

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 8195
OFFERED BY MR. WALBERG OF MICHIGAN

Strike all after the enacting clause and insert the
following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Responsible Cormorant
3 Management and Control Act of 2026”.

4 SEC. 2. REGIONAL MANAGEMENT FRAMEWORKS FOR TAKE
5 OF DOUBLE-CRESTED CORMORANTS.

6 (a) IN GENERAL.—Not later than 1 year after the
7 date of the enactment of this section, the Secretary, in
8 coordination with the Regional Flyway Councils and in ac-
9 cordance with section 3 of the Migratory Bird Treaty Act
10 (16 U.S.C. 704), shall issue regulations for the develop-
11 ment of regional management frameworks for the manage-
12 ment of double-crested cormorants based on the best avail-
13 able scientific information.

14 (b) REQUIREMENTS.—Each regional management
15 framework developed pursuant to subsection (a) shall—

16 (1) ensure that each breeding population of
17 double-crested cormorants is managed at a level that
18 is sufficient to ensure the conservation of double-

1 crested cormorants, and that cumulative authorized
2 take of double-crested cormorants does not exceed a
3 biologically sustainable level using the best available
4 scientific information—

5 (A) consistent with the Migratory Bird
6 Treaty Act (16 U.S.C. 703 et seq.) and compat-
7 ible with the applicable conventions; and

8 (B) as informed by the most recent popu-
9 lation-level survey of double-crested cormorants;
10 (2) include, with respect to double-crested cor-
11 morants—

12 (A) allowable methods of take;

13 (B) allowed time periods of take;

14 (C) required annual reporting of total take,
15 including target and non-target birds, which
16 shall be made publicly available;

17 (D) measures to avoid the take of non-tar-
18 get birds and other species;

19 (E) documented conflicts at an identified
20 location that authorized take can feasibly re-
21 solve; and

22 (F) non-lethal measures that shall be im-
23 plemented;

1 (3) identify entities that may conduct author-
2 ized take of double-crested cormorants, which may
3 include—

4 (A) State and Tribal fish and wildlife
5 agencies; and

6 (B) entities permitted, trained, or other-
7 wise authorized in a manner the Secretary de-
8 termines appropriate, which shall include—

9 (i) lake managers; and

10 (ii) pond managers;

11 (4) provide for—

12 (A) States and Indian Tribes to take spe-
13 cific management actions with respect to dou-
14 ble-crested cormorants in accordance with the
15 regional management framework; and

16 (B) the implementation of management ac-
17 tions identified under subsection (c);

18 (5) consider the documented effects of double-
19 crested cormorants within the applicable region on—

20 (A) fisheries;

21 (B) sensitive vegetation;

22 (C) populations of other migratory birds;

23 (D) human health and safety;

24 (E) water quality; and

1 (F) species listed as threatened species or
2 endangered species under section 4 of the En-
3 dangered Species Act of 1973 (16 U.S.C.
4 1533);

5 (6) include a long-term plan for identifying and
6 monitoring the effects of the regional management
7 framework on the effects identified under paragraph
8 (5);

9 (7) consider the effects of take authorized
10 under the regional management framework on non-
11 target birds, species that are listed as birds of con-
12 servation concern pursuant to the Fish and Wildlife
13 Conservation Act of 1980 (16 U.S.C. 2901 et seq.),
14 and species listed as threatened species or endan-
15 gered species under section 4 of the Endangered
16 Species Act of 1973 (16 U.S.C. 1533); and

17 (8) develop best practices for additional meas-
18 ures, including—

19 (A) non-lethal deterrents;

20 (B) exclusion and habitat modifications;

21 (C) habitat restoration; and

22 (D) other non-lethal methods to rebuild or
23 stabilize the populations of fauna and flora that
24 have suffered detrimental effects because of
25 double-crested cormorants.

1 (c) INCORPORATION OF NATIONAL WILDLIFE REF-
2 UGE SYSTEM.—In developing each regional management
3 framework under subsection (a), the Secretary, in co-
4 operation with the heads of State and Tribal game and
5 fish agencies and the applicable Regional Flyway Council,
6 shall make recommendations that can be taken within
7 units of the National Wildlife Refuge System that are in
8 compliance with the National Wildlife Refuge System Ad-
9 ministration Act of 1966 (16 U.S.C. 668dd et seq.) and
10 meet the management objectives of States, Indian Tribes,
11 the Regional Flyway Councils, and such units with respect
12 to double-crested cormorants while fulfilling the primary
13 purposes of such units.

14 (d) POPULATION SURVEYS.—Not later than 5 years
15 after the date of the enactment of this section and every
16 5 years thereafter, the Secretary, in coordination with the
17 Regional Flyway Councils, shall carry out a survey of the
18 population of double-crested cormorants.

19 (e) UPDATES.—

20 (1) IN GENERAL.—Not later than 5 years after
21 the date of the enactment of this section and every
22 5 years thereafter, the Secretary, in coordination
23 with the applicable Regional Flyway Council, shall
24 review and update each regional management frame-
25 work developed under subsection (a).

1 (2) INCORPORATION OF POPULATION SUR-
2 VEYS.—In reviewing and updating a regional man-
3 agement framework under paragraph (1), the Sec-
4 retary shall incorporate the results of the most re-
5 cent survey carried out under subsection (d).

6 (f) REPORT.—Not later than 90 days after the date
7 of the enactment of this section, the Secretary shall sub-
8 mit to the Committee on Natural Resources of the House
9 of Representatives and the Committee on Environment
10 and Public Works of the Senate a report regarding the
11 feasibility of issuing licenses to hunt double-crested cor-
12 morants to meet the requirements of the regional manage-
13 ment frameworks developed pursuant to subsection (a).

14 (g) SUNSET.—This Act shall have no force or effect
15 beginning on January 1, 2034.

16 (h) REGULATIONS.—The Secretary may issue such
17 regulations to carry out this section as the Secretary de-
18 termines necessary and appropriate.

19 (i) DEFINITIONS.—In this section:

20 (1) DOUBLE-CRESTED CORMORANT.—The term
21 “double-crested cormorant” means the species
22 *Nannopterum auritum*.

23 (2) REGIONAL FLYWAY COUNCIL.—The term
24 “Regional Flyway Council” means—

25 (A) the Atlantic Flyway Council;

- 1 (B) the Central Flyway Council;
2 (C) the Mississippi Flyway Council; and
3 (D) the Pacific Flyway Council.

4 (3) INDIAN TRIBE.—The term “Indian Tribe”
5 has the meaning given the term in section 4 of the
6 Indian Self-Determination and Education Assistance
7 Act (25 U.S.C. 5304).

8 (4) LAKE MANAGER.—The term “lake man-
9 ager” means a person that is licensed or otherwise
10 authorized by a State regulatory agency to manage
11 a private lake.

12 (5) MIGRATORY BIRD.—The term “migratory
13 bird” has the meaning given the term “migratory
14 birds” in section 11 of the Migratory Bird Conserva-
15 tion Act (16 U.S.C. 715j).

16 (6) POND MANAGER.—The term “pond man-
17 ager” means a person that is licensed or otherwise
18 authorized by a State regulatory agency to manage
19 a private pond.

20 (7) SECRETARY.—The term “Secretary” means
21 the Secretary of the Interior, acting through the Di-
22 rector of the United States Fish and Wildlife Serv-
23 ice.

24 (8) TAKE.—The term “take” has the meaning
25 given the term in section 10.12 of title 50, Code of

- 1 Federal Regulations (as in effect on the date of the
- 2 enactment of this section).

