

Thank you Chairman Huffman:

The Migratory Bird Treaty Act of 1918 is one of our nation's bedrock environmental laws that can help us achieve a more sustainable future for people and wildlife. In the last century, it has protected more than a thousand species of birds and has been the implementation language for a number of international treaties that protect migratory birds.

Unfortunately, in 2017, the Trump administration issued a radical reinterpretation of the MBTA, overturning decades of precedent established by both Democratic and Republican administrations and undermining our commitments to international treaties. The U.S. Fish and Wildlife Service has now made it clear that companies are no longer required to avoid incidental harm to birds. Companies will no longer be held liable for damages to birds when disasters, like oil spills, occur and now have less incentive to reduce harm to birds.

In writing this bill, *I wanted to kill two birds with one stone.*

First, we need to make it clear that the MBTA has covered incidental take and will continue to do so. This will keep us in compliance with our international treaty obligations. We must have consistent implementation moving forward and make sure that the Fish and Wildlife Service knows it has the authority to punish bad actors when they kill birds due to negligence. The kind of negligence which resulted in disasters such as the Exxon Valdez and Deepwater Horizon.

Second, we recognize that some incidental bird deaths will occur, and we want companies that are implementing best practices not to be punished. We must create a fair system with certainty for companies that are already utilizing best management practices that reduce impacts to birds.

This legislation directs the Fish and Wildlife Service to work with the industries up front, to develop general, industry-wide, permits for incidental take as well as to identify the best management practices - much of which has already been established by existing industry standards.

Fish and Wildlife Service will also develop a system where individual companies would pay a mitigation fee and **self-certify** that they are utilizing these best management practices. **Self-certification** and a **simple fee**, with no further actions by Fish and Wildlife Service to approve those certifications under the general permit, would fulfil a company's requirements under the MBTA.

The intent here is not to overregulate, but to create a fair system with certainty for industry, ensure that we meet international treaty obligations, and recover damages when egregious situations arise. We want this bill to be a commonsense, straightforward approach that achieves these goals.

As chair of the Energy and Mineral Resources Subcommittee and chair of the Safe Climate Caucus, I understand the importance of energy production and the need to promote a cleaner, more sustainable future. A transition away from fossil fuels to zero-emission energy sources is essential if we are to leave a recognizable world for our children and grandchildren. This legislation will increase certainty for industry and create a clear path forward for making sure that we continue to develop renewable energy projects in an environmentally sustainable manner.

I look forward to a deeper discussion on this from our panel of witnesses.