

**Committee on Natural Resources – Markup Action**  
May 1, 2019

The Committee on Natural Resources met on Wednesday, May 1, 2019, and considered the following bills:

**H.R. 255**, *Big Bear Land Exchange Act*

Subcommittee on National Parks, Forests, and Public Lands was discharged from further consideration of H.R. 255 by unanimous consent.

- H.R.255 was adopted and ordered favorably reported to the House of Representatives by unanimous consent.

**H.R. 278**, To direct the Secretary of the Interior to convey certain facilities, easements, and rights-of-way to the Kennewick Irrigation District, and for other purposes.

Subcommittee on Water, Oceans, and Wildlife was discharged from further consideration of H.R. 278 by unanimous consent.

- H.R. 278 was adopted and ordered favorably reported to the House of Representatives by unanimous consent

**H.R. 312**, *Mashpee Wampanoag Tribe Reservation Reaffirmation Act*

Subcommittee for Indigenous Peoples of the United States was discharged from further consideration of H.R. 312 by unanimous consent.

- An amendment offered by Mr. Gosar #1 to the Grijalva amendment in the nature of a substitute was not agreed to by a roll call vote of 10 yeas and 26 nays.
- The amendment in the nature of a substitute offered by Mr. Grijalva was adopted by voice vote.
- H.R. 312, as amended, was adopted and ordered favorably reported to the House of Representatives by a roll call vote of 26 yeas and 10 nays.

**H.R. 315**, *Community Reclamation Partnerships Act*

Subcommittee on Energy and Mineral Resources was discharged from further consideration of H.R. 315 by unanimous consent.

- H.R. 315 was adopted and favorably ordered reported to the House of Representatives by unanimous consent.

**H.R. 375**, To amend the Act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian Tribes, and for other purposes.

Subcommittee for Indigenous Peoples of the United States was discharged from further consideration of H.R. 375 by unanimous consent.

- An amendment offered by Mr. Gosar #1 to the Grijalva amendment in the nature of a substitute was not agreed to by a roll call vote of 9 yeas and 27 nays.
- The amendment in the nature of a substitute offered by Mr. Grijalva was adopted by voice vote.
- H.R. 375, as amended, was adopted and ordered favorably reported to the House of Representatives by a roll call vote of 29 yeas and 7 nays.

**H.R. 434**, *Emancipation National Historic Trail Act*

Subcommittee on National Parks, Forest, and Public Lands was discharged from further consideration of H.R. 434 by unanimous consent.

- An amendment offered by Mr. Clay.043 to the Grijalva amendment in the nature of a substitute was agreed to by unanimous consent.
- The amendment in the nature of a substitute, as amended, offered by Mr. Grijalva was agreed to by unanimous consent.
- H.R. 434, as amended, was adopted and ordered favorably reported to the House of Representatives by unanimous consent.

**H.R. 1014**, *Offshore Wind for Territories Act*

Subcommittee on Water, Oceans, and Wildlife and the Subcommittee on Energy and Mineral Resources were discharged from further consideration of H.R. 1014 by unanimous consent.

- HR 1014 was adopted and ordered favorably reported to the House of Representatives by unanimous consent.

**H.R. 1146**, *Arctic Cultural and Coastal Plain Protection Act*

Subcommittee on Energy and Mineral Resources was discharged from further consideration of H.R. 1146 by unanimous consent.

- An amendment offered by Mr. Young #1 to the Grijalva amendment in the nature of a substitute was not agreed to by a roll call vote of 14 yeas and 22 nays.
- An amendment offered by Mr. Graves #1 to the Grijalva amendment in the nature of a substitute was not agreed to by a roll call vote of 14 yeas and 22 nays.
- An amendment offered by Mr. Graves #2 to the Grijalva amendment in the nature of a substitute was not agreed to by a roll call vote of 13 yeas, 22 nays, and 1 present.
- The amendment in the nature of a substitute offered by Mr. Grijalva was adopted by voice vote.
- H.R. 1146, as amended, was adopted and ordered favorably reported to the House of Representatives by a roll call vote of 22 yeas and 14 nays.

**H.R. 1261**, *National Landslide Preparedness Act*

Subcommittee on Energy and Mineral Resources was discharged from further consideration of H.R. 1261 by unanimous consent.

- An amendment offered by Mr. Grijalva #1 was agreed to by unanimous consent.
- An amendment offered by Mrs. Radewagen #1 was agreed to by unanimous consent.
- An amendment offered by Mr. Graves #1 was agreed to by unanimous consent.
- H.R. 1261, as amended, was adopted and ordered favorably reported to the House of Representatives by unanimous consent.

**H.R. 1568**, *SAVE Right Whales Act*

Subcommittee on Water, Oceans, and Wildlife was discharged from further consideration of H.R. 1568 by unanimous consent.

- An amendment in the nature of a substitute offered by Mr. Grijalva #1 was agreed to by voice vote.
- H.R. 1568, as amended, was adopted and ordered favorably reported to the House of Representatives by a roll call vote of 23 yeas and 13 nays.

**H.R. 1809**, To amend the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act, to provide parity for United States territories and the District of Columbia, to make technical corrections to such Acts and related laws, and for other purposes.

Subcommittee on Water, Oceans, and Wildlife was discharged from further consideration of H.R. 1809 by unanimous consent.

- H.R. 1809 was adopted and ordered favorably reported to the House of Representatives by unanimous consent.

**H.R. 2156**, *RECLAIM Act of 2019*

- An amendment offered by Mrs. Cheney.012 to the Grijalva amendment in the nature of a substitute was not agreed to by a roll call vote of 13 yeas and 23 nays.
- The amendment in the nature of a substitute offered by Mr. Grijalva was adopted by voice vote.
- H.R. 2156, as amended, was adopted and ordered favorably reported to the House of Representatives by a roll call vote of 26 yeas and 10 nays.

Amendment #1\*\*

**Amendment to the Amendment in the Nature of a Substitute to H.R. 312  
Offered by Mr. Gosar**

On page 2, line 1, strike “All” and insert “Except as provided in subsection (d), all”

On page 2, after line 11, insert the following new subsection:

(d) GAMING PROHIBITION.—The Tribe may not conduct gaming activities on lands taken into trust pursuant to this section, either as a matter of claimed inherent authority, under the authority of any Federal law (including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.)), or under regulations promulgated by the Secretary of the Interior or the National Indian Gaming Commission.

**COMMITTEE ON NATURAL RESOURCES**  
**116<sup>th</sup> Congress - Roll Call**

Bill / Motion: H.R. 312

Roll Call #:

Amendment: Mr. Gosar #1 amendment to the Grijalva amendment in the nature of a substitute

Disposition: Not agreed to by a roll call vote of 10 yeas and 26 nays

MEMBERS (44)		YEAS	NAYS	PRESENT
Mr. Grijalva, AZ (Chair)	1		X	
Mr. Bishop, UT (Ranking)	2	X		
Mrs. Napolitano, CA	3		X	
Mr. Young, AK	4		X	
Mr. Costa, CA	5		X	
Mr. Gohmert, TX	6			
Mr. Sablan, CNMI	7		X	
Mr. Lamborn, CO	8	X		
Mr. Huffman, CA	9		X	
Mr. Wittman, VA	10			
Mr. Lowenthal, CA	11		X	
Mr. McClintock, CA	12		X	
Mr. Gallego, AZ	13		X	
Mr. Gosar, AZ	14	X		
Mr. Cox, CA	15		X	
Mr. Cook, CA	16		X	
Mr. Neguse, CO	17		X	
Mr. Westerman, AR	18	X		
Mr. Levin, CA	19		X	
Mr. Graves, LA	20	X		
Ms. Haaland, NM	21		X	
Mr. Hice, GA	22			
Mr. Van Drew, NJ	23		X	
Mrs. Radewagen, AS	24			
Mr. Cunningham, SC	25		X	
Mr. Webster, FL	26	X		
Ms. Velázquez, NY	27			
Ms. Cheney, WY	28	X		
Ms. DeGette, CO	29		X	
Mr. Johnson, LA	30			
Mr. Clay, MS	31		X	
Ms. González-Colón, PR	32	X		
Mrs. Dingell, MI	33		X	
Mr. Curtis, UT	34			
Mr. Brown, MD	35		X	
Mr. Hern, OK	36	X		
Mr. McEachin, VA	37			
Mr. Fulcher, ID	38	X		
Mr. Soto, FL	39		X	
Mr. Case, HI	40		X	
Mr. Horsford, NV	41		X	
Mr. San Nicolas, GU	42		X	
Mr. Cartwright, PA	43		X	
Mr. Tonko, NY	44		X	
<b>TOTALS</b>		<b>10</b>	<b>26</b>	
Total: 44 / Quorum: 15 / Report: 23		<b>YEAS</b>	<b>NAYS</b>	<b>PRESENT</b>

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 312  
OFFERED BY MR. GRIJALVA OF ARIZONA**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Mashpee Wampanoag  
3 Tribe Reservation Reaffirmation Act”.

**4 SEC. 2. REAFFIRMATION OF INDIAN TRUST LAND.**

5 (a) IN GENERAL.—The taking of land into trust by  
6 the United States for the benefit of the Mashpee  
7 Wampanoag Tribe of Massachusetts as described in the  
8 final Notice of Reservation Proclamation (81 Fed. Reg.  
9 948; January 8, 2016) is reaffirmed as trust land and the  
10 actions of the Secretary of the Interior in taking that land  
11 into trust are ratified and confirmed.

12 (b) APPLICATION.—Notwithstanding any other provi-  
13 sion of law, an action (including an action pending in a  
14 Federal court as of the date of enactment of this Act) re-  
15 lating to the land described in subsection (a) shall not be  
16 filed or maintained in a Federal court and shall be  
17 promptly dismissed.

1           (c) APPLICABILITY OF LAWS.—All laws (including  
2 regulations) of the United States of general applicability  
3 to Indians or nations, Indian Tribes, or bands of Indians  
4 (including the Act of June 18, 1934 (25 U.S.C. 5101 et  
5 seq.)), shall be applicable to the Tribe and Tribal mem-  
6 bers, except that to the extent such laws and regulations  
7 are inconsistent with the terms of the Intergovernmental  
8 Agreement, dated April 22, 2008, by and between the  
9 Mashpee Wampanoag Tribe and the Town of Mashpee,  
10 Massachusetts, the terms of that Intergovernmental  
11 Agreement shall control.







Amendment #1\*

**Amendment to the Amendment in the Nature of Substitute to H.R. 375  
Offered by Mr. Gosar**

Page 2, line 1, strike "EFFECTIVE DATE.—" and insert "EFFECTIVE DATE.-- (1)".

Page 2, insert after line 5:

(2) The amendments made by this section shall not take effect for any recognized Indian tribe who has applied to have land taken into trust for that tribe after May 1, 2019, where the land will be used for Class II and III gaming (as defined under the Indian Gaming Regulatory Act) by the recognized tribe on land that is located outside the boundaries of the reservation of the recognized Indian tribe unless the Governor of the affected State, the State legislature, and the governing bodies of the county and municipality in which such lands are located concur.

**COMMITTEE ON NATURAL RESOURCES**  
**116<sup>th</sup> Congress - Roll Call**

Bill / Motion: H.R. 375

Roll Call #:

Amendment: Mr. Gosar #1 amendment to the Grijalva amendment in the nature of a substitute

Disposition: Not agreed to by a roll call vote of 9 yeas and 27 nays.

MEMBERS (44)		YEAS	NAYS	PRESENT
Mr. Grijalva, AZ (Chair)	1		X	
Mr. Bishop, UT (Ranking)	2	X		
Mrs. Napolitano, CA	3		X	
Mr. Young, AK	4		X	
Mr. Costa, CA	5		X	
Mr. Gohmert, TX	6			
Mr. Sablan, CNMI	7		X	
Mr. Lamborn, CO	8	X		
Mr. Huffman, CA	9		X	
Mr. Wittman, VA	10			
Mr. Lowenthal, CA	11		X	
Mr. McClintock, CA	12		X	
Mr. Gallego, AZ	13		X	
Mr. Gosar, AZ	14	X		
Mr. Cox, CA	15		X	
Mr. Cook, CA	16		X	
Mr. Neguse, CO	17		X	
Mr. Westerman, AR	18	X		
Mr. Levin, CA	19		X	
Mr. Graves, LA	20	X		
Ms. Haaland, NM	21		X	
Mr. Hice, GA	22			
Mr. Van Drew, NJ	23		X	
Mrs. Radewagen, AS	24			
Mr. Cunningham, SC	25		X	
Mr. Webster, FL	26	X		
Ms. Velázquez, NY	27			
Ms. Cheney, WY	28	X		
Ms. DeGette, CO	29		X	
Mr. Johnson, LA	30			
Mr. Clay, MS	31		X	
Ms. González-Colón, PR	32	X		
Mrs. Dingell, MI	33		X	
Mr. Curtis, UT	34			
Mr. Brown, MD	35		X	
Mr. Hern, OK	36		X	
Mr. McEachin, VA	37			
Mr. Fulcher, ID	38	X		
Mr. Soto, FL	39		X	
Mr. Case, HI	40		X	
Mr. Horsford, NV	41		X	
Mr. San Nicolas, GU	42		X	
Mr. Cartwright, PA	43		X	
Mr. Tonko, NY	44		X	
<b>TOTALS</b>		<b>9</b>	<b>27</b>	
Total: 44 / Quorum: 15 / Report: 23		<b>YEAS</b>	<b>NAYS</b>	<b>PRESENT</b>

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 375  
OFFERED BY MR. GRIJALVA OF ARIZONA**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. AUTHORITY REAFFIRMED.**

2 (a) REAFFIRMATION.—Section 19 of the Act of June  
3 18, 1934 (commonly known as the “Indian Reorganization  
4 Act”; 25 U.S.C. 5129), is amended—

5 (1) in the first sentence—

6 (A) by striking “The term” and inserting  
7 “Effective beginning on June 18, 1934, the  
8 term”; and

9 (B) by striking “any recognized Indian  
10 tribe now under Federal jurisdiction” and in-  
11 sserting “any federally recognized Indian Tribe”;  
12 and

13 (2) by striking the third sentence and inserting  
14 the following: “In said sections, the term ‘Indian  
15 tribe’ means any Indian or Alaska Native tribe,  
16 band, nation, pueblo, village, or community that the  
17 Secretary of the Interior acknowledges to exist as an  
18 Indian tribe.”.

1           (b) EFFECTIVE DATE.—The amendments made by  
2 this section shall take effect as if included in the Act of  
3 June 18, 1934 (commonly known as the “Indian Reorga-  
4 nization Act”; 25 U.S.C. 5129), on the date of the enact-  
5 ment of that Act.



**COMMITTEE ON NATURAL RESOURCES**  
**116<sup>th</sup> Congress - Roll Call**

Bill / Motion: H.R. 375

Roll Call #:

Amendment: Final Passage, as amended

Disposition: H.R. 375, as amended, was adopted and ordered favorably reported to the House of Representatives by a roll call vote of 29 yeas and 7 nays.

MEMBERS (44)		YEAS	NAYS	PRESENT
Mr. Grijalva, AZ (Chair)	1	X		
Mr. Bishop, UT (Ranking)	2	X		
Mrs. Napolitano, CA	3	X		
Mr. Young, AK	4	X		
Mr. Costa, CA	5	X		
Mr. Gohmert, TX	6			
Mr. Sablan, CNMI	7	X		
Mr. Lamborn, CO	8		X	
Mr. Huffman, CA	9	X		
Mr. Wittman, VA	10			
Mr. Lowenthal, CA	11	X		
Mr. McClintock, CA	12	X		
Mr. Gallego, AZ	13	X		
Mr. Gosar, AZ	14		X	
Mr. Cox, CA	15	X		
Mr. Cook, CA	16	X		
Mr. Neguse, CO	17	X		
Mr. Westerman, AR	18		X	
Mr. Levin, CA	19	X		
Mr. Graves, LA	20		X	
Ms. Haaland, NM	21	X		
Mr. Hice, GA	22			
Mr. Van Drew, NJ	23	X		
Mrs. Radewagen, AS	24			
Mr. Cunningham, SC	25	X		
Mr. Webster, FL	26		X	
Ms. Velázquez, NY	27			
Ms. Cheney, WY	28		X	
Ms. DeGette, CO	29	X		
Mr. Johnson, LA	30			
Mr. Clay, MS	31	X		
Ms. González-Colón, PR	32	X		
Mrs. Dingell, MI	33	X		
Mr. Curtis, UT	34			
Mr. Brown, MD	35	X		
Mr. Hern, OK	36	X		
Mr. McEachin, VA	37			
Mr. Fulcher, ID	38		X	
Mr. Soto, FL	39	X		
Mr. Case, HI	40	X		
Mr. Horsford, NV	41	X		
Mr. San Nicolas, GU	42	X		
Mr. Cartwright, PA	43	X		
Mr. Tonko, NY	44	X		
<b>TOTALS</b>		<b>29</b>	<b>7</b>	
Total: 44 / Quorum: 15 / Report: 23		<b>YEAS</b>	<b>NAYS</b>	<b>PRESENT</b>

**AMENDMENT**  
**OFFERED BY MR. CLAY OF MISSOURI TO THE**  
**AMENDMENT IN A NATURE OF A SUBSTITUTE**  
**TO H.R. 434 OFFERED BY MR. GRIJALVA**

Page 1, line 13, insert “, then to Independence Heights” after “to Freedmen’s Town”.



**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 434  
OFFERED BY MR. GRIJALVA OF ARIZONA**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Emancipation National  
3 Historic Trail Study Act”.

**4 SEC. 2. EMANCIPATION NATIONAL HISTORIC TRAIL STUDY.**

5 Section 5(c) of the National Trails System Act (16  
6 U.S.C. 1244(c)) is amended by adding at the end the fol-  
7 lowing:

8 “(47) EMANCIPATION NATIONAL HISTORIC  
9 TRAIL.—The Emancipation National Historic Trail,  
10 extending approximately 51 miles from the  
11 Osterman Building and Reedy Chapel in Galveston,  
12 Texas, along Texas State Highway 3 and Interstate  
13 Highway 45 North, to Freedmen’s Town and Eman-  
14 cipation Park in Houston, Texas, following the mi-  
15 gration route taken by newly freed slaves and other  
16 persons of African descent from the major 19th cen-  
17 tury seaport town of Galveston to the burgeoning

- 1 community of Freedmen's Town, located in the 4th
- 2 Ward of Houston, Texas.".

Amend the title so as to read: "A bill to amend the National Trails System Act to provide for the study of the Emancipation National Historic Trail, and for other purposes.".





Amendment #1

**Amendment to the Amendment in the Nature of a Substitute to H.R. 1146  
Offered by Mr. Young**

On page 1, after line 7, insert the following:

- Sec. 3. Tribal Consultation Requirement.** Section 2 shall not be effective until—
- (1) the Secretary of the Interior completes a thorough consultation with the Inupiat people regarding the effect of this Act on the quality of life, human rights, and future of the Inupiat people; and
  - (2) by formal action the Inupiat residents of Kaktovic concur with Section 2.

**COMMITTEE ON NATURAL RESOURCES**  
**116<sup>th</sup> Congress - Roll Call**

Bill / Motion: H.R. 1146

Roll Call #:

Amendment: Mr. Young #1 amendment to the Grijalva amendment in the nature of a substitute

Disposition: Not agreed to by a roll call vote of 14 yeas and 22 nays.

MEMBERS (44)		YEAS	NAYS	PRESENT
Mr. Grijalva, AZ (Chair)	1		X	
Mr. Bishop, UT (Ranking)	2	X		
Mrs. Napolitano, CA	3		X	
Mr. Young, AK	4	X		
Mr. Costa, CA	5	X		
Mr. Gohmert, TX	6			
Mr. Sablan, CNMI	7		X	
Mr. Lamborn, CO	8	X		
Mr. Huffman, CA	9		X	
Mr. Wittman, VA	10			
Mr. Lowenthal, CA	11		X	
Mr. McClintock, CA	12	X		
Mr. Gallego, AZ	13		X	
Mr. Gosar, AZ	14	X		
Mr. Cox, CA	15		X	
Mr. Cook, CA	16	X		
Mr. Neguse, CO	17		X	
Mr. Westerman, AR	18	X		
Mr. Levin, CA	19		X	
Mr. Graves, LA	20	X		
Ms. Haaland, NM	21		X	
Mr. Hice, GA	22			
Mr. Van Drew, NJ	23		X	
Mrs. Radewagen, AS	24			
Mr. Cunningham, SC	25		X	
Mr. Webster, FL	26	X		
Ms. Velázquez, NY	27			
Ms. Cheney, WY	28	X		
Ms. DeGette, CO	29		X	
Mr. Johnson, LA	30			
Mr. Clay, MS	31		X	
Ms. González-Colón, PR	32	X		
Mrs. Dingell, MI	33		X	
Mr. Curtis, UT	34			
Mr. Brown, MD	35		X	
Mr. Hern, OK	36	X		
Mr. McEachin, VA	37			
Mr. Fulcher, ID	38	X		
Mr. Soto, FL	39		X	
Mr. Case, HI	40		X	
Mr. Horsford, NV	41		X	
Mr. San Nicolas, GU	42		X	
Mr. Cartwright, PA	43		X	
Mr. Tonko, NY	44		X	
<b>TOTALS</b>		<b>14</b>	<b>22</b>	
Total: 44 / Quorum: 15 / Report: 23		<b>YEAS</b>	<b>NAYS</b>	<b>PRESENT</b>

Amendment #1

**Amendment to the Amendment in the Nature of a Substitute to H.R. 1146  
Offered by Mr. Graves of Louisiana**

On page 1, after line 7, insert the following:

Sec. 3. Limitations. Section 2 shall not be effective until—

(1) Congress provides an offset to recover the revenues losses to the Federal Treasury.

**COMMITTEE ON NATURAL RESOURCES**  
**116<sup>th</sup> Congress - Roll Call**

Bill / Motion: H.R. 1146

Roll Call #:

Amendment: Mr. Graves #1 amendment to the Grijalva amendment in the nature of a substitute

Disposition: Not agreed to by a roll call vote of 14 yeas and 22 nays.

MEMBERS (44)		YEAS	NAYS	PRESENT
Mr. Grijalva, AZ (Chair)	1		X	
Mr. Bishop, UT (Ranking)	2	X		
Mrs. Napolitano, CA	3		X	
Mr. Young, AK	4	X		
Mr. Costa, CA	5	X		
Mr. Gohmert, TX	6			
Mr. Sablan, CNMI	7		X	
Mr. Lamborn, CO	8	X		
Mr. Huffman, CA	9		X	
Mr. Wittman, VA	10			
Mr. Lowenthal, CA	11		X	
Mr. McClintock, CA	12	X		
Mr. Gallego, AZ	13		X	
Mr. Gosar, AZ	14	X		
Mr. Cox, CA	15		X	
Mr. Cook, CA	16	X		
Mr. Neguse, CO	17		X	
Mr. Westerman, AR	18	X		
Mr. Levin, CA	19		X	
Mr. Graves, LA*	20	X		
Ms. Haaland, NM	21		X	
Mr. Hice, GA	22			
Mr. Van Drew, NJ	23		X	
Mrs. Radewagen, AS	24			
Mr. Cunningham, SC	25		X	
Mr. Webster, FL	26	X		
Ms. Velázquez, NY	27			
Ms. Cheney, WY	28	X		
Ms. DeGette, CO	29		X	
Mr. Johnson, LA	30			
Mr. Clay, MS	31		X	
Ms. González-Colón, PR	32	X		
Mrs. Dingell, MI	33		X	
Mr. Curtis, UT	34			
Mr. Brown, MD	35		X	
Mr. Hern, OK	36	X		
Mr. McEachin, VA	37			
Mr. Fulcher, ID	38	X		
Mr. Soto, FL	39		X	
Mr. Case, HI	40		X	
Mr. Horsford, NV	41		X	
Mr. San Nicolas, GU	42		X	
Mr. Cartwright, PA	43		X	
Mr. Tonko, NY	44		X	
<b>TOTALS</b>		<b>14</b>	<b>22</b>	
Total: 44 / Quorum: 15 / Report: 23		<b>YEAS</b>	<b>NAYS</b>	<b>PRESENT</b>

Amendment #2

**Amendment to the Amendment in the Nature of a Substitute to H.R. 1146**

**Offered by Mr. Graves of Louisiana**

On page 1, line 7 strike the period and insert the following:

“provided that the Secretary or a designee determines that such action will not result in greater environmental threat to the United States as a result of the import and transportation of such energy resources replacing those hereby eliminated.”

**COMMITTEE ON NATURAL RESOURCES**  
**116<sup>th</sup> Congress - Roll Call**

Bill / Motion: H.R. 1146

Roll Call #:

Amendment: Mr. Graves #2 amendment to the Grijalva amendment in the nature of a substitute

Disposition: Not agreed to by a roll call vote of 13 yeas, 22 nays, and 1 present.

MEMBERS (44)		YEAS	NAYS	PRESENT
Mr. Grijalva, AZ (Chair)	1		X	
Mr. Bishop, UT (Ranking)	2	X		
Mrs. Napolitano, CA	3		X	
Mr. Young, AK	4	X		
Mr. Costa, CA	5			X
Mr. Gohmert, TX	6			
Mr. Sablan, CNMI	7		X	
Mr. Lamborn, CO	8	X		
Mr. Huffman, CA	9		X	
Mr. Wittman, VA	10			
Mr. Lowenthal, CA	11		X	
Mr. McClintock, CA	12	X		
Mr. Gallego, AZ	13		X	
Mr. Gosar, AZ	14	X		
Mr. Cox, CA	15		X	
Mr. Cook, CA	16	X		
Mr. Neguse, CO	17		X	
Mr. Westerman, AR	18	X		
Mr. Levin, CA	19		X	
Mr. Graves, LA	20	X		
Ms. Haaland, NM	21		X	
Mr. Hice, GA	22			
Mr. Van Drew, NJ	23		X	
Mrs. Radewagen, AS	24			
Mr. Cunningham, SC	25		X	
Mr. Webster, FL	26	X		
Ms. Velázquez, NY	27			
Ms. Cheney, WY	28	X		
Ms. DeGette, CO	29		X	
Mr. Johnson, LA	30			
Mr. Clay, MS	31		X	
Ms. González-Colón, PR	32	X		
Mrs. Dingell, MI	33		X	
Mr. Curtis, UT	34			
Mr. Brown, MD	35		X	
Mr. Hern, OK	36	X		
Mr. McEachin, VA	37			
Mr. Fulcher, ID	38	X		
Mr. Soto, FL	39		X	
Mr. Case, HI	40		X	
Mr. Horsford, NV	41		X	
Mr. San Nicolas, GU	42		X	
Mr. Cartwright, PA	43		X	
Mr. Tonko, NY	44		X	
<b>TOTALS</b>		<b>13</b>	<b>22</b>	<b>1</b>
Total: 44 / Quorum: 15 / Report: 23		<b>YEAS</b>	<b>NAYS</b>	<b>PRESENT</b>

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 1146  
OFFERED BY MR. GRIJALVA OF ARIZONA**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Arctic Cultural and  
3 Coastal Plain Protection Act”.

**4 SEC. 2. REPEAL OF ARCTIC NATIONAL WILDLIFE REFUGE  
5 OIL AND GAS PROGRAM.**

6       Section 20001 of Public Law 115–97 is hereby re-  
7 pealed.



**COMMITTEE ON NATURAL RESOURCES  
116<sup>th</sup> Congress - Roll Call**

Bill / Motion: H.R. 1146

Roll Call #:

Amendment: Final Passage, as amended

Disposition: H.R. 1146, as amended, was adopted and ordered favorably reported to the House of Representatives by a roll call vote of 22 yeas and 14 nays.

MEMBERS (44)		YEAS	NAYS	PRESENT
Mr. Grijalva, AZ (Chair)	1	X		
<i>Mr. Bishop, UT (Ranking)</i>	2		X	
Mrs. Napolitano, CA	3	X		
<i>Mr. Young, AK</i>	4		X	
Mr. Costa, CA	5		X	
<i>Mr. Gohmert, TX</i>	6			
Mr. Sablan, CNMI	7	X		
<i>Mr. Lamborn, CO</i>	8		X	
Mr. Huffman, CA	9	X		
<i>Mr. Wittman, VA</i>	10			
Mr. Lowenthal, CA	11	X		
<i>Mr. McClintock, CA</i>	12		X	
Mr. Gallego, AZ	13	X		
<i>Mr. Gosar, AZ</i>	14		X	
Mr. Cox, CA	15	X		
<i>Mr. Cook, CA</i>	16		X	
Mr. Neguse, CO	17	X		
<i>Mr. Westerman, AR</i>	18		X	
Mr. Levin, CA	19	X		
<i>Mr. Graves, LA</i>	20		X	
Ms. Haaland, NM	21	X		
<i>Mr. Hice, GA</i>	22			
Mr. Van Drew, NJ	23	X		
<i>Mrs. Radewagen, AS</i>	24			
Mr. Cunningham, SC	25	X		
<i>Mr. Webster, FL</i>	26		X	
Ms. Velázquez, NY	27			
<i>Ms. Cheney, WY</i>	28		X	
Ms. DeGette, CO	29	X		
<i>Mr. Johnson, LA</i>	30			
Mr. Clay, MS	31	X		
<i>Ms. González-Colón, PR</i>	32		X	
Mrs. Dingell, MI	33	X		
<i>Mr. Curtis, UT</i>	34			
Mr. Brown, MD	35	X		
<i>Mr. Hern, OK</i>	36		X	
Mr. McEachin, VA	37			
<i>Mr. Fulcher, ID</i>	38		X	
Mr. Soto, FL	39	X		
Mr. Case, HI	40	X		
Mr. Horsford, NV	41	X		
Mr. San Nicolas, GU	42	X		
Mr. Cartwright, PA	43	X		
Mr. Tonko, NY	44	X		
<b>TOTALS</b>		<b>22</b>	<b>14</b>	
Total: 44 / Quorum: 15 / Report: 23		<b>YEAS</b>	<b>NAYS</b>	<b>PRESENT</b>



Grijalva #1

**Amendment to H.R. 1261 by Mr. Grijalva**

On page 27, line 3, strike “20,000,000” and replace with “40,000,000.”

Amendment #1

**En Bloc Amendment to H.R. 1261**  
**Offered by Mrs. Radewagen**

Page 2, line 7, insert “and freely associated states” after “tories”.

Page 2, insert the following after line 13 and redesignate the remaining paragraphs accordingly:

(4) FREELY ASSOCIATED STATES.—The term “freely associated states” means--

“(A) the Federated States of Micronesia;

“(B) the Republic of the Marshall Islands; and

“(C) the Republic of Palau.”.

Page 3, line 24, insert “and” after the semicolon.

Page 3, beginning on line 25 strike the text through page 4, line 2.

Page 3, line 3, strike “(H) and insert “(E)”.

Page 5, lines 7 and 11, insert “, freely associated states,” after “territories,”.

Page 6, line 5, insert “and freely associated states” after “territories”.

Page 6, line 21, insert “, freely associated states,” after “territories,”.

Page 7, line 16, insert “, freely associated states,” after “territories,”.

Page 7, line 20, insert “, freely associated states,” after “territorial,”.

Page 8, lines 10, 12, and 14, insert “, freely associated states,” after “territorial,”.

Page 9, line 11, insert “, freely associated states,” after “territories,”.

Page 12, strike line 6 and insert “(ii) territories and freely associated states, including territorial and freely associated state ge-“.

Page 12, line 21, insert “, freely associated states,” after “territorial,”.

Page 13, line 22, insert “, freely associated states,” after “territorial,”.

Page 14, line 9, insert “, freely associated states,” after “tories,”.

Page 17, line 8, insert “and freely associated states” after “territories”.

Page 17, line 19, insert “, freely associated states,” after “torial,”.

Amendment 1\*

**Amendment to H.R. 1261**

**Offered by Mr. Graves of Louisiana**

Page 18, line 20, strike “and” after the comma.

Page 18, line 20, after “monitoring” insert “, restoration and mitigation”.

Page 18, line 21, after “accounting,” insert “losses from subsidence, including saltwater intrusion,”.

Page 18, line 22, after “drought” insert “and sea level rise.”

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 1568  
OFFERED BY MR. GRIJALVA OF ARIZONA**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Scientific Assistance  
3 for Very Endangered North Atlantic Right Whales Act of  
4 2019” or the “SAVE Right Whales Act”.

**5 TITLE I—NORTH ATLANTIC  
6 RIGHT WHALE CONSERVATION**

**7 SEC. 101. NORTH ATLANTIC RIGHT WHALE CONSERVATION  
8 ASSISTANCE.**

9       (a) ASSISTANCE.—

10           (1) IN GENERAL.—Subject to the availability of  
11 funds and in consultation with other Federal offi-  
12 cials, the Secretary of Commerce (in this title re-  
13 ferred to as the “Secretary”) shall provide competi-  
14 tive financial assistance, including multiyear grants,  
15 for projects for the conservation of North Atlantic  
16 right whales for which project proposals are ap-  
17 proved by the Secretary in accordance with this sec-  
18 tion.

1           (2) USE OF EXISTING AUTHORITIES.—Assist-  
2           ance provided under this section shall be carried out  
3           in a manner consistent with authorities available to  
4           the Secretary under the Endangered Species Act of  
5           1973 (16 U.S.C. 1531 et seq.) and the Marine  
6           Mammal Protection Act of 1972 (16 U.S.C. 1361 et  
7           seq.).

8           (b) PROJECT PROPOSALS.—

9           (1) ELIGIBLE APPLICANTS.—A project proposal  
10          may be submitted to the Secretary under this section  
11          by—

12                 (A) relevant State and tribal agencies, re-  
13                 search institutions, and nonprofit organizations  
14                 with expertise required for the conservation of  
15                 North Atlantic right whales; and

16                 (B) any other individual or entity, as de-  
17                 termined appropriate by the Secretary, with the  
18                 expertise required for the conservation of North  
19                 Atlantic right whales, including large whale  
20                 disentanglement teams approved by the Na-  
21                 tional Oceanic and Atmospheric Administration  
22                 and members in good standing of the National  
23                 Marine Mammal Health and Stranding Re-  
24                 sponse Program, sectors of the shipping and

1 fishing industries, fishing gear manufacturers,  
2 and rope manufacturers.

3 (2) FEDERAL PARTNERSHIP OPPORTUNITIES.—

4 A Federal agency may not be a lead entity or receive  
5 funding for a project under this section, but may be  
6 included as a partner or collaborator on a project  
7 that receives such funding.

8 (3) REQUIRED ELEMENTS.—A project proposal  
9 shall include—

10 (A) a statement of the purposes of the  
11 project;

12 (B) the name of the entity or individual  
13 with overall responsibility for the project;

14 (C) a description of the qualifications of  
15 the entity or individuals that will conduct the  
16 project;

17 (D) a description of—

18 (i) methods for project implementa-  
19 tion and outcome assessment;

20 (ii) staffing and stakeholder engage-  
21 ment for the project;

22 (iii) the logistics of the project;

23 (iv) an estimated timeline for the  
24 project; and

1 (v) anticipated outcomes of the  
2 project;

3 (E) a proposed budget for the funds and  
4 time required to complete the project;

5 (F) information regarding the source and  
6 amount of matching funding available for the  
7 project;

8 (G) information that demonstrates the  
9 clear potential of the project to contribute to  
10 the conservation of North Atlantic right whales;  
11 and

12 (H) any other information that the Sec-  
13 retary considers to be necessary for evaluating  
14 the eligibility of the project for funding under  
15 this Act.

16 (c) ANNUAL GRANT PROJECT PROPOSAL SOLICITA-  
17 TION, REVIEW, AND APPROVAL.—

18 (1) IN GENERAL.—The Secretary shall annu-  
19 ally—

20 (A) solicit project proposals for grants  
21 under this section;

22 (B) provide to other Federal officials, as  
23 appropriate, copies of each proposal submitted  
24 in response to the solicitation; and

1 (C) review each such proposal on a time-  
2 line that recognizes the urgency of the declining  
3 North Atlantic right whale population to deter-  
4 mine whether the proposal meets the criteria  
5 specified in subsection (d).

6 (2) CONSULTATION; APPROVAL OR DIS-  
7 APPROVAL.—Subject to the availability of funds, the  
8 Secretary shall, with respect to each project proposal  
9 submitted under this section, and after consulting  
10 with other Federal officials, as appropriate—

11 (A) consult with respect to the proposal  
12 with the government of each State and foreign  
13 country in which the project is to be conducted;

14 (B) after taking into consideration any  
15 comments resulting from the consultation and  
16 any potential losses that could be incurred to  
17 the fishing industry as a result of the proposal,  
18 approve or disapprove the proposal; and

19 (C) provide written notification of the ap-  
20 proval or disapproval to the individual or entity  
21 that submitted the proposal, other Federal offi-  
22 cials, and each State and foreign country de-  
23 scribed in subparagraph (A).

24 (d) CRITERIA FOR APPROVAL.—The Secretary may  
25 approve a project proposal under this section if the project



1 shows promise for contributing to recovering and sus-  
2 taining a viable population of North Atlantic right whales  
3 in the wild by assisting efforts to—

4 (1) implement conservation programs;

5 (2) address the unintentional conflicts between  
6 humans and North Atlantic right whales through de-  
7 velopment, testing, and use of innovative technology  
8 or other methods to reduce the lethal and sub-lethal  
9 effects on North Atlantic right whales from vessel  
10 collisions and fishing gear entanglements;

11 (3) promote cooperative projects on such topics  
12 with foreign governments; or

13 (4) promote cooperative projects on such topics  
14 with affected local communities, small businesses  
15 such as fishermen, others in the private sector, or  
16 nongovernmental organizations.

17 (e) PRIORITY.—To the extent practicable, in deter-  
18 mining whether to approve project proposals under this  
19 section, the Secretary shall prioritize projects that are de-  
20 signed to reduce the lethal and sub-lethal effects of human  
21 activities on North Atlantic right whales. In prioritizing  
22 such projects, the Secretary shall prioritize, among such  
23 projects, projects that are cooperative in nature and in-  
24 clude fishing or shipping sector participants.

25 (f) MATCHING REQUIREMENT.—

1           (1) IN GENERAL.—Except as provided in para-  
2           graph (3), the non-Federal share of the costs of an  
3           activity conducted with financial assistance under  
4           this section shall be 25 percent of such costs.

5           (2) IN-KIND CONTRIBUTIONS.—The Secretary  
6           may apply to the non-Federal share of an activity  
7           conducted with financial assistance under this sec-  
8           tion the amount of funds, and the fair market value  
9           of property and services, provided by non-Federal  
10          sources and used for the activity.

11          (3) WAIVER OF REQUIREMENTS.—The Sec-  
12          retary may waive the application of paragraph (1) if  
13          the Secretary finds that such waiver is necessary to  
14          support a conservation project that the Secretary  
15          has identified as of high priority.

16          (g) PROJECT REPORTING.—

17          (1) IN GENERAL.—Each individual or entity  
18          that receives assistance under this section for a  
19          project shall submit to the Secretary periodic reports  
20          (at such intervals as the Secretary may require) that  
21          include all information that the Secretary, after con-  
22          sultation with other government officials, determines  
23          is necessary to evaluate the progress and success of  
24          the project for the purposes of ensuring positive re-

1       sults, assessing problems, and fostering improve-  
2       ments.

3               (2) AVAILABILITY TO THE PUBLIC.—Reports  
4       under paragraph (1), and any other documents re-  
5       lating to projects for which financial assistance is  
6       provided under this Act, shall be made available to  
7       the public in a timely manner.

8       **SEC. 102. NORTH ATLANTIC RIGHT WHALE INTERAGENCY**  
9               **BUDGET.**

10       (a) IN GENERAL.—The Director of the Office of  
11       Management and Budget shall include, in the budget of  
12       the President submitted to Congress under section  
13       1105(a) of title 31, United States Code, for fiscal year  
14       2021 and each fiscal year thereafter, an interagency budg-  
15       et that displays for each Federal agency that engages in  
16       North Atlantic right whale activities—

17               (1) the amount of appropriations and expendi-  
18       tures for the preceding fiscal year for such activities  
19       and a description of such activities;

20               (2) the estimated amount to be expended dur-  
21       ing the current fiscal year for such activities and a  
22       description of such activities; and

23               (3) the amount estimated to be necessary for  
24       the next fiscal year for such activities and a descrip-  
25       tion of such activities.

1 (b) NORTH ATLANTIC RIGHT WHALE ACTIVITIES  
2 DEFINED.—In this section, the term “North Atlantic  
3 right whale activities” means any activity of a Federal  
4 agency to study, observe, monitor, manage, protect, con-  
5 serve, or restore the North Atlantic right whale population  
6 through direct or indirect means, including through the  
7 provision of competitive financial assistance to non-Fed-  
8 eral entities.

9 **SEC. 103. REPORT TO CONGRESS.**

10 Not later than 2 years after the date of the enact-  
11 ment of this Act, and annually thereafter, the Secretary  
12 shall submit to Congress a report on the results and effec-  
13 tiveness of projects receiving assistance provided under  
14 this title, including recommendations concerning how this  
15 title might be improved and whether funding for this title  
16 should be continued in the future.

17 **SEC. 104. FUNDING.**

18 (a) AUTHORIZATION OF APPROPRIATIONS.—

19 (1) AUTHORIZATION.—There is authorized to  
20 be appropriated to the Secretary to carry out this  
21 title \$5,000,000 for each of fiscal years 2019  
22 through 2029.

23 (2) ADMINISTRATIVE EXPENSES.—Of the  
24 amounts authorized to be appropriated under this  
25 subsection for a fiscal year, the Secretary may ex-

1       pend not more than 5 percent, or up to \$80,000,  
2       whichever is greater, to pay the administrative ex-  
3       penses necessary to carry out this Act.

4           (3) SUPPLEMENT NOT SUPPLANT.—The  
5       amount authorized to be appropriated by paragraph  
6       (1) shall supplement and not supplant other  
7       amounts available to the Secretary.

8           (b) ACCEPTANCE AND USE OF DONATIONS.—The  
9       Secretary may accept, receive, solicit, hold, administer,  
10      and use any gift, devise, or bequest to provide assistance  
11      under section 5.

## 12                   **TITLE II—CONTINUOUS** 13                   **PLANKTON RECORDER**

### 14      **SEC. 201. SURVEY.**

15           (a) IN GENERAL.—Not later than 180 days after the  
16      date of the enactment of this Act, and on an ongoing basis  
17      thereafter, the Secretary of Commerce shall conduct a con-  
18      tinuous plankton recorder survey.

19           (b) REQUIRED ELEMENTS.—For the purpose of con-  
20      ducting the survey required under subsection (a), the Sec-  
21      retary of Commerce shall—

22           (1) to the extent possible, utilize the resources  
23      of and partner with, on a volunteer basis, research  
24      institutions, nonprofit organizations, commercial ves-  
25      sels, and other Federal agencies;

1           (2) in as short a time as possible, ensure rel-  
2           evant survey samples and results are analyzed,  
3           stored, archived, and made publicly available;

4           (3) prioritize the collection of plankton samples  
5           and data that inform the conservation of North At-  
6           lantic right whales; and

7           (4) to the extent practicable, coordinate with  
8           the Government of Canada to develop a transbound-  
9           ary understanding of plankton abundance and dis-  
10          tribution.

11          (c) AUTHORIZATION OF APPROPRIATIONS.—To carry  
12          out this section there is authorized to be appropriated to  
13          the Secretary of Commerce \$300,000 for each of fiscal  
14          years 2019 through 2029.



**COMMITTEE ON NATURAL RESOURCES**  
**116<sup>th</sup> Congress - Roll Call**

Bill / Motion: H.R. 1568

Roll Call #:

Amendment: Final Passage, as amended

Disposition: H.R. 1568, as amended, was adopted and ordered favorably reported to the House of Representatives by a roll call vote of 23 yeas and 13 nays.

MEMBERS (44)		YEAS	NAYS	PRESENT
Mr. Grijalva, AZ (Chair)	1	X		
Mr. Bishop, UT (Ranking)	2		X	
Mrs. Napolitano, CA	3	X		
Mr. Young, AK	4		X	
Mr. Costa, CA	5	X		
Mr. Gohmert, TX	6			
Mr. Sablan, CNMI	7	X		
Mr. Lamborn, CO	8		X	
Mr. Huffman, CA	9	X		
Mr. Wittman, VA	10			
Mr. Lowenthal, CA	11	X		
Mr. McClintock, CA	12		X	
Mr. Gallego, AZ	13	X		
Mr. Gosar, AZ	14		X	
Mr. Cox, CA	15	X		
Mr. Cook, CA	16		X	
Mr. Neguse, CO	17	X		
Mr. Westerman, AR	18		X	
Mr. Levin, CA	19	X		
Mr. Graves, LA	20		X	
Ms. Haaland, NM	21	X		
Mr. Hice, GA	22			
Mr. Van Drew, NJ	23	X		
Mrs. Radewagen, AS	24		X	
Mr. Cunningham, SC	25	X		
Mr. Webster, FL	26		X	
Ms. Velázquez, NY	27			
Ms. Cheney, WY	28		X	
Ms. DeGette, CO	29	X		
Mr. Johnson, LA	30			
Mr. Clay, MS	31	X		
Ms. González-Colón, PR	32		X	
Mrs. Dingell, MI	33	X		
Mr. Curtis, UT	34			
Mr. Brown, MD	35	X		
Mr. Hern, OK	36		X	
Mr. McEachin, VA	37			
Mr. Fulcher, ID	38			
Mr. Soto, FL	39	X		
Mr. Case, HI	40	X		
Mr. Horsford, NV	41	X		
Mr. San Nicolas, GU	42	X		
Mr. Cartwright, PA	43	X		
Mr. Tonko, NY	44	X		
<b>TOTALS</b>		<b>23</b>	<b>13</b>	
Total: 44 / Quorum: 15 / Report: 23		<b>YEAS</b>	<b>NAYS</b>	<b>PRESENT</b>

**AMENDMENT TO THE SUBSTITUTE TO H.R. 2156**  
**OFFERED BY MS. CHENEY OF WYOMING**

The matter proposed to be added by section 2(a) is amended by adding at the end the following:

- 1       “(j) Amounts may not be made available under sub-
- 2 section (b) in any fiscal year in which a moratorium on
- 3 Federal coal leasing is in effect.”.





**COMMITTEE ON NATURAL RESOURCES**  
**116<sup>th</sup> Congress - Roll Call**

Bill / Motion: H.R. 2156

Roll Call #:

Amendment: Ms. Cheney.012 amendment to the Grijalva amendment in the nature of a substitute

Disposition: Not agreed to by a roll call vote of 13 yeas and 23 nays.

MEMBERS (44)		YEAS	NAYS	PRESENT
Mr. Grijalva, AZ (Chair)	1		X	
Mr. Bishop, UT (Ranking)	2	X		
Mrs. Napolitano, CA	3		X	
Mr. Young, AK	4	X		
Mr. Costa, CA	5		X	
Mr. Gohmert, TX	6			
Mr. Sablan, CNMI	7		X	
Mr. Lamborn, CO	8	X		
Mr. Huffman, CA	9		X	
Mr. Wittman, VA	10			
Mr. Lowenthal, CA	11		X	
Mr. McClintock, CA	12	X		
Mr. Gallego, AZ	13		X	
Mr. Gosar, AZ	14	X		
Mr. Cox, CA	15		X	
Mr. Cook, CA	16	X		
Mr. Neguse, CO	17		X	
Mr. Westerman, AR	18	X		
Mr. Levin, CA	19		X	
Mr. Graves, LA	20	X		
Ms. Haaland, NM	21		X	
Mr. Hice, GA	22			
Mr. Van Drew, NJ	23		X	
Mrs. Radewagen, AS	24			
Mr. Cunningham, SC	25		X	
Mr. Webster, FL	26	X		
Ms. Velázquez, NY	27			
Ms. Cheney, WY	28	X		
Ms. DeGette, CO	29		X	
Mr. Johnson, LA	30			
Mr. Clay, MS	31		X	
Ms. González-Colón, PR	32	X		
Mrs. Dingell, MI	33		X	
Mr. Curtis, UT	34			
Mr. Brown, MD	35		X	
Mr. Hern, OK	36	X		
Mr. McEachin, VA	37			
Mr. Fulcher, ID	38	X		
Mr. Soto, FL	39		X	
Mr. Case, HI	40		X	
Mr. Horsford, NV	41		X	
Mr. San Nicolas, GU	42		X	
Mr. Cartwright, PA	43		X	
Mr. Tonko, NY	44		X	
<b>TOTALS</b>		<b>13</b>	<b>23</b>	
Total: 44 / Quorum: 15 / Report: 23		<b>YEAS</b>	<b>NAYS</b>	<b>PRESENT</b>

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 2156  
OFFERED BY MR. GRIJALVA OF ARIZONA**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Revitalizing the Econ-  
3 omy of Coal Communities by Leveraging Local Activities  
4 and Investing More Act of 2019” or the “RECLAIM Act  
5 of 2019”.

**6 SEC. 2. ECONOMIC REVITALIZATION FOR COAL COUNTRY.**

7       (a) IN GENERAL.—Title IV of the Surface Mining  
8 Control and Reclamation Act of 1977 (30 U.S.C. 1231  
9 et seq.) is amended by adding at the end the following:  
10 **“SEC. 416. ABANDONED MINE LAND ECONOMIC REVITAL-**  
11 **IZATION.**

12       “(a) PURPOSE.—The purpose of this section is to  
13 promote economic revitalization, diversification, and devel-  
14 opment in economically distressed mining communities  
15 through the reclamation and restoration of land and water  
16 resources adversely affected by coal mining carried out be-  
17 fore August 3, 1977.

1           “(b) IN GENERAL.—From amounts deposited into  
2 the fund under section 401(b) before October 1, 2007, and  
3 not otherwise appropriated to the extent such funds are  
4 available, \$200,000,000 shall be made available to the  
5 Secretary, without further appropriation, for each of fiscal  
6 years 2020 through 2024 for distribution to States and  
7 Indian tribes in accordance with this section for reclama-  
8 tion and restoration projects at sites identified as prior-  
9 ities under section 403(a): *Provided*, That if less than  
10 \$200,000,000 is available in any fiscal year to the Sec-  
11 retary, such remaining amount shall be made available to  
12 the Secretary, without further appropriation, and such fis-  
13 cal year shall end distributions made available under this  
14 section.

15           “(c) USE OF FUNDS.—Funds distributed to a State  
16 or Indian tribe under subsection (d) shall be used only  
17 for projects classified under the priorities of section 403(a)  
18 that meet the following criteria:

19                   “(1) CONTRIBUTION TO FUTURE ECONOMIC OR  
20           COMMUNITY DEVELOPMENT.—

21                           “(A) IN GENERAL.—The project, upon  
22                           completion of reclamation, is intended to create  
23                           favorable conditions for the economic develop-  
24                           ment of the project site or create favorable con-  
25                           ditions that promote the general welfare

1 through economic and community development  
2 of the area in which the project is conducted.

3 “(B) DEMONSTRATION OF CONDITIONS.—

4 Such conditions are demonstrated by—

5 “(i) documentation of the role of the  
6 project in such area’s economic develop-  
7 ment strategy or other economic and com-  
8 munity development planning process;

9 “(ii) any other documentation of the  
10 planned economic and community use of  
11 the project site after the primary reclama-  
12 tion activities are completed, which may in-  
13 clude contracts, agreements in principle, or  
14 other evidence that, once reclaimed, the  
15 site is reasonably anticipated to be used  
16 for one or more industrial, commercial,  
17 residential, agricultural, or recreational  
18 purposes; or

19 “(iii) any other documentation agreed  
20 to by the State or Indian tribe that dem-  
21 onstrates the project will meet the criteria  
22 set forth in this subsection.

23 “(2) LOCATION IN ECONOMICALLY DISTRESSED  
24 COMMUNITY AFFECTED BY RECENT DECLINE IN  
25 MINING.—

1           “(A) IN GENERAL.—The project will be  
2 conducted in a community—

3           “(i) that has been adversely affected  
4 economically by a recent reduction in coal  
5 mining related activity, as demonstrated by  
6 employment data, per capita income, or  
7 other indicators of economic distress; or

8           “(ii)(I) that has historically relied on  
9 coal mining for a substantial portion of its  
10 economy; and

11           “(II) in which the economic contribu-  
12 tion of coal mining has significantly de-  
13 clined.

14           “(B) SUBMISSION AND PUBLICATION OF  
15 EVIDENCE OR ANALYSIS.—Any evidence or  
16 analysis relied upon in selecting the location of  
17 a project under this subparagraph shall be sub-  
18 mitted to the Secretary for publication. The  
19 Secretary shall publish such evidence or anal-  
20 ysis in the Federal Register within 30 days  
21 after receiving such submission.

22           “(3) STAKEHOLDER COLLABORATION.—

23           “(A) IN GENERAL.—The project has been  
24 the subject of project planning under subsection  
25 (g) and has been the focus of collaboration, in-

1 including partnerships, as appropriate, with inter-  
2 ested persons or local organizations.

3 “(B) PUBLIC NOTICE.—As part of project  
4 planning—

5 “(i) the public has been notified of the  
6 project and has been given an opportunity  
7 to comment at a public meeting convened  
8 in a community near the proposed project  
9 site; and

10 “(ii) the State or Indian tribe pub-  
11 lished notice of such meetings in local  
12 newspapers of general circulation, on the  
13 Internet, and by any other means consid-  
14 ered desirable by the Secretary.

15 “(C) ELECTRONIC NOTIFICATION.—The  
16 State or Indian tribe established a way for in-  
17 terested persons to receive electronically all  
18 public notices issued under subparagraph (B)  
19 and any written declarations submitted to the  
20 Secretary under paragraph (5).

21 “(4) ELIGIBLE APPLICANTS.—The project has  
22 been proposed by entities of State, local, county, or  
23 tribal governments, or local organizations, and will  
24 be approved and executed by State or tribal pro-  
25 grams, approved under section 405 or referred to in

1 section 402(g)(8)(B), which may include subcon-  
2 tracting project-related activities, as appropriate.

3 “(5) WAIVER.—If the State or Indian tribe—

4 “(A) cannot provide documentation de-  
5 scribed in paragraph (1)(B) for a project con-  
6 ducted under a priority stated in paragraph (1)  
7 or (2) of section 403(a), or

8 “(B) is unable to meet the requirements  
9 under paragraph (2),

10 the State or Indian tribe shall submit a written dec-  
11 laration to the Secretary requesting an exemption  
12 from the requirements of those subparagraphs. The  
13 declaration must explain why achieving favorable  
14 conditions for economic or community development  
15 at the project site is not practicable, or why the re-  
16 quirements of paragraph (2) cannot be met, and  
17 that sufficient funds distributed annually under sec-  
18 tion 401 are not available to implement the project.  
19 Such request for an exemption is deemed to be ap-  
20 proved, except the Secretary shall deny such request  
21 if the Secretary determines the declaration to be  
22 substantially inadequate. Any denial of such request  
23 shall be resolved at the State’s or Indian tribe’s re-  
24 quest through the procedures described in subsection  
25 (e).

1 “(d) DISTRIBUTION OF FUNDS.—

2 “(1) UNCERTIFIED STATES.—

3 “(A) IN GENERAL.—From the amount  
4 made available in subsection (b), the Secretary  
5 shall distribute \$195,000,000 annually for each  
6 of fiscal years 2020 through 2024 to States and  
7 Indian tribes that have a State or tribal pro-  
8 gram approved under section 405 or are re-  
9 ferred to in section 402(g)(8)(B), and have not  
10 made a certification under section 411(a) in  
11 which the Secretary has concurred, as follows:

12 “(i) Four-fifths of such amount shall  
13 be distributed based on the proportion of  
14 the amount of coal historically produced in  
15 each State or from the lands of each In-  
16 dian tribe concerned before August 3,  
17 1977.

18 “(ii) One-fifth of such amount shall be  
19 distributed based on the proportion of rec-  
20 lamation fees paid during the period of fis-  
21 cal years 2012 through 2016 for lands in  
22 each State or lands of each Indian tribe  
23 concerned.

24 “(B) SUPPLEMENTAL FUNDS.—Funds dis-  
25 tributed under this section—



1 “(i) shall be in addition to, and shall  
2 not affect, the amount of funds distrib-  
3 uted—

4 “(I) to States and Indian tribes  
5 under section 401(f); and

6 “(II) to States and Indian tribes  
7 that have made a certification under  
8 section 411(a) in which the Secretary  
9 has concurred, subject to the cap de-  
10 scribed in section 402(i)(3); and

11 “(ii) shall not reduce any funds dis-  
12 tributed to a State or Indian tribe by rea-  
13 son of the application of section 402(g)(8).

14 “(2) ADDITIONAL FUNDING TO CERTAIN  
15 STATES AND INDIAN TRIBES.—

16 “(A) ELIGIBILITY.—From the amount  
17 made available in subsection (b), the Secretary  
18 shall distribute \$5,000,000 annually for each of  
19 the five fiscal years beginning with fiscal year  
20 2020 to States and Indian tribes that have a  
21 State program approved under section 405 and  
22 have made a certification under section 411(a)  
23 in which the Secretary has concurred.

24 “(B) APPLICATION FOR FUNDS.—Using  
25 the process in section 405(f), any State or In-

1           dian tribe described in subparagraph (A) may  
2           submit a grant application to the Secretary for  
3           funds under this paragraph. The Secretary  
4           shall review each grant application to confirm  
5           that the projects identified in the application  
6           for funding are eligible under subsection (c).

7           “(C) DISTRIBUTION OF FUNDS.—The  
8           amount of funds distributed to each State or  
9           Indian tribe under this paragraph shall be de-  
10          termined by the Secretary based on the dem-  
11          onstrated need for the funding to accomplish  
12          the purpose of this section.

13          “(3) REALLOCATION OF UNCOMMITTED  
14          FUNDS.—

15                 “(A) COMMITTED DEFINED.—For pur-  
16                 poses of this paragraph the term ‘committed’—

17                         “(i) means that funds received by the  
18                         State or Indian tribe—

19                                 “(I) have been exclusively applied  
20                                 to or reserved for a specific project  
21                                 and therefore are not available for any  
22                                 other purpose; or

23                                 “(II) have been expended or des-  
24                                 ignated by the State or Indian tribe  
25                                 for the completion of a project;

1           “(ii) includes use of any amount for  
2           project planning under subsection (g); and

3           “(iii) reflects an acknowledgment by  
4           Congress that, based on the documentation  
5           required under subsection (c)(2)(B), any  
6           unanticipated delays to commit such funds  
7           that are outside the control of the State or  
8           Indian tribe concerned shall not affect its  
9           allocations under this section.

10           “(B) FISCAL YEARS 2023 AND 2024.—For  
11           each of fiscal years 2023 and 2024, the Sec-  
12           retary shall reallocate in accordance with sub-  
13           paragraph (D) any amount available for dis-  
14           tribution under this subsection that has not  
15           been committed to eligible projects in the pre-  
16           ceding 2 fiscal years, among the States and In-  
17           dian tribes that have committed to eligible  
18           projects the full amount of their annual alloca-  
19           tion for the preceding fiscal year.

20           “(C) FISCAL YEAR 2025.—For fiscal year  
21           2025, the Secretary shall reallocate in accord-  
22           ance with subparagraph (D) any amount avail-  
23           able for distribution under this subsection that  
24           has not been committed to eligible projects or  
25           distributed under paragraph (1)(A), among the

1 States and Indian tribes that have committed to  
2 eligible projects the full amount of their annual  
3 allocation for the preceding fiscal years.

4 “(D) AMOUNT OF REALLOCATION.—The  
5 amount reallocated to each State or Indian  
6 tribe under each of subparagraphs (B) and (C)  
7 shall be determined by the Secretary to reflect,  
8 to the extent practicable—

9 “(i) the proportion of unreclaimed eli-  
10 gible lands and waters the State or Indian  
11 tribe has in the inventory maintained  
12 under section 403(c);

13 “(ii) the average of the proportion of  
14 reclamation fees paid for lands in each  
15 State or lands of each Indian tribe con-  
16 cerned; and

17 “(iii) the proportion of coal mining  
18 employment loss incurred in the State or  
19 on lands of the Indian tribe, respectively,  
20 as determined by the Mine Safety and  
21 Health Administration, over the 5-year pe-  
22 riod preceding the fiscal year for which the  
23 reallocation is made.

24 “(e) RESOLUTION OF SECRETARY’S CONCERNS; CON-  
25 GRESSIONAL NOTIFICATION.—If the Secretary does not

1 agree with a State or Indian tribe that a proposed project  
2 meets the criteria set forth in subsection (c)—

3 “(1) the Secretary and the State or tribe shall  
4 meet and confer for a period of not more than 45  
5 days to resolve the Secretary’s concerns, except that  
6 such period may be shortened by the Secretary if the  
7 Secretary’s concerns are resolved;

8 “(2) during that period, at the State’s or In-  
9 dian tribe’s request, the Secretary may consult with  
10 any appropriate Federal agency; and

11 “(3) at the end of that period, if the Secretary’s  
12 concerns are not resolved the Secretary shall provide  
13 to the Committee on Natural Resources of the  
14 House of Representatives and the Committee on En-  
15 ergy and Natural Resources of the Senate an expla-  
16 nation of the concerns and such project proposal  
17 shall not be eligible for funds distributed under this  
18 section.

19 “(f) ACID MINE DRAINAGE TREATMENT.—

20 “(1) IN GENERAL.—Subject to paragraph (2), a  
21 State or Indian tribe that receives funds under this  
22 section may use up to 30 percent of such funds as  
23 necessary to supplement the State’s or tribe’s acid  
24 mine drainage abatement and treatment fund estab-  
25 lished under section 402(g)(6)(A), for future oper-

1        ation and maintenance costs for the treatment of  
2        acid mine drainage associated with the individual  
3        projects funded under this section. A State or Indian  
4        tribe shall specify the total funds allotted for such  
5        costs in its application submitted under subsection  
6        (d)(2)(B).

7            “(2) CONDITION.—A State or Indian tribe may  
8        use funds under this subsection only if the State or  
9        tribe can demonstrate that the annual grant distrib-  
10        uted to the State or tribe pursuant to section 401(f),  
11        including any interest from the State’s or tribe’s  
12        acid mine drainage abatement and treatment fund  
13        that is not used for the operation or maintenance of  
14        preexisting acid mine drainage treatment systems, is  
15        insufficient to fund the operation and maintenance  
16        of any acid mine drainage treatment system associ-  
17        ated with an individual project funded under this  
18        section.

19        “(g) PROJECT PLANNING AND ADMINISTRATION.—

20            “(1) STATES AND INDIAN TRIBES.—

21            “(A) IN GENERAL.—A State or Indian  
22        tribe may use up to 10 percent of its annual  
23        distribution under this section for project plan-  
24        ning and the costs of administering this section.

1                   “(B) PLANNING REQUIREMENTS.—Plan-  
2                   ning under this paragraph may include—

3                               “(i) identifying eligible projects;

4                               “(ii) updating the inventory referred  
5                   to in section 403(c);

6                               “(iii) developing project designs;

7                               “(iv) collaborating with stakeholders,  
8                   including public meetings;

9                               “(v) preparing cost estimates; or

10                              “(vi) engaging in other similar activi-  
11                   ties necessary to facilitate reclamation ac-  
12                   tivities under this section.

13                   “(2) SECRETARY.—The Secretary may expend,  
14                   from amounts made available to the Secretary under  
15                   section 402(g)(3)(D), not more than \$3,000,000  
16                   during the fiscal years for which distributions occur  
17                   under subsection (b) for staffing and other adminis-  
18                   trative expenses necessary to carry out this section.

19                   “(h) REPORT TO CONGRESS.—The Secretary shall  
20                   provide to the Committee on Natural Resources of the  
21                   House of Representatives, the Committees on Appropria-  
22                   tions of the House of Representatives and the Senate, and  
23                   the Committee on Energy and Natural Resources of the  
24                   Senate at the end of each fiscal year for which such funds  
25                   are distributed a detailed report—

1           “(1) on the various projects that have been un-  
2           dertaken with such funds;

3           “(2) the extent and degree of reclamation using  
4           such funds that achieved the priorities described in  
5           paragraph (1) or (2) of section 403(a);

6           “(3) the community and economic benefits that  
7           are resulting from, or are expected to result from,  
8           the use of the funds that achieved the priorities de-  
9           scribed in paragraph (3) of section 403(a); and

10          “(4) the reduction since the previous report in  
11          the inventory referred to in section 403(c).

12          “(i) PROHIBITION ON CERTAIN USE OF FUNDS.—  
13          Any State or Indian tribe that uses the funds distributed  
14          under this section for purposes other than reclamation or  
15          drainage abatement expenditures, as made eligible by sec-  
16          tion 404, and for the purposes authorized under sub-  
17          sections (f) and (g), shall be barred from receiving any  
18          subsequent funding under this section.”.

19          (b) CLERICAL AMENDMENT.—The table of contents  
20          in the first section of the Surface Mining Control and Rec-  
21          lamation Act of 1977 is amended by adding at the end  
22          of the items relating to title IV the following:

          “Sec. 416. Abandoned mine land economic revitalization.”.

23          **SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.**

24          The Surface Mining Control and Reclamation Act of  
25          1977 is amended—



1 (1) in section 401(c) (30 U.S.C. 1231(c)), by  
2 striking “and” after the semicolon at the end of  
3 paragraph (10), by redesignating paragraph (11) as  
4 paragraph (12), and by inserting after paragraph  
5 (10) the following:

6 “(11) to implement section 416; and”;

7 (2) in section 401(d)(3) (30 U.S.C.  
8 1231(d)(3)), by striking “subsection (f)” and insert-  
9 ing “subsection (f) and section 416(a)”;

10 (3) in section 402(g) (30 U.S.C. 1232(g))—

11 (A) in paragraph (1), by inserting “and  
12 section 416” after “subsection (h)”;

13 (B) by adding at the end of paragraph (3)  
14 the following:

15 “(F) For the purpose of section  
16 416(d)(2)(A).”; and

17 (4) in section 403(c) (30 U.S.C. 1233(c)), by  
18 inserting after the second sentence the following:

19 “As practicable, States and Indian tribes shall offer  
20 such amendments based on the use of remote sens-  
21 ing, global positioning systems, and other advanced  
22 technologies.”.

23 **SEC. 4. MINIMUM STATE PAYMENTS.**

24 Section 402(g)(8)(A) of the Surface Mining Control  
25 and Reclamation Act of 1977 (30 U.S.C. 1232(g)(8)) is

1 amended by striking “\$3,000,000” and inserting  
2 “\$5,000,000”.

3 **SEC. 5. GAO STUDY OF USE OF FUNDS.**

4 Not later than two years after the date of the enact-  
5 ment of this Act, the Comptroller General of the United  
6 States shall study and report to the Congress on uses of  
7 funds authorized by this Act, including regarding—

8 (1) the solvency of the Abandoned Mine Rec-  
9 lamation Fund; and

10 (2) the impact of such use on payments and  
11 transfers under the Surface Mining Control and  
12 Reclamation Act of 1977 (30 U.S.C. 1201) to—

13 (A) States for which a certification has  
14 been made under section 411 of such Act (30  
15 U.S.C. 1241);

16 (B) States for which such a certification  
17 has not been made; and

18 (C) transfers to United Mine Workers of  
19 America Combined Benefit Fund.

20 **SEC. 6. PAYMENTS TO CERTIFIED STATES NOT AFFECTED.**

21 Nothing in this Act shall be construed to reduce or  
22 otherwise affect payments under section 402(g) of the  
23 Surface Mining Reclamation and Control Act of 1977 (30  
24 U.S.C. 1232(g)) to States that have made a certification

- 1 under section 411(a) of such Act (30 U.S.C. 1240a(a))
- 2 in which the Secretary of the Interior has concurred.



**COMMITTEE ON NATURAL RESOURCES**  
**116<sup>th</sup> Congress - Roll Call**

Bill / Motion: H.R. 2156

Roll Call #:

Amendment: Final Passage, as amended

Disposition: H.R. 2156, as amended, was adopted and ordered favorably reported to the House of Representatives by a roll call vote of 26 yeas and 10 nays.

MEMBERS (44)		YEAS	NAYS	PRESENT
Mr. Grijalva, AZ (Chair)	1	X		
Mr. Bishop, UT (Ranking)	2	X		
Mrs. Napolitano, CA	3	X		
Mr. Young, AK	4	X		
Mr. Costa, CA	5	X		
Mr. Gohmert, TX	6			
Mr. Sablan, CNMI	7	X		
Mr. Lamborn, CO	8		X	
Mr. Huffman, CA	9	X		
Mr. Wittman, VA	10			
Mr. Lowenthal, CA	11	X		
Mr. McClintock, CA	12		X	
Mr. Gallego, AZ	13	X		
Mr. Gosar, AZ	14		X	
Mr. Cox, CA	15	X		
Mr. Cook, CA	16		X	
Mr. Neguse, CO	17	X		
Mr. Westerman, AR	18		X	
Mr. Levin, CA	19	X		
Mr. Graves, LA	20		X	
Ms. Haaland, NM	21	X		
Mr. Hice, GA	22			
Mr. Van Drew, NJ	23	X		
Mrs. Radewagen, AS	24			
Mr. Cunningham, SC	25	X		
Mr. Webster, FL	26		X	
Ms. Velázquez, NY	27			
Ms. Cheney, WY	28		X	
Ms. DeGette, CO	29	X		
Mr. Johnson, LA	30			
Mr. Clay, MS	31	X		
Ms. González-Colón, PR	32	X		
Mrs. Dingell, MI	33	X		
Mr. Curtis, UT	34			
Mr. Brown, MD	35	X		
Mr. Hern, OK	36		X	
Mr. McEachin, VA	37			
Mr. Fulcher, ID	38		X	
Mr. Soto, FL	39	X		
Mr. Case, HI	40	X		
Mr. Horsford, NV	41	X		
Mr. San Nicolas, GU	42	X		
Mr. Cartwright, PA	43	X		
Mr. Tonko, NY	44	X		
<b>TOTALS</b>		<b>26</b>	<b>10</b>	
Total: 44 / Quorum: 15 / Report: 23		<b>Yeas</b>	<b>Nays</b>	<b>Present</b>