  
11 well as deterrence measures for preventing such pre-  
12 dation.

1 **SEC. 3. TAKING OF SEA LIONS ON THE COLUMBIA RIVER**  
2 **AND ITS TRIBUTARIES TO PROTECT ENDAN-**  
3 **GERED AND THREATENED SPECIES OF SALM-**  
4 **ON AND OTHER NONLISTED FISH SPECIES.**

5 Section 120(f) of the Marine Mammal Protection Act  
6 of 1972 (16 U.S.C. 1389(f)) is amended to read as fol-  
7 lows:

8 “(f) TEMPORARY MARINE MAMMAL REMOVAL AU-  
9 THORITY ON THE WATERS OF THE COLUMBIA RIVER AND  
10 ITS TRIBUTARIES.—

11 “(1) DETERMINATION OF NON-LETHAL ALTER-  
12 NATIVE MEASURES.—

13 “(A) IN GENERAL.—The Secretary shall  
14 determine whether nonlethal alternative meas-  
15 ures to reduce sea lion predation of salmonid  
16 stocks in the waters of the Columbia River or  
17 its tributaries listed as threatened species or en-  
18 dangered species under the Endangered Species  
19 Act of 1973 (16 U.S.C. 1531 et seq.) ade-  
20 quately protect the salmonid stocks from Cali-  
21 fornia sea lion predation.

22 “(B) DEADLINE.—The Secretary shall  
23 make such determination not later than 90 days  
24 after the date of the enactment of this sub-  
25 section.

1           “(C) PUBLIC COMMENT.—The Secretary  
2           shall, within such 90-day period, provide up to  
3           30 days for the submission of public comments  
4           on the determination.

5           “(D) FEDERAL REGISTER.—The Secretary  
6           shall publish the determination in the Federal  
7           Register.

8           “(2) REMOVAL AUTHORITY.—In addition to  
9           other authority under this section, and notwith-  
10          standing any other provision of this Act, the Sec-  
11          retary may issue a permit to an eligible entity, as  
12          defined in paragraph (9), to authorize the inten-  
13          tional lethal taking on the waters of the Columbia  
14          River and its tributaries of individually identifiable  
15          sea lions that are—

16               “(A) part of a population that is not cat-  
17               egorized under this Act as depleted; and

18               “(B) having a significant negative impact  
19               on the decline or recovery of salmonid fishery  
20               stocks.

21          “(3) PERMIT PROCESS.—

22               “(A) IN GENERAL.—An eligible entity may  
23               apply to the Secretary for a permit under this  
24               subsection.

1           “(B) DEADLINE FOR CONSIDERATION OF  
2 APPLICATION.—The timelines and procedures  
3 described in subsection (c) shall apply to appli-  
4 cations for permits under this subsection in the  
5 same manner such timelines apply to applica-  
6 tions under subsection (b).

7           “(C) COORDINATION.—The Secretary shall  
8 establish procedures for coordination among eli-  
9 gible entities, including application procedures  
10 and timelines, geographic and species-specific  
11 considerations, and monitoring and periodic re-  
12 view.

13           “(D) DURATION OF PERMIT.—A permit  
14 under this subsection shall be effective for not  
15 more than 1 year.

16           “(4) LIMITATION ON TAKE FOR SPECIES WITH  
17 UNKNOWN POTENTIAL BIOLOGICAL REMOVAL LEV-  
18 ELS.—No lethal taking of sea lions may be author-  
19 ized under this section if the potential biological re-  
20 moval level is unknown.

21           “(5) LIMITATION ON ANIMAL AUTHORIZED TO  
22 BE TAKEN.—

23           “(A) DETERMINATION REQUIRED.—A sea  
24 lion may not be taken under a permit under

1           this subsection unless the Secretary has deter-  
2           mined that—

3                   “(i) such sea lion has preyed upon  
4           salmonid stocks in the Columbia River;  
5           and

6                   “(ii) with respect to such sea lion,  
7           nonlethal alternative measures to prevent  
8           preying on salmonid stocks have in general  
9           not been effective.

10           “(B) CONSULTATION.—In making such de-  
11           termination, the permit holder shall consult  
12           with the National Marine Fisheries Service, and  
13           may consult with any other Federal agency or  
14           eligible entity as appropriate.

15           “(6) LIMITATIONS ON ANNUAL TAKINGS.—The  
16           process for determining limitations on annual take  
17           of sea lions will follow the process established in sub-  
18           section (c) and the cumulative number of sea lions  
19           authorized to be taken each year under all permits  
20           in effect under this subsection shall not exceed 5  
21           percent of the annual potential biological removal  
22           level for sea lions.

23           “(7) QUALIFIED INDIVIDUALS.—Intentional le-  
24           thal takings under this subsection shall be humane  
25           and shall be implemented by agencies or qualified in-



1 individuals described in subsection (c)(4), or by indi-  
2 viduals employed by the eligible entities described in  
3 paragraph (9).

4 “(8) SUSPENSION OF PERMITTING AUTHOR-  
5 ITY.—If, 5 years after the date of the enactment of  
6 the Endangered Salmon and Fisheries Predation  
7 Prevention Act, the Secretary, after consulting with  
8 State and tribal fishery managers, determines that  
9 lethal removal authority is no longer necessary to  
10 protect salmonid and other fish species from sea lion  
11 predation, the Secretary shall suspend the issuance  
12 of permits under this subsection.

13 “(9) ELIGIBLE ENTITY DEFINED.—

14 “(A) IN GENERAL.—

15 “(i) DEFINITION.—In this subsection,  
16 subject to subparagraph (B), the term ‘eli-  
17 gible entity’ means—

18 “(I) with respect to removal in  
19 the mainstem of the Columbia River  
20 and its tributaries, the State of Wash-  
21 ington, the State of Oregon, and the  
22 State of Idaho;

23 “(II) with respect to removal in  
24 the mainstem of the Columbia River  
25 and its tributaries, the Nez Perce

1 Tribe, the Confederated Tribes of the  
2 Umatilla Indian Reservation, the Con-  
3 federated Tribes of the Warm Springs  
4 Reservation of Oregon, the Confed-  
5 erated Tribes and Bands of the  
6 Yakama Nation, and the Columbia  
7 River Intertribal Fish Commission;  
8 and

9 “(ii) DELEGATION AUTHORITY.—The  
10 Secretary may allow an eligible entity de-  
11 scribed in clause (i)(II) to delegate its au-  
12 thority under a permit under this sub-  
13 section to any entity described in clause  
14 (i)(II).

15 “(B) ADDITIONAL ELIGIBILITY.—

16 “(i) IN GENERAL.—Subject to the ap-  
17 proval of the Secretary and in consultation  
18 with the Indian Tribes in subparagraph  
19 (A)(i)(II)—

20 “(I) the State of Washington  
21 may enter into a memorandum of un-  
22 derstanding with the Cowlitz Indian  
23 Tribe for deterrence and removal of  
24 sea lions on the Cowlitz River.

1 “(II) the State of Oregon may  
2 enter into a memorandum of under-  
3 standing with the Confederated Tribes  
4 of the Grand Ronde Community of  
5 Oregon and the Confederated Tribes  
6 of Siletz Indians of Oregon for deter-  
7 rence and removal of sea lions on the  
8 Willamette River.

9 “(ii) CONSIDERATIONS.—In deter-  
10 mining eligibility under this subparagraph,  
11 the Secretary shall consider the capacity of  
12 each Indian tribe to manage wildlife to  
13 meet the requirements of this Act.

14 “(10) SEA LIONS DEEMED INDIVIDUALLY IDEN-  
15 TIFIABLE.—Sea lions that have been observed in a  
16 discrete section of the Columbia River are deemed to  
17 be individually identifiable and to be having a sig-  
18 nificant negative impact on salmonid species or stur-  
19 geon species stocks that migrate through or spawn  
20 in a protected area of the Columbia River Basin,  
21 within the meaning of paragraph (2).

22 “(11) ADDITIONAL DEFINITIONS.—In this sub-  
23 section—

24 “(A) the term ‘discrete section of the Co-  
25 lumbia River’ means—

1                   “(i) the area within 1 mile down-  
2 stream of Bonneville Dam;

3                   “(ii) the area within 1.5 miles down-  
4 stream of Willamette Falls;

5                   “(iii) the area within 1 mile of Phoca  
6 Rock; or

7                   “(iv) another area, 0.5 miles or less in  
8 length within a protected area, designated  
9 by the Secretary, as the Secretary deter-  
10 mines necessary to protect threatened or  
11 endangered species or a species that the  
12 Secretary determines may become threat-  
13 ened or endangered without additional pro-  
14 tections; and

15                  “(B) the term ‘protected area’ means—

16                   “(i) the mainstem Columbia River  
17 within 1 mile downstream of Bonneville  
18 Dam and including the mainstem above  
19 such dam;

20                   “(ii) spawning grounds for sturgeon  
21 within the mainstem Columbia River be-  
22 tween river mile 138 and Bonneville Dam;  
23 or

24                   “(iii) a tributary spawning and  
25 rearing habitat for salmon, steelhead, stur-

1 geon, or lamprey below Bonneville Dam,  
2 including the area within one-half mile of  
3 the confluence with the mainstem Colum-  
4 bia River.

5 “(12) DEFINITION.—In this subsection, the  
6 term ‘Indian tribe’ has the meaning given such term  
7 in section 4 of the Indian Self-Determination and  
8 Education Assistance Act (25 U.S.C. 5304).”.

9 **SEC. 4. TREATY RIGHTS OF FEDERALLY RECOGNIZED IN-**  
10 **DIAN TRIBES.**

11 Nothing in this Act or the amendments made by this  
12 Act shall be construed to affect or modify any treaty or  
13 other right of an Indian Tribe (as defined in section 4  
14 of the Indian Self-Determination and Education Assist-  
15 ance Act (25 U.S.C. 5304)).

◇

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE VARGAS OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO RULES COMMITTEE PRINT 115-**

**79**

**OFFERED BY MR. VARGAS OF CALIFORNIA**

5

Add at the end the following:

1 **SEC. \_\_. REPORT AND EFFECTIVE DATE.**

2 (a) REPORT.—Not later than 180 days after the date  
3 of the enactment of this Act, the Secretary of the Interior  
4 shall study and report to the Congress on the potential  
5 effects of the lethal taking of pinnipeds on the recovery  
6 of salmonid stocks in the waters of the Columbia River  
7 and the tributaries of the Columbia River.

8 (b) EFFECTIVE DATE.—Section 3 shall take effect on  
9 the date that the Secretary submits to the Congress the  
10 report required under subsection (a).

