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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker.

MORNING-HOUR DEBATE

The SPEAKER. Pursuant to the order of the House of January 5, 2016, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate continue beyond 11:50 a.m.

HONORING LIEUTENANT COLONEL MICHAEL McLAUGHLIN

The SPEAKER. The Chair recognizes the gentleman from Pennsylvania (Mr. THOMPSON) for 5 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, earlier this month, my congressional office in Titusville Pennsylvania, participated in a bridge naming service for Lieutenant Colonel Michael McLaughlin of Tionesta, Forest County, located in Pennsylvania's Fifth Congressional District. Thanks to the efforts of State Representative Kathy Rapp, the bridge was renamed the Lt. Col. Michael McLaughlin/AMVETS Post 113 Memorial Bridge.

Lieutenant Colonel Michael McLaughlin was actually born in Germany, but raised in Forest County. He graduated from the West Forest High School in Tionesta, and later attended Clarion University. It was there he became an ROTC cadet, and was commissioned a second lieutenant in 1982.

Starting his military career in the Army Reserves, Lieutenant Colonel McLaughlin went on to earn a master's degree from the University of Pittsburgh, and later became the president of his own company in Mercer, Pennsylvania, all while serving in the Pennsylvania Army National Guard. Throughout his service, he was highly honored, earning many ribbons and medals throughout his 26 years of service.

Unfortunately, Lieutenant Colonel Michael McLaughlin was killed in the line of duty on January 5, 2006, in Ramadi, Iraq, as the result of a suicide bomber. He was just 44 years old, and left behind his wife and two daughters.

McLaughlin was honored posthumously with the Purple Heart and the Combat Action Badge. He was the first field grade officer of the Pennsylvania Army National Guard to die in action since World War II.

I was proud to see members of Lieutenant Colonel Michael McLaughlin's community come together to honor him with this bridge naming. It is so fitting that it came in May, the same month as Memorial Day, when we honor the men and women who lost their lives in service to our great Nation.

I am the proud father of an Army soldier. America's servicemen and -women are very important to me. With Memorial Day coming up on Monday, I want to not only recognize the sacrifice of men and women such as Lieutenant Colonel McLaughlin who have given the ultimate sacrifice, but all of the members of our Armed Forces serving across the globe and all of our Nation's veterans.

CLIMATE CHANGE AND NATIONAL SECURITY

The SPEAKER pro tempore (Mr. WESTMORELAND). The Chair recognizes the gentleman from Illinois (Mr. QUIGLEY) for 5 minutes.

Mr. QUIGLEY. Mr. Speaker, as the world hurdles toward an era where climate change impacts our everyday life, we must recognize the consequences of our inaction.

Secretary Hagel said it best when he stated: ''Climate change is a global problem. Its impacts do not respect national borders.''

Despite this, we continue to live in a bubble of denial. It is abundantly clear that climate change is rapidly altering the world around us, contributing to higher temperatures, changing seasonal patterns, and driving the loss of species and habitats.

The scientific evidence demonstrating the realities of climate change is vast and ever-growing. Just this week, NASA reported that April 2016 was the warmest April ever recorded. In fact, NASA said there is a ''99 percent chance that 2016 will be the hottest year ever recorded.''

If this proves to be true, 2016 will beat our previous record holder, 2015. And 2015 beat our previous record holder, 2014. Sensing a trend here?

Earth's changing temperature does not just threaten the existence of plants and animals: climate change also affects our national security at home and abroad. As a Member of the House Intelligence Committee, I am briefed weekly on our most pressing and urgent threats, and it is abundantly clear that climate change is one of those threats.

Climate change is what we consider a threat multiplier, meaning it is exacerbating many of the challenges we confront around the world today, and will produce new challenges for us in the future. As a global power with strategic interests around the world, climate change is immensely important to us because of the impact it has on the regional stability of our allies.

Internationally, climate change is already causing humanitarian disasters and resource scarcity that accelerates instability, contributes to political violence, and undermines weak governments. Examples of these repercussions are being seen around the world today. Climate change-induced drought in the

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Middle East and Africa is leading to conflicts over food and water, escalating longstanding regional and ethnic tensions into violent clashes. Rising sea levels are putting people and food supplies in vulnerable coastal regions at risk, threatening to displace countless people.

The increasing scarcity of resources in regions across the globe is stressing governments that are trying to provide basic needs for their citizens. In already volatile regions of the world, these are highly dangerous conditions that can enable terrorist activity and exacerbate refugee crises. As these threats around the world continue to multiply due to climate change, the U.S. is forced to extend our limited resources in humanitarian aid and military security to more locations in an effort to keep the peace, protect our interests and allies, and avoid major conflicts.

It is not just the wonky scientists and policymakers that are sounding the alarm. The Department of Defense declared that the threat of climate change will affect the Pentagon's ability to defend the Nation and poses immediate risk to U.S. national security. The CIA and the Department of State have already identified climate change as a national security challenge, yet Congress continues to refuse to act on this issue.

We are already experiencing the impacts of climate change from superstorms in the U.S. to devastating droughts in the Middle East. As climate change continues to strain economies and societies across the world, it will only create additional resource burdens and impact the way our military executes its missions, forcing our military to spend more on crisis prevention, humanitarian assistance, and government stabilization.

This is why we have to act now. It is time for my colleagues to realize that the debate is over and that now is the time to deal with the very real consequences of climate change. As President Obama said: ''To make collective decisions on behalf of a common good, we have to use our heads. We have to agree that facts and evidence matter. And we got to hold our leaders and ourselves accountable . . . ''

While we can't reverse climate change, we can work with our partners around the world to slow the process, assist in adaptation, and protect our national security interests. The health and security of future generations depends on our actions today.

WASTE, FRAUD, AND ABUSE OF AMERICAN RESOURCES IN AFGHANISTAN NEEDS TO STOP

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

Mr. JONES. Mr. Speaker, I am again on the floor—I don't know how many times I have been on the floor—to talk about the waste, fraud, and abuse in Afghanistan. It just keeps going on and on.

Last week there was a great article—I don't think it was really great, but a very disturbing article—in The Washington Post, and the title was ''Afghanistan Paid 11,000 Militants to Lay Down Their Arms. Now the Money Has Run Out.'' It was the American taxpayer who paid the militants to stop fighting and killing Americans.

Somewhere along the way this doesn't make a whole lot of sense to me. We, the American taxpayers, have been paying fringe Taliban fighters not to fight for years. The article explained that there is little accountability of how that money is spent and where. We do not even know if paying fringe Taliban fighters not to fight is working. Further, committed Taliban fighters get money from other sources and still get money from the American taxpayer, and they are there to kill Americans. Somewhere along the way this just makes no sense at all.

Mr. Speaker, I include in the RECORD my letter to Speaker RYAN about the great work of John Sopko, Special Inspector General for Afghanistan Reconstruction.

HOUSE OF REPRESENTATIVES,
Washington, DC, April 14, 2016.

Hon. PAUL D. RYAN,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER, During the Easter District Work Period, I read an Associated Press article about your support for numerous spending cuts to the FY 2017 budget in order to secure additional votes. While I support such efforts, it remains difficult for me to comprehend why congressional leadership continues to support the waste, fraud, and abuse in Afghanistan.

After over 14 years, and over $800 billion dollars, the waste is more obvious today than ever before. I have enclosed two articles for your review that detail the severity of the situation. First is a USA Today story regarding Mr. John Sopko's testimony before the Senate Armed Services Committee that details the mysterious case of ''Schrodinger's goats,'' in which $6 million was spent on nine male goats meant to start a cashmere industry in Afghanistan, and whose status as dead or alive cannot be confirmed. Second is an NBC story, ''12 Ways Your Tax Dollars Were Squandered in Afghanistan'' which, unfortunately, is only a small sample of the waste.

Surprisingly, many in the Republican Party question why the American public is so frustrated with our leadership. A cursory look at the multitude of reports of the wasted billions of dollars in Afghanistan should easily rationalize the American people's frustration. Adding Afghanistan spending to the chopping block will go a long way toward gaining the support of the American people and restoring fiscal sanity to Washington, DC. Nothing is changing in Afghanistan—it continues to be the graveyard of empires and with a growing debt surpassing $19 trillion, I believe that America is heading for the graveyard.

Mr. Speaker, I also encourage you to personally meet with Mr. John Sopko, the Special Inspector General of Afghanistan Reconstruction (SIGAR). The valuable work of SIGAR has uncovered billions of dollars of waste, fraud, and abuse in Afghanistan, which we must stop.

Thank you for your continued leadership and consideration of this request. I look forward to hearing from you soon.

Sincerely,

WALTER B. JONES,
Member of Congress.

Mr. JONES. Mr. Speaker, in the letter to Mr. RYAN, I ask him, the Speaker of the House, if he would find 45 minutes in the very busy schedule that he has to meet with John Sopko. I have been in meetings, both formal and informal, with John Sopko, and other Members of Congress have, and his group, known as SIGAR, have given full reports every year for the past few years to talk about the failure of our policy in Afghanistan. I don't know why we in Congress continue to fund Afghanistan. It is nothing but a waste of life and money, and it needs to stop.

Mr. Speaker, it is true now that we have fewer Americans killed in Afghanistan, but they still are being killed and wounded. I have a poster beside me that I have carried down to my district in North Carolina, as well as here in the House. For every one American that dies, I write a letter to the family. I have sent over 11,000 letters to families in this country. I started this when we had the war in Iraq, on which I failed to vote my conscience. I bought the misinformation from the Bush administration, and I voted to send our troops to Iraq.

This picture is of a little girl standing there with her hand holding her mother's hand, with her finger in her mouth kind of wondering why her daddy is in a flag-draped coffin. This will continue to go on. There will be families across this Nation until we pull out of Afghanistan. Let Afghanistan take care of its own problems. We cannot buy friendship in Afghanistan.

I close with this, Mr. Speaker. It was said many, many years ago about Afghanistan that Afghanistan is the graveyard of empires. With our $19 trillion debt, there will soon be a headstone in Afghanistan that says: ''USA.'' It is time to get out of Afghanistan.

OLDER AMERICANS MONTH AND SENIOR HUNGER

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts (Mr. MCGOVERN) for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, as we celebrate the contributions of our seniors during Older Americans Month this month, I rise to draw attention to an issue that often goes overlooked in our communities, and that is the terrible problem of hunger among aging adults.

Food insecurity among seniors has doubled since 2001, and is expected to increase significantly as the baby boomer generation ages. Today, food insecurity impacts 5 million seniors across the country, forcing them to make impossible decisions between food, medical care, home heating, and other necessities.

We know that hunger is a health issue, and that is especially true among seniors over the age of 60. Research from Feeding America suggests that, compared to their food-secure neighbors, seniors suffering from hunger are 60 percent more likely to experience depression, 53 percent more likely to report a heart attack, 52 percent more likely to develop asthma, and 40 percent more likely to report an experience of congestive heart failure.

Baby boomers spend twice as much on health care as young adults do. Ensuring seniors have access to nutritious food is vitally important. We know that seniors have unique nutritional needs, and I am pleased to see scientists collaborating to create nutritional guidance for seniors.

Researchers at the Jean Mayer USDA Human Nutrition Research Center on Aging at Tufts University, with support from the AARP Foundation, recently unveiled an updated MyPlate for Older Adults graphic to help seniors visualize what foods cover the nutritional needs that make up a healthy plate for adults their age. The new icon also encourages them to follow healthy eating patterns.

I was pleased to join scientists from Tufts as well as representatives of AARP last week at a briefing on Capitol Hill to unveil the new MyPlate icon and educate congressional staff on the importance of senior nutrition.

But if we want to ensure seniors have access to nutritious foods, we must also ensure that they have the ability to afford fruits, vegetables, and other healthy options. One critical step we can take toward the goal of ending senior hunger is closing what is referred to as the ''senior SNAP gap.''

While millions of our parents, grandparents, teachers, and friends are facing hunger, only a fraction of low-income seniors eligible for food assistance through SNAP are accessing the benefits, presumably because of the stigma associated with assistance, or because seniors are unaware they qualify for benefits.

□ 1015

Many seniors also suffer from limited mobility or may have issues completing benefit applications, which can be complex and very time-consuming. In fact, seniors are more likely than any other age group to be eligible for SNAP, but they are not enrolled to receive the benefits.

That is why I am pleased to see so many advocacy organizations using Older Americans Month to call attention to the issue of senior hunger. Through their hashtag Solve Senior Hunger campaign, Feeding America and other antihunger and -aging organizations across the country are reaching out to seniors and their loved ones to raise awareness and ensure that those seniors who are eligible to receive SNAP benefits are connected to the appropriate resources.

We should do all we can to help solve senior hunger by talking to our family members and friends about senior hunger and by partnering with leaders in our communities who work to improve access to nutritious food for senior populations.

During my years in Congress, I have had the opportunity to visit food banks and other organizations in my district that are working to end hunger among seniors. Last year I had the privilege of spending a day with a Meals on Wheels program that is based in Northampton, Massachusetts, which is part of my congressional district. I helped to prepare and deliver meals and had the opportunity to speak with seniors who were served through this incredible program.

Members of Congress have an important role in ensuring our Nation's seniors don't go hungry. I encourage all of my colleagues to spend time with similar programs in their districts.

Congress must adequately fund programs like Meals on Wheels, which provides nutritious food to seniors, and reject harmful cuts to SNAP, which will disproportionately harm the most vulnerable among us: children, seniors, and the disabled.

That hunger is still a big problem in America, the richest country in the history of the world, and it should make us all ashamed. But, in working together, we have the power to end hunger now, especially among our senior population. Let's act now.

VENEZUELA

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN) for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I rise to discuss the ongoing crisis in Venezuela due to the incompetence of its leader, Nicolas Maduro. No matter what Maduro says, the crisis is his fault, not the fault of the U.S., not the fault of the Organization of American States. Maduro and his corrupt cronies are the ones to blame for this disaster—no one else.

While the Obama administration has sometimes tried to concede to the Maduro regime, it has only been reciprocated with no real positive change or any way forward by Maduro. Even now, the U.S. Embassy in Caracas has had to suspend appointments for Venezuelans who seek first-time tourist and business visas due to staff shortages that it blames on Maduro.

This is just the tip of the iceberg, Mr. Speaker. For a country that is rich in oil reserves, it is the sign of incompetence and corruption that Venezuela is struggling with empty grocery stores, shortages of medicine, high inflation, and a plummeting economy.

Now Maduro is trying desperately to receive assistance from other countries to save his corrupt regime. India has offered medicine in exchange for Venezuelan oil, and China may offer loans to Venezuela in exchange for oil. But these attempts are possibly too late, and Venezuela may not be able to survive this incredible economic downward spiral.

To put it simply, Mr. Speaker, Venezuela is on the verge of total collapse, and what an impact that will have throughout our hemisphere. It is not a matter of if. It is a matter of when.

On top of that, Venezuela is also facing medical shortages that have become a humanitarian crisis. Recently, a group of Venezuelan legislative members were in D.C., meeting with us to ask for humanitarian assistance for their people and for medical supplies to take care of the sick in Venezuela.

Now, these members are the opposition of Nicolas Maduro, but they know that Maduro doesn't care about helping the people, so they are rising up to the chore.

The Venezuelan Medical Federation has asked the Maduro regime to accept humanitarian aid in order to handle the massive shortages of medicine in the country, a request that has not been agreed upon by Maduro. The Venezuelan Neurology Society reported that the shortage of medicines for neurological conditions has reached around 90 percent.

The Venezuelan National Assembly has declared a humanitarian health crisis that includes the lack of 872 essential medications. In April, the Venezuelan newspaper El Nacional reported that the Venezuelan Pharmaceutical Federation declared that the shortage of medicines in pharmacies has reached 85 percent.

The lack of medicine, Mr. Speaker, impacts people from all walks of life, from the elderly, to the sick, to the mentally ill, to the children who cannot receive lifesaving care.

Individuals with serious illnesses have to go from pharmacy to pharmacy, looking for the medicines. If they don't find them, they either have to leave the country or try to smuggle the medicines in through the underground black market. The situation in Venezuela can also quickly become more violent and even more dangerous if the crisis is not resolved quickly.

Maduro has issued emergency decrees, even though the National Assembly rejected it, that will help him consolidate even more of his power. Power? Maduro doesn't care about the food and medicine for the people. All he cares about is having more power.

Last week Venezuela launched its biggest military exercise. Who is invading Venezuela? Why did he do it? To scare the population and to show the Venezuelan people his military might so as to prevent any protests by the people. At the same time, the Venezuelan National Assembly has called for its own country to be suspended from the Organization of American States.

The crisis in Venezuela must wake up others in the region. The new leaders of Argentina and Brazil are needed to bring the Southern Cone together in the name of regional stability.

Where is the leadership in the United States? President Obama has yet to add more names of human rights violators in Venezuela. Adding names would prevent them from coming to the United States. This is a list that is based on a law that I passed along with my Senate colleague, Senator MARCO RUBIO. That law is going to expire, and we need to extend it a few more years because those rights are being violated every day.

I talked about the economic hardships, but let's talk about the political and human rights violations that are going on every day in Maduro's Venezuela—they are committed by the Maduro regime—including the unconscionable imprisonment of Leopoldo Lopez and scores of pro-democracy activists.

The dire situation in Venezuela, Mr. Speaker, is out of control. Let's see what we can do because the Venezuelan people deserve better than a corrupt Maduro.

ASIAN PACIFIC AMERICAN HERITAGE MONTH

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. JUDY CHU) for 5 minutes.

Ms. JUDY CHU of California. Mr. Speaker, the month of May is recognized as Asian Pacific American Heritage Month, an important time to celebrate our Nation's rich cultural diversity as well as the many accomplishments and contributions of Asian Americans and Pacific Islanders all across our country.

Asian Americans and Pacific Islanders are now the fastest growing racial group in the country, and today more immigrants come from Asia than from any other region in the world.

As chair of the Congressional Asian Pacific American Caucus, or CAPAC, I have seen these growing numbers reflected here in Congress, where we now have 14 Asian American and Pacific Islander Members of Congress, which is a historic high.

We have also seen these numbers reflected in the diversity of our Federal workforce as well as in the Federal judiciary, where we have more than tripled the number of Asian Pacific American judges who serve on the Federal bench.

This includes the historic nomination of Sri Srinivasan to the U.S. District Court of Appeals, which is extremely notable because it is the court from which many U.S. Supreme Court Justices have risen, and we know that it is only a matter of time before we have our first Asian American Supreme Court Justice.

In addition to working to diversify our Federal workforce, we in CAPAC have the privilege to advocate for the priorities and concerns of Asian Pacific Americans on a broad range of issues, from combating racial profiling, to keeping immigrant families together through comprehensive immigration reform, to ensuring that all Americans can access the ballot box and have a voice in our democracy.

Today far too many in the Asian Pacific American community are being profiled because of the way they look or the religion they practice, and whether they are Chinese Americans who are being singled out for economic espionage or are Muslim or Sikh Americans who are wrongfully perceived as terrorists, we know that profiling creates a culture of suspicion that not only breeds mistrust, but that also endangers the lives and livelihoods of innocent Americans.

Take the recent case of a Chinese American scientist who was wrongly targeted as a spy for China. One terrible morning, Professor Xiaoxing Xi woke up to see guns pointed at him and 12 FBI agents arresting him in front of his wife, two daughters, and the whole neighborhood. They dragged him off to jail, accused him of being a spy for China, and threatened him with 80 years in jail. It turned out that the FBI agents were wrong. So they dropped all charges, but not before ruining Professor Xi's life.

We have also seen this happen in the case of Sherry Chen, a hydrologist at the National Weather Service of Ohio, who was arrested in front of her coworkers and was accused of being a spy for China, only to have her case dismissed.

Asian American scientists and engineers, who have worked hard to get their advanced degrees and be successful in their careers, now live in fear that they, too, may be next.

As CAPAC's chair, I have made it a priority to fight back against these injustices. We have met with Attorney General Loretta Lynch to demand answers to these cases. We have held press conferences, have written letters, and have questioned the FBI and the Department of Justice during congressional hearings. We know we must speak up.

In fact, we need only to look at the horrors of what happened to innocent Japanese Americans who were imprisoned during World War II to know what can happen when we remain silent. That is why it is so important for diverse communities to have a voice in our democracy.

Today the ability for us to make a difference is enormous, and we in CAPAC are working hard to ensure that Asian Americans and Pacific Islanders have access to the ballot box through our efforts to restore the Voting Rights Act.

Nationally, Asian Pacific Americans have doubled our voter registration numbers over the last decade from 2 million to 4 million people, and, by 2040, we will have doubled even those numbers. We are the sleeping giant. In fact, Asian Pacific Americans have gone from being marginalized to being the margin of victory.

As we celebrate Asian Pacific American Heritage Month this May, let us remember not only the many contributions of the Asian American and Pacific Islander community, but also the challenges that we must continue to confront in order to ensure that all Americans, regardless of race, ethnicity, religion, or language ability, can achieve the American Dream.

Happy Asian Pacific American Heritage Month.

LATINO EMERGENCY COUNCIL'S 10–YEAR ANNIVERSARY

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. DENHAM) for 5 minutes.

Mr. DENHAM. Mr. Speaker, I rise to recognize the Latino Emergency Council as we celebrate their tenth-year anniversary. Since their founding in 2006, they have provided exemplary service in promoting emergency preparedness and communication with the Latino community in Stanislaus County, California.

The LEC was conceived in the fall of 2005 as a partnership between the Stanislaus County Hispanic Leadership Council, El Concilio, and the County of Stanislaus. The initial goal was to formalize a communication channel with leadership from the Latino community and the Stanislaus County Office of Emergency Services in the event of an emergency.

The organization is a leader in emergency communication response as well as in personal emergency preparedness. The LEC distributes emergency preparedness information throughout the community in nonemergency situations and offers training to the community as a means of building community capacity and self-reliance in emergency situations.

The LEC has assisted in multiple emergency responses, such as the H1N1 swine flu outbreak, heat emergencies, the West Nile virus, and cold weather situations.

They also participate in multiple disaster exercises, translate vital information into Spanish, provide training for underserved community members, and perform outreach throughout Stanislaus County by distributing tens of thousands of pieces of literature in Spanish.

Organization members also travel to the FEMA Region IX office in Oakland, California, and in Washington, D.C., and advocate for emergency preparedness capacity in the Latino community.

Mr. Speaker, please join me in honoring and in recognizing the Latino Emergency Council for their service and outstanding contributions to the Latino community as they celebrate their tenth-year anniversary. They are an example of how amazing things can be done when people come together with passion and purpose to make change in the local community.

□ 1030

THANKFUL

The SPEAKER pro tempore. The Chair recognizes the gentleman from Tennessee (Mr. COHEN) for 5 minutes.

Mr. COHEN. Mr. Speaker, today is my birthday, and I chose to take this opportunity to address Congress and the American people on things I am blessed with and thoughtful about.

First, of course, are my parents, who are no longer alive, but they gave me a great education and gave me a lot of love. My mother got the opportunity to see me get elected to Congress, and when I did, she said: What does that make me? I told her it made her the queen that she has always been. She passed about 5 years ago, so she hasn't been able to see these other years.

I am thankful to my mother, my father, and my grandfather, but especially to my great-grandfather, Simon, who left Lithuania with nothing in about 1884 and came to this country. If he wouldn't have taken that bold step to leave his homeland without anything at all, I probably would have been born into some union that would have led to my being killed in the Holocaust.

Simon was a great man, and this was a great country that accepted him. We have bills dealing with immigration, and I think about Simon leaving Lithuania and giving me the opportunity to be here.

I am most thankful for my constituents for giving me this opportunity to serve in Congress. I love my job. I have been in politics all my life. I got elected for the first time when I was just 27 years old, and I am a lot older than that today.

My constituents have blessed me. My district is the most African American district in the United States of America, and the issue of race and my religion—I am Jewish, which makes me a minority in my district—do not come up any longer. I have not lost a precinct in the Democratic primary because I have the best constituents in America who don't see religion and don't see race, but they simply see somebody who works hard at their job and votes their interests and tries to make Memphis more prosperous, more healthy, and more just. And I will always do that.

I thank my constituents for giving me the opportunity to serve here, which was always something I longed for. I served in the State senate for a long time. I ran for Congress once before and lost. And I used to look at this building and think, ''I didn't get there; I didn't make it.'' I got a second chance, and the District Nine residents gave me that chance. I will be finishing my 10th year this year.

To serve with the men and women I serve with in this Congress, we get a lot of abuse, and some people don't think we do a good job. Sometimes I don't think we do a good job. I will tell you that the people in Congress, the men and women, are all good men and women. They are likeable people. That is why they get elected. They are all winners. They may have a different perspective on what is right for this country, but they come here dedicated, and they work hard and they try to represent their district and make things better for the people in their district. I am thankful for each of you, Democrats and Republicans, for the opportunity to serve with you in this great Hall and to serve America.

I thank District Nine, and I thank all my friends and my parents for giving me this opportunity and giving me life.

ANNIVERSARY OF THE JUSTICE FOR VICTIMS OF TRAFFICKING ACT

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Missouri (Mrs. WAGNER) for 5 minutes.

Mrs. WAGNER. Mr. Speaker, I rise to celebrate the 1-year anniversary of the signing of the Justice for Victims of Trafficking Act. We are grateful for the accomplishments of the legislation over the past year. The JVTA has reinvigorated our Nation's commitment to fighting sex trafficking.

The legislation sought to undercut demand for sex trafficking by holding buyers and advertisers of trafficking accountable for their choices. Under the SAVE Act—my legislation that was signed into law as part of the JVTA legislative package—we have given prosecutors the tools they need to fight these Web sites and businesses that support human trafficking by knowingly advertising victims for profit.

Right now, tens of thousands of demented online advertisements are openly selling children into sexual enslavement. Predators in our communities are going online and having children delivered to their hotel rooms as easily as they would a pepperoni pizza. Today, human trafficking is moving from the streets to the Internet, making it more accessible and more insidious. The SAVE Act fights this sick explosion of trafficking on the Internet.

The SAVE Act is already demonstrating that it is an indispensable tool to attack online trafficking. Backpage.com and other exploitive Web sites, which enable human traffickers by allowing them to post ads selling the bodies and the souls of our children, are angry that the U.S. is now holding the advertisers of human trafficking accountable.

Backpage.com claims that their ability to post children for sex online is a matter of free speech. It is not a matter of free speech, Mr. Speaker. It is a flagrant violation of the dignity and the basic constitutional rights of these abused and vulnerable children. Facilitating the purchase of children for sex is not a right; it is a crime, and it is a crime of the most heartless and evil proportions.

In December 2015, backpage.com filed a lawsuit against the SAVE Act in the United States District Court of the District of Columbia, and they specifically named me, ANN WAGNER, in their case. They are suing us because the SAVE Act has upset their pocketbooks and hindered them from making money off human trafficking sales. I take it as a huge success that we are finally moving in the direction where adults, Web sites, and businesses that exploit victims of human trafficking cannot profit and will not be given a free pass for their despicable crimes.

The Justice for Victims of Trafficking Act creates a legal framework to ensure that those who sell children and young women for sex, those who buy children for sex, and those who profit from human trafficking will be held accountable for their choices. But this law will be rendered useless until the Department of Justice moves to fully implement it. To our knowledge, the Department has not opened any new investigations to target advertisers of trafficking.

The JVTA clarifies those who solicit and patronize victims of trafficking can and should be prosecuted as sex trafficking offenders under 18 U.S. Code section 1591. Failing to prosecute buyers perpetuates demand for trafficking and allows offenders to abuse our children with impunity.

But while buyers have been arrested over the past year, we have seen very few convictions. Exactly how many convictions? We don't know because the Department of Justice has not released this information. We do know that many buyers have inexplicably been allowed to walk.

America's children are not objects to be bought and sold and abused by predators. They are children who we, as adults, have the duty to fiercely, fiercely protect.

We are also waiting on the Department of Justice to levy a $5,000 assessment on convicted human traffickers, convicted buyers who exploit victims, and offenders of similar crimes. We passed the JVTA 1 year ago, but the Department has neglected to assess the vast majority of these offenders—perhaps all of these offenders—despite a number of related convictions.

These fines are meant to help populate the Domestic Trafficking Victims' Fund to provide assistance for victims of trafficking and child pornography and develop prosecution programs. We are waiting on the Department of Justice to establish and populate this fund to get survivors the services that they need.

In short, there is much work to be done and we will not just walk away. It is our most fundamental responsibility to fight to protect our most vulnerable from sexual enslavement. This is our most basic duty.

TSA FUNDS DIVERTED

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. DEFAZIO) for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, as I speak here today on the comfortable and uncrowded floor of the House of Representatives, all across America, people are standing in lines like cattle, waiting 60 minutes, 90 minutes, sometimes longer, missing their flights to get through airport security. It didn't have to be this way.

We do a lot of things around here that are kind of not quite on the up-and-up, and one of them was a deal at the end of 2013 December, essentially when Americans are celebrating the holidays and not paying a lot of attention. Congress cut one of those year-end budget deals to fund the whole government and theoretically reduce the deficit.

Now, my friends on the Republican side are totally averse to dealing with the deficit through any sort of revenues: can't raise revenues, can't make hedge fund managers on Wall Street pay taxes like other Americans because that would be bad; can't deal with overseas loopholes, corporations reincorporating in tax havens so they won't have to pay money here, even though they are based here and operate here. We can't deal with any of those issues.

They snuck into that bill a little fee, yeah, just a little tiny fee. They raised the fee for aviation security.

So why are things so bad today? If they just raised the fee in December of 2013, raising an extra $1.2 billion—B, as in billion—a year for aviation security, why are the lines so long?

Well, guess what. They raised the fee, and they diverted the money. So airline passengers are paying more for their tickets ostensibly for aviation security to keep them safe and maybe to mitigate some of their inconvenience of standing in line, but the Republican majority chose to divert that money to deficit reduction and other things—$1.25 billion dollars this year.

Now, I heard the head of the union for the screeners on the radio this morning. He said we need 6,000 more workers. And they said, well, God, how much is that going to cost? Six thousand, how could you possibly afford that?

Guess what. It would cost a heck of a lot less than $1.2 billion to hire 6,000 more screeners so Americans didn't have to stand in 2-hour lines and miss their flights.

What is wrong with this place? Why can't we be on the up-and-up.

If you raise a tax on people to pay for aviation security, both to make them safe and to make it more convenient and predictable, spend the money making it more safe, making it more convenient, and making it more predictable. Don't divert the money to illusory deficit reduction or other things around here. That is incredible.

So all Congress has to do is say: Hmm—of course, I voted against the bill, but the large majority who did—we were wrong. We shouldn't have raised the fees on airline passengers. We shouldn't have diverted the money. We shouldn't have starved TSA from the funds they need to hire more people, both to deal with baggage and lines. Up above and below, we have got problems in both places with lack of staffing.

Now, we will just blame the management of TSA. Oh, it is the management. It is the management. Don't look over here, because we are taxing the passengers and we are spending the money over here, not on security. That is why people are standing in line today.

I hope this place gets honest and says: Let's change the law and let's spend the money, the taxes the passengers are paying, on aviation security and eliminate the excessive waits in lines.

NDAA AND RELIGIOUS FREEDOM

The SPEAKER pro tempore. The Chair recognizes the gentleman from Alabama (Mr. BYRNE) for 5 minutes.

Mr. BYRNE. Mr. Speaker, 2 years ago the gentleman from Oklahoma (Mr. RUSSELL) offered an amendment to the National Defense Authorization Act regarding religious freedom. Many of my colleagues on the other side of the aisle have attempted to use this amendment as a wedge in an effort to divide the American people. I want to take a few minutes to discuss the truth and the facts about its impact.

In September of 1789, the First Congress considered demands made by many participants in the State conventions which called for ratifying the U.S. Constitution. In response to many of those concerns, Congress approved, by a voice vote, the First Amendment to the United States Constitution and sent it to the States for ratification. The States ratified it in December of 1791.

The first two clauses of the First Amendment address religious freedom. The first prohibits an establishment of religion so that citizens would not be forced to support a national church, as was the case in Great Britain.

The second clause prohibits any government act that inhibits the free exercise of religion by a citizen, thereby assuring that the government cannot dictate religious beliefs or interfere with citizens as they practice and live out their faith.

□ 1045

Historically, we have a proud tradition of Republicans and Democrats working together to protect free exercise under the First Amendment. A great example of this is the Religious Freedom Restoration Act, which passed this House by a voice vote in 1993.

Unfortunately, basic principles of free exercise are under attack today. In response, Mr. RUSSELL's limited amendment would extend religious liberty protection to four categories of government contractors.

It is important to note that one doesn't lose constitutional rights if he or she seeks to become a contractor of the government. Hence, contractors are protected in the free exercise of their religious beliefs and practices. The Russell amendment makes explicit these contractors' rights to such protection in the employment of people who work for them.

So let's look at the Russell amendment. It states: ''Any branch or agency of the Federal Government shall, with respect to any religious corporation, religious association, religious educational institution, or religious society that is a recipient of or offeror for a Federal government contract, subcontract, grant, purchase order, or cooperative agreement, provide protections and exemptions consistent with sections 702(a) and 703(e)(2) of the Civil Rights Act of 1964 . . . and section 103(d) of the Americans with Disabilities Act of 1990 . . . ''

Again, note that the Russell amendment is limited to these four categories of religious entities, and it does not apply to other private entities or individuals.

Mr. Speaker, the 1964 Civil Rights Act is a landmark civil rights law which bans discrimination on the basis of race, color, religion, sex, or national origin. Title 7 of the act deals with discrimination in the workplace. Section 702 specifically protects the four categories of religious employers listed in the Russell amendment.

Hence, the Russell amendment extends to these four categories of religious entities when they are working for or attempt to work for the government, the same religious liberty rights they have had for over 50 years when operating in the private sector. This approach is neither new nor novel.

The Americans with Disabilities Act of 1990 extends many of the same rights granted under the 1964 act to people with disabilities. Section 103(d) of that act allows the four categories of religious entities to give ''preference in employment to individuals of a particular religion'' and to require that ''all applicants and employees conform to the religious tenets of such organization.''

Again, the Russell amendment extends to these four categories of religious entities the same religious liberty rights they have had for over 25 years when operating in the private sector to when they are doing business in the government.

The opponents of the Russell amendment say it provides for discrimination against the LGBT community. A simple review of the amendment and the underlying statutes demonstrates an absence of any reference to LGBT persons. Indeed, the Russell amendment is narrowly drawn to apply only to the four categories of religious entities in their employment of individuals to carry out their work. Any service or product produced by such an entity in a government contract would have to

be provided to whomever the government requires, and that, obviously and appropriately, will include those in the LGBT community.

Mr. Speaker, if the Russell amendment is discriminatory, then so is the First Amendment, the Religious Freedom Restoration Act, the 1964 Civil Rights Act, and the Americans with Disabilities Act.

If allowing a religious entity to employ persons who share its beliefs is discriminatory, then so are all these other Congresses. It is inaccurate to portray the Russell amendment as anything other than a narrowly drawn effort to protect religious freedom.

NEW ENGLAND COMPOUNDING CENTER TRAGEDY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan (Mr. BISHOP) for 5 minutes.

Mr. BISHOP of Michigan. Mr. Speaker, I rise today to call attention to a public health atrocity that is being ignored by the current administration and the current administration's continued failure to ensure justice for American citizens.

As many Members in this body will recall, in 2012, the New England Compounding Center manufactured and distributed nonsterilized injections to clinics and hospitals around the Nation. After receiving those injections, more than 750 people nationwide developed fungal meningitis. To date, 76 people have died as a result.

As you can see by the illustration to my left, this is a nationwide issue. The epicenter, however, of the outbreak was in Michigan's Eighth District, which I proudly represent. More than 200 people became sick, and 15 people died after receiving the tainted injection from a clinic in our district.

Because of the reckless disregard for the health and safety of the recipients of these drugs, the Department of Justice secured 131 convictions against 14 individuals, including 25 counts of second degree murder against the two main defendants for the deaths occurring in seven States.

Although this outbreak happened almost 4 years ago, the consequences are still very real today. Just the other week I was approached by a gentleman whose wife had died as a result of a lethal injection she received. It was, of course, heart-wrenching to hear the agony he went through and continues to deal with after losing his best friend and wife to this terrible tragedy.

Whether it is someone who has lost a loved one or a victim now living with chronic pain and sickness or a family member caring for an ill victim, this is a national tragedy, and the people need to be heard.

Not only have the day-to-day lives of these victims been irretrievably altered, they have also been financially ruined. Just to give you an idea, copays on some of the drugs for the treatments required for this illness are up to $5,000 per month, and despite multiple bipartisan requests from Members of both this body and the Senate, the Department of Health and Human Services has rejected all requests to waive rights to collect on Medicare liens they have placed on the settlement issued last year. That means that victims will get very little from their compensation funds. In fact, to this date, they have received not a dime.

Not only that, Mr. Speaker, but now the Obama administration, through the Office of Management and Budget, has blocked the ability of victims to get compensation from the Antiterrorism and Emergency Assistance Program, otherwise known as the AEAP for short. The AEAP was created utilizing funds from the Federal crime victims fund, a fund specifically set aside to compensate victims of crimes. The fund gets its resources from not taxpayer dollars, but through a special assessment on convicted criminals. They get it through criminal fines, penalties, and forfeited bail bonds.

Without any explanation, a bureaucrat at the Office of Management and Budget has blocked the decision of a Senate-confirmed Assistant Attorney General to compensate victims of this act which the Department of Justice has recognized as criminal.

These are innocent Americans whose lives have been destroyed by criminals who will never meet them, will never feel their pain, hear the pain in their voices, will never see the irreversible damage they have caused. But, Mr. Speaker, I see it, and the 17 other colleagues of mine who have signed this bipartisan letter to the Office of Management and Budget see it, too.

Justice must be served. If the Attorney General won't speak up to advocate for justice, as secured by the hardworking Assistant Attorneys General on this case, and the administration won't reverse its decision, then the citizens of this country and the victims and their families deserve to know why they have been denied justice.

As a former prosecutor myself for my local community, I understand full well that victims of crimes need an advocate to stand up for them. Nothing—and I mean nothing—will reverse the harm that has been caused by this act. But at the very least, we must ensure justice for the people, and we must hold those responsible accountable for their actions. I urge my colleagues to join me in this effort.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 54 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. RODNEY DAVIS of Illinois) at noon.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

God of mercy, we give You thanks for giving us another day.

We ask Your blessing upon this assembly and upon all to whom the authority of government is given. Help them to attend to the immediate needs and concerns of the moment, all the while enlightened by the majesty of Your creation and Your eternal Spirit.

The season of graduation for millions of American youth is upon us. May our appreciation as a Nation of the value of education among those who are our future be incentive enough to guarantee its importance in our public policy considerations.

May all that is done within the people's House this day be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York (Mr. ZELDIN) come forward and lead the House in the Pledge of Allegiance.

Mr. ZELDIN led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

ELEMENTARY SCHOOL ESSAY COMPETITION

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I am grateful to have held an essay competition for elementary school students throughout the Second Congressional District of South Carolina. The ''Smiling Faces, Beautiful Places'' essay competition received

over 125 submissions where the students described their favorite moment in South Carolina history.

Helen Miller, a third grade student at Brennen Elementary School in Columbia, wrote a winning essay on the Revolutionary Battle of Charleston that took place in 1780. Jack Hinchey, a third grade student at Heathwood Hall Episcopal School, wrote his winning essay on the pirate Blackbeard.

I appreciate all of the other schools that submitted essays to the ''Smiling Faces, Beautiful Places'' essay competition: Pontiac Elementary, Chapin Elementary, Gilbert Elementary, Forts Pond, Timmerman, Lake Carolina, Midway, and Round Top Elementary.

I am inspired to represent so many remarkable young people and dedicated educators in the Second Congressional District, and I was humbled to receive so many submissions.

In conclusion, God bless our troops, and may the President, by his actions, never forgot September the 11th in the global war on terrorism.

HOUSING CRISIS

(Ms. MOORE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MOORE. Mr. Speaker, despite the ongoing economic recovery that has seen the longest streak of private sector job growth in history, since the 2008 crash, the uneven recovery in housing markets has absolutely crushed the poor and working class and has left homeowners in poor areas underwater and has squeezed renters with a lack of units and high rents.

Shamefully, the GOP-controlled House has been an absentee landlord on this issue, and now we find out that the Republican nominee for President wanted the crash because it would be a good thing for rich guys like him to make more money. Maybe that is why the now-failed Trump Mortgage pushed subprime loans.

The American people deserve a Congress and a President who will keep them in their houses and in their homes.

SOCIAL SECURITY MAIL ACT

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, Social Security has made no bones about how important it is for Americans to safeguard their Social Security numbers. Beneficiaries are warned time and again to protect their cards in order to avoid identity theft.

But commonsense safety measures should also be taken by Social Security. Unfortunately, the inspector general's recent report found that this agency is failing Americans in a very dangerous way. How so?

The Social Security Administration is including your Social Security number on the documents it mails. That means any lost or stolen letter from Social Security endangers the security of a beneficiary's identity.

This bad practice needs to stop now, and as the chairman of the Subcommittee on Social Security, I am working to fix it. In fact, this week I will introduce the Social Security MAIL Act. It is a commonsense solution to a problem that shouldn't exist. Let's get it done.

HOW THE WORLD'S LEADING SUPERPOWER SHOULD CONDUCT ITS BUSINESS

(Mr. CLEAVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLEAVER. Mr. Speaker, I am not sure what it is, but something is wrong with us. It makes me sick to my stomach to see a Presidential campaign that is an embarrassment to most thinking Americans.

I can't imagine any parent with good sense who would say to his or her child: Why don't you look at the Presidential election. Look and learn as to how to debate. Learn how to disagree with someone and remain on a high level.

This is disgusting and it is embarrassing. I just hope the American public is not okay with this. This is not the way the world's leading superpower should conduct its business.

The whole world is watching us, and we are watching TV, looking at the worst kinds of things that could be said by human beings from the United States of America. I certainly hope that the American people are not happy with what is going on.

NO MORE EXCUSES FROM TSA

(Mr. ZELDIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZELDIN. Mr. Speaker, why does it seem like no one at an airport security checkpoint has been delegated with that awesome, yet shockingly absent, power of common sense? Why is the 80-year-old granny in a wheelchair being harassed? Why is the U.S. military servicemember in uniform with a military ID on military orders having his or her toothpaste confiscated?

As the management and resource allocation issues rise that are plaguing the bureaucracy at the TSA, red flags are going up with the peak travel season nearly upon us. Some airline passengers report wait times of as long as 2 or 3 hours to get through security.

Long lines will only get longer if the TSA doesn't pursue a course correction, that of coordinating with airport authorities and airlines to ensure that staffing levels match peak travel times.

If you have four lanes being occupied and if you have a long wait, maybe you should occupy some more of the available security lanes. Allow law enforcement to do its law enforcement duties to free up more screeners to screen.

Airlines can do their part by knocking off the madness with the hidden baggage fees. The trick might help fill seats on planes, but it is resulting in more people taking their baggage through security.

By the way, the TSA doesn't have a funding issue. Last year this Congress gave it more than it asked for. No one wants to hear the TSA's excuses.

CELEBRATING GENE CONNOLLY

(Ms. KUSTER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KUSTER. Mr. Speaker, I rise to recognize and celebrate Gene Connolly, the principal of Concord High School—my alma mater—in Concord, New Hampshire, who will be retiring from his position at the end of this school year.

Over the past 14 years, Principal Connolly has served at the helm of Concord High School, helping to lead the school to multiple State championships and new academic heights. If it weren't for his diagnosis of ALS in July of 2014, there is no doubt that Principal Connolly would continue to serve the students of Concord High.

I had the privilege of meeting with Principal Connolly just last week in D.C. when he came to Congress to advocate for legislation to support ALS patients. It is a testament to his unparalleled leadership and courage that, even in the face of extreme adversity, Principal Connolly is spending his time in advocating for legislation that will benefit ALS patients in the future. He has changed the lives of generations of Concord students.

While we are all sad that Principal Connolly's tenure will come to a close this summer, there is no doubt that his leadership, his courage, and his spirit will continue to inspire future generations of students at Concord High and beyond.

BERTA SOLER

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, it should come as no surprise that President Obama has agreed to arm Communist Vietnam and that he continues to extend diplomatic niceties and concessions to authoritarian regimes that show no intention of changing their brutal tactics.

These overtures to the Castros in Cuba have resulted in a prominent human rights defender, Berta Soler—right here in this poster—the leader of the peaceful prodemocracy group, the Ladies in White—Las Damas de Blanco—and 27 others being arrested this week and facing charges of resistance

because only in Communist regimes and under ruthless dictatorships is nonviolent opposition to the regime considered a crime. Peaceful dissidence, resistance, is a crime in Cuba.

For all of the engagement—the concession after concession to the ruthless dictatorship—it has not moved the Castros even 1 inch toward freedom, toward human rights, toward the rule of law, toward democracy.

The people of Cuba deserve better.

TRUMP MORTGAGE

(Mr. KILDEE asked and was given permission to address the House for 1 minute.)

Mr. KILDEE. Mr. Speaker, last week we learned that the Republican presumptive nominee, Donald Trump, actually rooted for the collapse of the housing market just before the Great Recession wrecked our economy.

In 2007, before the crash, Donald Trump said he was excited about the housing market crash because ''I've always made more money in bad markets than in good markets.''

Today we don't know if he made money or not because, unlike Presidential candidates for decades, Donald Trump refuses to release his income tax returns. In fact, there is one report that suggests that he paid no income taxes in 1 year.

Even worse, his own company, Trump Mortgage, actually pushed people into subprime mortgages. Millions of people lost their homes in the housing crisis, and 8.4 million Americans lost their jobs, but Donald Trump was the winner.

He is doing what he does best—putting himself above everybody else. He does not want to make America great. Donald Trump wants to make Donald Trump richer.

RELIGIOUS LIBERTY

(Mr. ROTHFUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTHFUS. Mr. Speaker, the first freedom mentioned in our Constitution is the free exercise of religion. The Founders understood the universal right to seek God in accordance with one's conscience and, also, that many sought refuge on these shores because of religious persecution.

Pilgrims, Puritans, Quakers, Catholics—these were just some of the groups who fled persecution. In the old country, in the old days, exercising one's faith could result in lost business opportunities and other forms of discrimination. Some faced imprisonment and even death. The Founders knew that history and sought to guarantee that this new Federal Government would not allow such injustice.

Regrettably, Mr. Speaker, today we are seeing laws, rules, executive orders, and court rulings at different levels of government force some people to choose between following their consciences and pursuing their livelihoods. Such a choice is exactly what the penal laws of 18th century Ireland presented to Catholics in that country: abandon your faith or face severe hardship.

Forcing such a choice is at odds with explicit, fundamental, constitutional liberties and basic human rights. The intolerance of religious freedom will not—cannot—stand in our Nation.

□ 1215

NEVADANS DEMAND APOLOGY

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

Ms. TITUS. Mr. Speaker, I rise today on behalf of Nevadans to demand an apology from presumptive Republican Presidential nominee, Donald Trump.

Last week, news reports revealed that Donald Trump actually bragged about being able to make a lot of money from a housing market that was about to burst. He rooted for that bubble to burst.

Well, the crash of the housing market devastated my hometown of Las Vegas, which was one of the hardest hit in the country. Thousands lost their homes, and 71 percent of homes were underwater, some by over 50 percent. Bank foreclosures put families on the street who had already lost their jobs and their savings.

Slowly we are coming back, though. We have reformed lending policies, demanded accountability, and worked to ensure that families can keep a roof over their heads, but we remember how awful it was.

So we say to Mr. Trump: Keep your short fingers out of the Nevada housing market.

The SPEAKER pro tempore. The Chair would remind Members to refrain from engaging in personalities toward presumptive nominees for the Office of President.

HONORING MAYOR WILLIAM E. TROXELL

(Mr. PERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PERRY. Mr. Speaker, today I honor William E. Troxell on his May 31, 2016, retirement as mayor of the borough of Gettysburg.

Mr. Troxell was born in Gettysburg and is a direct descendant of John Troxell, the first settler of Gettysburg. Mr. Troxell is a World War II veteran and served 12 years in the United States Army Reserve.

William is best known, however, as Mayor Troxell of Gettysburg, a position he has held since 1997 and performed with zeal, professionalism, and class. William has left an enduring legacy of service to Gettysburg and our Nation.

On behalf of Pennsylvania's Fourth Congressional District and a grateful nation, I am proud and humbled to congratulate William E. Troxell on his retirement and wish him great health, happiness, and prosperity in his future adventures.

PORT SPENDING TARGETS

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

Ms. HAHN. Mr. Speaker, the Panama Canal expansion is set to open next month, posing challenges for many of our Nation's ports. That is why it is more important than ever that our ports have the funding that they need to prepare for the future and stay globally competitive.

Since coming to Congress, I have led an effort to ensure that money collected at our Nation's ports in the harbor maintenance tax be spent at our Nation's ports. We have set up a glide path to get us to 100 percent spending of the funding by 2025, and each year we have a target to get closer to that goal.

This week, we are voting on the energy and water appropriations bill on the floor, and I want to thank the leadership of the Appropriations Committee—Chairmen ROGERS and SIMPSON and Ranking Members LOWEY and KAPTUR—for recognizing the importance of port spending targets.

This year $1.2 billion is set to go back to our ports and our port communities, making it the third year in a row that we have hit our target. I am proud of this continued achievement. This funding will go to the Ports of Los Angeles and Long Beach, where I come from, and also to ports across this country to create construction jobs and economic opportunities for decades to come.

COLUMNIST MAKES FALSE CLIMATE CHANGE CLAIMS

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, recently a prominent New York Times columnist recycled disproven assertions to criticize businessman Donald Trump's views on climate change. This type of alarmist rhetoric is what we have come to expect from liberal pundits and the media, but science doesn't back the columnist's claims.

Extreme weather events are not getting weirder. There is no evidence that weather events such as hurricanes, tornados, droughts, and floods have increased in number due to climate change.

Last year, at the Paris climate conference, the President said that fish swim in the streets of Miami because of a downpour caused by climate change. He was immediately contradicted by his own government agency that said the flooding was due to lunar cycles, not climate change.

Climate alarmists should speak the truth, not try to promote a political agenda.

TRUMP'S RECORD OF FAILURE

(Mr. POLIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POLIS. Mr. Speaker, I am here to talk about the failed business record of likely Republican nominee Donald Trump. His own failed company, Trump Mortgage, actually pushed homeowners into subprime mortgages. Donald Trump not only lost money himself and his company went out of business, but millions of hardworking Americans also lost their homes during the housing crisis.

I also want to talk about his scam university that he set up, Trump University. The State of New York said it is illegal to use the name ''university'' because you are not running a university. He then changed the name before it went out of business.

It is also being sued by many of its students, who paid up to $35,000, thinking, as it said in the informercials, that Trump had handpicked the instructors. But according to Donald Trump's own deposition, he never selected the instructors for the program. In fact, he hadn't even met most of them and didn't even know who they were. That is why, in 2014, a New York judge found Donald Trump personally liable for operating the company without the required business license.

Look, what a track record: losing money, forcing subprime loans on Americans and taking money from hardworking Americans, and then going out of business with his fake university company. This is Donald Trump's record of failure.

The SPEAKER pro tempore. The Chair would remind Members to refrain from engaging in personalities toward presumptive nominees for the Office of President.

AMERICAN STROKE MONTH

(Mr. DOLD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOLD. Mr. Speaker, I rise today to recognize May as American Stroke Month.

800,000 Americans suffer a stroke every year, with more than 300,000 stroke survivors living in Illinois today. Stroke research and rehabilitation plays a critical role in helping these 300,000 survivors return to work and lead fulfilling lives.

A strong congressional response to stroke is crucial for the hundreds of thousands of stroke victims, their families, and their friends each year.

My friend and colleague Senator MARK KIRK overcame unbelievable adversity and returned to work representing Illinois in the United States Senate after suffering a life-threatening stroke. His perseverance has been a personal inspiration, and through his Battle Buddies group, he has become an inspiration to countless stroke survivors in Illinois and around the country.

Senator KIRK's Battle Buddies group is raising awareness of the fact that nearly 80 percent of all strokes can be prevented through healthy lifestyle choices and maintaining low blood pressure. By simply recognizing the signs of stroke and taking action, people can save a life and greatly minimize long-term damage.

This month, I ask all my colleagues to join me in raising awareness for this important issue and ensuring that stroke survivors have the absolute best quality of care possible.

ROOTING AGAINST FAMILIES

(Mr. RYAN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYAN of Ohio. Mr. Speaker, back in 2005, '06, '07, '08, '09, and '10, in Ohio, we saw a housing crisis unlike anything we had ever seen before. We saw almost 400,000 people in Ohio, families, lose their home. We saw over 400,000 job losses. We saw a 16 percent decrease in housing values in Ohio.

All the while, hundreds of miles away, perched in the gold-plated towers of the Trump building in New York City, there was a billionaire saying: I hope this happens. I hope the housing market collapses. I hope people get thrown from their homes. I hope they file bankruptcy because that will be good for me.

Shame. Shame that we have a major leader of a major party rooting against families in Ohio, in Pennsylvania, in Florida, in Colorado. Shame on you, Mr. Trump. You are supposed to be rooting for the American people, not rooting against them.

The SPEAKER pro tempore. The Chair would like to remind Members, once again, to refrain from engaging in personalities toward presumptive nominees for the Office of President.

HONORING OUR FALLEN HEROES

(Mr. MARCHANT asked and was given permission to address the House for 1 minute.)

Mr. MARCHANT. Mr. Speaker, last week I voted to ensure our brave men and women in uniform receive the proper training and necessary equipment to protect themselves and our country.

Today I rise to honor and offer my prayers to the families of those men and women who have, unfortunately, made the ultimate sacrifice in defending the United States.

This coming Monday, our Nation will observe Memorial Day. As families across the country gather to celebrate this holiday, we must not forget those men and women who gave their lives protecting the rights and freedoms guaranteed by our Constitution. These brave men and women answered the call to serve when our country was in need, and they deserve our honor and gratitude.

I remain forever grateful for their service.

CATERPILLAR CONSTRUCTION'S ATHENS PLANT

(Mr. CARTER of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARTER of Georgia. Mr. Speaker, I rise today to recognize the success of the Caterpillar Construction Equipment Company's plant in Athens, Georgia.

On April 21, 2016, the Athens branch was named by Governor Nathan Deal as Georgia's 2016 Large Manufacturer of the Year. This award comes directly on the heels of the Athens branch being recognized as the Athens-Clarke County Manufacturer of the Year.

Opened on October 31, 2013, the Caterpillar location touts an 850,000-square-foot state-of-the-art facility with 1,700 employees. The branch specializes in small track-type tractors and mini hydraulic excavators, providing these products to customers throughout North and South America and Europe.

This award illustrates the continued success of Georgia in attracting new businesses. Since 2011, Georgia has attracted 511,000 private sector jobs, with 40,000 in manufacturing. I am extremely proud of these statistics.

I rise today to congratulate Caterpillar Athens on their success, and I wish them the best of luck in their continued success.

HONORING CHIEF KEITH SMITH

(Mrs. BROOKS of Indiana asked and was given permission to address the House for 1 minute.)

Mrs. BROOKS of Indiana. Mr. Speaker, I rise today to honor the courage and leadership of Chief Keith Smith, or ''Smitty,'' as many affectionately called him. He was a dedicated firefighter, a leader in the truest sense of the word, and a devoted husband, father, and grandfather. Sadly, Chief Smith passed away recently after a battle with cancer.

A lifelong Hoosier, Smitty spent nearly five decades as a firefighter in the Indianapolis area. He led the Indianapolis, Westfield, and Carmel departments as fire chief during his long career. He retired in 2012 a highly decorated and widely respected leader who, in retirement, continued to champion and advocate for firefighter education and mentorship.

In 2000, I was honored to work with Chief Smith to put on the 2001 World Police and Fire Games in Indianapolis. His remarkable leadership and passion for leading others was truly inspirational.

I feel fortunate to have known him, and I know his legacy lives on through the many lives he saved, the men and

women he led, and, most importantly, his family, whom he loved dearly.

I offer my deepest condolences to Keith's family, especially his wife, Cindy, and all the firefighters who mourn his loss and cherish his memory.

GET THE VA WORKING FOR VETERANS

(Mr. LAMALFA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMALFA. Mr. Speaker, one of the most important bills signed into law during the last couple of years was a measure to reform the Department of Veterans Affairs to give our veterans choices.

This law was adopted in response to a national scandal over outrageous wait times at the VA, secret wait lists, and 40 veterans who died while waiting to receive care. In Oakland, the VA regional office discovered over 13,000 initial benefit claims that dated back to the 1990s tucked away in a file cabinet.

The widespread dysfunction and mismanagement of the VA is unacceptable. Our veterans deserve better.

Like many of my colleagues, I was shocked by the recent comments made by VA Secretary Bob McDonald, who made references to Disneyland in an interview about how long veterans must wait in line to see a doctor.

Veterans attempting to schedule medical appointments are not there for entertainment. Indeed, they are on a roller coaster as to whether they are even going to have an appointment when they show up a few days later. They are in need of basic healthcare services that they have risked their lives for.

In my district, I have heard from many veterans who have had their appointments canceled and have experienced significant obstacles in accessing their healthcare benefits.

It is clear that there are veterans all across the country who are not satisfied with the VA, and the only way to get the VA working for veterans is with accountability and strong congressional oversight.

Indeed, the glowing reports we get from VA officials are a fantasyland of the nontruth.

□ 1230

PROVIDING FOR CONSIDERATION OF THE SENATE AMENDMENT TO H.R. 2576, TSCA MODERNIZATION ACT OF 2015, AND PROVIDING FOR CONSIDERATION OF H.R. 897, REDUCING REGULATORY BURDENS ACT OF 2015

Mr. WOODALL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 742 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 742

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 2576) to modernize the Toxic Substances Control Act, and for other purposes, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order, a motion offered by the chair of the Committee on Energy and Commerce or his designee that the House concur in the Senate amendment with an amendment inserting the text of Rules Committee Print 114-54 modified by the amendment printed in the report of the Committee on Rules accompanying this resolution in lieu of the matter proposed to be inserted by the Senate. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. The previous question shall be considered as ordered on the motion to its adoption without intervening motion or demand for division of the question.

SEC. 2. Upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 897) to amend the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Water Pollution Control Act to clarify Congressional intent regarding the regulation of the use of pesticides in or near navigable waters, and for other purposes. All points of order against consideration of the bill are waived. An amendment in the nature of a substitute consisting of the text of Rules Committee Print 114-53 shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Georgia is recognized for 1 hour.

Mr. WOODALL. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend from Colorado (Mr. POLIS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. WOODALL. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. WOODALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, you heard the Reading Clerk read. Sometimes it is tough to follow what we do up there in the Committee on Rules. I would remind folks that rules.house.gov has the copy of the rule, and folks can get into all of the details. I am real proud of the work that we did up there yesterday. I am glad to be down here on the floor today representing it.

House Resolution 742, Mr. Speaker, is a standard rule for consideration of a House amendment to the Senate-amended H.R. 2576. That is the Toxic Substances Control Act Modernization Act. It also provides a closed rule for consideration of H.R. 897, the Zika Vector Control Act.

Mr. Speaker, the year was 1976. That was the last time the Congress and the White House dealt in a serious way with the Toxic Substances Control Act. In fact, that is when the bill was first passed.

For the intervening four decades, science has changed, technology has changed, consumer demands have changed, and yet the way that we regulate these chemicals has not. And it is not for lack of trying.

For Pete's sake, Mr. Speaker, long before I arrived in this Chamber 5 years ago, Members were trying to find an agreement on how to deal with the Toxic Substances Control Act, how to update that for late 20th century or early 21st century technology.

In fact, the late Senator Lautenberg, Mr. Speaker, was probably the largest champion for this reform that we had on either side of Capitol Hill. He passed away 3 years ago next week. Three years ago next week, many thought that the opportunities we had to succeed here passed away with him.

Despite the headlines, Mr. Speaker, that read that gridlock controls Washington, D.C., despite the 1-minutes that you hear down on the floor, Mr. Speaker, where it is their fault and it is their problem or it is his fault and it is his problem, there really are a serious group of Members on both sides of this Capitol who want to get the people's business done. What we have today is one of those efforts, an effort 40 years in the making that culminates here today.

It happened with a lot of serious, hard work on both sides of the Hill, Mr. Speaker. It happened because folks didn't give up when people said it couldn't be done. It happened because nobody said: It is my way or the highway. But they said: How can I work with folks who may disagree with me in order to reach an end that is going to be better for the folks that I serve back home?

We have that product today, Mr. Speaker. In fact, I have it right here. It is also available. It is the Rules Committee print. It is available at rules.house.gov if folks want to give it a read.

I won't confess it is a short read. I won't even suggest that it is an exciting read. But what I will suggest is it is the product of negotiation and consensus building.

You may remember, Mr. Speaker, that when we first dealt with this issue on the House side, it passed 398–1—398–1. It passed by unanimous consent on the Senate side. Now here we are today, having bridged those two bills. Mr. Speaker, that is the TSCA legislation.

The Zika Vector Control Act, Mr. Speaker, is designed to bring those pest control technologies that we have, those pest control opportunities that we have, to bear in the name of public health as soon as safely possible.

Mr. Speaker, for years the EPA has had in its understanding of how to regulate in this country that, as long as it had already certified a pest control as being safe, they did not have to go back and run it through the Clean Water Act approval process as well.

The law of the land, strictly speaking, says, yes, you need to do that. Folks thought it was duplicative. They hadn't been doing it.

This bill today clarifies that. It says: For Pete's sake, the law of the land is the law of the land. You ought to follow the law of the land. The law of the land ought to bring solutions to market as quickly and safely as we possibly can.

Mr. Speaker, we get one bite at this apple. We get one bite at Zika control. We get one bite at making this a public health risk that does not balloon here in the United States of America. This bill gives us an opportunity to put our best foot forward in terms of pest control.

Forty years, Mr. Speaker. For 40 years we have been working as House Members, as Senate Members, as Republicans, as Democrats, trying to look for the next effort to make sure that the chemicals we use in everyday household products are as safe as they can be, as viable as they can be—40 years, Mr. Speaker—and that process culminates here today.

This is a rule that all Members can support, and I would encourage them to do exactly that.

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

Mr. POLIS. I thank the gentleman for yielding me the customary 30 minutes. I yield myself such time as I may consume.

My friend from Georgia mentioned a Web site a couple times. I want to make sure that you are aware, Mr. Speaker, of democrats.rules.house.gov. That is the Web site that tells what is really going on in the Committee on Rules and in the House.

Democrats.rules.house.gov talks about the fact that there are more closed rules in this Congress than any Congress that precedes it. What does that mean? It means that Republicans have chosen to allow fewer amendments and have had more rules that allow more bills with no amendments than in any prior Congress. That is the kind of facts, Mr. Speaker, that we want to bring to your attention on democrats.rules.house.gov, an excellent Web site.

Mr. Speaker, I also want to rise today—this is the last rule that I will have the opportunity to manage in conjunction with our current Democratic staff director, Miles Lackey, who, after 25 years of public service, will be leaving at the end of this week.

As a member of the Committee on Rules, I have deeply enjoyed the opportunity to work with Mr. Lackey these last several years. Really, there are few who know the institution and its rules as well as Miles Lackey, and I personally will miss him.

Mr. Lackey is a graduate of the University of North Carolina at Chapel Hill. He joined the House of Representatives staff back in 1987. In addition to his work in the House, he has been chief of staff to two United States Senators and a senior official in the Clinton White House. He has contributed to many pieces of landmark legislation over the last three decades.

I join my colleagues in wishing him well as he begins his new adventure on the staff at the historic Trinity Church, an Episcopal parish in New York City.

I want to express my profound gratitude, Mr. Speaker, for having had the opportunity to work with somebody of Mr. Lackey's caliber, as I join my colleagues in wishing him well in his future adventures.

Mr. Speaker, I also rise in opposition to the rule and the first of the two underlying bills, the Zika Vector Control Act, H.R. 897. It has changed its name. It is now called the Reducing Regulatory Burdens Act of 2015.

What it should be called, perhaps, is the Pesticide Trojan Horse Act, which would be a more apt name for what this bill actually does, which I will talk about in a minute.

The second bill that is covered under this rule is the TSCA Modernization Act, which is the product of years of negotiations. It certainly has both bipartisan support as well as bipartisan opposition.

It has problems especially regarding State preemption, which I will talk about, as well as several important attributes that have solved issues that have been facing our country with regard to chemical regulation for some time.

Now, first, with the first bill, we have a bill that, apparently, the Republicans thought they could change the name of and then bring to the floor again. They figured, presumably, that with ''Zika'' in the title it would be harder to vote against.

In reality, this bill has very little to do with the Zika epidemic. It is really another attack on the Environmental Protection Agency and the Clean Water Act. It is really just a pesticide industry Trojan horse bill.

I am very disappointed that we are considering a rule on this bill when there is a very real threat of Zika on our shores. There are already many Americans who have encountered Zika abroad, been infected, and have returned to our country. It is only a matter of time, Mr. Speaker, especially with the changing climate, that Zika will be endemic and will be spread in our own country by mosquitoes.

I had the opportunity to visit the Centers for Disease Control facility in Fort Collins, Colorado, in my district. In the CDC facility in Fort Collins, they conduct all of the vector-borne illness research for the CDC. That is the nexus of vector-borne illness.

What does that mean? It means diseases that are spread by ticks and mosquitoes and fleas, everything from Lyme disease to Rocky Mountain spotted fever, in this case, Zika.

The CDC had been tracking Zika for some time. For close to a decade they knew that Zika existed. However, when it spread in South America and the link was recently made to birth defects, it jumped to the top of their agenda.

Unfortunately, they lack the abilities they need and the resources they need to try to find an effective way to eradicate Zika and provide a vaccination against Zika that would then be made globally available.

That is the kind of Zika bill the Democrats would like to bring forward. It is the kind of Zika bill that Americans expect from a public health perspective. It is the kind of Zika bill that will save lives and prevent a public health catastrophe.

I think there is a better way to do business on the floor of the House of Representatives. It wasn't too long ago that our new Speaker was touting dedication to regular order, but here we are again dealing with secretive, smoky backroom deals with very little time given to open, transparent discussion or amendments.

As you can see at democrats.rules.house.gov, there have been a record number of closed bills in this Congress. Last night in the Committee on Rules, we had a partisan vote where the Democrats sought to open up this rule for amendments and the majority unanimously—the Republicans all sided together—shot down any chances for real discussion. Unfortunately, the Republicans are preventing an open discussion of ideas.

They also know the Reducing Regulatory Burdens Act—that is the pesticide bill or the Zika bill, whatever you call it—won't become law, but they are deciding to bring up yet another partisan attack on the Environmental Protection Agency, somehow saying that actions to keep us safe from harmful pesticides is what has anything to do with Zika or public health.

In fact, the EPA is acting to protect public health by regulating toxic pesticides that not only can hurt humans, but can damage our environment.

□ 1245

I am glad to see we are finally having a busy week on the floor of the House. But the fact is one of these bills was already defeated on suspension last week, and we have so much work to do. There are only 24 days of business in the House of Representatives before Congress gets sent home for a summer break. It shows me that we can use our time better. We can pass immigration

reform, we can address our Nation's infrastructure, we can prevent the tax incentives that encourage corporations to offshore jobs, and we can reform our broken tax system.

There is a lot that we could be doing during these limited 24 days besides passing a Trojan horse for the pesticide industry. We have a list of must-do items before July, as well. Congress has to pass an FAA reauthorization. We need to pass comprehensive immigration reform. It won't get any better if Congress doesn't act. We need to address the student debt crisis and make college more affordable.

Mr. Speaker, I—and I believe the American people—would like to see all of these things happen before Congress gets another day or week or 2 months off, as Congress is expected to get in just 24 days.

TSCA reform is long overdue. The law is 40 years old. It has never really been updated, frankly, throughout its history. It has failed at controlling toxic substances, as the title has indicated it was supposed to do.

I am glad to see that a bipartisan, bicameral compromise was struck, which, for the most part, will strengthen the reform in a way that will protect our communities and public health.

There is a broad range of support for the bill, from supporters in the environmental community to labor, to the EPA, to industry groups. However, there are some serious concerns that I think we should take into account, particularly around an issue very near and dear to my heart: State preemption.

For the last 40 years, the EPA has had their hands tied in trying to regulate chemicals, which is why TSCA is considered to be the least effective environmental law out there. This bill will make it more effective and give it some more teeth. But to get any improvement on this law wouldn't take much raising of the bar, as it was the least effective environmental law out there.

The current law requires a cost-benefit analysis by the EPA which is far too high a bar to meet when it comes to protecting our children's safety. When we are talking about chemicals, we need to focus on health. And that is what this bill does. It requires that a minimum safety threshold be met by new chemicals before they are able to enter the marketplace. It makes sense.

It specifically focuses on the health of vulnerable populations like children and pregnant women who are at elevated risk of chemical exposure, which the current law does not.

Most astonishing about the current law is it actually grandfathered in over 60,000 chemicals in 1976. Today they are joined by hundreds of thousands of additional chemicals and many household products and industrial uses. This legislation would require safety reviews for all chemicals currently in use that people are exposed to.

As an example of how ludicrous the current system is, of the 62,000 chemicals on store shelves before 1976, the EPA only has studies on a few hundred. That means there are over 61,000 chemicals currently on store shelves that the EPA has not done any study on their environmental impact or human health impacts.

Even more ridiculous, the EPA's attempted ban on asbestos was struck down in 1991, due to the EPA having such a high standard for unreasonable risk. Yet we know asbestos has killed 107,000 people. It couldn't be banned under the current law, even when the EPA tried. This law will make the burden lower and, consequently, our make communities safer by reviewing far more chemicals.

I should add that the asbestos issue has largely been dealt with by liability and litigation—court cases that have lasted decades. If we could have a regulatory system that prevents unsafe chemicals from being brought to the market and sold, it will also save hundreds of millions of dollars in legal fees and awards that would ensue if the chemicals were brought to market and actually harmed people.

So in addition to preventing the harm, these types of safety regulations can actually save both plaintiffs and defendants, both companies and consumers, significant amounts of resources.

To review these chemicals, the EPA will need funding. This bill collects a fee for new and existing chemicals, which is important to make the program work. The implementation of this new framework will be extremely important for TSCA to work.

There are several other positive aspects of the bill, but the other significant one I want to mention is that it reduces the use of animals for chemical testing, which is why I am proud to say the Humane Society has endorsed the bill.

Unfortunately, however, it is not all good news. There are some negative aspects to the bill that I was hoping we would have the opportunity to address through amendment, but due to this very closed process, we have not.

There are problems with provisions limiting the States' ability to act in an aggressive and proactive manner. There are many States around the country that have or are working to enact strong provisions to protect their residents from exposure to dangerous chemicals.

So, again, in the absence of a meaningful Federal system, many States have taken it upon themselves to protect their citizens from harmful chemicals.

The argument here is, now that the Federal Government does it, we can have some kind of preemption. I personally would like to see the ability of State governments to go above and beyond the Federal regulations without being cumbered by this issue of preemption. Now, it is a nuanced preemption. I am going to talk a little about it.

There have been some improvements to the State preemption language over the last few weeks and compromises written. As drafted, States will not have has much flexibility to protect their residents from unsafe chemicals as they do today. And that is absolutely true, and it is very unfortunate.

This so-called preemption pause period means that States seeking to protect the public from unsafe chemicals may have to wait up to 3 years for the EPA to finish its review. There are also concerns with the ability of the EPA to regulate imported products.

So I believe there was an opportunity to do even more to protect the health of American people and our environment under this bill.

With regard to State preemption standards, the bill can actually take us backward by preventing thoughtful health and safety standards at the State level. But in other ways, by empowering the Federal Government and finally putting teeth in TSCA, it is a good step forward.

So I urge Members to balance the important new authority the EPA is receiving with the negative parts of the bill around State law preemption. I know this bill will have both bipartisan support and opposition.

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

Mr. WOODALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I sometimes wonder why folks have such a negative opinion of Congress. And then sometimes I listen to my colleagues speak and I understand why folks back home have a negative opinion of Congress—because the folks who serve in this institution seem to have a negative opinion of Congress.

I would say to my friend from Colorado, I am not thrilled about everything in TSCA reform either. Generally speaking, when it takes 40 years to get something done; generally speaking, when Democrats ran the entire show and they failed to get it done, and when Republicans ran the entire show, they failed to get it done; generally speaking, those are really hard things to get done.

It takes serious, serious people working serious, serious hours, struggling with serious, serious issues to come to a conclusion. And candidly, Mr. Speaker, if I loved everything in this bill, I would wonder why we didn't get it done sooner. The easy things have already been done. All that is left for us are the hard things. Candidly, we have a good team on the field to do those hard things.

Mr. Speaker, I hope when we get into the debate on the underlying bill, you are not just going to hear from the Republican chairman of the committee about the good work here, but you are going to hear from the Democratic ranking member about the good work done here.

I am hoping you are not just going to hear from the Republican subcommittee chairman about the good work here, but that you are going to hear from the Democratic ranking member on the subcommittee about the good work here because that is how this bill came before us.

Mr. Speaker, there has been a discussion of partisanship. I hold in my hand a report from the Congressional Research Service. That is the nonpartisan, academic research arm of the United States Congress. The title of this report is ''Congressional Efforts to Amend Title I of the Toxic Substances Control Act,'' the House-and Senate-negotiated bill.

I agree with my friend from Colorado. If he and I were to sit down here and be able to write the bills ourselves—not just this one, but all of the bills ourselves—we would come up with some really great solutions; oftentimes, different solutions from the ones that are presented on the floor.

But the reason no amendments are allowed to this bill is because we have been working on it for 40 years because we couldn't agree. We already passed a bill in the House. They already passed a bill in the Senate. They were different bills. We had to come together and agree on the same language.

Now, to all of my friends who would like to offer their great ideas here at the eleventh hour, I would just tell you there were times before the eleventh hour that those ideas could have been offered, there were opportunities before the eleventh hour to come together. This is the final language. We don't want amendments to the final language.

I believe in an open process. I believe in an amendment process. I am proud that this is a closed rule on this topic because the amendments and the process have gone on in the past. This is the final product here today. That is TSCA, Mr. Speaker.

Now, the Zika Vector Control Act. My friend from Colorado, again, describes smoke-filled backroom deals when he describes this bill.

Again, why do folks have such a negative opinion about what we do?

One man's smoke-filled backroom deal is another man's 30 years of common practice. That is right. This is the bill that codifies what the EPA has been doing for 30 years. This codifies what the EPA, under Democratic administrations and Republican administrations, has already been doing.

They got sued, Mr. Speaker. Folks sued them and said: Hey, we don't think you are doing it right. We don't think that is what the rules allow.

So what did the EPA do?

The EPA came out with a rulemaking process and said: Just to make it clear, this is the way we think we can best protect the public health.

They got sued again. And the court said: No, EPA, you can't make those decisions. Yes, you have been doing it for 30 years, but no, you can't make those decisions. Congress needs to make that decision.

So what did Congress do?

We made that decision, and that bill is before us here today.

It is not a smoke-filled backroom deal, Mr. Speaker. It is light-of-day, common sense, common practice, trying to align the laws of the land with the expectations of our constituencies back home.

Absolutely, Mr. Speaker, every day of the week we could show up in this institution and we could run out somebody about something that is not going the way it is supposed to go. But together, we are succeeding today where previous Republicans and previous Democrats have failed. Together, we are succeeding today where previous Congresses found it too hard. Together, we are about the business that our constituents sent us here to do.

This is not a day to denigrate the institution, Mr. Speaker. This is a day to celebrate those things that we are able to do when we come together in the best traditions of the United States House.

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

Mr. POLIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Georgia's remarks have very little to do with anybody who is denigrating the institution. I think he profoundly misunderstands the reason that the American people think that Congress isn't doing its job.

Let's talk about what Congress is doing. Today it is great. We are working. We are debating. We will probably be here until midnight.

Well, guess what?

After 3 more days of work, on Thursday, Congress will actually go on an 11-day vacation. It is working until Thursday, and then an 11-day vacation. We then come back in June, and I think Congress works for 12 days. Of course, in July, I think Congress works an amazing 8 or 9 days out of the entire month. August, zero days.

So what the American people expect is for us to be here hammering away at these issues 5 days a week, 6 days a week, and, if necessary, 7 days a week. That is the kind of work ethic that I brought to the companies that I worked for. When I was starting companies, I was working hard. Whether it was 5 days a week or 6 days a week, we worked as long as we needed to to get the job done. And that is the opposite of the work ethic of this Congress, because there are enormous tasks that this Congress is not doing.

This Congress hasn't worked at all towards balancing the budget. There are deficits of close to half a trillion dollars, thanks to the Republican tax-and-spend Congress. This Congress hasn't done a thing to fix our broken immigration system. Not a thing. It hasn't passed a single immigration bill in the entire Congress.

Let's stay here rather than go on vacation for 11 days. Let's make college more affordable for American families. Let's reduce the deficit. Let's fix our broken immigration system and secure our borders.

Those are the kinds of things I would be proud of as a Member of a Congress. I would be proud to be here 5 days a week working hard on those issues. I would be proud to compromise and work with my colleagues on both sides of the aisle to create a work product that the American people would be confident with and, of course, would increase the confidence of the American people in this institution and both the Republicans and Democrats who have the honor to serve in it.

Mr. Speaker, I yield 2½ minutes to the gentleman from Texas (Mr. GENE GREEN).

□ 1300

Mr. GENE GREEN of Texas. Mr. Speaker, I thank my Colorado colleague on the Rules Committee for allowing me to speak.

I rise to oppose this rule but in support of the amendment to H.R. 2576, the TSCA Modernization Act.

This bipartisan, bicameral legislation will reform our Nation's broken chemical safety law for the first time since 1976 and directly addresses the Toxic Substance Chemical Act's fundamental flaws.

Congress has worked on reforming TSCA for over a decade, and, as a member of the Energy and Commerce Committee, I have personally been working on fixing the statute since 2008.

Though not perfect, the proposal before the House today is, in the words of President Obama's administration, ''a clear improvement over current TSCA and represents a historic advancement for chemical safety and environmental law.''

The most notable improvements in the bill are replacing the current TSCA's burdensome safety standard with a pure, health-based standard—that makes sense—explicitly requiring the protection of vulnerable populations like children, pregnant women, and workers at chemical facilities like the district I represent; requiring a safety finding before new chemicals are allowed to go onto the market; giving EPA new authority to order testing and ensure chemicals are safe, with a focus on the most risky chemicals.

This legislation responds to the concerns of industry to provide regulatory certainty for the job creators throughout our economy.

This legislation is a win for our congressional district in Eastside Houston and Harris County, home to one of the largest collection of chemical facilities in our country.

The reforms contained in this proposal have protections for the workers at our chemical plants, the fence line communities next to these plants, and benefit chemical manufacturers who will have certainty in a true, nationwide market.

I urge my colleagues on both sides of the aisle to join me in supporting this

amendment and help pass the first major environmental legislation in a quarter of a century.

Mr. WOODALL. Mr. Speaker, I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I want to talk a little bit about the worst of these two bills that we are considering under this rule, a bill that has very little or even perhaps no Democratic support, a bill that nearly 150 health, environmental, and fishing groups have made their opposition to. That is the Reducing Regulatory Burdens Act.

It came up last week and failed. They had rebranded it last week as the Zika Vector Control Act. Now they are removing the pretense that somehow this deals with Zika and are just renaming it the Reducing Regulatory Burdens Act. This is the insecticide Trojan horse bill.

This is really a changing game where it is the same bill week after week. It failed last week, and they are bringing it back under a different procedure this week.

Last week, apparently, they tried to use the threat that the Zika virus has posed to attack a very important law that actually protects our health and the health of our environment.

Now, of course, vector control, mosquito control, tick control, et cetera, is a very important part of managing any health crisis. But this bill really isn't about that. It is a thinly veiled ploy to undermine the Clean Water Act.

Certain pesticides are considered by the EPA to be pollutants because they are. They kill fish. They kill birds. They hurt people.

This bill would eliminate the regulatory step of requiring a permit to use these dangerous pesticides near water, effectively undercutting our primary means of protecting our water system.

Once again, if you want to use a pesticide that is considered by the EPA to be a pollutant near a water source—a river or a lake—you have to apply for a special permit. As part of that procedure, you talk about what precautions are made to make sure that it doesn't contaminate the water supply.

Under this bill, were it to become law, you would no longer have to receive a permit and it endangers the water supply.

Coming from the great State of Colorado, we always like to say that water is for fighting over. We value our precious water resources for agriculture, for our residents, and for our environment.

Anything that risks contaminating it is absolutely detrimental to our interests as a State. That is why so many sportsmen and fishermen have also come out against this bill. Zika is the enemy, not the Environmental Protection Agency. We have our priorities all mixed up.

The Centers for Disease Control is not asking for this bill. The entity charged with battling Zika is not. This is just a backdoor attack on the EPA. Public health experts are not asking for this bill.

This bill removes the EPA's ability to regulate pesticide application that is intended to protect water supply when pesticides can, in fact, be one of the worst threats to a community's water, especially for vulnerable mothers and newborns.

Instead of wasting our time with red herrings like this bill, we should be talking about how we can support the world-class research and doctors we have and need to tackle the threat that Zika poses.

So far, Zika has been found in 30 countries throughout the Western Hemisphere. As we head into the summer months, the number of Zika cases will only increase.

Evidence has indicated Zika is linked to microcephaly, which causes a baby's head to develop smaller than normal, which is going to have devastating implications for potentially an entire generation in countries that have been hit hardest by Zika. And, of course, we fear when it reaches our shores.

There are already cases in the U.S. The CDC is monitoring almost 300 pregnant women for cases of microcephaly. We need to prepare for the eventuality that, unless we act, which this bill does not do, there will be more people infected with Zika.

We need to work quickly and aggressively to mitigate the lasting effect. The President has a proposal to do that. The President has requested $1.9 billion to address Zika.

I am offering an amendment to bring up legislation that would provide this funding if we defeat the previous question.

Mr. Speaker, if we defeat the previous question, I will offer an amendment to the rule to bring up legislation that fully funds the administration's effort to mount a robust response to the growing Zika crisis instead of just paying lip service to this public health epidemic through cleverly named bills that keep changing their names and very short-term funding commitments.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD along with extraneous material immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. Mr. Speaker, I hope that we defeat the previous question. That will allow the President's proposal to actually defeat Zika to come forward for a vote.

This month I had the opportunity to visit the Division of Vector-Borne Diseases at the Centers for Disease Control in Fort Collins. Now, the Division of Vector-Borne Diseases is an HHS-funded laboratory that studies vector-borne diseases, including Zika.

They are an important part of the fight against Zika. We should be supporting their efforts, not wasting precious floor time on a bill that literally endangers our waters, our environment, and our health. Adequate preparation for and, ultimately, a vaccination for Zika will save lives.

The House needs to act. We need to defeat this previous question. That is why we should be voting on comprehensive Zika legislation, not legislation that is a Trojan horse for the insecticide industry that undermines clean water and the health of our children.

Whether it is the impact on the water ecosystem or the fact that water treatment plants spend millions of dollars to clean up surface water from pesticides, Congress has an obligation to fight to keep our waters clean so that pregnant women, children, and all Americans can be healthy.

That is why we need to vote this bill down. That is why we need to defeat the previous question, to actually bring up a real Zika bill to address this public health crisis before more families are affected.

Mr. Speaker, I urge my colleagues to vote ''no'' and defeat the previous question and vote ''no'' on the rule.

I yield back the balance of my time.

Mr. WOODALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I go through all of the things the gentleman from Colorado got wrong, I want to talk about what he got absolutely right, which is that this institution is going to miss Miles Lackey when he leaves at the end of this week.

We are going to have more time to talk about Miles' contribution here. But folks like Mr. Lackey we don't need here on the easy days. We need them here on the hard days. We don't need them here to get the little things done. We need them here to get the mammoth things done.

We have a lot of mammoth things left on the calendar, and it is going to be harder to make those happen in your absence, Mr. Lackey. It has been a great, great joy serving with you these 5½ years, and I appreciate your commitment to this institution.

We are what we are here, Mr. Speaker, because of the commitment of individual Members, individual staffers, individual constituents back home, who will not allow us to fail. The two bills that we have before us today are examples of exactly that.

It is hard to cut through the rhetoric sometimes, Mr. Speaker. If we went up to the gallery right now, Mr. Speaker, and polled folks about whether or not this Zika Vector Control Act had failed on the floor of the House, whether we had brought this to the floor and it had failed, I suspect everybody up there would say: Absolutely it failed. I have been hearing about it all morning.

The truth is, Mr. Speaker, because it is Washington, D.C., and sometimes the rules don't work here like they do elsewhere, the definition of failure in this House means that it got 262 votes

''yes'' and 159 votes ''no.'' Let's make that clear.

The bill that we are voting on today that is, apparently, the controversial of the two, is the one that last week when we voted on it got 262 bipartisan ''yes'' votes and 159 solely partisan ''no'' votes.

Now, why is that true, Mr. Speaker? Why can a bill get 262 votes, a clear majority of this institution, and not pass? Well, because it was on the suspension calendar, that calendar used for completely noncontroversial bills to try to move things to conclusion faster.

Why is this a completely noncontroversial bill, Mr. Speaker? Because this has been the practice of the land for three decades, because this has been the EPA's intention for three decades, because this has been the EPA's goal through its rulemaking process.

But courts being what courts are, EPA couldn't get the finality on what it wanted to do by itself, so it needs Congress' approval.

I am in favor of that, Mr. Speaker. I celebrate that. Thank goodness we finally found an Agency downtown in this one very isolated circumstance that doesn't think it can just do whatever it wants to do without Congress' approval.

I am glad we have come together today to give it that approval—262 ''yes'' votes, bipartisan; 159 ''no'' votes, partisan—to codify what has been the practice of the land in the name of safety, in the name of clean water, in the name of trying to do the very best we can for our constituents back home.

I am proud that this bill is a part of this rule today, and I hope the House will move it quickly forward.

The second bill that we are talking about, Mr. Speaker, is the TSCA bill, the Toxic Substances Control Act. TSCA is what folks call it in the industry.

Not a single amendment is being allowed today, Mr. Speaker. Why? Because we have already done the amending, because we have already done the negotiating, because we have already done the heavy lifting that was required to do what no Congress and no White House has been able to do since 1976, the heavy lifting that was started 10 years ago and folks could not get it across the finish line.

We have a group of men and women here today, Mr. Speaker, of House Members and Senate Members today, of Republicans and Democrats today, who wouldn't take ''no'' for an answer.

It is outrageous that we would regulate chemical safety in 2016 in the exact same way we contemplated it in 1976. It is outrageous, but it is hard. It is hard to bring people together.

It is easy to tear people apart, Mr. Speaker. I can come down here. I can lay down the fire and brimstone. We can tear folks apart. That is easy.

We have all been on those home improvement projects, Mr. Speaker. It is tearing out the drywall that is fun. Putting it back up is hard.

Today we are in the construction business. We are in the building business. We are in the bringing people together and making possible what folks thought was impossible.

My friend from Colorado is right, Mr. Speaker. Every day is not the same here in the U.S. House of Representatives. Some days are better than others. This is a good day.

This is a good day not because there is something special about this particular day of the week, Mr. Speaker, but because it is the culmination of days, weeks, months, and years of folks fighting hard for what they believed in, folks fighting hard for what their constituents sent them here to do, folks fighting hard for what they thought was right and finding a way to come together and making a difference for the American people.

□ 1315

Mr. Speaker, I hold here in my hand a Statement of Administration Policy, the President urging Congress to move this bicameral, bipartisan compromise to his desk for his signature.

This isn't a day about show; this isn't a day about politics; this isn't a day about a November election. This is a day about making a difference for the folks who sent us here. With the passage of this rule and the passage of this bill, we will do together what others found too hard to accomplish.

I am proud of that, Mr. Speaker.

Mr. SESSIONS. Mr. Speaker, H. Res. 742, the special order of business governing consideration of H.R. 897, the Reducing Regulatory Burdens Act of 2015, included a prophylactic waiver of points of order against its consideration, and it was described as such in House Report 114–590. The waiver of all points of order now includes a waiver of clause 9 of rule XXI which requires the chair of each committee of initial referral to disclose a list of congressional earmarks, limited tax benefits, or limited tariff benefits to be printed in the CONGRESSIONAL RECORD prior to its consideration. However, it is important to note that one of the two committees of initial referral submitted the required statement and the second committee is expected to submit the required statement prior to the bill's consideration.

The material previously referred to by Mr. POLIS is as follows:

AN AMENDMENT TO H. RES. 742 OFFERED BY MR. POLIS OF COLORADO

At the end of the resolution, add the following new sections:

SEC. 3. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5044) making supplemental appropriations for fiscal year 2016 to respond to Zika virus. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided among and controlled by the chair and ranking minority member of the Committee on Appropriations and the chair and ranking minority member of the Committee on the Budget. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 4. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 5044.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308–311), describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

The Republican majority may say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: ''Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee

on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: ''Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. WOODALL. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. HARDY). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. POLIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 24, 2016.

Hon. PAUL D. RYAN,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 24, 2016 at 9:13 a.m.:

That the Senate passed S. 2613.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

PROVIDING FOR CONSIDERATION OF H.R. 5055, ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

Mr. NEWHOUSE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 743 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 743

Resolved, That (a) at any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5055) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2017, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived.

(b) During consideration of the bill for amendment—

(1) each amendment, other than amendments provided for in paragraph (2), shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent;

(2) no pro forma amendment shall be in order except 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; and

(3) the chair of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read.

(c) When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. Section 508 of H.R. 5055 shall be considered to be a spending reduction account for purposes of section 3(d) of House Resolution 5.

SEC. 3. During consideration of H.R. 5055 pursuant to this resolution, section 3304 of Senate Concurrent Resolution 11 shall not apply.

The SPEAKER pro tempore. The gentleman from Washington is recognized for 1 hour.

Mr. NEWHOUSE. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), a good friend of mine from the Rules Committee, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. NEWHOUSE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. NEWHOUSE. Mr. Speaker, on Monday, the Rules Committee met and reported a rule, House Resolution 743, providing for consideration of an important piece of legislation, H.R. 5055, the fiscal year 2017 Energy and Water Development Appropriations bill. The rule provides for the consideration of H.R. 5055 under a modified open rule, allowing for consideration of all amendments that are germane to the bill and conform to House rules.

Mr. Speaker, the fiscal year 2017 Energy and Water Development bill appropriates annual funding for national defense nuclear weapons activities, the Army Corps of Engineers, various programs under DOE, and other related agencies.

Over the past few years, we have seen increasing threats to our national security, historic droughts in many regions of the United States, the importance of water, and the need for greater energy security and independence. This legislation addresses all of these issues, as well as many others, and invests in efforts to promote a more secure and prosperous future for our Nation.

With ever-changing global security threats from Russia and Iran to terrorist groups like ISIL and al Qaeda, national security continues—as well it should—to be a top concern for many Americans. Now it is more vital than ever that the U.S. maintain our nuclear security preparedness, and this legislation takes important steps to ensure our nuclear weapons stockpile is modern, secure, stable, and available. It provides a total of $12.9 billion for DOE's nuclear weapons security programs. That is a $327 million increase above the 2016 level. And this funding will uphold the Nation's nuclear deterrence posture, maintain the safety and the readiness of our weapons stockpile, and allow the U.S. to meet any nuclear threat.

Mr. Speaker, H.R. 5055 also addresses the need for reliable water resources. As we have seen from the severe droughts that have impacted many Western States, accessibility to safe and adequate water resources is critical to our local communities. In my home State of Washington, we have seen historic droughts over the past few years, with serious water supply shortages that have impacted the agriculture, energy, and manufacturing sectors as well as many families and small businesses that rely on an adequate and stable supply of water.

Additionally, Washington and much of the Western United States have experienced catastrophic wildfire seasons over the last 2 years, with Washington enduring back-to-back years of record-setting fires which have been fueled by a lack of rainfall and extremely arid conditions. This legislation contains funds for the Department of the Interior and the Bureau of Reclamation to help manage, develop, and protect the water resources of Western States. Further, the measure includes several new provisions to help Western communities by providing relief from the onerous and excessive Federal regulations that have exacerbated this situation.

Energy independence is paramount to the future of our country, and the fiscal year 2017 Energy and Water Development bill invests in an all-of-the-above energy strategy in order to promote a more secure and prosperous future for our Nation. Under the legislation, funding is allocated for DOE energy programs, and the bill prioritizes

and increases funding for the programs that encourage U.S. economic competitiveness and help advance the goal of greater domestic energy production and security.

This bill provides funds for research and development to advance coal, natural gas, oil, and other fossil energy technologies which will help the U.S. make better use of our rich national energy resources and help keep energy costs low. Additionally, nuclear energy research, development, and demonstration activities are increased.

Mr. Speaker, while this bill includes funding for many activities that are critical to our country's future, it also appropriates funds to address an important issue from our past, and that is the cleanup of our country's defense nuclear sites that supported our previous nuclear weapons production. These sites played a critical part in our country's ability to win World War II as well as the cold war by producing the basic and complex materials used in the fabrication of nuclear weapons.

It just happens that the largest of these sites is the Hanford Nuclear Reservation, which is located in my central Washington State district. It produced plutonium for nuclear weapons development both during and after World War II. There are many similar sites across the country where the Federal Government has a moral and a legal obligation to clean up the remaining contaminated facilities and hazardous nuclear waste.

A key component of our defense environmental cleanup efforts is the availability of a viable nuclear repository where this waste can be stored. As you know, Mr. Speaker, Yucca Mountain is the country's only legal and permanent nuclear repository, though for years there have been efforts to kill the use of this site, efforts that would hinder defense nuclear cleanup for decades and would waste the Federal Government's $15 billion investment in this repository. This legislation continues congressional efforts to support Yucca Mountain by providing funding for the nuclear waste disposal program and funds for the Nuclear Regulatory Commission to continue the adjudication of DOE's Yucca Mountain license application. Additionally, the bill denies the administration's funding proposals for non-Yucca nuclear waste activities.

Another component of this measure is strong support for our national laboratories, such as the Pacific Northwest National Laboratory located in Washington's Fourth Congressional District. These labs perform critical research on cybersecurity, develop high-performance computing systems, and advance the next generation of energy sources which lay the groundwork for a more secure energy future, helping to reduce the Nation's dependence on foreign energy and ensuring continued economic growth.

Finally, H.R. 5055 includes many conservative policy priorities that are critical to combating the administration's efforts to undermine economic growth through excessive and burdensome regulations. The bill effectively prohibits the EPA and the Corps from implementing the waters of the United States rule and any changes to Federal jurisdiction under the Clean Water Act. It also restricts the application of the Clean Water Act in certain agricultural areas. There is also language prohibiting the administration from changing the definition of ''fill material'' and ''discharge fill material.'' From the beginning, the WOTUS rule has been an unprecedented Federal power grab that expands Federal regulation over ponds, over streams, and over irrigation ditches in the middle of cropland, giving the EPA unprecedented say over what farmers can or cannot do with their land. This bill takes the important step of prohibiting funding for the implementation of this deeply misguided rule which would have devastating economic consequences for farmers, for ranchers, for small businesses, and for communities across our country.

Additionally, the legislation protects Americans' constitutional Second Amendment rights by including language that allows law-abiding Americans to possess firearms on Army Corps of Engineers public lands. In places in my district, these public lands are used heavily by the community.

The bill includes language that I offered along with Congressman GOSAR of Arizona to prevent the removal of any Federal dams, protecting the critical flood control and the hydropower benefits provided by these facilities. Hydropower is a key resource throughout the West, and we must prevent misguided attempts to shut down these dams.

Finally, it continues a restriction from fiscal year 2016 to prevent any funds from being used to start or enter into any new nuclear nonproliferation contracts or agreements with Russia.

Mr. Speaker, this is a good rule that provides for the consideration of H.R. 5055, the fiscal year 2017 Energy and Water Development Appropriations Act.

□ 1330

This is a responsible measure that supports the U.S. national security, safety, and economic competitiveness; advances an all-of-the-above energy strategy; and makes strategic investments in infrastructure and water resources projects—balancing these critical priorities while still maintaining tight budget caps. These efforts will help promote a more secure and prosperous future for our Nation, which is why I urge all of my colleagues to support the rule and support the underlying bill.

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

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

I thank my colleague from Washington for yielding me the time.

Mr. Speaker, every year, the House comes together to allocate funds for programs across the country. From keeping our waters clean to managing our nuclear arsenal, they all need funding.

Under H.R. 5055, the Energy and Water Development and Related Agencies Appropriations Act, some programs see shortfalls and others windfalls. Balancing these competing priorities is a herculean effort, and I want to commend Chairman SIMPSON and Ranking Member KAPTUR because they have worked so much in tandem to help bring good bills to the floor.

First, the bill provides robust funding for the Army Corps of Engineers, and includes strong funding for the Harbor Maintenance Trust Fund, which keeps our Nation's ports and harbors dredged, maintained, and operational. As the cochair of the Great Lakes Task Force, I know the Harbor Maintenance Trust Fund is an essential component to keeping local economies on the shores of the Great Lakes thriving. We owe a great deal to the Great Lakes. We are, along with Canada, the protectors of 20 percent of the fresh water on the planet, providing drinking water for both Canadians and United States citizens. We owe it to the great thing that we have inherited there, called the Great Lakes, to protect them.

Also included in the bill is increased funding for much-needed nuclear cleanup. The bill provides funding to clear contamination from past nuclear weapons research and production activities, creating usable land and adding to the safety and well-being of our communities.

However, I do remain concerned about the funding levels for our Nation's scientific research. We should be meeting the President's requests, and even adding to them for research funding. The agencies that are covered by this bill are not adequate to really meet the needs of our Nation's scientific research and help us to make up for lost ground and reclaim our global leadership, not pulling on the reins.

One of those programs funded is in my hometown of Rochester, New York. We are a photonics hub, Mr. Speaker—one of the best in the world—and we have recently been named an innovative manufacturing facility in Rochester. Let me tell you what kind of excellent research that we are doing up there and what great things we are already capable of doing.

About 12 engineers, who had previously worked at Eastman Kodak on 35-year-old repurposed Kodak equipment, made the components of the night vision goggles that took down Osama bin Laden. That same small company with 250 employees also made the laser beams that the Navy SEALs used to take down the Somali pirates holding Captain Phillips. That was on 35-year-old equipment. Imagine what they could do if we were able to help them get new machines. Rochester is also famous with Eastman Kodak because the Norden bombsight was made

there, which was a great contributor into the winning of World War II.

It is awfully important that we recognize what has happened there now and make sure that we can keep it going. In many cases it is falling apart, and we need much more help for it.

I am grateful for the money for the laser lab because it not only is moving research along, but it is responsible for checking on the supplies that we have of nuclear weapons to make sure that they are in good condition without having to do live testing.

There are bright spots in the bill, but there are some harmful policy riders that stand in the way of strong investments.

These policy riders include one that would prevent the Army Corps of Engineers from clarifying which waters are protected by the Clean Water Act by locking in a widely acknowledged state of confusion about the scope of the law's pollution control programs. While it sounds nice to let everybody just do all of the runoffs that they want into the Great Lakes, the algae pollution problem caused by runoff of pesticide control and other things that are in the water have caused us a great deal of pain up there. That is not a very good idea either in stewardship or for our future. But the runoff of pesticides and other things that they do certainly needs more attention than we are getting. I think in this bill we are going in the wrong direction on that.

Another rider would prevent the Corps from using funds to regulate industry waste, locking in loopholes for polluters, and leaving many of the waterways vulnerable to harmful pollution. We know better than that, too. We know that it is not smart. Remember, many of those are the water that we drink.

Also, I know that my colleague mentioned the one that he liked, the highly partisan and controversial rider that would allow guns to be carried on all Corps of Engineers land. Given the number of Americans killing each other on a daily basis with guns—and one week about 2 weeks ago, four toddlers, who got ahold of guns that were unsecured, killing themselves—more guns on more lands is not my idea of the way that we should be looking at it. I am very much concerned that we don't want to live in a country—that I think we are becoming—where people can leave home to go to work, or to the theater, or to school, and you don't have the assurance, as we all grew up with, that you are going to be safely coming back home. Guns are a descendant of pioneers. The idea of having everybody have a gun—there are 330 million Americans and 320 million guns—that seems to me to be a pretty one-sided equation.

I reserve the balance of my time.

Mr. NEWHOUSE. Mr. Speaker, I just wanted to agree with the gentlewoman from New York. I certainly, too, appreciate the bipartisan effort that was put into this bill on the part of both Chairman SIMPSON as well as Ranking Member KAPTUR. They did an excellent job, which is illustrated in both the committee and the subcommittee. This legislation passed on a voice vote. That is a demonstration of great bipartisan support, and certainly speaks well to this committee doing excellent work together.

Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. CARTER).

Mr. CARTER of Georgia. Mr. Speaker, I would like to thank Congressman NEWHOUSE and the Rules Committee, as well as Chairman SIMPSON and the Energy and Water Development and Related Agencies Appropriations Subcommittee, for their leadership and progress made on this year's Energy and Water Development and Related Agencies Appropriations bill.

H.R. 5055, the Energy and Water Development and Related Agencies Appropriations Act, is a step forward in updating our Nation's waterborne infrastructure and energy needs.

The First District of Georgia is home to a unique set of resources, with two large ports, various wetlands and islands, and the State's entire coastline. Whether it is the Savannah Harbor Expansion Program, the growth of the Port of Brunswick, or the unique characteristics involved with wetlands permitting, the Energy and Water Appropriations bill has a significant impact on the citizens of the First Congressional District of Georgia.

The Port of Savannah is the second busiest East Coast port, and is rapidly expanding, growing at a substantial rate year after year. The Port of Brunswick is the third busiest roll-on/roll-off cargo port in the country. These ports are the economic engines of Georgia and for the Southeast, reaching as far as the Midwest in cargo imported and exported out of their facilities.

H.R. 5055 is vital to ensuring that projects like the Savannah Harbor Expansion Project continue on time so our Nation's economy continues to grow.

I would like to thank the gentleman, the Rules Committee, and the Energy and Water Development and Related Agencies Subcommittee for their continued devotion to this cause.

I urge my colleagues to support the bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Nevada (Ms. TITUS).

Ms. TITUS. Mr. Speaker, I am here to discuss provisions in the underlying bill that relate to the State of Nevada—provisions that are identical to language in last year's bill to try and restart the failed Yucca Mountain nuclear waste dump just outside my Congressional District.

First, with all due respect, let me correct my friend across the aisle. Yucca Mountain is not a defense repository. It is a commercial nuclear power plant repository. Let's be clear about that.

Second, a recent Supplemental Environmental Impact Statement by the NRC confirmed what we in Nevada have known for decades: Yucca Mountain is not a secure repository that would seal dangerous waste safely for a million years. It is, instead, a proposal based on bad science and faulty assumptions.

Specifically, the NRC confirmed that the site is not secure, that it will leak, and that radiation will travel for miles through underground water sources to farming communities in the Amargosa Valley on its way to Death Valley National Park.

But before the radioactive material can leak out of the ground, it first has to be shipped, using untested procedures by truck and by rail through nearly every State and every Congressional District in the lower 48. These shipments will occur for decades, passing homes and schools, parks and hospitals, churches and farms. They will pass through the heart of my Congressional District, along the famed Las Vegas strip where 42 million people come every year to work and play.

We need to stop the Yucca Mountain boondoggle once and for all, and turn, instead, to recommendations from the Blue Ribbon Commission on Nuclear Waste, including my legislation, the Nuclear Waste Informed Consent Act.

Congress must either accept this reality and work towards actual solutions, or we can continue this charade every appropriations season, whereby language to fund Yucca shows up in bills so politicians can continue to collect checks from the nuclear energy industry.

Mr. NEWHOUSE. Mr. Speaker, I yield myself such time as I may consume.

I do want to thank the gentlewoman from New York for her comments as they relate to the moral and legal obligation of the Federal Government to continue the nuclear waste cleanup that we have all over this country.

And then the gentlewoman from Nevada certainly has voiced some concerns that we have heard before that are important to the people in the State of Nevada.

Let me just remind everyone that we are under a modified open rule. If there are changes to this bill, every Member in this body has an opportunity to provide amendments to this bill. Under a modified open rule, everything is on the table. If that is something that she can get the support of the majority of the people on this floor, then that is certainly something that she can take out of this bill.

But I have another opinion, another viewpoint. I have been to Yucca Mountain. I don't know that there is a perfect place in the universe to store nuclear waste, but Yucca Mountain, to me, seems to be about as close to perfect as you can find. In that mountain, we have 1,000 feet of rock above where the waste would be stored, and you have 1,000 feet of rock below where that storage situation would be. And I

should remind the body that Yucca Mountain is the country's only legal and permanent nuclear repository. It is for both commercial as well as defense waste, and it is a critical component of our efforts to clean up the defense nuclear waste created during and after World War II.

While I appreciate the gentlewoman's differing opinion, she does have the opportunity to offer amendments, and I would encourage her to do that.

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

Ms. SLAUGHTER. Mr. Speaker, if we defeat the previous question, I will offer an amendment to the rule to bring up comprehensive legislation that provides the resources needed to help the families in the city of Flint, Michigan, recover from the water crisis.

The Families of Flint Act, authored by Mr. KILDEE, would provide for long-term investments in infrastructure and care for children affected by the crisis.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. KILDEE) to discuss our proposal.

Mr. KILDEE. Mr. Speaker, I thank my friend for offering this amendment and for yielding to me.

I urge my colleagues to vote ''no'' on the previous question so we can immediately bring up H.R. 4479, which, as described, is the Families of Flint Act.

We all know this story. Many Members have heard me talk about it here on the floor of the House before. But in short, the city of Flint had been a struggling community already because of the loss of jobs.

□ 1345

Then the State of Michigan just a few years ago cut one of the three essential elements to keep that city running—State revenue sharing—which threw the city into a financial crisis. The State's response: appoint a financial manager, an emergency manager, to take over the city government, to suspend democracy, and, essentially, to act in dictatorial form.

One of the decisions that that emergency manager made was to move the city from using Great Lakes water as its primary drinking water source to using the Flint River—a highly corrosive river—just to save money, and they did save money. The corrosion from that water, untreated, caused lead to leach into the pipes in Flint and into the homes of 100,000 people.

There are consequences to that decision. The lives of children—the lives of people in Flint—are permanently affected by that. There are 9,000 children under the age of 6 who could potentially bear scars of this poisoning for the rest of their lives and have their development affected.

Lead is a neurotoxin. It affects brain development, and its impact is permanent. But, with help, people can overcome the effects of this kind of lead exposure.

The failure by the Michigan Department of Environmental Quality and the terrible mistakes made by the emergency manager cannot be undone. The effect can't be changed.

What we can do is make it right for the people of Flint. We can prevent another exposure. The Kildee-Upton bill, which I worked on with my friend from across the aisle, Mr. UPTON, would do that.

Just preventing the next Flint isn't enough. We have to make it right for the people of Flint and provide them justice.

The Families of Flint Act would do that. It would provide immediate relief in making sure that they have clean drinking water. It would provide support to get rid of those lead service lines and improve the water distribution system so that this does not happen again.

Importantly, the Families of Flint Act would also provide ongoing support for those families in Flint and give them the kind of health care they need to overcome the effect of lead exposure in the monitoring of their health.

Especially, it would provide for kids, who should have every opportunity to overcome the effect of lead exposure, by basically providing to those 9,000 children the same thing that any of us would do for our own children if they had a developmental hurdle to overcome—providing the kind of behavioral support and the kind of enrichment opportunities that many of these kids, because they are born into poverty in Flint, don't have access to. This would provide that for them to make sure that they have a chance to overcome this terrible crisis.

Justice for the people of Flint will come in many forms. Some people have resigned. Some have been fired. Some have been criminally charged. None of that does any good for the people of my hometown unless we also do what we can to restore to them the opportunity that the kids in Flint and that the families in Flint—like any other American—expect to have for their kids.

Justice comes in lots of forms. Our job in Congress is to make sure we seek justice for the people in our country. When one community, one group of folks, is struggling, facing a disaster, facing the biggest challenge that the community has ever faced, it is our duty, our job, our responsibility, to come together to help them.

The Families of Flint Act would do that by providing Federal help that would be required to have State support equal to what the Federal Government provides. Basically, rather than litigating who is at fault, we would fix the problem and realize that the people who live in Flint have a right to have their Federal Government step up for them.

Even if it were primarily the State's responsibility for what took place, they are citizens of the United States just like they are citizens of Michigan. When they face the greatest crisis that they have ever had, they have every right to expect that Congress itself would act to provide for them the relief to get through this disaster.

We have done it in other cases. There are times when we all come together as Americans. This is one of those times. Congress must act. Congress should do its job. By defeating the previous question, we can bring up the Families of Flint Act and do that.

Mr. NEWHOUSE. Mr. Speaker, I would just inquire of the gentlewoman from New York if she has any further speakers.

Ms. SLAUGHTER. Mr. Speaker, I have no further requests for time, and I am prepared to close.

Mr. NEWHOUSE. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

We have today an opportunity to fund groundbreaking, cutting-edge research all across the country, to protect our precious environment, and to support the Army Corps of Engineers. Yet the addition of several harmful, dangerous policy riders will inhibit those goals and have no place in the appropriations process.

Mr. Speaker, I urge my colleagues to vote ''no'' and defeat the previous question and to vote ''no'' on the rule.

I yield back the balance of my time.

Mr. NEWHOUSE. Mr. Speaker, I yield myself such time as I may consume.

I thank the good gentlewoman from New York.

Mr. Speaker, the rule we have considered provides for the consideration of a very important piece of legislation that will protect our country from security threats; that will ensure we have a modern, safe, and reliable U.S. nuclear weapons program; that will promote an all-of-the-above energy strategy; and that will make critical investments in water resources and infrastructure projects. The funds appropriated for national security needs, improvements in our Nation's infrastructure, domestic energy development, and growing our economy will benefit all Americans.

This bill is a responsible measure that supports U.S. national security, energy research, water resource development, and economic competitiveness, balancing these critical priorities while maintaining tight budget caps.

In the current fiscal climate, where our national debt is approaching a staggering $20 trillion, many difficult decisions had to be made by the committee in drafting this measure, and I believe we have a bill that preserves fiscal responsibility, advances sound

conservative and progrowth economic policies, and prioritizes funding for our country's most pressing needs.

The past few years have seen the U.S. face growing security threats abroad, highlighting the need to keep our country at the pinnacle of nuclear security preparedness as well as the importance of investing in domestic energy production that takes much-needed steps towards energy independence.

In the Western United States, Americans have endured severe droughts and catastrophic wildfires, which have drastically restricted the availability of water and have devastated ground infrastructure. This legislation addresses these issues as well as many others, and it invests in efforts to promote a more secure and prosperous future for our Nation.

Mr. Speaker, the 2017 Energy and Water Development and Related Agencies Appropriations Act also includes much-needed conservative reforms and policies to counter the administration's issuance of one crippling regulation after another, hindering our domestic energy development and security and undermining overall economic growth.

H.R. 5055 prohibits the EPA and the Army Corps from implementing the excessive WOTUS rule, which would vastly expand Federal jurisdiction over our water resources. It prevents any changes to Federal authority under the Clean Water Act and impedes efforts to apply the Clean Water Act in certain agricultural areas, such as farm ponds and irrigation ditches.

The legislation blocks efforts to remove Federal dams, and it protects Americans' Second Amendment rights by allowing for the possession of firearms on Army Corps lands. Finally, it continues a policy from last year that restricts any funds from being used to enter into any new nuclear nonproliferation contracts or agreements with Russia.

Mr. Speaker, this bill responsibly funds infrastructure, water, and defense programs that are critical to our national security, to our safety, and to our economic competitiveness, all while making tough choices to ensure that taxpayers' funds are spent wisely.

I urge my colleagues to support the rule's adoption and invest in a secure and prosperous future for our country by passing the 2017 Energy and Water Development and Related Agencies Appropriations Act.

The material previously referred to by Ms. SLAUGHTER is as follows:

AN AMENDMENT TO H. RES. 743 OFFERED BY MS. SLAUGHTER OF NEW YORK

At the end of the resolution, add the following new sections:

SEC. 4. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4479) to provide emergency assistance related to the Flint water crisis, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill:

SEC. 5. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 4479.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308–311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

The Republican majority may say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. NEWHOUSE. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of House Resolution 743, if ordered; ordering the previous question on House Resolution 742; adoption of House Resolution 742, if ordered; and the motion to suspend the rules and pass H.R. 5077.

The vote was taken by electronic device, and there were—yeas 233, nays 174, not voting 26, as follows:

[Roll No. 231]

YEAS—233

Abraham	Cook	Graves (LA)
Aderholt	Costello (PA)	Graves (MO)
Amash	Cramer	Griffith
Amodei	Crawford	Grothman
Babin	Culberson	Guinta
Barletta	Curbelo (FL)	Guthrie
Barr	Davis, Rodney	Hanna
Barton	Denham	Hardy
Benishek	Dent	Harper
Bilirakis	DeSantis	Harris
Bishop (MI)	DesJarlais	Hartzler
Black	Diaz-Balart	Heck (NV)
Blackburn	Dold	Hensarling
Blum	Donovan	Hice, Jody B.
Bost	Duffy	Hill
Boustany	Duncan (SC)	Holding
Brady (TX)	Duncan (TN)	Hudson
Brat	Ellmers (NC)	Hultgren
Bridenstine	Emmer (MN)	Hunter
Brooks (AL)	Farenthold	Hurd (TX)
Brooks (IN)	Fitzpatrick	Hurt (VA)
Buchanan	Fleischmann	Issa
Buck	Fleming	Jenkins (KS)
Bucshon	Flores	Jenkins (WV)
Burgess	Forbes	Johnson (OH)
Byrne	Fortenberry	Johnson, Sam
Calvert	Foxx	Jolly
Carter (GA)	Franks (AZ)	Jones
Carter (TX)	Frelinghuysen	Jordan
Chabot	Garrett	Joyce
Chaffetz	Gibbs	Katko
Clawson (FL)	Gibson	Kelly (MS)
Coffman	Gohmert	Kelly (PA)
Cole	Goodlatte	King (IA)
Collins (NY)	Gosar	King (NY)
Comstock	Gowdy	Kinzinger (IL)
Conaway	Graves (GA)	Kline

Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schweikert
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NAYS—174

Adams
Aguilar
Ashford
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Duckworth
Edwards
Ellison
Eshoo
Esty
Farr
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Honda
Hoyer
Huffman
Israel
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meng
Moore
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
Pallone
Pascrell
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—26

Allen
Bass
Bishop (UT)
Castro (TX)
Collins (GA)
Crenshaw
Engel
Fattah
Fincher
Granger
Herrera Beutler
Hinojosa
Huelskamp
Huizenga (MI)
Jackson Lee
Loudermilk
Meeks
Miller (MI)
Moulton
O'Rourke
Payne
Sanchez, Loretta
Scott, Austin
Takai
Thompson (CA)
Waters, Maxine

□ 1416

Messrs. CLYBURN, SWALWELL of California, CARSON of Indiana, CLEAVER, Ms. CLARK of Massachusetts, and Mr. JOHNSON of Georgia changed their vote from ''yea'' to ''nay.''

Messrs. GRAVES of Missouri and GROTHMAN changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. MOULTON. Mr. Speaker, on Tuesday, May 24, 2016, I was unable to be present for rollcall vote No. 231 on providing for the consideration of H.R. 5055. Had I been present, I would have voted "nay."

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 237, nays 171, not voting 25, as follows:

[Roll No. 232]

YEAS—237

Abraham
Aderholt
Amash
Amodei
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Cole
Collins (NY)
Comstock
Conaway
Cook
Cooper
Costa
Costello (PA)
Cramer
Crawford
Culberson
Curbelo (FL)
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Hice, Jody B.
Hill
Holding
Hudson
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Peterson
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schweikert
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NAYS—171

Adams
Aguilar
Ashford
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Foster
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Honda
Hoyer
Huffman
Israel
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
Pallone
Pascrell
Pelosi
Perlmutter
Peters
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (MS)
Titus
Tonko
Torres

Tsongas
Van Hollen
Vargas
Veasey
Velázquez
Visclosky
Walz
Wasserman Schultz
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—25

Allen
Bass
Castro (TX)
Collins (GA)
Crenshaw
Fattah
Fincher
Frankel (FL)
Granger
Herrera Beutler
Hinojosa
Huelskamp
Huizenga (MI)
Jackson Lee
Loudermilk
Meeks
Miller (MI)
O'Rourke
Payne
Sanchez, Loretta
Scott, Austin
Takai
Thompson (CA)
Vela
Waters, Maxine

□ 1424

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF THE SENATE AMENDMENT TO H.R. 2576, TSCA MODERNIZATION ACT OF 2015, AND PROVIDING FOR CONSIDERATION OF H.R. 897, REDUCING REGULATORY BURDENS ACT OF 2015

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 742) providing for consideration of the Senate amendment to the bill (H.R. 2576) to modernize the Toxic Substances Control Act, and for other purposes, and providing for consideration of the bill (H.R. 897) to amend the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Water Pollution Control Act to clarify Congressional intent regarding the regulation of the use of pesticides in or near navigable waters, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 234, nays 175, not voting 24, as follows:

[Roll No. 233]

YEAS—234

Abraham
Aderholt
Amash
Amodei
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Cole
Collins (NY)
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Culberson
Curbelo (FL)
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Hice, Jody B.
Hill
Holding
Hudson
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schweikert
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NAYS—175

Adams
Aguilar
Ashford
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Foster
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Honda
Hoyer
Huffman
Israel
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
Pallone
Pascrell
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—24

Allen
Bass
Castro (TX)
Collins (GA)
Crenshaw
Fattah
Fincher
Frankel (FL)
Granger
Herrera Beutler
Hinojosa
Huelskamp
Huizenga (MI)
Jackson Lee
Loudermilk
Meeks
Miller (MI)
O'Rourke
Payne
Sanchez, Loretta
Scott, Austin
Takai
Thompson (CA)
Waters, Maxine

□ 1431

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. POLIS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 238, noes 171, not voting 24, as follows:

[Roll No. 234]

AYES—238

Abraham
Aderholt
Amash
Amodei
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Cole
Collins (NY)
Comstock
Conaway
Cook
Costa
Costello (PA)
Cramer
Crawford
Culberson
Curbelo (FL)
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Hice, Jody B.
Hill
Holding
Hudson
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul

McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Peterson
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schrader
Schweikert
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Sinema
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NOES—171

Adams
Aguilar
Ashford
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Foster
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Honda
Hoyer
Huffman
Israel
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
Pallone
Pascrell
Pelosi
Perlmutter
Peters
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—24

Allen
Bass
Castro (TX)
Collins (GA)
Crenshaw
Fattah
Fincher
Frankel (FL)
Granger
Herrera Beutler
Hinojosa
Huelskamp
Huizenga (MI)
Jackson Lee
Loudermilk
Meeks
Miller (MI)
O'Rourke
Payne
Sanchez, Loretta
Scott, Austin
Takai
Thompson (CA)
Waters, Maxine

□ 1437

Ms. WASSERMAN SCHULTZ and Mr. DEUTCH changed their vote from ''aye'' to ''no.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2017

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5077) to authorize appropriations for fiscal year 2017 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. NUNES) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 371, nays 35, answered ''present'' 1, not voting 26, as follows:

[Roll No. 235]

YEAS—371

Abraham
Adams
Aderholt
Aguilar
Amodei
Ashford
Babin
Barletta
Barr
Barton
Beatty
Benishek
Bera
Beyer
Bilirakis
Bishop (GA)
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bonamici
Bost
Boustany
Boyle, Brendan F.
Brady (PA)
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Brown (FL)
Brownley (CA)
Buchanan
Buck
Bucshon
Burgess
Bustos
Butterfield
Byrne
Calvert
Capps
Cárdenas
Carney
Carson (IN)
Carter (GA)
Carter (TX)
Cartwright
Castor (FL)
Chabot
Chaffetz
Chu, Judy
Cicilline
Clawson (FL)
Clay
Cleaver
Clyburn
Coffman
Cohen
Cole
Collins (NY)
Comstock
Conaway
Connolly
Cook
Cooper
Costa
Costello (PA)
Courtney
Cramer
Crawford
Crowley
Cuellar
Culberson
Cummings
Curbelo (FL)
Davis (CA)
Davis, Danny
Davis, Rodney
DeGette
Delaney
DeLauro
Denham
Dent
DeSantis
DeSaulnier
DesJarlais
Deutch
Diaz-Balart
Dingell
Doggett
Dold
Donovan
Duckworth
Duffy
Duncan (SC)
Edwards
Ellmers (NC)
Emmer (MN)
Engel
Eshoo
Esty
Farenthold
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallego
Garamendi
Garrett
Gibbs
Goodlatte
Gowdy
Graham
Graves (GA)
Graves (LA)
Graves (MO)
Green, Al
Green, Gene
Griffith
Grothman
Guinta
Guthrie
Gutiérrez
Hahn
Hanna
Hardy
Harper
Harris
Hartzler
Hastings
Heck (NV)
Heck (WA)
Hensarling
Hice, Jody B.
Higgins
Hill
Himes
Holding
Hoyer
Hudson
Huffman
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Israel
Issa
Jeffries
Jenkins (KS)
Jenkins (WV)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jolly
Jordan
Joyce
Kaptur
Katko
Keating
Kelly (IL)
Kelly (MS)
Kelly (PA)
Kennedy
Kildee
Kilmer
Kind
King (IA)
King (NY)
Kinzinger (IL)
Kirkpatrick
Kline
Knight
Kuster
LaHood
LaMalfa
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latta
Lawrence
Levin
Lipinski
LoBiondo
Loebsack
Long
Love
Lowenthal
Lowey
Lucas
Luetkemeyer
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
MacArthur
Maloney, Carolyn
Maloney, Sean
Marchant
Marino
Matsui
McCarthy
McCaul
McClintock
McCollum
McHenry
McKinley
McMorris Rodgers
McNerney
McSally
Meadows
Meehan
Meng
Messer
Mica
Miller (FL)
Moolenaar
Mooney (WV)
Moore
Moulton
Mullin
Mulvaney
Murphy (FL)
Murphy (PA)
Nadler
Napolitano
Neal
Neugebauer
Newhouse
Noem
Nolan
Norcross
Nugent
Nunes
Olson
Palazzo
Pallone
Palmer
Pascrell
Paulsen
Pearce
Pelosi
Perlmutter
Perry
Peters
Peterson
Pingree
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Price (NC)
Price, Tom
Quigley
Rangel
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (NY)
Rice (SC)
Richmond
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Roybal-Allard
Royce
Ruiz
Ruppersberger
Rush
Russell
Ryan (OH)
Salmon
Sánchez, Linda T.
Sanford
Sarbanes
Scalise
Schiff
Schrader
Schweikert
Scott (VA)
Scott, David
Serrano
Sessions
Sewell (AL)
Sherman
Shimkus
Shuster
Simpson
Sinema
Sires
Slaughter
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stefanik
Stewart
Stivers
Stutzman
Swalwell (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Titus
Tonko
Torres
Trott
Tsongas
Turner
Upton
Valadao
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Walz
Wasserman Schultz
Watson Coleman
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (FL)
Wilson (SC)
Wittman
Womack
Woodall
Yarmuth
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NAYS—35

Amash
Blumenauer
Capuano
Clark (MA)
Clarke (NY)
DeFazio
DelBene
Doyle, Michael F.
Duncan (TN)
Ellison
Farr
Gabbard
Gibson
Gohmert
Gosar
Grayson
Grijalva
Honda
Jones
Labrador
Lee
Lewis
Lieu, Ted
Lofgren
Lummis
Massie

McDermott	Polis	Sensenbrenner
McGovern	Posey	Takano
Pocan	Schakowsky	Welch

ANSWERED ''PRESENT''—1

Becerra

NOT VOTING—26

Allen	Frankel (FL)	Miller (MI)
Bass	Granger	O'Rourke
Castro (TX)	Herrera Beutler	Payne
Collins (GA)	Hinojosa	Sanchez, Loretta
Conyers	Huelskamp	Scott, Austin
Crenshaw	Huizenga (MI)	Takai
Fattah	Jackson Lee	Thompson (CA)
Fincher	Loudermilk	Waters, Maxine
Fitzpatrick	Meeks	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BYRNE) (during the vote). There are 2 minutes remaining.

□ 1443

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Speaker, I was unable to be present in the House Chamber for certain rollcall votes this week. Had I been present on May 24, 2016, for the first vote series, I would have voted "aye" for rollcall 235 and "nay" on rollcalls 231, 232, 233 and 234.

□ 1445

PERMISSION TO POSTPONE PROCEEDINGS ON MOTION TO CONCUR ON H.R. 2576, TSCA MODERNIZATION ACT OF 2015

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent that the question of adopting a motion to concur in the Senate amendment to H.R. 2576 with an amendment may be subject to postponement as though under clause 8 of rule XX.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

TSCA MODERNIZATION ACT OF 2015

Mr. SHIMKUS. Mr. Speaker, pursuant to House Resolution 742, I call up the bill (H.R. 2576) to modernize the Toxic Substances Control Act, and for other purposes, with the Senate amendment thereto, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment.

Senate amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Frank R. Lautenberg Chemical Safety for the 21st Century Act''.

SEC. 2. FINDINGS, POLICY, AND INTENT.

Section 2(c) of the Toxic Substances Control Act (15 U.S.C. 2601(c)) is amended—

(1) by striking ''It is the intent'' and inserting the following:

''(1) ADMINISTRATION.—It is the intent'';

(2) in paragraph (1) (as so redesignated), by inserting '', as provided under this Act'' before the period at the end; and

(3) by adding at the end the following:

''(2) REFORM.—This Act, including reforms in accordance with the amendments made by the Frank R. Lautenberg Chemical Safety for the 21st Century Act—

''(A) shall be administered in a manner that—

''(i) protects the health of children, pregnant women, the elderly, workers, consumers, the general public, and the environment from the risks of harmful exposures to chemical substances and mixtures; and

''(ii) ensures that appropriate information on chemical substances and mixtures is available to public health officials and first responders in the event of an emergency; and

''(B) shall not displace or supplant common law rights of action or remedies for civil relief.''.

SEC. 3. DEFINITIONS.

Section 3 of the Toxic Substances Control Act (15 U.S.C. 2602) is amended—

(1) by redesignating paragraphs (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), and (14) as paragraphs (5), (6), (7), (8), (9), (10), (12), (13), (17), (18), and (19), respectively;

(2) by inserting after paragraph (3) the following:

''(4) CONDITIONS OF USE.—The term 'conditions of use' means the intended, known, or reasonably foreseeable circumstances the Administrator determines a chemical substance is manufactured, processed, distributed in commerce, used, or disposed of.'';

(3) by inserting after paragraph (10) (as so redesignated) the following:

''(11) POTENTIALLY EXPOSED OR SUSCEPTIBLE POPULATION.—The term 'potentially exposed or susceptible population' means 1 or more groups—

''(A) of individuals within the general population who may be—

''(i) differentially exposed to chemical substances under the conditions of use; or

''(ii) susceptible to greater adverse health consequences from chemical exposures than the general population; and

''(B) that when identified by the Administrator may include such groups as infants, children, pregnant women, workers, and the elderly.''; and

(4) by inserting after paragraph (13) (as so redesignated) the following:

''(14) SAFETY ASSESSMENT.—The term 'safety assessment' means an assessment of the risk posed by a chemical substance under the conditions of use, integrating hazard, use, and exposure information regarding the chemical substance.

''(15) SAFETY DETERMINATION.—The term 'safety determination' means a determination by the Administrator as to whether a chemical substance meets the safety standard under the conditions of use.

''(16) SAFETY STANDARD.—The term 'safety standard' means a standard that ensures, without taking into consideration cost or other nonrisk factors, that no unreasonable risk of injury to health or the environment will result from exposure to a chemical substance under the conditions of use, including no unreasonable risk of injury to—

''(A) the general population; or

''(B) any potentially exposed or susceptible population that the Administrator has identified as relevant to the safety assessment and safety determination for a chemical substance.''.

SEC. 4. POLICIES, PROCEDURES, AND GUIDANCE.

The Toxic Substances Control Act is amended by inserting after section 3 (15 U.S.C. 2602) the following:

''SEC. 3A. POLICIES, PROCEDURES, AND GUIDANCE.

''(a) DEFINITION OF GUIDANCE.—In this section, the term 'guidance' includes any significant written guidance of general applicability prepared by the Administrator.

''(b) DEADLINE.—Not later than 2 years after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, the Administrator shall develop, after providing public notice and an opportunity for comment, any policies, procedures, and guidance the Administrator determines to be necessary to carry out sections 4, 4A, 5, and 6, including the policies, procedures, and guidance required by this section.

''(c) USE OF SCIENCE.—

''(1) IN GENERAL.—The Administrator shall establish policies, procedures, and guidance on the use of science in making decisions under sections 4, 4A, 5, and 6.

''(2) GOAL.—A goal of the policies, procedures, and guidance described in paragraph (1) shall be to make the basis of decisions clear to the public.

''(3) REQUIREMENTS.—The policies, procedures, and guidance issued under this section shall ensure that—

''(A) decisions made by the Administrator—

''(i) are based on information, procedures, measures, methods, and models employed in a manner consistent with the best available science;

''(ii) take into account the extent to which—

''(I) assumptions and methods are clearly and completely described and documented;

''(II) variability and uncertainty are evaluated and characterized; and

''(III) the information has been subject to independent verification and peer review; and

''(iii) are based on the weight of the scientific evidence, by which the Administrator considers all information in a systematic and integrative framework to consider the relevance of different information;

''(B) to the extent practicable and if appropriate, the use of peer review, standardized test design and methods, consistent data evaluation procedures, and good laboratory practices will be encouraged;

''(C) a clear description of each individual and entity that funded the generation or assessment of information, and the degree of control those individuals and entities had over the generation, assessment, and dissemination of information (including control over the design of the work and the publication of information) is made available; and

''(D) if appropriate, the recommendations in reports of the National Academy of Sciences that provide advice regarding assessing the hazards, exposures, and risks of chemical substances are considered.

''(d) EXISTING EPA POLICIES, PROCEDURES, AND GUIDANCE.—The policies, procedures, and guidance described in subsection (b) shall incorporate existing relevant policies, procedures, and guidance, as appropriate and consistent with this Act.

''(e) REVIEW.—Not later than 5 years after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, and not less frequently than once every 5 years thereafter, the Administrator shall—

''(1) review the adequacy of any policies, procedures, and guidance developed under this section, including animal, nonanimal, and epidemiological test methods and procedures for assessing and determining risk under this Act; and

''(2) after providing public notice and an opportunity for comment, revise the policies, procedures, and guidance if necessary to reflect new scientific developments or understandings.

''(f) SOURCES OF INFORMATION.—In carrying out sections 4, 4A, 5, and 6, the Administrator shall take into consideration information relating to a chemical substance, including hazard and exposure information, under the conditions of use that is reasonably available to the Administrator, including information that is—

''(1) submitted to the Administrator pursuant to any rule, consent agreement, order, or other

requirement of this Act, or on a voluntary basis, including pursuant to any request made under this Act, by—

''(A) manufacturers or processors of a substance;

''(B) the public;

''(C) other Federal departments or agencies; or

''(D) the Governor of a State or a State agency with responsibility for protecting health or the environment;

''(2) submitted to a governmental entity in any jurisdiction pursuant to a governmental requirement relating to the protection of health or the environment; or

''(3) identified through an active search by the Administrator of information sources that are publicly available or otherwise accessible by the Administrator.

''(g) TESTING OF CHEMICAL SUBSTANCES AND MIXTURES.—

''(1) IN GENERAL.—The Administrator shall establish policies, procedures, and guidance for the testing of chemical substances or mixtures under section 4.

''(2) GOAL.—A goal of the policies, procedures, and guidance established under paragraph (1) shall be to make the basis of decisions clear to the public.

''(3) CONTENTS.—The policies, procedures, and guidance established under paragraph (1) shall—

''(A) address how and when the exposure level or exposure potential of a chemical substance would factor into decisions to require new testing, subject to the condition that the Administrator shall not interpret the lack of exposure information as a lack of exposure or exposure potential; and

''(B) describe the manner in which the Administrator will determine that additional information is necessary to carry out this Act, including information relating to potentially exposed or susceptible populations.

''(4) EPIDEMIOLOGICAL STUDIES.—Before prescribing epidemiological studies of employees, the Administrator shall consult with the Director of the National Institute for Occupational Safety and Health.

''(h) SAFETY ASSESSMENTS AND SAFETY DETERMINATIONS.—

''(1) SCHEDULE.—

''(A) IN GENERAL.—The Administrator shall inform the public regarding the schedule and the resources necessary for the completion of each safety assessment and safety determination as soon as practicable after designation as a high-priority substance pursuant to section 4A.

''(B) DIFFERING TIMES.—The Administrator may allot different times for different chemical substances in the schedules under this paragraph, subject to the condition that all schedules shall comply with the deadlines established under section 6.

''(C) ANNUAL PLAN.—

''(i) IN GENERAL.—At the beginning of each calendar year, the Administrator shall publish an annual plan.

''(ii) INCLUSIONS.—The annual plan shall—

''(I) identify the substances subject to safety assessments and safety determinations to be completed that year;

''(II) describe the status of each safety assessment and safety determination that has been initiated but not yet completed, including milestones achieved since the previous annual report; and

''(III) if the schedule for completion of a safety assessment and safety determination prepared pursuant to subparagraph (A) has changed, include an updated schedule for that safety assessment and safety determination.

''(2) POLICIES AND PROCEDURES FOR SAFETY ASSESSMENTS AND SAFETY DETERMINATIONS.—

''(A) IN GENERAL.—The Administrator shall establish, by rule, policies and procedures regarding the manner in which the Administrator shall carry out section 6.

''(B) GOAL.—A goal of the policies and procedures under this paragraph shall be to make the basis of decisions of the Administrator clear to the public.

''(C) MINIMUM REQUIREMENTS.—The policies and procedures under this paragraph shall, at a minimum—

''(i) describe—

''(I) the manner in which the Administrator will identify informational needs and seek that information from the public;

''(II) the information (including draft safety assessments) that may be submitted by interested individuals or entities, including States; and

''(III) the criteria by which information submitted by interested individuals or entities will be evaluated;

''(ii) require that each draft and final safety assessment and safety determination of the Administrator include a description of—

''(I)(aa) the scope of the safety assessment and safety determination to be conducted under section 6, including the hazards, exposures, and conditions of use of the chemical substance, and potentially exposed and susceptible populations that the Administrator has identified as relevant; and

''(bb) the basis for the scope of the safety assessment and safety determination;

''(II) the manner in which aggregate exposures, or significant subsets of exposures, to a chemical substance under the conditions of use were considered, and the basis for that consideration;

''(III) the weight of the scientific evidence of risk; and

''(IV) the information regarding the impact on health and the environment of the chemical substance that was used to make the assessment or determination, including, as available, mechanistic, animal toxicity, and epidemiology studies;

''(iii) establish a timely and transparent process for evaluating whether new information submitted or obtained after the date of a final safety assessment or safety determination warrants reconsideration of the safety assessment or safety determination; and

''(iv) when relevant information is provided or otherwise made available to the Administrator, require the Administrator to consider the extent of Federal regulation under other Federal laws.

''(D) GUIDANCE.—

''(i) IN GENERAL.—Not later than 1 year after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, the Administrator shall develop guidance to assist interested persons in developing their own draft safety assessments and other information for submission to the Administrator, which may be considered by the Administrator.

''(ii) REQUIREMENT.—The guidance shall, at a minimum, address the quality of the information submitted and the process to be followed in developing a draft safety assessment for consideration by the Administrator.

''(i) PUBLICLY AVAILABLE INFORMATION.—Subject to section 14, the Administrator shall—

''(1) make publicly available a nontechnical summary, and the final version, of each safety assessment and safety determination;

''(2) provide public notice and an opportunity for comment on each proposed safety assessment and safety determination; and

''(3) make public in a final safety assessment and safety determination—

''(A) the list of studies considered by the Administrator in carrying out the safety assessment or safety determination; and

''(B) the list of policies, procedures, and guidance that were followed in carrying out the safety assessment or safety determination.

''(j) CONSULTATION WITH SCIENCE ADVISORY COMMITTEE ON CHEMICALS.—

''(1) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this section, the Administrator shall establish an advisory committee, to be known as the 'Science Advisory Committee on Chemicals' (referred to in this subsection as the 'Committee').

''(2) PURPOSE.—The purpose of the Committee shall be to provide independent advice and expert consultation, on the request of the Administrator, with respect to the scientific and technical aspects of issues relating to the implementation of this title.

''(3) COMPOSITION.—The Committee shall be composed of representatives of such science, government, labor, public health, public interest, animal protection, industry, and other groups as the Administrator determines to be advisable, including, at a minimum, representatives that have specific scientific expertise in the relationship of chemical exposures to women, children, and other potentially exposed or susceptible populations.

''(4) SCHEDULE.—The Administrator shall convene the Committee in accordance with such schedule as the Administrator determines to be appropriate, but not less frequently than once every 2 years.

''(5) RELATIONSHIP TO OTHER LAW.—All proceedings and meetings of the Committee shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).''.

SEC. 5. TESTING OF CHEMICAL SUBSTANCES OR MIXTURES.

(a) IN GENERAL.—Section 4 of the Toxic Substances Control Act (15 U.S.C. 2603) is amended—

(1) by striking subsections (a), (b), (c), (d), (e), and (g);

(2) in subsection (f)—

(A) in the first sentence—

(i) by striking ''from cancer, gene mutations, or birth defects''; and

(ii) by inserting '', without taking into account cost or other nonrisk factors'' before the period at the end; and

(B) by striking the last sentence; and

(3) by inserting before subsection (f) the following:

''(a) DEVELOPMENT OF NEW INFORMATION ON CHEMICAL SUBSTANCES AND MIXTURES.—

''(1) IN GENERAL.—The Administrator may require the development of new information relating to a chemical substance or mixture in accordance with this section if the Administrator determines that the information is necessary—

''(A) to review a notice under section 5(d) or to perform a safety assessment or safety determination under section 6;

''(B) to implement a requirement imposed in a consent agreement or order issued under section 5(d)(4) or under a rule promulgated under section 6(d)(3);

''(C) pursuant to section 12(a)(4); or

''(D) at the request of the implementing authority under another Federal law, to meet the regulatory testing needs of that authority.

''(2) LIMITED TESTING FOR PRIORITIZATION PURPOSES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Administrator may require the development of new information for the purposes of section 4A.

''(B) PROHIBITION.—Testing required under subparagraph (A) shall not be required for the purpose of establishing or implementing a minimum information requirement.

''(C) LIMITATION.—The Administrator may require the development of new information pursuant to subparagraph (A) only if the Administrator determines that additional information is necessary to establish the priority of a chemical substance.

''(3) FORM.—The Administrator may require the development of information described in paragraph (1) or (2) by—

''(A) promulgating a rule;

''(B) entering into a testing consent agreement; or

''(C) issuing an order.

''(4) CONTENTS.—

''(A) IN GENERAL.—A rule, testing consent agreement, or order issued under this subsection shall include—

''(i) identification of the chemical substance or mixture for which testing is required;

''(ii) identification of the persons required to conduct the testing;

''(iii) test protocols and methodologies for the development of information for the chemical substance or mixture, including specific reference to any reliable nonanimal test procedures; and

''(iv) specification of the period within which individuals and entities required to conduct the testing shall submit to the Administrator the information developed in accordance with the procedures described in clause (iii).

''(B) CONSIDERATIONS.—In determining the procedures and period to be required under subparagraph (A), the Administrator shall take into consideration—

''(i) the relative costs of the various test protocols and methodologies that may be required;

''(ii) the reasonably foreseeable availability of facilities and personnel required to perform the testing; and

''(iii) the deadlines applicable to the Administrator under section 6(a).

''(5) CONSIDERATION OF FEDERAL AGENCY RECOMMENDATIONS.—The Administrator shall consider the recommendations of other Federal agencies regarding the chemical substances and mixtures to which the Administrator shall give priority consideration under this section.

''(b) STATEMENT OF NEED.—

''(1) IN GENERAL.—In promulgating a rule, entering into a testing consent agreement, or issuing an order for the development of additional information (including information on exposure or exposure potential) pursuant to this section, the Administrator shall—

''(A) identify the need intended to be met by the rule, agreement, or order;

''(B) explain why information reasonably available to the Administrator at that time is inadequate to meet that need, including a reference, as appropriate, to the information identified in paragraph (2)(B); and

''(C) explain the basis for any decision that requires the use of vertebrate animals.

''(2) EXPLANATION IN CASE OF ORDER.—

''(A) IN GENERAL.—If the Administrator issues an order under this section, the Administrator shall issue a statement providing a justification for why issuance of an order is warranted instead of promulgating a rule or entering into a testing consent agreement.

''(B) CONTENTS.—A statement described in subparagraph (A) shall contain a description of—

''(i) information that is readily accessible to the Administrator, including information submitted under any other provision of law;

''(ii) the extent to which the Administrator has obtained or attempted to obtain the information through voluntary submissions; and

''(iii) any information relied on in safety assessments for other chemical substances relevant to the chemical substances that would be the subject of the order.

''(c) REDUCTION OF TESTING ON VERTEBRATES.—

''(1) IN GENERAL.—The Administrator shall minimize, to the extent practicable, the use of vertebrate animals in testing of chemical substances or mixtures, by—

''(A) prior to making a request or adopting a requirement for testing using vertebrate animals, taking into consideration, as appropriate and to the extent practicable, reasonably available—

''(i) toxicity information;

''(ii) computational toxicology and bioinformatics;

''(iii) high-throughput screening methods and the prediction models of those methods; and

''(iv) scientifically reliable and relevant alternatives to tests on animals that would provide equivalent information;

''(B) encouraging and facilitating—

''(i) the use of integrated and tiered testing and assessment strategies;

''(ii) the use of best available science in existence on the date on which the test is conducted;

''(iii) the use of test methods that eliminate or reduce the use of animals while providing information of high scientific quality;

''(iv) the grouping of 2 or more chemical substances into scientifically appropriate categories in cases in which testing of a chemical substance would provide reliable and useful information on other chemical substances in the category;

''(v) the formation of industry consortia to jointly conduct testing to avoid unnecessary duplication of tests; and

''(vi) the submission of information from—

''(I) animal-based studies; and

''(II) emerging methods and models; and

''(C) funding research and validation studies to reduce, refine, and replace the use of animal tests in accordance with this subsection.

''(2) IMPLEMENTATION OF ALTERNATIVE TESTING METHODS.—To promote the development and timely incorporation of new testing methods that are not based on vertebrate animals, the Administrator shall—

''(A) not later than 2 years after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, develop a strategic plan to promote the development and implementation of alternative test methods and testing strategies to generate information under this title that can reduce, refine, or replace the use of vertebrate animals, including toxicity pathway-based risk assessment, in vitro studies, systems biology, computational toxicology, bioinformatics, and high-throughput screening;

''(B) as practicable, ensure that the strategic plan developed under subparagraph (A) is reflected in the development of requirements for testing under this section;

''(C) identify in the strategic plan developed under subparagraph (A) particular alternative test methods or testing strategies that do not require new vertebrate animal testing and are scientifically reliable, relevant, and capable of providing information of equivalent scientific reliability and quality to that which would be obtained from vertebrate animal testing;

''(D) provide an opportunity for public notice and comment on the contents of the plan developed under subparagraph (A), including the criteria for considering scientific reliability, relevance, and equivalent information and the test methods and strategies identified in subparagraph (C);

''(E) beginning on the date that is 5 years after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act and every 5 years thereafter, submit to Congress a report that describes the progress made in implementing this subsection and goals for future alternative test methods implementation;

''(F) fund and carry out research, development, performance assessment, and translational studies to accelerate the development of test methods and testing strategies that reduce, refine, or replace the use of vertebrate animals in any testing under this title; and

''(G) identify synergies with the related information requirements of other jurisdictions to minimize the potential for additional or duplicative testing.

''(3) CRITERIA FOR ADAPTING OR WAIVING ANIMAL TESTING REQUIREMENTS.—On request from a manufacturer or processor that is required to conduct testing of a chemical substance or mixture on vertebrate animals under this section, the Administrator may adapt or waive the requirement, if the Administrator determines that—

''(A) there is sufficient evidence from several independent sources of information to support a conclusion that a chemical substance or mixture has, or does not have, a particular property if the information from each individual source alone is insufficient to support the conclusion;

''(B) as a result of 1 or more physical or chemical properties of the chemical substance or mixture or other toxicokinetic considerations—

''(i) the substance cannot be absorbed; or

''(ii) testing for a specific endpoint is technically not practicable to conduct; or

''(C) a chemical substance or mixture cannot be tested in vertebrate animals at concentrations that do not result in significant pain or distress, because of physical or chemical properties of the chemical substance or mixture, such as a potential to cause severe corrosion or severe irritation to the tissues of the animal.

''(4) VOLUNTARY TESTING.—

''(A) IN GENERAL.—Any person developing information for submission under this title on a voluntary basis and not pursuant to any request or requirement by the Administrator shall first attempt to develop the information by means of an alternative or nonanimal test method or testing strategy that the Administrator has determined under paragraph (2)(C) to be scientifically reliable, relevant, and capable of providing equivalent information, before conducting new animal testing.

''(B) EFFECT OF PARAGRAPH.—Nothing in this paragraph—

''(i) requires the Administrator to review the basis on which the person is conducting testing described in subparagraph (A);

''(ii) prohibits the use of other test methods or testing strategies by any person for purposes other than developing information for submission under this title on a voluntary basis; or

''(iii) prohibits the use of other test methods or testing strategies by any person, subsequent to the attempt to develop information using the test methods and testing strategies identified by the Administrator under paragraph (2)(C).

''(d) TESTING REQUIREMENTS.—

''(1) IN GENERAL.—The Administrator may require the development of information by—

''(A) manufacturers and processors of the chemical substance or mixture; and

''(B) persons that begin to manufacture or process the chemical substance or mixture after the effective date of the rule, testing consent agreement, or order.

''(2) DESIGNATION.—The Administrator may permit 2 or more persons identified in subparagraph (A) or (B) of paragraph (1) to designate 1 of the persons or a qualified third party—

''(A) to develop the information; and

''(B) to submit the information on behalf of the persons making the designation.

''(3) EXEMPTIONS.—

''(A) IN GENERAL.—A person otherwise subject to a rule, testing consent agreement, or order under this section may submit to the Administrator an application for an exemption on the basis that submission of information by the applicant on the chemical substance or mixture would be duplicative of—

''(i) information on the chemical substance or mixture that—

''(I) has been submitted to the Administrator pursuant to a rule, consent agreement, or order under this section; or

''(II) is being developed by a person designated under paragraph (2); or

''(ii) information on an equivalent chemical substance or mixture that—

''(I) has been submitted to the Administrator pursuant to a rule, consent agreement, or order under this section; or

''(II) is being developed by a person designated under paragraph (2).

''(B) FAIR AND EQUITABLE REIMBURSEMENT TO DESIGNEE.—

''(i) IN GENERAL.—If the Administrator accepts an application submitted under subparagraph (A), before the end of the reimbursement period described in clause (iii), the Administrator shall direct the applicant to provide to the person designated under paragraph (2) fair and equitable reimbursement, as agreed to between the applicant and the designee.

''(ii) ARBITRATION.—If the applicant and a person designated under paragraph (2) cannot reach agreement on the amount of fair and equitable reimbursement, the amount shall be determined by arbitration.

''(iii) REIMBURSEMENT PERIOD.—For the purposes of this subparagraph, the reimbursement period for any information for a chemical substance or mixture is a period—

''(I) beginning on the date the information is submitted in accordance with a rule, testing consent agreement, or order under this section; and

''(II) ending on the later of—

''(aa) 5 years after the date referred to in subclause (I); or

''(bb) the last day of the period that begins on the date referred to in subclause (I) and that is equal to the period that the Administrator determines was necessary to develop the information.

''(C) TERMINATION.—If, after granting an exemption under this paragraph, the Administrator determines that no person designated under paragraph (2) has complied with the rule, testing consent agreement, or order, the Administrator shall—

''(i) by order, terminate the exemption; and

''(ii) notify in writing each person that received an exemption of the requirements with respect to which the exemption was granted.

''(4) TIERED TESTING.—

''(A) IN GENERAL.—Except as provided in subparagraph (D), the Administrator shall employ a tiered screening and testing process, under which the results of screening-level tests or assessments of available information inform the decision as to whether 1 or more additional tests are necessary.

''(B) SCREENING-LEVEL TESTS.—

''(i) IN GENERAL.—The screening-level tests required for a chemical substance or mixture may include tests for hazard (which may include in silico, in vitro, and in vivo tests), environmental and biological fate and transport, and measurements or modeling of exposure or exposure potential, as appropriate.

''(ii) USE.—Screening-level tests shall be used—

''(I) to screen chemical substances or mixtures for potential adverse effects; and

''(II) to inform a decision of the Administrator regarding whether more complex or targeted additional testing is necessary.

''(C) ADDITIONAL TESTING.—If the Administrator determines under subparagraph (B) that additional testing is necessary to provide more definitive information for safety assessments or safety determinations, the Administrator may require more advanced tests for potential health or environmental effects or exposure potential.

''(D) ADVANCED TESTING WITHOUT SCREENING.—The Administrator may require more advanced testing without conducting screening-level testing when other information available to the Administrator justifies the advanced testing, pursuant to guidance developed by the Administrator under this section.

''(e) TRANSPARENCY.—Subject to section 14, the Administrator shall make available to the public all testing consent agreements and orders and all information submitted under this section.''.

(b) CONFORMING AMENDMENT.—Section 104(i)(5)(A) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(i)(5)(A)) is amended in the third sentence by inserting ''(as in effect on the day before the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act)'' after ''Toxic Substances Control Act''.

SEC. 6. PRIORITIZATION SCREENING.

The Toxic Substances Control Act is amended by inserting after section 4 (15 U.S.C. 2603) the following:

''SEC. 4A. PRIORITIZATION SCREENING.

''(a) PRIORITIZATION SCREENING PROCESS AND LIST OF SUBSTANCES.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Administrator shall establish, by rule, a risk-based screening process and criteria for identifying existing chemical substances that are—

''(A) a high priority for a safety assessment and safety determination under section 6 (referred to in this Act as 'high-priority substances'); and

''(B) a low priority for a safety assessment and safety determination (referred to in this Act as 'low-priority substances').

''(2) INITIAL AND SUBSEQUENT LISTS OF HIGH- AND LOW-PRIORITY SUBSTANCES.—

''(A) IN GENERAL.—Before the date of promulgation of the rule under paragraph (1) and not later than 180 days after the date of enactment of this section, the Administrator shall publish an initial list of high-priority substances and low-priority substances.

''(B) REQUIREMENTS.—

''(i) IN GENERAL.—The initial list of chemical substances shall contain at least 10 high-priority substances, at least 5 of which are drawn from the list of chemical substances identified by the Administrator in the October 2014 TSCA Work Plan and subsequent updates, and at least 10 low-priority substances.

''(ii) SUBSEQUENTLY IDENTIFIED SUBSTANCES.—Insofar as possible, at least 50 percent of all substances subsequently identified by the Administrator as high-priority substances shall be drawn from the list of chemical substances identified by the Administrator in the October 2014 TSCA Work Plan and subsequent updates, until all Work Plan chemicals have been designated under this subsection.

''(iii) PREFERENCES.—

''(I) IN GENERAL.—In developing the initial list and in identifying additional high-priority substances, the Administrator shall give preference to—

''(aa) chemical substances that, with respect to persistence and bioaccumulation, score high for 1 and either high or moderate for the other, pursuant to the TSCA Work Plan Chemicals Methods Document published by the Administrator in February 2012; and

''(bb) chemical substances listed in the October 2014 TSCA Work Plan and subsequent updates that are known human carcinogens and have high acute and chronic toxicity.

''(II) METALS AND METAL COMPOUNDS.—In prioritizing and assessing metals and metal compounds, the Administrator shall use the Framework for Metals Risk Assessment of the Office of the Science Advisor, Risk Assessment Forum, and dated March 2007 (or a successor document), and may use other applicable information consistent with the best available science.

''(C) ADDITIONAL CHEMICAL REVIEWS.—The Administrator shall, as soon as practicable and not later than—

''(i) 3 years after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, add additional high-priority substances sufficient to ensure that at least a total of 20 high-priority substances have undergone or are undergoing the process established in section 6(a), and additional low-priority substances sufficient to ensure that at least a total of 20 low-priority substances have been designated; and

''(ii) 5 years after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, add additional high-priority substances sufficient to ensure that at least a total of 25 high-priority substances have undergone or are undergoing the process established in section 6(a), and additional low-priority substances sufficient to ensure that at least a total of 25 low-priority substances have been designated.

''(3) IMPLEMENTATION.—

''(A) CONSIDERATION OF ACTIVE AND INACTIVE SUBSTANCES.—

''(i) ACTIVE SUBSTANCES.—In implementing the prioritization screening process established under paragraph (1), the Administrator shall take into consideration active substances, as determined under section 8, which may include chemical substances on the interim list of active substances established under that section.

''(ii) INACTIVE SUBSTANCES.—In implementing the prioritization screening process established under paragraph (1), the Administrator may take into consideration inactive substances, as determined under section 8, that the Administrator determines—

''(I)(aa) have not been subject to a regulatory or other enforceable action by the Administrator to ban or phase out the substances; and

''(bb) have the potential for high hazard and widespread exposure; or

''(II)(aa) have been subject to a regulatory or other enforceable action by the Administrator to ban or phase out the substances; and

''(bb) with respect to which there exists the potential for residual high hazards or widespread exposures not otherwise addressed by the regulatory or other action.

''(iii) REPOPULATION.—

''(I) IN GENERAL.—On the completion of a safety determination under section 6 for a chemical substance, the Administrator shall remove the chemical substance from the list of high-priority substances established under this subsection.

''(II) ADDITIONS.—The Administrator shall add at least 1 chemical substance to the list of high-priority substances for each chemical substance removed from the list of high-priority substances established under this subsection, until a safety assessment and safety determination is completed for all chemical substances not designated as high-priority.

''(B) TIMELY COMPLETION OF PRIORITIZATION SCREENING PROCESS.—

''(i) IN GENERAL.—The Administrator shall—

''(I) except as provided under paragraph (2), not later than 180 days after the effective date of the final rule under paragraph (1), begin the prioritization screening process; and

''(II) make every effort to complete the designation of all active substances as high-priority substances or low-priority substances in a timely manner.

''(ii) DECISIONS ON SUBSTANCES SUBJECT TO TESTING FOR PRIORITIZATION PURPOSES.—Not later than 90 days after the date of receipt of information regarding a chemical substance complying with a rule, testing consent agreement, or order issued under section 4(a)(2), the Administrator shall designate the chemical substance as a high-priority substance or low-priority substance.

''(iii) CONSIDERATION.—

''(I) IN GENERAL.—The Administrator shall screen substances and designate high-priority substances consistent with the ability of the Administrator to schedule and complete safety assessments and safety determinations under section 6 in accordance with the deadlines under subsection (a) of that section.

''(II) ANNUAL GOAL.—The Administrator shall publish an annual goal for the number of chemical substances to be subject to the prioritization screening process.

''(C) SCREENING OF CATEGORIES OF SUBSTANCES.—The Administrator may screen categories of chemical substances to ensure an efficient prioritization screening process to allow for timely and adequate designations of high-priority substances and low-priority substances and safety assessments and safety determinations for high-priority substances.

''(D) PUBLICATION OF LIST OF CHEMICAL SUBSTANCES.—The Administrator shall keep current and publish a list of chemical substances that includes and identifies substances—

''(i) that are being considered in the prioritization screening process and the status of the substances in the prioritization process;

''(ii) for which prioritization decisions have been postponed pursuant to subsection (b)(5), including the basis for the postponement; and

''(iii) that are designated as high-priority substances or low-priority substances, including the bases for such designations.

''(4) CRITERIA.—The criteria described in paragraph (1) shall account for—

''(A) the recommendation of the Governor of a State or a State agency with responsibility for protecting health or the environment from chemical substances appropriate for prioritization screening;

''(B) the hazard and exposure potential of the chemical substance (or category of substances), including persistence, bioaccumulation, and specific scientific classifications and designations by authoritative governmental entities;

''(C) the conditions of use or significant changes in the conditions of use of the chemical substance;

''(D) evidence and indicators of exposure potential to humans or the environment from the chemical substance, including potentially exposed or susceptible populations and storage near significant sources of drinking water;

''(E) the volume of a chemical substance manufactured or processed;

''(F) whether the volume of a chemical substance as reported pursuant to a rule promulgated pursuant to section 8(a) has significantly increased or decreased;

''(G) the availability of information regarding potential hazards and exposures required for conducting a safety assessment or safety determination, with limited availability of relevant information to be a sufficient basis for designating a chemical substance as a high-priority substance, subject to the condition that limited availability shall not require designation as a high-priority substance; and

''(H) the extent of Federal or State regulation of the chemical substance or the extent of the impact of State regulation of the chemical substance on the United States, with existing Federal or State regulation of any uses evaluated in the prioritization screening process as a factor in designating a chemical substance to be a high-priority or a low-priority substance.

''(b) PRIORITIZATION SCREENING PROCESS AND DECISIONS.—

''(1) IN GENERAL.—In implementing the prioritization screening process developed under subsection (a), the Administrator shall—

''(A) identify the chemical substances being considered for prioritization;

''(B) request interested persons to supply information regarding the chemical substances being considered;

''(C) apply the criteria identified in subsection (a)(4); and

''(D) subject to paragraph (5) and using the information available to the Administrator at the time of the decision, identify a chemical substance as a high-priority substance or a low-priority substance.

''(2) REASONABLY AVAILABLE INFORMATION.—The prioritization screening decision regarding a chemical substance shall consider any hazard and exposure information relating to the chemical substance that is reasonably available to the Administrator.

''(3) IDENTIFICATION OF HIGH-PRIORITY SUBSTANCES.—The Administrator—

''(A) shall identify as a high-priority substance a chemical substance that, relative to other active chemical substances, the Administrator determines has the potential for significant hazard and significant exposure;

''(B) may identify as a high-priority substance a chemical substance that, relative to other active chemical substances, the Administrator determines has the potential for significant hazard or significant exposure; and

''(C) may identify as a high-priority substance an inactive substance, as determined under subsection (a)(3)(A)(ii) and section 8(b), that the Administrator determines warrants a safety assessment and safety determination under section 6.

''(4) IDENTIFICATION OF LOW-PRIORITY SUBSTANCES.—The Administrator shall identify as a low-priority substance a chemical substance that the Administrator concludes has information sufficient to establish that the chemical substance is likely to meet the safety standard.

''(5) POSTPONING A DECISION.—If the Administrator determines that additional information is needed to establish the priority of a chemical substance under this section, the Administrator may postpone a prioritization screening decision for a reasonable period—

''(A) to allow for the submission of additional information by an interested person and for the Administrator to evaluate the additional information; or

''(B) to require the development of information pursuant to a rule, testing consent agreement, or order issued under section 4(a)(2).

''(6) DEADLINES FOR SUBMISSION OF INFORMATION.—If the Administrator requests the development or submission of information under this section, the Administrator shall establish a deadline for submission of the information.

''(7) NOTICE AND COMMENT.—The Administrator shall—

''(A) publish, including in the Federal Register, the proposed decisions made under paragraphs (3), (4), and (5) and the basis for the decisions;

''(B) identify the information and analysis on which the decisions are based; and

''(C) provide 90 days for public comment.

''(8) REVISIONS OF PRIOR DESIGNATIONS.—

''(A) IN GENERAL.—At any time, the Administrator may revise the designation of a chemical substance as a high-priority substance or a low-priority substance based on information available to the Administrator after the date of the determination under paragraph (3) or (4).

''(B) LIMITED AVAILABILITY.—If limited availability of relevant information was a basis in the designation of a chemical substance as a high-priority substance, the Administrator shall reevaluate the prioritization screening of the chemical substance on receiving the relevant information.

''(9) OTHER INFORMATION RELEVANT TO PRIORITIZATION.—

''(A) IN GENERAL.—If, after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, a State proposes an administrative action or enacts a statute or takes an administrative action to prohibit or otherwise restrict the manufacturing, processing, distribution in commerce, or use of a chemical substance that the Administrator has not designated as a high-priority substance, the Governor or State agency with responsibility for implementing the statute or administrative action shall notify the Administrator.

''(B) REQUESTS FOR INFORMATION.—Following receipt of a notification provided under subparagraph (A), the Administrator may request any available information from the Governor or the State agency with respect to—

''(i) scientific evidence related to the hazards, exposures and risks of the chemical substance under the conditions of use which the statute or administrative action is intended to address;

''(ii) any State or local conditions which warranted the statute or administrative action;

''(iii) the statutory or administrative authority on which the action is based; and

''(iv) any other available information relevant to the prohibition or other restriction, including information on any alternatives considered and their hazards, exposures, and risks.

''(C) PRIORITIZATION SCREENING.—The Administrator shall conduct a prioritization screening under this subsection for all substances that—

''(i) are the subject of notifications received under subparagraph (A); and

''(ii) the Administrator determines—

''(I) are likely to have significant health or environmental impacts;

''(II) are likely to have significant impact on interstate commerce; or

''(III) have been subject to a prohibition or other restriction under a statute or administrative action in 2 or more States.

''(D) POST-PRIORITIZATION NOTICE.—If, after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, a State proposes or takes an administrative action or enacts a statute to prohibit or otherwise restrict the manufacturing, processing, distribution in commerce, or use of a high-priority substance, after the date on which the deadline established pursuant to subsection (a) of section 6 for completion of the safety determination under that subsection expires but before the date on which the Administrator publishes the safety determination under that subsection, the Governor or State agency with responsibility for implementing the statute or administrative action shall—

''(i) notify the Administrator; and

''(ii) provide the scientific and legal basis for the action.

''(E) AVAILABILITY TO PUBLIC.—Subject to section 14 and any applicable State law regarding the protection of confidential information provided to the State or to the Administrator, the Administrator shall make information received from a Governor or State agency under subparagraph (A) publicly available.

''(F) EFFECT OF PARAGRAPH.—Nothing in this paragraph shall preempt a State statute or administrative action, require approval of a State statute or administrative action, or apply section 15 to a State.

''(10) REVIEW.—Not less frequently than once every 5 years after the date on which the process under this subsection is established, the Administrator shall—

''(A) review the process on the basis of experience and taking into consideration resources available to efficiently and effectively screen and prioritize chemical substances; and

''(B) if necessary, modify the prioritization screening process.

''(11) EFFECT.—Subject to section 18, a designation by the Administrator under this section with respect to a chemical substance shall not affect—

''(A) the manufacture, processing, distribution in commerce, use, or disposal of the chemical substance; or

''(B) the regulation of those activities.

''(c) ADDITIONAL PRIORITIES FOR SAFETY ASSESSMENTS AND DETERMINATIONS.—

''(1) REQUIREMENTS.—

''(A) IN GENERAL.—The rule promulgated under subsection (a) shall—

''(i) include a process by which a manufacturer or processor of an active chemical substance that has not been designated a high-priority substance or is not in the process of a prioritization screening by the Administrator, may request that the Administrator designate the substance as an additional priority for a safety assessment and safety determination, subject to the payment of fees pursuant to section 26(b)(3)(D);

''(ii) specify the information to be provided in such requests; and

''(iii) specify the criteria (which may include criteria identified in subsection (a)(4)) that the Administrator shall use to determine whether or not to grant such a request, which shall include whether the substance is subject to restrictions imposed by statutes enacted or administrative actions taken by 1 or more States on the manufacture, processing, distribution in commerce, or use of the substance.

''(B) PREFERENCE.—Subject to paragraph (2), in deciding whether to grant requests under this subsection the Administrator shall give a preference to requests concerning substances for which the Administrator determines that restrictions imposed by 1 or more States have the potential to have a significant impact on interstate commerce or health or the environment.

''(C) EXCEPTIONS.—Chemical substances for which requests have been granted under this subsection shall not be subject to subsection (a)(3)(A)(iii) or section 18(b).

''(2) LIMITATIONS.—In considering whether to grant a request submitted under paragraph (1), the Administrator shall ensure that—

''(A) the number of substances designated to undergo safety assessments and safety determinations under the process and criteria pursuant to paragraph (1) is not less than 25 percent, or more than 30 percent, of the cumulative number of substances designated to undergo safety assessments and safety determinations under subsections (a)(2) and (b)(3) (except that if less than 25 percent are received by the Administrator, the Administrator shall grant each request that meets the requirements of paragraph (1));

''(B) the resources allocated to conducting safety assessments and safety determinations for additional priorities designated under this subsection are proportionate to the number of such substances relative to the total number of substances currently designated to undergo safety assessments and safety determinations under this section; and

''(C) the number of additional priority requests stipulated under subparagraph (A) is in addition to the total number of high-priority substances identified under subsections (a)(2) and (b)(3).

''(3) ADDITIONAL REVIEW OF WORK PLAN CHEMICALS FOR SAFETY ASSESSMENT AND SAFETY DETERMINATION.—In the case of a request under paragraph (1) with respect to a chemical substance identified by the Administrator in the October 2014 TSCA Work Plan—

''(A) the 30-percent cap specified in paragraph (2)(A) shall not apply and the addition of Work Plan chemicals shall be at the discretion of the Administrator; and

''(B) notwithstanding paragraph (1)(C), requests for additional Work Plan chemicals under this subsection shall be considered high-priority chemicals subject to section 18(b) but not subsection (a)(3)(A)(iii).

''(4) REQUIREMENTS.—

''(A) IN GENERAL.—The public shall be provided notice and an opportunity to comment on requests submitted under this subsection.

''(B) DECISION BY ADMINISTRATOR.—Not later than 180 days after the date on which the Administrator receives a request under this subsection, the Administrator shall decide whether or not to grant the request.

''(C) ASSESSMENT AND DETERMINATION.—If the Administrator grants a request under this subsection, the safety assessment and safety determination—

''(i) shall be conducted in accordance with the deadlines and other requirements of sections 3A(i) and 6; and

''(ii) shall not be expedited or otherwise subject to special treatment relative to high-priority substances designated pursuant to subsection (b)(3) that are undergoing safety assessments and safety determinations.''.

SEC. 7. NEW CHEMICALS AND SIGNIFICANT NEW USES.

Section 5 of the Toxic Substances Control Act (15 U.S.C. 2604) is amended—

(1) by striking the section designation and heading and inserting the following:

''SEC. 5. NEW CHEMICALS AND SIGNIFICANT NEW USES.'';

(2) by striking subsection (b);

(3) by redesignating subsection (a) as subsection (b);

(4) by redesignating subsection (i) as subsection (a) and moving the subsection so as to appear at the beginning of the section;

(5) in subsection (b) (as so redesignated)—

(A) in the subsection heading, by striking ''IN GENERAL'' and inserting ''NOTICES'';

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''subsection (h)'' and inserting ''paragraph (3) and subsection (h)''; and

(ii) in the matter following subparagraph (B)—

(I) by striking ''subsection (d)'' and inserting ''subsection (c)''; and

(II) by striking ''and such person complies with any applicable requirement of subsection (b)''; and

(C) by adding at the end the following:

''(3) ARTICLE CONSIDERATION.—The Administrator may require notification under this section for the import or processing of a chemical substance as part of an article or category of articles under paragraph (1)(B) if the Administrator makes an affirmative finding in a rule under paragraph (2) that the reasonable potential for exposure to the chemical substance through the article or category of articles subject to the rule warrants notification.'';

(6) by redesignating subsections (c) and (d) as subsections (d) and (c), respectively, and moving subsection (c) (as so redesigned) so as appear after subsection (b) (as redesignated by paragraph (3));

(7) in subsection (c) (as so redesignated)—

(A) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—The notice required by subsection (b) shall include, with respect to a chemical substance—

''(A) the information required by sections 720.45 and 720.50 of title 40, Code of Federal Regulations (or successor regulations); and

''(B) all known or reasonably ascertainable information regarding conditions of use and reasonably anticipated exposures.'';

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A)—

(I) by striking ''subsection (a)'' and inserting ''subsection (b)''; and

(II) by striking ''or of data under subsection (b)'';

(ii) in subparagraph (A), by adding ''and'' after the semicolon at the end;

(iii) in subparagraph (B), by striking ''; and'' and inserting a period; and

(iv) by striking subparagraph (C); and

(C) in paragraph (3), by striking ''subsection (a) and for which the notification period prescribed by subsection (a), (b), or (c)'' and inserting ''subsection (b) and for which the notification period prescribed by subsection (b) or (d)'';

(8) by striking subsection (d) (as redesignated by paragraph (6)) and inserting the following:

''(d) REVIEW OF NOTICE.—

''(1) INITIAL REVIEW.—

''(A) IN GENERAL.—Subject to subparagraph (B), not later than 90 days after the date of receipt of a notice submitted under subsection (b), the Administrator shall—

''(i) conduct an initial review of the notice;

''(ii) as needed, develop a profile of the relevant chemical substance and the potential for exposure to humans and the environment; and

''(iii) make a determination under paragraph (3).

''(B) EXTENSION.—Except as provided in paragraph (5), the Administrator may extend the period described in subparagraph (A) for good cause for 1 or more periods, the total of which shall be not more than 90 days.

''(2) INFORMATION SOURCES.—In evaluating a notice under paragraph (1), the Administrator shall take into consideration—

''(A) any relevant information identified in subsection (c)(1); and

''(B) any other relevant additional information available to the Administrator.

''(3) DETERMINATIONS.—Before the end of the applicable period for review under paragraph (1), based on the information described in paragraph (2), and subject to section 18(g), the Administrator shall determine that—

''(A) the relevant chemical substance or significant new use is not likely to meet the safety standard, in which case the Administrator shall take appropriate action under paragraph (4);

''(B) the relevant chemical substance or significant new use is likely to meet the safety standard, in which case the Administrator shall allow the review period to expire without additional restrictions; or

''(C) additional information is necessary in order to make a determination under subparagraph (A) or (B), in which case the Administrator shall take appropriate action under paragraphs (4) and (5).

''(4) RESTRICTIONS.—

''(A) DETERMINATION BY ADMINISTRATOR.—

''(i) IN GENERAL.—If the Administrator makes a determination under subparagraph (A) or (C) of paragraph (3) with respect to a notice submitted under subsection (b)—

''(I) the Administrator, before the end of the applicable period for review under paragraph (1) and by consent agreement or order, as appropriate, shall prohibit or otherwise restrict the manufacture, processing, use, distribution in commerce, or disposal (as applicable) of the chemical substance, or of the chemical substance for a significant new use, without compliance with the restrictions specified in the consent agreement or order that the Administrator determines are sufficient to ensure that the chemical substance or significant new use is likely to meet the safety standard; and

''(II) no person may commence manufacture of the chemical substance, or manufacture or processing of the chemical substance for a significant new use, except in compliance with the restrictions specified in the consent agreement or order.

''(ii) LIKELY TO MEET STANDARD.—If the Administrator makes a determination under subparagraph (B) of paragraph (3) with respect to a chemical substance or significant new use for which a notice was submitted under subsection (b), then notwithstanding any remaining portion of the applicable period for review under paragraph (1), the submitter of the notice may commence manufacture for commercial purposes of the chemical substance or manufacture or processing of the chemical substance for a significant new use.

''(B) REQUIREMENTS.—Not later than 90 days after issuing a consent agreement or order under subparagraph (A), the Administrator shall—

''(i) consider whether to promulgate a rule pursuant to subsection (b)(2) that identifies as a significant new use any manufacturing, processing, use, distribution in commerce, or disposal of the chemical substance that does not conform to the restrictions imposed by the consent agreement or order; and

''(ii)(I) initiate a rulemaking described in clause (i); or

''(II) publish a statement describing the reasons of the Administrator for not initiating a rulemaking.

''(C) INCLUSIONS.—A prohibition or other restriction under subparagraph (A) may include, as appropriate—

''(i) subject to section 18(g), a requirement that a chemical substance shall be marked with, or accompanied by, clear and adequate minimum warnings and instructions with respect to use, distribution in commerce, or disposal, or any combination of those activities, with the form and content of the minimum warnings and instructions to be prescribed by the Administrator

''(ii) a requirement that manufacturers or processors of the chemical substance shall—

''(I) make and retain records of the processes used to manufacture or process, as applicable, the chemical substance; or

''(II) monitor or conduct such additional tests as are reasonably necessary to address potential risks from the manufacture, processing, distribution in commerce, use, or disposal, as applicable, of the chemical substance, subject to section 4;

''(iii) a restriction on the quantity of the chemical substance that may be manufactured, processed, or distributed in commerce—

''(I) in general; or

''(II) for a particular use;

''(iv) a prohibition or other restriction of—

''(I) the manufacture, processing, or distribution in commerce of the chemical substance for a significant new use;

''(II) any method of commercial use of the chemical substance; or

''(III) any method of disposal of the chemical substance; or

''(v) a prohibition or other restriction on the manufacture, processing, or distribution in commerce of the chemical substance—

''(I) in general; or

''(II) for a particular use.

''(D) PERSISTENT AND BIOACCUMULATIVE SUBSTANCES.—For a chemical substance the Administrator determines, with respect to persistence and bioaccumulation, scores high for 1 and either high or moderate for the other, pursuant to the TSCA Work Plan Chemicals Methods Document published by the Administrator in February 2012, the Administrator shall, in selecting among prohibitions and other restrictions that the Administrator determines are sufficient to ensure that the chemical substance is likely to meet the safety standard, reduce potential exposure to the substance to the maximum extent practicable.

''(E) WORKPLACE EXPOSURES.—To the extent practicable, the Administrator shall consult with the Assistant Secretary of Labor for Occupational Safety and Health prior to adopting any prohibition or other restriction under this subsection to address workplace exposures.

''(F) DEFINITION OF REQUIREMENT.—For purposes of this Act, the term 'requirement' as used in this section does not displace common law.

''(5) ADDITIONAL INFORMATION.—If the Administrator determines under paragraph (3)(C) that additional information is necessary to conduct a review under this subsection, the Administrator—

''(A) shall provide an opportunity for the submitter of the notice to submit the additional information;

''(B) may, by agreement with the submitter, extend the review period for a reasonable time to allow the development and submission of the additional information;

''(C) may promulgate a rule, enter into a testing consent agreement, or issue an order under section 4 to require the development of the information; and

''(D) on receipt of information the Administrator finds supports the determination under paragraph (3), shall promptly make the determination.'';

(9) by striking subsections (e) through (g) and inserting the following:

''(e) NOTICE OF COMMENCEMENT.—

''(1) IN GENERAL.—Not later than 30 days after the date on which a manufacturer that has submitted a notice under subsection (b) commences nonexempt commercial manufacture of a chemical substance, the manufacturer shall submit to the Administrator a notice of commencement that identifies—

''(A) the name of the manufacturer; and

''(B) the initial date of nonexempt commercial manufacture.

''(2) WITHDRAWAL.—A manufacturer or processor that has submitted a notice under subsection (b), but that has not commenced nonexempt commercial manufacture or processing of the chemical substance, may withdraw the notice.

''(f) FURTHER EVALUATION.—The Administrator may review a chemical substance under section 4A at any time after the Administrator receives—

''(1) a notice of commencement for a chemical substance under subsection (e); or

''(2) new information regarding the chemical substance.

''(g) TRANSPARENCY.—Subject to section 14, the Administrator shall make available to the public—

''(1) all notices, determinations, consent agreements, rules, and orders submitted under this section or made by the Administrator under this section; and

''(2) all information submitted or issued under this section.''; and

(10) in subsection (h)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''(a) or''; and

(ii) in subparagraph (A), by inserting '', without taking into account cost or other nonrisk factors'' after ''the environment'';

(B) by striking paragraph (2);

(C) by redesignating paragraphs (3) through (6) as paragraphs (2) through (5), respectively;

(D) in paragraph (2) (as so redesignated), in the matter preceding subparagraph (A), by striking ''subsections (a) and (b)'' and inserting ''subsection (b)'';

(E) in paragraph (3) (as so redesignated)—

(i) in the first sentence, by striking ''will not present an unreasonable risk of injury to health or the environment'' and inserting ''will meet the safety standard''; and

(ii) by striking the second sentence;

(F) in paragraph (4) (as so redesignated), by striking ''subsections (a) and (b)'' and inserting ''subsection (b)''; and

(G) in paragraph (5) (as so redesignated), in the first sentence, by striking ''paragraph (1) or (5)'' and inserting ''paragraph (1) or (4)''.

SEC. 8. SAFETY ASSESSMENTS AND SAFETY DETERMINATIONS.

Section 6 of the Toxic Substances Control Act (15 U.S.C. 2605) is amended—

(1) by striking the section designation and heading and inserting the following:

''SEC. 6. SAFETY ASSESSMENTS AND SAFETY DETERMINATIONS.'';

(2) by redesignating subsections (e) and (f) as subsections (h) and (i), respectively;

(3) by striking subsections (a) through (d) and inserting the following:

''(a) IN GENERAL.—The Administrator—

''(1) shall conduct a safety assessment and make a safety determination of each high-priority substance in accordance with subsections (b) and (c);

''(2) shall, as soon as practicable and not later than 6 months after the date on which a chemical substance is designated as a high-priority substance, define and publish the scope of the safety assessment and safety determination to be conducted pursuant to this section, including the hazards, exposures, conditions of use, and potentially exposed or susceptible populations that the Administrator expects to consider;

''(3) as appropriate based on the results of a safety determination, shall establish restrictions pursuant to subsection (d);

''(4) shall complete and publish a safety assessment and safety determination not later than 3 years after the date on which a chemical substance is designated as a high-priority substance;

''(5) shall promulgate any necessary final rule pursuant to subsection (d) by not later than 2 years after the date on which the safety determination is completed;

''(6) may extend any deadline under paragraph (4) for not more than 1 year, if information relating to the high-priority substance, required to be developed in a rule, order, or consent agreement under section 4—

''(A) has not yet been submitted to the Administrator; or

''(B) was submitted to the Administrator—

''(i) within the time specified in the rule, order, or consent agreement pursuant to section 4(a)(4)(A)(iv); and

''(ii) on or after the date that is 120 days before the expiration of the deadline described in paragraph (4); and

''(7) may extend the deadline under paragraph (5) for not more than 2 years, subject to the condition that the aggregate length of all extensions of deadlines under this subsection does not exceed 2 years.

''(b) PRIOR ACTIONS AND NOTICE OF EXISTING INFORMATION.—

''(1) PRIOR-INITIATED ASSESSMENTS.—

''(A) IN GENERAL.—Nothing in this Act prevents the Administrator from initiating a safety assessment or safety determination regarding a chemical substance, or from continuing or completing such a safety assessment or safety determination, prior to the effective date of the policies, procedures, and guidance required to be established by the Administrator under section 3A or 4A.

''(B) INTEGRATION OF PRIOR POLICIES AND PROCEDURES.—As policies and procedures under section 3A and 4A are established, to the maximum extent practicable, the Administrator shall integrate the policies and procedures into ongoing safety assessments and safety determinations.

''(2) ACTIONS COMPLETED PRIOR TO COMPLETION OF POLICIES AND PROCEDURES.—Nothing in this Act requires the Administrator to revise or withdraw a completed safety assessment, safety determination, or rule solely because the action was completed prior to the completion of a policy or procedure established under section 3A or 4A, and the validity of a completed assessment, determination, or rule shall not be determined based on the content of such a policy or procedure.

''(3) NOTICE OF EXISTING INFORMATION.—

''(A) IN GENERAL.—The Administrator shall, where such information is available, take notice of existing information regarding hazard and exposure published by other Federal agencies and the National Academies and incorporate the information in safety assessments and safety determinations with the objective of increasing the efficiency of the safety assessments and safety determinations.

''(B) INCLUSION OF INFORMATION.—Existing information described in subparagraph (A) should be included to the extent practicable and where the Administrator determines the information is relevant and scientifically reliable.

''(c) SAFETY DETERMINATIONS.—

''(1) IN GENERAL.—Based on a review of the information available to the Administrator, including draft safety assessments submitted by interested persons pursuant to section 3A(h)(2)(D), and subject to section 18(g), the Administrator shall determine—

''(A) by order, that the relevant chemical substance meets the safety standard;

''(B) that the relevant chemical substance does not meet the safety standard, in which case the Administrator shall, by rule under subsection (d)—

''(i) impose restrictions necessary to ensure that the chemical substance meets the safety standard under the conditions of use; or

''(ii) if the safety standard cannot be met with the application of other restrictions under subsection (d)(3), ban or phase out the chemical substance, as appropriate; or

''(C) that additional information is necessary in order to make a determination under subparagraph (A) or (B), in which case the Administrator shall take appropriate action under paragraph (2).

''(2) ADDITIONAL INFORMATION.—If the Administrator determines that additional information is necessary to make a safety assessment or safety determination for a high-priority substance, the Administrator—

''(A) shall provide an opportunity for interested persons to submit the additional information;

''(B) may promulgate a rule, enter into a testing consent agreement, or issue an order under section 4 to require the development of the information;

''(C) may defer, for a reasonable period consistent with the deadlines described in subsection (a), a safety assessment and safety determination until after receipt of the information; and

''(D) consistent with the deadlines described in subsection (a), on receipt of information the Administrator finds supports the safety assessment and safety determination, shall make a determination under paragraph (1).

''(3) ESTABLISHMENT OF DEADLINE.—In requesting the development or submission of information under this section, the Administrator shall establish a deadline for the submission of the information.

''(d) RULE.—

''(1) IMPLEMENTATION.—If the Administrator makes a determination under subsection (c)(1)(B) with respect to a chemical substance, the Administrator shall promulgate a rule establishing restrictions necessary to ensure that the chemical substance meets the safety standard.

''(2) SCOPE.—

''(A) IN GENERAL.—The rule promulgated pursuant to this subsection—

''(i) may apply to mixtures containing the chemical substance, as appropriate;

''(ii) shall include dates by which compliance is mandatory, which—

''(I) shall be as soon as practicable, but not later than 4 years after the date of promulgation of the rule, except in the case of a use exempted under paragraph (5);

''(II) in the case of a ban or phase-out of the chemical substance, shall implement the ban or phase-out in as short a period as practicable;

''(III) as determined by the Administrator, may vary for different affected persons; and

''(IV) following a determination by the Administrator that compliance is technologically or economically infeasible within the timeframe specified in subclause (I), shall provide up to an additional 18 months for compliance to be mandatory;

''(iii) shall exempt replacement parts that are manufactured prior to the effective date of the rule for articles that are first manufactured prior to the effective date of the rule unless the Administrator finds the replacement parts contribute significantly to the identified risk;

''(iv) shall, in selecting among prohibitions and other restrictions, apply such prohibitions or other restrictions to an article or category of articles containing the chemical substance only to the extent necessary to address the identified risks from exposure to the chemical substance from the article or category of articles, in order to determine that the chemical substance meets the safety standard; and

''(v) shall, when the Administrator determines that the chemical substance does not meet the safety standard for a potentially exposed or susceptible population, apply prohibitions or other restrictions necessary to ensure that the substance meets the safety standard for that population.

''(B) PERSISTENT AND BIOACCUMULATIVE SUBSTANCES.—For a chemical substance the Administrator determines, with respect to persistence and bioaccumulation, scores high for 1 and either high or moderate for the other, pursuant to the TSCA Work Plan Chemicals Methods Document published by the Administrator in February 2012, the Administrator shall, in selecting among prohibitions and other restrictions that the Administrator determines are sufficient to ensure that the chemical substance meets the safety standard, reduce exposure to the substance to the maximum extent practicable.

''(C) WORKPLACE EXPOSURES.—The Administrator shall consult with the Assistant Secretary of Labor for Occupational Safety and Health before adopting any prohibition or other restriction under this subsection to address workplace exposures.

''(D) DEFINITION OF REQUIREMENT.—For the purposes of this Act, the term 'requirement' as used in this section does not displace common law.

''(3) RESTRICTIONS.—Subject to section 18, a restriction under paragraph (1) may include, as appropriate—

''(A) a requirement that a chemical substance shall be marked with, or accompanied by, clear and adequate minimum warnings and instructions with respect to use, distribution in commerce, or disposal, or any combination of those activities, with the form and content of the minimum warnings and instructions to be prescribed by the Administrator;

''(B) a requirement that manufacturers or processors of the chemical substance shall—

''(i) make and retain records of the processes used to manufacture or process the chemical substance;

''(ii) describe and apply the relevant quality control procedures followed in the manufacturing or processing of the substance; or

''(iii) monitor or conduct tests that are reasonably necessary to ensure compliance with the requirements of any rule under this subsection;

''(C) a restriction on the quantity of the chemical substance that may be manufactured, processed, or distributed in commerce;

''(D) a requirement to ban or phase out, or otherwise restrict the manufacture, processing, or distribution in commerce of the chemical substance for—

''(i) a particular use;

''(ii) a particular use at a concentration in excess of a level specified by the Administrator; or

''(iii) all uses;

''(E) a restriction on the quantity of the chemical substance that may be manufactured, processed, or distributed in commerce for—

''(i) a particular use; or

''(ii) a particular use at a concentration in excess of a level specified by the Administrator;

''(F) a requirement to ban, phase out, or otherwise restrict any method of commercial use of the chemical substance;

''(G) a requirement to ban, phase out, or otherwise restrict any method of disposal of the chemical substance or any article containing the chemical substance; and

''(H) a requirement directing manufacturers or processors of the chemical substance to give notice of the Administrator's determination under subsection (c)(1)(B) to distributors in commerce of the chemical substance and, to the extent reasonably ascertainable, to other persons in the chain of commerce in possession of the chemical substance.

''(4) ANALYSIS FOR RULEMAKING.—

''(A) CONSIDERATIONS.—In deciding which restrictions to impose under paragraph (3) as part of developing a rule under paragraph (1), the Administrator shall take into consideration, to the extent practicable based on reasonably available information, the quantifiable and nonquantifiable costs and benefits of the proposed regulatory action and of the 1 or more primary alternative regulatory actions considered by the Administrator.

''(B) ALTERNATIVES.—As part of the analysis, the Administrator shall review any 1 or more technically and economically feasible alternatives to the chemical substance that the Administrator determines are relevant to the rulemaking.

''(C) PUBLIC AVAILABILITY.—In proposing a rule under paragraph (1), the Administrator shall make publicly available any analysis conducted under this paragraph.

''(D) STATEMENT REQUIRED.—In making final a rule under paragraph (1), the Administrator shall include a statement describing how the analysis considered under subparagraph (A) was taken into account.

''(5) EXEMPTIONS.—

''(A) IN GENERAL.—The Administrator may, as part of a rule promulgated under paragraph (1) or in a separate rule, exempt 1 or more uses of a chemical substance from any restriction in a rule promulgated under paragraph (1) if the Administrator determines that—

''(i) the restriction cannot be complied with, without—

''(I) harming national security;

''(II) causing significant disruption in the national economy due to the lack of availability of a chemical substance; or

''(III) interfering with a critical or essential use for which no technically and economically feasible safer alternative is available, taking into consideration hazard and exposure; or

''(ii) the use of the chemical substance, as compared to reasonably available alternatives, provides a substantial benefit to health, the environment, or public safety.

''(B) EXEMPTION ANALYSIS.—In proposing a rule under this paragraph, the Administrator shall make publicly available any analysis conducted under this paragraph to assess the need for the exemption.

''(C) STATEMENT REQUIRED.—In making final a rule under this paragraph, the Administrator shall include a statement describing how the analysis considered under subparagraph (B) was taken into account.

''(D) ANALYSIS IN CASE OF BAN OR PHASE-OUT.—In determining whether an exemption should be granted under this paragraph for a chemical substance for which a ban or phase-out is included in a proposed or final rule under paragraph (1), the Administrator shall take into consideration, to the extent practicable based on reasonably available information, the quantifiable and nonquantifiable costs and benefits of the 1 or more alternatives to the chemical substance the Administrator determines to be technically and economically feasible and most likely to be used in place of the chemical substance under the conditions of use.

''(E) CONDITIONS.—As part of a rule promulgated under this paragraph, the Administrator shall include conditions, including reasonable recordkeeping, monitoring, and reporting requirements, to the extent that the Administrator determines the conditions are necessary to protect health and the environment while achieving the purposes of the exemption.

''(F) DURATION.—

''(i) IN GENERAL.—The Administrator shall establish, as part of a rule under this paragraph, a time limit on any exemption for a time to be determined by the Administrator as reasonable on a case-by-case basis.

''(ii) AUTHORITY OF ADMINISTRATOR.—The Administrator, by rule, may extend, modify, or eliminate an exemption if the Administrator determines, on the basis of reasonably available information and after adequate public justification, the exemption warrants extension or is no longer necessary.

''(iii) CONSIDERATIONS.—

''(I) IN GENERAL.—Subject to subclause (II), the Administrator shall issue exemptions and establish time periods by considering factors determined by the Administrator to be relevant to the goals of fostering innovation and the development of alternatives that meet the safety standard.

''(II) LIMITATION.—Any renewal of an exemption in the case of a rule under paragraph (1) requiring the ban or phase-out of a chemical substance shall not exceed 5 years.

''(e) IMMEDIATE EFFECT.—The Administrator may declare a proposed rule under subsection (d)(1) to be effective on publication of the rule in the Federal Register and until the effective date of final action taken respecting the rule, if—

''(1) the Administrator determines that—

''(A) the manufacture, processing, distribution in commerce, use, or disposal of the chemical substance or mixture subject to the proposed rule or any combination of those activities is likely to result in a risk of serious or widespread injury to health or the environment before the effective date; and

''(B) making the proposed rule so effective is necessary to protect the public interest; and

''(2) in the case of a proposed rule to prohibit the manufacture, processing, or distribution in commerce of a chemical substance or mixture because of the risk determined under paragraph (1)(A), a court has granted relief in an action under section 7 with respect to that risk associated with the chemical substance or mixture.

''(f) FINAL AGENCY ACTION.—Under this section and subject to section 18—

''(1) a safety determination, and the associated safety assessment, for a chemical substance that the Administrator determines under subsection (c) meets the safety standard, shall be considered to be a final agency action, effective beginning on the date of issuance of the final safety determination; and

''(2) a final rule promulgated under subsection (d)(1), and the associated safety assessment and

safety determination that a chemical substance does not meet the safety standard, shall be considered to be a final agency action, effective beginning on the date of promulgation of the final rule.

''(g) EXTENSION OF DEADLINES FOR CERTAIN CHEMICAL SUBSTANCES.—The Administrator may not extend any deadline under subsection (a) for a chemical substance designated as a high priority that is listed in the 2014 update of the TSCA Work Plan without adequate public justification that demonstrates, following a review of the information reasonably available to the Administrator, that the Administrator cannot adequately complete a safety assessment and safety determination, or a final rule pursuant to subsection (d), without additional information regarding the chemical substance.''; and

(4) in subsection (h) (as redesignated by paragraph (2))—

(A) by striking paragraph (4); and

(B) by redesignating paragraph (5) as paragraph (4).

SEC. 9. IMMINENT HAZARDS.

Section 7 of the Toxic Substances Control Act (15 U.S.C. 2606) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) CIVIL ACTIONS.—

''(1) IN GENERAL.—The Administrator may commence a civil action in an appropriate United States district court for—

''(A) seizure of an imminently hazardous chemical substance or mixture or any article containing the chemical substance or mixture;

''(B) relief (as authorized by subsection (b)) against any person that manufactures, processes, distributes in commerce, uses, or disposes of, an imminently hazardous chemical substance or mixture or any article containing the chemical substance or mixture; or

''(C) both seizure described in subparagraph (A) and relief described in subparagraph (B).

''(2) RULE, ORDER, OR OTHER PROCEEDING.—A civil action may be commenced under this paragraph, notwithstanding—

''(A) the existence of a decision, rule, consent agreement, or order by the Administrator under section 4, 4A, 5, or 6 or title IV or VI; or

''(B) the pendency of any administrative or judicial proceeding under any provision of this Act.'';

(2) in subsection (b)(1), by striking ''unreasonable'';

(3) in subsection (d), by striking ''section 6(a)'' and inserting ''section 6(d)''; and

(4) in subsection (f), in the first sentence, by striking ''and unreasonable''.

SEC. 10. INFORMATION COLLECTION AND REPORTING.

Section 8 of the Toxic Substances Control Act (15 U.S.C. 2607) is amended—

(1) in subsection (a)—

(A) in paragraph (3)—

(i) in subparagraph (A)(ii)(I)—

(I) by striking ''5(b)(4)'' and inserting ''5'';

(II) by inserting ''section 4 or'' after ''in effect under''; and

(III) by striking ''5(e),'' and inserting ''5(d)(4);''; and

(ii) by adding at the end the following:

''(C) Not later than 180 days after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, and not less frequently than once every 10 years thereafter, the Administrator, after consultation with the Administrator of the Small Business Administration, shall—

''(i) review the adequacy of the standards prescribed according to subparagraph (B);

''(ii) after providing public notice and an opportunity for comment, make a determination as to whether revision of the standards is warranted; and

''(iii) revise the standards if the Administrator so determines.''; and

(B) by adding at the end the following:

''(4) RULES.—

''(A) DEADLINE.—

''(i) IN GENERAL.—Not later than 2 years after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, the Administrator shall promulgate rules requiring the maintenance of records and the reporting of additional information known or reasonably ascertainable by the person making the report, including rules applicable to processors so that the Administrator has the information necessary to carry out this title.

''(ii) MODIFICATION OF PRIOR RULES.—In carrying out this subparagraph, the Administrator may modify, as appropriate, rules promulgated before the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act.

''(B) CONTENTS.—The rules promulgated pursuant to subparagraph (A)—

''(i) may impose different reporting and recordkeeping requirements on manufacturers and processors; and

''(ii) shall include the level of detail necessary to be reported, including the manner by which use and exposure information may be reported.

''(C) ADMINISTRATION.—In implementing the reporting and recordkeeping requirements under this paragraph, the Administrator shall take measures—

''(i) to limit the potential for duplication in reporting requirements;

''(ii) to minimize the impact of the rules on small manufacturers and processors; and

''(iii) to apply any reporting obligations to those persons likely to have information relevant to the effective implementation of this title.'';

(2) in subsection (b), by adding at the end the following:

''(3) NOMENCLATURE.—

''(A) IN GENERAL.—In carrying out paragraph (1), the Administrator shall—

''(i) maintain the use of Class 2 nomenclature in use on the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act;

''(ii) maintain the use of the Soap and Detergent Association Nomenclature System, published in March 1978 by the Administrator in section 1 of addendum III of the document entitled 'Candidate List of Chemical Substances', and further described in the appendix A of volume I of the 1985 edition of the Toxic Substances Control Act Substances Inventory (EPA Document No. EPA–560/7–85–002a); and

''(iii) treat all components of categories that are considered to be statutory mixtures under this Act as being included on the list published under paragraph (1) under the Chemical Abstracts Service numbers for the respective categories, including, without limitation—

''(I) cement, Portland, chemicals, CAS No. 65997–15–1;

''(II) cement, alumina, chemicals, CAS No. 65997–16–2;

''(III) glass, oxide, chemicals, CAS No. 65997–17–3;

''(IV) frits, chemicals, CAS No. 65997–18–4;

''(V) steel manufacture, chemicals, CAS No. 65997–19–5; and

''(VI) ceramic materials and wares, chemicals, CAS No. 66402–68–4.

''(B) MULTIPLE NOMENCLATURE CONVENTIONS.—

''(i) IN GENERAL.—If an existing guidance allows for multiple nomenclature conventions, the Administrator shall—

''(I) maintain the nomenclature conventions for substances; and

''(II) develop new guidance that—

''(aa) establishes equivalency between the nomenclature conventions for chemical substances on the list published under paragraph (1); and

''(bb) permits persons to rely on the new guidance for purposes of determining whether a chemical substance is on the list published under paragraph (1).

''(ii) MULTIPLE CAS NUMBERS.—For any chemical substance appearing multiple times on the list under different Chemical Abstracts Service numbers, the Administrator shall develop guidance recognizing the multiple listings as a single chemical substance.

''(4) CHEMICAL SUBSTANCES IN COMMERCE.—

''(A) RULES.—

''(i) IN GENERAL.—Not later than 1 year after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, the Administrator, by rule, shall require manufacturers and processors to notify the Administrator, by not later than 180 days after the date of promulgation of the rule, of each chemical substance on the list published under paragraph (1) that the manufacturer or processor, as applicable, has manufactured or processed for a nonexempt commercial purpose during the 10-year period ending on the day before the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act.

''(ii) ACTIVE SUBSTANCES.—The Administrator shall designate chemical substances for which notices are received under clause (i) to be active substances on the list published under paragraph (1).

''(iii) INACTIVE SUBSTANCES.—The Administrator shall designate chemical substances for which no notices are received under clause (i) to be inactive substances on the list published under paragraph (1).

''(B) CONFIDENTIAL CHEMICAL SUBSTANCES.—In promulgating the rule established pursuant to subparagraph (A), the Administrator shall—

''(i) maintain the list under paragraph (1), which shall include a confidential portion and a nonconfidential portion consistent with this section and section 14;

''(ii) require a manufacturer or processor that is submitting a notice pursuant to subparagraph (A) for a chemical substance on the confidential portion of the list published under paragraph (1) to indicate in the notice whether the manufacturer or processor seeks to maintain any existing claim for protection against disclosure of the specific identity of the substance as confidential pursuant to section 14; and

''(iii) require the substantiation of those claims pursuant to section 14 and in accordance with the review plan described in subparagraph (C).

''(C) REVIEW PLAN.—Not later than 1 year after the date on which the Administrator compiles the initial list of active substances pursuant to subparagraph (A), the Administrator shall promulgate a rule that establishes a plan to review all claims to protect the specific identities of chemical substances on the confidential portion of the list published under paragraph (1) that are asserted pursuant to subparagraph (B).

''(D) REQUIREMENTS OF REVIEW PLAN.—Under the review plan under subparagraph (C), the Administrator shall—

''(i) require, at the time requested by the Administrator, all manufacturers or processors asserting claims under subparagraph (B) to substantiate the claim unless the manufacturer or processor has substantiated the claim in a submission made to the Administrator during the 5-year period ending on the date of the request by the Administrator;

''(ii) in accordance with section 14—

''(I) review each substantiation—

''(aa) submitted pursuant to clause (i) to determine if the claim warrants protection from disclosure; and

''(bb) submitted previously by a manufacturer or processor and relied on in lieu of the substantiation required pursuant to clause (i), if the substantiation has not been previously reviewed by the Administrator, to determine if the claim warrants protection from disclosure;

''(II) approve, modify, or deny each claim; and

''(III) except as provided in this section and section 14, protect from disclosure information

for which the Administrator approves such a claim for a period of 10 years, unless, prior to the expiration of the period—

''(aa) the person notifies the Administrator that the person is withdrawing the claim, in which case the Administrator shall promptly make the information available to the public; or

''(bb) the Administrator otherwise becomes aware that the need for protection from disclosure can no longer be substantiated, in which case the Administrator shall take the actions described in section 14(g)(2); and

''(iii) encourage manufacturers or processors that have previously made claims to protect the specific identities of chemical substances identified as inactive pursuant to subsection (f)(2) to review and either withdraw or substantiate the claims.

''(E) TIMELINE FOR COMPLETION OF REVIEWS.—

''(i) IN GENERAL.—The Administrator shall implement the review plan so as to complete reviews of all claims specified in subparagraph (C) not later than 5 years after the date on which the Administrator compiles the initial list of active substances pursuant to subparagraph (A).

''(ii) CONSIDERATIONS.—

''(I) IN GENERAL.—The Administrator may extend the deadline for completion of the reviews for not more than 2 additional years, after an adequate public justification, if the Administrator determines that the extension is necessary based on the number of claims needing review and the available resources.

''(II) ANNUAL REVIEW GOAL AND RESULTS.—At the beginning of each year, the Administrator shall publish an annual goal for reviews and the number of reviews completed in the prior year.

''(5) ACTIVE AND INACTIVE SUBSTANCES.—

''(A) IN GENERAL.—The Administrator shall maintain and keep current designations of active substances and inactive substances on the list published under paragraph (1).

''(B) CHANGE TO ACTIVE STATUS.—

''(i) IN GENERAL.—Any person that intends to manufacture or process for a nonexempt commercial purpose a chemical substance that is designated as an inactive substance shall notify the Administrator before the date on which the inactive substance is manufactured or processed.

''(ii) CONFIDENTIAL CHEMICAL IDENTITY CLAIMS.—If a person submitting a notice under clause (i) for an inactive substance on the confidential portion of the list published under paragraph (1) seeks to maintain an existing claim for protection against disclosure of the specific identity of the inactive substance as confidential, the person shall—

''(I) in the notice submitted under clause (i), assert the claim; and

''(II) by not later than 30 days after providing the notice under clause (i), substantiate the claim.

''(iii) ACTIVE STATUS.—On receiving a notification under clause (i), the Administrator shall—

''(I) designate the applicable chemical substance as an active substance;

''(II) pursuant to section 14, promptly review any claim and associated substantiation submitted pursuant to clause (ii) for protection against disclosure of the specific identity of the chemical substance and approve, modify, or deny the claim;

''(III) except as provided in this section and section 14, protect from disclosure the specific identity of the chemical substance for which the Administrator approves a claim under subclause (II) for a period of 10 years, unless, prior to the expiration of the period—

''(aa) the person notifies the Administrator that the person is withdrawing the claim, in which case the Administrator shall promptly make the information available to the public; or

''(bb) the Administrator otherwise becomes aware that the need for protection from disclosure can no longer be substantiated, in which case the Administrator shall take the actions described in section 14(g)(2); and

''(IV) pursuant to section 4A, review the priority of the chemical substance as the Administrator determines to be necessary.

''(C) CATEGORY STATUS.—The list of inactive substances shall not be considered to be a category for purposes of section 26(c).

''(6) INTERIM LIST OF ACTIVE SUBSTANCES.—Prior to the promulgation of the rule required under paragraph (4)(A), the Administrator shall designate the chemical substances reported under part 711 of title 40, Code of Federal Regulations (as in effect on the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act), during the reporting period that most closely preceded the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, as the interim list of active substances for the purposes of section 4A.

''(7) PUBLIC INFORMATION.—Subject to this subsection, the Administrator shall make available to the public—

''(A) the specific identity of each chemical substance on the nonconfidential portion of the list published under paragraph (1) that the Administrator has designated as—

''(i) an active substance; or

''(ii) an inactive substance;

''(B) the accession number, generic name, and, if applicable, premanufacture notice case number for each chemical substance on the confidential portion of the list published under paragraph (1) for which a claim of confidentiality was received; and

''(C) subject to subsections (f) and (g) of section 14, the specific identity of any active substance for which—

''(i) a claim for protection against disclosure of the specific identity of the active chemical substance was not asserted, as required under this subsection or subsection (d) or (f) of section 14;

''(ii) a claim for protection against disclosure of the specific identity of the active substance has been denied by the Administrator; or

''(iii) the time period for protection against disclosure of the specific identity of the active substance has expired.

''(8) LIMITATION.—No person may assert a new claim under this subsection for protection from disclosure of a specific identity of any active or inactive chemical substance for which a notice is received under paragraph (4)(A)(i) or (5)(C)(i) that is not on the confidential portion of the list published under paragraph (1).

''(9) CERTIFICATION.—Under the rules promulgated under this subsection, manufacturers and processors shall be required—

''(A) to certify that each notice or substantiation the manufacturer or processor submits complies with the requirements of the rule, and that any confidentiality claims are true and correct; and

''(B) to retain a record supporting the certification for a period of 5 years beginning on the last day of the submission period.'';

(3) in subsection (e)—

(A) by striking ''Any person'' and inserting the following:

''(1) IN GENERAL.—Any person''; and

(B) by adding at the end the following:

''(2) ADDITIONAL INFORMATION.—Any person may submit to the Administrator information reasonably supporting the conclusion that a chemical substance or mixture presents, will present, or does not present a substantial risk of injury to health and the environment.''; and

(4) in subsection (f), by striking ''For purposes of this section, the'' and inserting the following: ''In this section:

''(1) ACTIVE SUBSTANCE.—The term 'active substance' means a chemical substance—

''(A) that has been manufactured or processed for a nonexempt commercial purpose at any point during the 10-year period ending on the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act;

''(B) that is added to the list published under subsection (b)(1) after that date of enactment; or

''(C) for which a notice is received under subsection (b)(5)(C).

''(2) INACTIVE SUBSTANCE.—The term 'inactive substance' means a chemical substance on the list published under subsection (b)(1) that does not meet any of the criteria described in paragraph (1).

''(3) MANUFACTURE; PROCESS.—The''.

SEC. 11. RELATIONSHIP TO OTHER FEDERAL LAWS.

Section 9 of the Toxic Substances Control Act (15 U.S.C. 2608) is amended—

(1) in subsection (a)—

(A) in paragraph (1), in the first sentence—

(i) by striking ''presents or will present an unreasonable risk to health or the environment'' and inserting ''does not or will not meet the safety standard''; and

(ii) by striking ''such risk'' the first place it appears and inserting ''the risk posed by the substance or mixture'';

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting ''within the time period specified by the Administrator in the report'' after ''issues an order'';

(ii) in subparagraph (B), by inserting ''responds within the time period specified by the Administrator in the report and'' before ''initiates, within 90 days''; and

(iii) in the matter following subparagraph (B), by striking ''section 6 or 7'' and inserting ''section 6(d) or section 7'';

(C) by redesignating paragraph (3) as paragraph (6);

(D) in paragraph (6) (as so redesignated), by striking ''section 6 or 7'' and inserting ''section 6(d) or 7''; and

(E) by inserting after paragraph (2) the following:

''(3) The Administrator shall take the actions described in paragraph (4) if the Administrator makes a report under paragraph (1) with respect to a chemical substance or mixture and the agency to which the report was made does not—

''(A) issue the order described in paragraph (2)(A) within the time period specified by the Administrator in the report; or

''(B)(i) respond under paragraph (1) within the time frame specified by the Administrator in the report; and

''(ii) initiate action within 90 days of publication in the Federal Register of the response described in clause (i).

''(4) If an agency to which a report under paragraph (1) does not take the actions described in subparagraphs (A) or (B) of paragraph (3), the Administrator shall—

''(A) if a safety assessment and safety determination for the substance under section 6 has not been completed, complete the safety assessment and safety determination;

''(B) if the Administrator has determined or determines that the chemical substance does not meet the safety standard, initiate action under section 6(d) with respect to the risk; or

''(C) take any action authorized or required under section 7, as appropriate.

''(5) This subsection shall not relieve the Administrator of any obligation to complete a safety assessment and safety determination or take any required action under section 6(d) or 7 to address risks from the manufacture, processing, distribution in commerce, use, or disposal of a chemical substance or mixture, or any combination of those activities, that are not identified in a report issued by the Administrator under paragraph (1).'';

(2) in subsection (d), in the first sentence, by striking ''Health, Education, and Welfare'' and inserting ''Health and Human Services''; and

(3) by adding at the end the following:

''(e) EXPOSURE INFORMATION.—If the Administrator obtains information related to exposures or releases of a chemical substance that may be

prevented or reduced under another Federal law, including laws not administered by the Administrator, the Administrator shall make such information available to the relevant Federal agency or office of the Environmental Protection Agency.''.

SEC. 12. RESEARCH, DEVELOPMENT, COLLECTION, DISSEMINATION, AND UTILIZATION OF DATA.

Section 10 of the Toxic Substances Control Act (15 U.S.C. 2609) is amended by striking ''Health, Education, and Welfare'' each place it appears and inserting ''Health and Human Services''.

SEC. 13. EXPORTS.

Section 12 of the Toxic Substances Control Act (15 U.S.C. 2611) is amended—

(1) in subsection (a), by striking paragraph (2) and inserting the following:

''(2) EXCEPTION.—Paragraph (1) shall not apply to—

''(A) any new chemical substance that the Administrator determines is likely to present an unreasonable risk of injury to health within the United States or to the environment of the United States, without taking into account cost or other non-risk factors;

''(B) any chemical substance that the Administrator determines presents or will present an unreasonable risk of injury to health within the United States or to the environment of the United States, without taking into account cost or other non-risk factors; or

''(C) any chemical substance that—

''(i) the Administrator determines is likely to present an unreasonable risk of injury to health within the United States or to the environment of the United States, without taking into account cost or other non-risk factors; and

''(ii) is subject to restriction under section 5(d)(4).

''(3) WAIVERS FOR CERTAIN MIXTURES AND ARTICLES.—For a mixture or article containing a chemical substance described in paragraph (2), the Administrator may—

''(A) determine that paragraph (1) shall not apply to the mixture or article; or

''(B) establish a threshold concentration in a mixture or article at which paragraph (1) shall not apply.

''(4) TESTING.—The Administrator may require testing under section 4 of any chemical substance or mixture exempted from this Act under paragraph (1) for the purpose of determining whether the chemical substance meets the safety standard within the United States.'';

(2) by striking subsection (b) and inserting the following:

''(b) NOTICE.—

''(1) IN GENERAL.—A person shall notify the Administrator that the person is exporting or intends to export to a foreign country—

''(A) a chemical substance or a mixture containing a chemical substance that the Administrator has determined under section 5 is not likely to meet the safety standard and for which a prohibition or other restriction has been proposed or established under that section;

''(B) a chemical substance or a mixture containing a chemical substance that the Administrator has determined under section 6 does not meet the safety standard and for which a prohibition or other restriction has been proposed or established under that section;

''(C) a chemical substance for which the United States is obligated by treaty to provide export notification;

''(D) a chemical substance or mixture containing a chemical substance subject to a proposed or promulgated significant new use rule, or a prohibition or other restriction pursuant to a rule, order, or consent agreement in effect under this Act;

''(E) a chemical substance or mixture for which the submission of information is required under section 4; or

''(F) a chemical substance or mixture for which an action is pending or for which relief has been granted under section 7.

''(2) RULES.—

''(A) IN GENERAL.—The Administrator shall promulgate rules to carry out paragraph (1).

''(B) CONTENTS.—The rules promulgated pursuant to subparagraph (A) shall—

''(i) include such exemptions as the Administrator determines to be appropriate, which may include exemptions identified under section 5(h); and

''(ii) indicate whether, or to what extent, the rules apply to articles containing a chemical substance or mixture described in paragraph (1).

''(3) NOTIFICATION.—The Administrator shall submit to the government of each country to which a chemical substance or mixture is exported—

''(A) for a chemical substance or mixture described in subparagraph (A), (B), (D), or (F) of paragraph (1), a notice of the determination, rule, order, consent agreement, action, relief, or requirement;

''(B) for a chemical substance described in paragraph (1)(C), a notice that satisfies the obligation of the United States under the applicable treaty; and

''(C) for a chemical substance or mixture described in paragraph (1)(E), a notice of availability of the information on the chemical substance or mixture submitted to the Administrator.''; and

(3) in subsection (c), by striking paragraph (3).

SEC. 14. CONFIDENTIAL INFORMATION.

Section 14 of the Toxic Substances Control Act (15 U.S.C. 2613) is amended to read as follows:

''SEC. 14. CONFIDENTIAL INFORMATION.

''(a) IN GENERAL.—Except as otherwise provided in this section, the Administrator shall not disclose information that is exempt from disclosure pursuant to subsection (a) of section 552 of title 5, United States Code, under subsection (b)(4) of that section—

''(1) that is reported to, or otherwise obtained by, the Administrator under this Act; and

''(2) for which the requirements of subsection (d) are met.

''(b) INFORMATION GENERALLY PROTECTED FROM DISCLOSURE.—The following information specific to, and submitted by, a manufacturer, processor, or distributor that meets the requirements of subsections (a) and (d) shall be presumed to be protected from disclosure, subject to the condition that nothing in this Act prohibits the disclosure of any such information, or information that is the subject of subsection (g)(3), through discovery, subpoena, other court order, or any other judicial process otherwise allowed under applicable Federal or State law:

''(1) Specific information describing the processes used in manufacture or processing of a chemical substance, mixture, or article.

''(2) Marketing and sales information.

''(3) Information identifying a supplier or customer.

''(4) Details of the full composition of a mixture and the respective percentages of constituents.

''(5) Specific information regarding the use, function, or application of a chemical substance or mixture in a process, mixture, or product.

''(6) Specific production or import volumes of the manufacturer.

''(7) Specific aggregated volumes across manufacturers, if the Administrator determines that disclosure of the specific aggregated volumes would reveal confidential information.

''(8) Except as otherwise provided in this section, the specific identity of a chemical substance prior to the date on which the chemical substance is first offered for commercial distribution, including the chemical name, molecular formula, Chemical Abstracts Service number, and other information that would identify a specific chemical substance, if the specific identity was claimed as confidential information at the time it was submitted in a notice under section 5.

''(c) INFORMATION NOT PROTECTED FROM DISCLOSURE.—

''(1) IN GENERAL.—Notwithstanding subsections (a) and (b), the following information shall not be protected from disclosure:

''(A) INFORMATION FROM HEALTH AND SAFETY STUDIES.—

''(i) IN GENERAL.—Subject to clause (ii)—

''(I) any health and safety study that is submitted under this Act with respect to—

''(aa) any chemical substance or mixture that, on the date on which the study is to be disclosed, has been offered for commercial distribution; or

''(bb) any chemical substance or mixture for which—

''(AA) testing is required under section 4; or

''(BB) a notification is required under section 5; or

''(II) any information reported to, or otherwise obtained by, the Administrator from a health and safety study relating to a chemical substance or mixture described in item (aa) or (bb) of subclause (I).

''(ii) EFFECT OF SUBPARAGRAPH.—Nothing in this subparagraph authorizes the release of any information that discloses—

''(I) a process used in the manufacturing or processing of a chemical substance or mixture; or

''(II) in the case of a mixture, the portion of the mixture comprised by any chemical substance in the mixture.

''(B) OTHER INFORMATION NOT PROTECTED FROM DISCLOSURE.—

''(i) For information submitted after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, the specific identity of a chemical substance as of the date on which the chemical substance is first offered for commercial distribution, if the person submitting the information does not meet the requirements of subsection (d).

''(ii) A safety assessment developed, or a safety determination made, under section 6.

''(iii) Any general information describing the manufacturing volumes, expressed as specific aggregated volumes or, if the Administrator determines that disclosure of specific aggregated volumes would reveal confidential information, expressed in ranges.

''(iv) A general description of a process used in the manufacture or processing and industrial, commercial, or consumer functions and uses of a chemical substance, mixture, or article containing a chemical substance or mixture, including information specific to an industry or industry sector that customarily would be shared with the general public or within an industry or industry sector.

''(2) MIXED CONFIDENTIAL AND NONCONFIDENTIAL INFORMATION.—Any information that is eligible for protection under this section and is submitted with information described in this subsection shall be protected from disclosure, if the submitter complies with subsection (d), subject to the condition that information in the submission that is not eligible for protection against disclosure shall be disclosed.

''(3) BAN OR PHASE-OUT.—If the Administrator promulgates a rule pursuant to section 6(d) that establishes a ban or phase-out of the manufacture, processing, or distribution in commerce of a chemical substance, subject to paragraphs (2), (3), and (4) of subsection (g), any protection from disclosure provided under this section with respect to the specific identity of the chemical substance and other information relating to the chemical substance shall no longer apply.

''(4) CERTAIN REQUESTS.—If a request is made to the Administrator under section 552(a) of title 5, United States Code, for information that is subject to disclosure under this subsection, the Administrator may not deny the request on the basis of section 552(b)(4) of title 5, United States Code.

''(d) REQUIREMENTS FOR CONFIDENTIALITY CLAIMS.—

''(1) ASSERTION OF CLAIMS.—

''(A) IN GENERAL.—A person seeking to protect any information submitted under this Act from disclosure (including information described in subsection (b)) shall assert to the Administrator a claim for protection concurrent with submission of the information, in accordance with such rules regarding a claim for protection from disclosure as the Administrator has promulgated or may promulgate pursuant to this title.

''(B) INCLUSION.—An assertion of a claim under subparagraph (A) shall include a statement that the person has—

''(i) taken reasonable measures to protect the confidentiality of the information;

''(ii) determined that the information is not required to be disclosed or otherwise made available to the public under any other Federal law;

''(iii) a reasonable basis to conclude that disclosure of the information is likely to cause substantial harm to the competitive position of the person; and

''(iv) a reasonable basis to believe that the information is not readily discoverable through reverse engineering.

''(C) SPECIFIC CHEMICAL IDENTITY.—In the case of a claim under subparagraph (A) for protection against disclosure of a specific chemical identity, the claim shall include a structurally descriptive generic name for the chemical substance that the Administrator may disclose to the public, subject to the condition that the generic name shall—

''(i) be consistent with guidance issued by the Administrator under paragraph (3)(A); and

''(ii) describe the chemical structure of the substance as specifically as practicable while protecting those features of the chemical structure—

''(I) that are considered to be confidential; and

''(II) the disclosure of which would be likely to cause substantial harm to the competitive position of the person.

''(D) PUBLIC INFORMATION.—No person may assert a claim under this section for protection from disclosure of information that is already publicly available.

''(2) ADDITIONAL REQUIREMENTS FOR CONFIDENTIALITY CLAIMS.—Except for information described in subsection (b), a person asserting a claim to protect information from disclosure under this Act shall substantiate the claim, in accordance with the rules promulgated and consistent with the guidance issued by the Administrator.

''(3) GUIDANCE.—The Administrator shall develop guidance regarding—

''(A) the determination of structurally descriptive generic names, in the case of claims for the protection against disclosure of specific chemical identity; and

''(B) the content and form of the statements of need and agreements required under paragraphs (4), (5), and (6) of subsection (e).

''(4) CERTIFICATION.—An authorized official of a person described in paragraph (1)(A) shall certify that the statement required to assert a claim submitted pursuant to paragraph (1)(B) and any information required to substantiate a claim submitted pursuant to paragraph (2) are true and correct.

''(e) EXCEPTIONS TO PROTECTION FROM DISCLOSURE.—Information described in subsection (a)—

''(1) shall be disclosed if the information is to be disclosed to an officer or employee of the United States in connection with the official duties of the officer or employee—

''(A) under any law for the protection of health or the environment; or

''(B) for a specific law enforcement purpose;

''(2) shall be disclosed if the information is to be disclosed to a contractor of the United States and employees of that contractor—

''(A) if, in the opinion of the Administrator, the disclosure is necessary for the satisfactory performance by the contractor of a contract with the United States for the performance of work in connection with this Act; and

''(B) subject to such conditions as the Administrator may specify;

''(3) shall be disclosed if the Administrator determines that disclosure is necessary to protect health or the environment;

''(4) shall be disclosed if the information is to be disclosed to a State or political subdivision of a State, on written request, for the purpose of development, administration, or enforcement of a law, if 1 or more applicable agreements with the Administrator that are consistent with the guidance issued under subsection (d)(3)(B) ensure that the recipient will take appropriate measures, and has adequate authority, to maintain the confidentiality of the information in accordance with procedures comparable to the procedures used by the Administrator to safeguard the information;

''(5) shall be disclosed if a health or environmental professional employed by a Federal or State agency or a treating physician or nurse in a nonemergency situation provides a written statement of need and agrees to sign a written confidentiality agreement with the Administrator, subject to the conditions that—

''(A) the statement of need and confidentiality agreement are consistent with the guidance issued under subsection (d)(3)(B);

''(B) the written statement of need shall be a statement that the person has a reasonable basis to suspect that—

''(i) the information is necessary for, or will assist in—

''(I) the diagnosis or treatment of 1 or more individuals; or

''(II) responding to an environmental release or exposure; and

''(ii) 1 or more individuals being diagnosed or treated have been exposed to the chemical substance concerned, or an environmental release or exposure has occurred; and

''(C) the confidentiality agreement shall provide that the person will not use the information for any purpose other than the health or environmental needs asserted in the statement of need, except as otherwise may be authorized by the terms of the agreement or by the person submitting the information to the Administrator, except that nothing in this Act prohibits the disclosure of any such information through discovery, subpoena, other court order, or any other judicial process otherwise allowed under applicable Federal or State law;

''(6) shall be disclosed if in the event of an emergency, a treating physician, nurse, agent of a poison control center, public health or environmental official of a State or political subdivision of a State, or first responder (including any individual duly authorized by a Federal agency, State, or political subdivision of a State who is trained in urgent medical care or other emergency procedures, including a police officer, firefighter, or emergency medical technician) requests the information, subject to the conditions that—

''(A) the treating physician, nurse, agent, public health or environmental official of a State or a political subdivision of a State, or first responder shall have a reasonable basis to suspect that—

''(i) a medical or public health or environmental emergency exists;

''(ii) the information is necessary for, or will assist in, emergency or first-aid diagnosis or treatment; or

''(iii) 1 or more individuals being diagnosed or treated have likely been exposed to the chemical substance concerned, or a serious environmental release of or exposure to the chemical substance concerned has occurred;

''(B) if requested by the person submitting the information to the Administrator, the treating physician, nurse, agent, public health or environmental official of a State or a political subdivision of a State, or first responder shall, as described in paragraph (5)—

''(i) provide a written statement of need; and

''(ii) agree to sign a confidentiality agreement; and

''(C) the written confidentiality agreement or statement of need shall be submitted as soon as practicable, but not necessarily before the information is disclosed;

''(7) may be disclosed if the Administrator determines that disclosure is relevant in a proceeding under this Act, subject to the condition that the disclosure shall be made in such a manner as to preserve confidentiality to the maximum extent practicable without impairing the proceeding;

''(8) shall be disclosed if the information is to be disclosed, on written request of any duly authorized congressional committee, to that committee; or

''(9) shall be disclosed if the information is required to be disclosed or otherwise made public under any other provision of Federal law.

''(f) DURATION OF PROTECTION FROM DISCLOSURE.—

''(1) IN GENERAL.—

''(A) INFORMATION NOT SUBJECT TO TIME LIMIT FOR PROTECTION FROM DISCLOSURE.—Subject to paragraph (2), the Administrator shall protect from disclosure information described in subsection (b) that meets the requirements of subsections (a) and (d), unless—

''(i) the person that asserted the claim notifies the Administrator that the person is withdrawing the claim, in which case the Administrator shall promptly make the information available to the public; or

''(ii) the Administrator otherwise becomes aware that the information does not qualify or no longer qualifies for protection against disclosure under subsection (a), in which case the Administrator shall take any actions required under subsection (g)(2).

''(B) INFORMATION SUBJECT TO TIME LIMIT FOR PROTECTION FROM DISCLOSURE.—Subject to paragraph (2), the Administrator shall protect from disclosure information, other than information described in subsection (b), that meets the requirements of subsections (a) and (d) for a period of 10 years, unless, prior to the expiration of the period—

''(i) the person that asserted the claim notifies the Administrator that the person is withdrawing the claim, in which case the Administrator shall promptly make the information available to the public; or

''(ii) the Administrator otherwise becomes aware that the information does not qualify or no longer qualifies for protection against disclosure under subsection (a), in which case the Administrator shall take any actions required under subsection (g)(2).

''(C) EXTENSIONS.—

''(i) IN GENERAL.—Not later than the date that is 60 days before the expiration of the period described in subparagraph (B), the Administrator shall provide to the person that asserted the claim a notice of the impending expiration of the period.

''(ii) STATEMENT.—

''(I) IN GENERAL.—Not later than the date that is 30 days before the expiration of the period described in subparagraph (B), a person reasserting the relevant claim shall submit to the Administrator a request for extension substantiating, in accordance with subsection (d)(2), the need to extend the period.

''(II) ACTION BY ADMINISTRATOR.—Not later than the date of expiration of the period described in subparagraph (B), the Administrator shall, in accordance with subsection (g)(1)(C)—

''(aa) review the request submitted under subclause (I);

''(bb) make a determination regarding whether the claim for which the request was submitted continues to meet the relevant criteria established under this section; and

''(cc)(AA) grant an extension of 10 years; or

''(BB) deny the request.

''(D) NO LIMIT ON NUMBER OF EXTENSIONS.—There shall be no limit on the number of extensions granted under subparagraph (C), if the

Administrator determines that the relevant request under subparagraph (C)(ii)(I)—

''(i) establishes the need to extend the period; and

''(ii) meets the requirements established by the Administrator.

''(2) REVIEW AND RESUBSTANTIATION.—

''(A) DISCRETION OF ADMINISTRATOR.—The Administrator may review, at any time, a claim for protection of information against disclosure under subsection (a) and require any person that has claimed protection for that information, whether before, on, or after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, to withdraw or reassert and substantiate or resubstantiate the claim in accordance with this section—

''(i) after the chemical substance is identified as a high-priority substance under section 4A;

''(ii) for any chemical substance for which the Administrator has made a determination under section 6(c)(1)(C);

''(iii) for any inactive chemical substance identified under section 8(b)(5); or

''(iv) in limited circumstances, if the Administrator determines that disclosure of certain information currently protected from disclosure would assist the Administrator in conducting safety assessments and safety determinations under subsections (b) and (c) of section 6 or promulgating rules pursuant to section 6(d).

''(B) REVIEW REQUIRED.—The Administrator shall review a claim for protection of information against disclosure under subsection (a) and require any person that has claimed protection for that information, whether before, on, or after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, to withdraw or reassert and substantiate or resubstantiate the claim in accordance with this section—

''(i) as necessary to determine whether the information qualifies for an exemption from disclosure in connection with a request for information received by the Administrator under section 552 of title 5, United States Code;

''(ii) if the Administrator has a reasonable basis to believe that the information does not qualify for protection against disclosure under subsection (a); or

''(iii) for any substance for which the Administrator has made a determination under section 6(c)(1)(B).

''(C) ACTION BY RECIPIENT.—If the Administrator makes a request under subparagraph (A) or (B), the recipient of the request shall—

''(i) reassert and substantiate or resubstantiate the claim; or

''(ii) withdraw the claim.

''(D) PERIOD OF PROTECTION.—Protection from disclosure of information subject to a claim that is reviewed and approved by the Administrator under this paragraph shall be extended for a period of 10 years from the date of approval, subject to any subsequent request by the Administrator under this paragraph.

''(3) UNIQUE IDENTIFIER.—The Administrator shall—

''(A)(i) develop a system to assign a unique identifier to each specific chemical identity for which the Administrator approves a request for protection from disclosure, other than a specific chemical identity or structurally descriptive generic term; and

''(ii) apply that identifier consistently to all information relevant to the applicable chemical substance;

''(B) annually publish and update a list of chemical substances, referred to by unique identifier, for which claims to protect the specific chemical identity from disclosure have been approved, including the expiration date for each such claim;

''(C) ensure that any nonconfidential information received by the Administrator with respect to such a chemical substance during the period of protection from disclosure—

''(i) is made public; and

''(ii) identifies the chemical substance using the unique identifier; and

''(D) for each claim for protection of specific chemical identity that has been denied by the Administrator or expired, or that has been withdrawn by the submitter, provide public access to the specific chemical identity clearly linked to all nonconfidential information received by the Administrator with respect to the chemical substance.

''(g) DUTIES OF ADMINISTRATOR.—

''(1) DETERMINATION.—

''(A) IN GENERAL.—Except as provided in subsection (b), the Administrator shall, subject to subparagraph (C), not later than 90 days after the receipt of a claim under subsection (d), and not later than 30 days after the receipt of a request for extension of a claim under subsection (f), review and approve, modify, or deny the claim or request.

''(B) REASONS FOR DENIAL OR MODIFICATION.—If the Administrator denies or modifies a claim or request under subparagraph (A), the Administrator shall provide to the person that submitted the claim or request a written statement of the reasons for the denial or modification of the claim or request.

''(C) SUBSETS.—The Administrator shall—

''(i) except for claims described in subsection (b)(8), review all claims or requests under this section for the protection against disclosure of the specific identity of a chemical substance; and

''(ii) review a representative subset, comprising at least 25 percent, of all other claims or requests for protection against disclosure.

''(D) EFFECT OF FAILURE TO ACT.—The failure of the Administrator to make a decision regarding a claim or request for protection against disclosure or extension under this section shall not be the basis for denial or elimination of a claim or request for protection against disclosure.

''(2) NOTIFICATION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B) and subsections (c), (e), and (f), if the Administrator denies or modifies a claim or request under paragraph (1), intends to release information pursuant to subsection (e), or promulgates a rule under section 6(d) establishing a ban or phase-out of a chemical substance, the Administrator shall notify, in writing and by certified mail, the person that submitted the claim of the intent of the Administrator to release the information.

''(B) RELEASE OF INFORMATION.—Except as provided in subparagraph (C), the Administrator shall not release information under this subsection until the date that is 30 days after the date on which the person that submitted the request receives notification under subparagraph (A).

''(C) EXCEPTIONS.—

''(i) IN GENERAL.—For information under paragraph (3) or (8) of subsection (e), the Administrator shall not release that information until the date that is 15 days after the date on which the person that submitted the claim or request receives a notification, unless the Administrator determines that release of the information is necessary to protect against an imminent and substantial harm to health or the environment, in which case no prior notification shall be necessary.

''(ii) NOTIFICATION AS SOON AS PRACTICABLE.—For information under paragraphs (4) and (6) of subsection (e), the Administrator shall notify the person that submitted the information that the information has been disclosed as soon as practicable after disclosure of the information.

''(iii) NO NOTIFICATION REQUIRED.—Notification shall not be required—

''(I) for the disclosure of information under paragraph (1), (2), (7), or (9) of subsection (e); or

''(II) for the disclosure of information for which—

''(aa) a notice under subsection (f)(1)(C)(i) was received; and

''(bb) no request was received by the Administrator on or before the date of expiration of the period for which protection from disclosure applies.

''(3) REBUTTABLE PRESUMPTION.—

''(A) IN GENERAL.—With respect to notifications provided by the Administrator under paragraph (2) with respect to information pertaining to a chemical substance subject to a rule as described in subsection (c)(3), there shall be a rebuttable presumption that the public interest in disclosing confidential information related to a chemical substance subject to a rule promulgated under section 6(d) that establishes a ban or phase-out of the manufacture, processing, or distribution in commerce of the substance outweighs the proprietary interest in maintaining the protection from disclosure of that information.

''(B) REQUEST FOR NONDISCLOSURE.—A person that receives a notification under paragraph (2) with respect to the information described in subparagraph (A) may submit to the Administrator, before the date on which the information is to be released pursuant to paragraph (2)(B), a request with supporting documentation describing why the person believes some or all of that information should not be disclosed.

''(C) DETERMINATION BY ADMINISTRATOR.—

''(i) IN GENERAL.—Not later than 30 days after the Administrator receives a request under subparagraph (B), the Administrator shall determine whether the documentation provided by the person making the request rebuts or does not rebut the presumption described in subparagraph (A), for all or a portion of the information that the person has requested not be disclosed.

''(ii) OBJECTIVE.—The Administrator shall make the determination with the objective of ensuring that information relevant to protection of health and the environment is disclosed to the maximum extent practicable.

''(D) TIMING.—Not later than 30 days after making the determination described in subparagraph (C), the Administrator shall make public the information the Administrator has determined is not to be protected from disclosure.

''(E) NO TIMELY REQUEST RECEIVED.—If the Administrator does not receive, before the date on which the information described in subparagraph (A) is to be released pursuant to paragraph (2)(B), a request pursuant to subparagraph (B), the Administrator shall promptly make public all of the information.

''(4) APPEALS.—

''(A) IN GENERAL.—If a person receives a notification under paragraph (2) and believes disclosure of the information is prohibited under subsection (a), before the date on which the information is to be released pursuant to paragraph (2)(B), the person may bring an action to restrain disclosure of the information in—

''(i) the United States district court of the district in which the complainant resides or has the principal place of business; or

''(ii) the United States District Court for the District of Columbia.

''(B) NO DISCLOSURE.—The Administrator shall not disclose any information that is the subject of an appeal under this section before the date on which the applicable court rules on an action under subparagraph (A).

''(5) REQUEST AND NOTIFICATION SYSTEM.—The Administrator, in consultation with the Director of the Centers for Disease Control and Prevention, shall develop a request and notification system that allows for expedient and swift access to information disclosed pursuant to paragraphs (5) and (6) of subsection (e) in a format and language that is readily accessible and understandable.

''(h) CRIMINAL PENALTY FOR WRONGFUL DISCLOSURE.—

''(1) OFFICERS AND EMPLOYEES OF UNITED STATES.—

''(A) IN GENERAL.—Subject to paragraph (2), a current or former officer or employee of the United States described in subparagraph (B) shall be guilty of a misdemeanor and fined under title 18, United States Code, or imprisoned for not more than 1 year, or both.

''(B) DESCRIPTION.—A current or former officer or employee of the United States referred to in subparagraph (A) is a current or former officer or employee of the United States who—

''(i) by virtue of that employment or official position has obtained possession of, or has access to, material the disclosure of which is prohibited by subsection (a); and

''(ii) knowing that disclosure of that material is prohibited by subsection (a), willfully discloses the material in any manner to any person not entitled to receive that material.

''(2) OTHER LAWS.—Section 1905 of title 18, United States Code, shall not apply with respect to the publishing, divulging, disclosure, making known of, or making available, information reported or otherwise obtained under this Act.

''(3) CONTRACTORS.—For purposes of this subsection, any contractor of the United States that is provided information in accordance with subsection (e)(2), including any employee of that contractor, shall be considered to be an employee of the United States.

''(i) APPLICABILITY.—

''(1) IN GENERAL.—Except as otherwise provided in this section, section 8, or any other applicable Federal law, the Administrator shall have no authority—

''(A) to require the substantiation or resubstantiation of a claim for the protection from disclosure of information reported to or otherwise obtained by the Administrator under this Act before the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act; or

''(B) to impose substantiation or resubstantiation requirements under this Act that are more extensive than those required under this section.

''(2) ACTIONS PRIOR TO PROMULGATION OF RULES.—Nothing in this Act prevents the Administrator from reviewing, requiring substantiation or resubstantiation for, or approving, modifying or denying any claim for the protection from disclosure of information before the effective date of such rules applicable to those claims as the Administrator may promulgate after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act.''.

SEC. 15. PROHIBITED ACTS.

Section 15 of the Toxic Substances Control Act (15 U.S.C. 2614) is amended by striking paragraph (1) and inserting the following:

''(1) fail or refuse to comply with—

''(A) any rule promulgated, consent agreement entered into, or order issued under section 4;

''(B) any requirement under section 5 or 6;

''(C) any rule promulgated, consent agreement entered into, or order issued under section 5 or 6; or

''(D) any requirement of, or any rule promulgated or order issued pursuant to title II;''.

SEC. 16. PENALTIES.

Section 16 of the Toxic Substances Control Act (15 U.S.C. 2615) is amended—

(1) in subsection (a)(1)—

(A) in the first sentence, by striking ''$25,000'' and inserting ''$37,500''; and

(B) in the second sentence, by striking'' violation of section 15 or 409'' and inserting ''violation of this Act''; and

(2) in subsection (b)—

(A) by striking ''Any person who'' and inserting the following:

''(1) IN GENERAL.—Any person that'';

(B) by striking ''$25,000'' and inserting ''$50,000''; and

(C) by adding at the end the following:

''(2) IMMINENT DANGER OF DEATH OR SERIOUS BODILY INJURY.—

''(A) IN GENERAL.—Any person that knowingly or willfully violates any provision of section 15 or 409, and that knows at the time of the violation that the violation places an individual in imminent danger of death or serious bodily injury, shall be subject on conviction to a fine of not more than $250,000, or imprisonment for not more than 15 years, or both.

''(B) ORGANIZATIONS.—An organization that commits a violation described in subparagraph (A) shall be subject on conviction to a fine of not more than $1,000,000 for each violation.

''(C) INCORPORATION OF CORRESPONDING PROVISIONS.—Subparagraphs (B) through (F) of section 113(c)(5) of the Clean Air Act (42 U.S.C. 7413(c)(5)) shall apply to the prosecution of a violation under this paragraph.''.

SEC. 17. STATE-FEDERAL RELATIONSHIP.

Section 18 of the Toxic Substances Control Act (15 U.S.C. 2617) is amended by striking subsections (a) and (b) and inserting the following:

''(a) IN GENERAL.—

''(1) ESTABLISHMENT OR ENFORCEMENT.—Except as provided in subsections (c), (d), (e), (f), and (g), and subject to paragraph (2), no State or political subdivision of a State may establish or continue to enforce any of the following:

''(A) TESTING.—A statute or administrative action to require the development of information on a chemical substance or category of substances that is reasonably likely to produce the same information required under section 4, 5, or 6 in—

''(i) a rule promulgated by the Administrator;

''(ii) a testing consent agreement entered into by the Administrator; or

''(iii) an order issued by the Administrator.

''(B) CHEMICAL SUBSTANCES FOUND TO MEET THE SAFETY STANDARD OR RESTRICTED.—A statute or administrative action to prohibit or otherwise restrict the manufacture, processing, or distribution in commerce or use of a chemical substance—

''(i) found to meet the safety standard and consistent with the scope of the determination made under section 6; or

''(ii) found not to meet the safety standard, after the effective date of the rule issued under section 6(d) for the substance, consistent with the scope of the determination made by the Administrator.

''(C) SIGNIFICANT NEW USE.—A statute or administrative action requiring the notification of a use of a chemical substance that the Administrator has specified as a significant new use and for which the Administrator has required notification pursuant to a rule promulgated under section 5.

''(2) EFFECTIVE DATE OF PREEMPTION.—Under this subsection, Federal preemption of statutes and administrative actions applicable to specific substances shall not occur until the effective date of the applicable action described in paragraph (1) taken by the Administrator.

''(b) NEW STATUTES OR ADMINISTRATIVE ACTIONS CREATING PROHIBITIONS OR OTHER RESTRICTIONS.—

''(1) IN GENERAL.—Except as provided in subsections (c), (d), (e), (f), and (g), beginning on the date on which the Administrator defines and publishes the scope of a safety assessment and safety determination under section 6(a)(2) and ending on the date on which the deadline established pursuant to section 6(a) for completion of the safety determination expires, or on the date on which the Administrator publishes the safety determination under section 6(a), whichever is earlier, no State or political subdivision of a State may establish a statute or administrative action prohibiting or restricting the manufacture, processing, distribution in commerce or use of a chemical substance that is a high-priority substance designated under section 4A.

''(2) EFFECT OF SUBSECTION.—

''(A) IN GENERAL.—This subsection does not restrict the authority of a State or political subdivision of a State to continue to enforce any statute enacted, or administrative action taken, prior to the date on which the Administrator defines and publishes the scope of a safety assessment and safety determination under section 6(a)(2).

''(B) LIMITATION.—Subparagraph (A) does not allow a State or political subdivision of a State to enforce any new prohibition or restriction under a statute or administrative action described in that subparagraph, if the prohibition or restriction is established after the date described in that subparagraph.

''(c) SCOPE OF PREEMPTION.—Federal preemption under subsections (a) and (b) of statutes and administrative actions applicable to specific substances shall apply only to—

''(1) the chemical substances or category of substances subject to a rule, order, or consent agreement under section 4;

''(2) the hazards, exposures, risks, and uses or conditions of use of such substances that are identified by the Administrator as subject to review in a safety assessment and included in the scope of the safety determination made by the Administrator for the substance, or of any rule the Administrator promulgates pursuant to section 6(d); or

''(3) the uses of such substances that the Administrator has specified as significant new uses and for which the Administrator has required notification pursuant to a rule promulgated under section 5.

''(d) EXCEPTIONS.—

''(1) NO PREEMPTION OF STATUTES AND ADMINISTRATIVE ACTIONS.—

''(A) IN GENERAL.—Nothing in this Act, nor any amendment made by this Act, nor any rule, standard of performance, safety determination, or scientific assessment implemented pursuant to this Act, shall affect the right of a State or a political subdivision of a State to adopt or enforce any rule, standard of performance, safety determination, scientific assessment, or any protection for public health or the environment that—

''(i) is adopted or authorized under the authority of any other Federal law or adopted to satisfy or obtain authorization or approval under any other Federal law;

''(ii) implements a reporting, monitoring, disclosure, or other information obligation for the chemical substance not otherwise required by the Administrator under this Act or required under any other Federal law;

''(iii) is adopted pursuant to authority under a law of the State or political subdivision of the State related to water quality, air quality, or waste treatment or disposal, except to the extent that the action—

''(I) imposes a restriction on the manufacture, processing, distribution in commerce, or use of a chemical substance; and

''(II)(aa) addresses the same hazards and exposures, with respect to the same conditions of use as are included in the scope of the safety determination pursuant to section 6, but is inconsistent with the action of the Administrator; or

''(bb) would cause a violation of the applicable action by the Administrator under section 5 or 6; or

''(iv) subject to subparagraph (B), is identical to a requirement prescribed by the Administrator.

''(B) IDENTICAL REQUIREMENTS.—

''(i) IN GENERAL.—The penalties and other sanctions applicable under a law of a State or political subdivision of a State in the event of noncompliance with the identical requirement shall be no more stringent than the penalties and other sanctions available to the Administrator under section 16 of this Act.

''(ii) PENALTIES.—In the case of an identical requirement—

''(I) a State or political subdivision of a State may not assess a penalty for a specific violation for which the Administrator has assessed an adequate penalty under section 16; and

''(II) if a State or political subdivision of a State has assessed a penalty for a specific violation, the Administrator may not assess a penalty for that violation in an amount that would cause the total of the penalties assessed for the violation by the State or political subdivision of a State and the Administrator combined to exceed the maximum amount that may be assessed

for that violation by the Administrator under section 16.

''(2) APPLICABILITY TO CERTAIN RULES OR ORDERS.—Notwithstanding subsection (e)—

''(A) nothing in this section shall be construed as modifying the effect under this section, as in effect on the day before the effective date of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, of any rule or order promulgated or issued under this Act prior to that effective date; and

''(B) with respect to a chemical substance or mixture for which any rule or order was promulgated or issued under section 6 prior to the effective date of the Frank R. Lautenberg Chemical Safety for the 21st Century Act with regards to manufacturing, processing, distribution in commerce, use, or disposal of a chemical substance, this section (as in effect on the day before the effective date of the Frank R. Lautenberg Chemical Safety for the 21st Century Act) shall govern the preemptive effect of any rule or order that is promulgated or issued respecting such chemical substance or mixture under section 6 of this Act after that effective date, unless the latter rule or order is with respect to a chemical substance or mixture containing a chemical substance and follows a designation of that chemical substance as a high-priority substance under subsection (b) or (c) of section 4A or as an additional priority for safety assessment and safety determination under section 4A(c).

''(e) PRESERVATION OF CERTAIN LAWS.—

''(1) IN GENERAL.—Nothing in this Act, subject to subsection (g) of this section, shall—

''(A) be construed to preempt or otherwise affect the authority of a State or political subdivision of a State to continue to enforce any action taken before August 1, 2015, under the authority of a law of the State or political subdivision of the State that prohibits or otherwise restricts manufacturing, processing, distribution in commerce, use, or disposal of a chemical substance; or

''(B) be construed to preempt or otherwise affect any action taken pursuant to a State law that was in effect on August 31, 2003.

''(2) EFFECT OF SUBSECTION.—This subsection does not affect, modify, or alter the relationship between Federal law and laws of a State or political subdivision of a State pursuant to any other Federal law.

''(f) WAIVERS.—

''(1) DISCRETIONARY EXEMPTIONS.—Upon application of a State or political subdivision of a State, the Administrator may by rule, exempt from subsection (a), under such conditions as may be prescribed in the rule, a statute or administrative action of that State or political subdivision of the State that relates to the effects of, or exposure to, a chemical substance under the conditions of use if the Administrator determines that—

''(A) compelling conditions warrant granting the waiver to protect health or the environment;

''(B) compliance with the proposed requirement of the State or political subdivision of the State would not unduly burden interstate commerce in the manufacture, processing, distribution in commerce, or use of a chemical substance;

''(C) compliance with the proposed requirement of the State or political subdivision of the State would not cause a violation of any applicable Federal law, rule, or order; and

''(D) in the judgment of the Administrator, the proposed requirement of the State or political subdivision of the State is designed to address a risk of a chemical substance, under the conditions of use, that was identified—

''(i) consistent with the best available science;

''(ii) using supporting studies conducted in accordance with sound and objective scientific practices; and

''(iii) based on the weight of the scientific evidence.

''(2) REQUIRED EXEMPTIONS.—Upon application of a State or political subdivision of a State, the Administrator shall exempt from subsection (b) a statute or administrative action of a State or political subdivision of a State that relates to the effects of exposure to a chemical substance under the conditions of use if the Administrator determines that—

''(A) compliance with the proposed requirement of the State or political subdivision of the State would not unduly burden interstate commerce in the manufacture, processing, distribution in commerce, or use of a chemical substance;

''(B) compliance with the proposed requirement of the State or political subdivision of the State would not cause a violation of any applicable Federal law, rule, or order; and

''(C) the State or political subdivision of the State has a concern about the chemical substance or use of the chemical substance based in peer-reviewed science.

''(3) DETERMINATION OF A WAIVER REQUEST.—The duty of the Administrator to grant or deny a waiver application shall be nondelegable and shall be exercised—

''(A) not later than 180 days after the date on which an application under paragraph (1) is submitted; and

''(B) not later than 110 days after the date on which an application under paragraph (2) is submitted.

''(4) FAILURE TO MAKE DETERMINATION.—If the Administrator fails to make a determination under paragraph (3)(B) during the 110-day period beginning on the date on which an application under paragraph (2) is submitted, the statute or administrative action of the State or political subdivision of the State that was the subject of the application shall not be considered to be an existing statute or administrative action for purposes of subsection (b) by reason of the failure of the Administrator to make a determination.

''(5) NOTICE AND COMMENT.—Except in the case of an application approved under paragraph (9), the application of a State or political subdivision of a State shall be subject to public notice and comment.

''(6) FINAL AGENCY ACTION.—The decision of the Administrator on the application of a State or political subdivision of a State shall be—

''(A) considered to be a final agency action; and

''(B) subject to judicial review.

''(7) DURATION OF WAIVERS.—A waiver granted under paragraph (2) or approved under paragraph (9) shall remain in effect until such time as the Administrator publishes the safety determination under section 6(a)(4).

''(8) JUDICIAL REVIEW OF WAIVERS.—Not later than 60 days after the date on which the Administrator makes a determination on an application of a State or political subdivision of a State under paragraph (1) or (2), any person may file a petition for judicial review in the United States Court of Appeals for the District of Columbia Circuit, which shall have exclusive jurisdiction over the determination.

''(9) APPROVAL.—

''(A) AUTOMATIC APPROVAL.—If the Administrator fails to meet the deadline established under paragraph (3)(B), the application of a State or political subdivision of a State under paragraph (2) shall be automatically approved, effective on the date that is 10 days after the deadline.

''(B) REQUIREMENTS.—Notwithstanding paragraph (6), approval of a waiver application under subparagraph (A) for failure to meet the deadline under paragraph (3)(B) shall not be considered final agency action or be subject to judicial review or public notice and comment.

''(g) SAVINGS.—

''(1) NO PREEMPTION OF COMMON LAW OR STATUTORY CAUSES OF ACTION FOR CIVIL RELIEF OR CRIMINAL CONDUCT.—

''(A) IN GENERAL.—Nothing in this Act, nor any amendment made by this Act, nor any safety standard, rule, requirement, standard of performance, safety determination, or scientific assessment implemented pursuant to this Act, shall be construed to preempt, displace, or supplant any state or Federal common law rights or any state or Federal statute creating a remedy for civil relief, including those for civil damage, or a penalty for a criminal conduct.

''(B) CLARIFICATION OF NO PREEMPTION.—Notwithstanding any other provision of this Act, nothing in this Act, nor any amendments made by this Act, shall preempt or preclude any cause of action for personal injury, wrongful death, property damage, or other injury based on negligence, strict liability, products liability, failure to warn, or any other legal theory of liability under any State law, maritime law, or Federal common law or statutory theory.

''(2) NO EFFECT ON PRIVATE REMEDIES.—

''(A) IN GENERAL.—Nothing in this Act, nor any amendments made by this Act, nor any rules, regulations, requirements, safety assessments, safety determinations, scientific assessments, or orders issued pursuant to this Act shall be interpreted as, in either the plaintiff's or defendant's favor, dispositive in any civil action.

''(B) AUTHORITY OF COURTS.—This Act does not affect the authority of any court to make a determination in an adjudicatory proceeding under applicable State or Federal law with respect to the admission into evidence or any other use of this Act or rules, regulations, requirements, standards of performance, safety assessments, scientific assessments, or orders issued pursuant to this Act.''.

SEC. 18. JUDICIAL REVIEW.

Section 19 of the Toxic Substances Control Act (15 U.S.C. 2618) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) in the first sentence—

(aa) by striking ''Not'' and inserting ''Except as otherwise provided in this title, not'';

(bb) by striking ''section 4(a), 5(a)(2), 5(b)(4), 6(a), 6(e), or 8, or under title II or IV'' and inserting ''this title or title II or IV, or an order under section 6(c)(1)(A)''; and

(cc) by striking ''judicial review of such rule'' and inserting ''judicial review of such rule or order''; and

(II) in the second sentence, by striking ''such a rule'' and inserting ''such a rule or order''; and

(ii) in subparagraph (B)—

(I) by striking ''Courts'' and inserting ''Except as otherwise provided in this title, courts''; and

(II) by striking ''an order issued under subparagraph (A) or (B) of section 6(b)(1)'' and inserting ''an order issued under this title'';

(B) in paragraph (2), in the second sentence, by striking ''the filing of the rulemaking record of proceedings on which the Administrator based the rule being reviewed'' and inserting ''the filing of the record of proceedings on which the Administrator based the rule or order being reviewed''; and

(C) by striking paragraph (3) and inserting the following:

''(3) JUDICIAL REVIEW OF LOW-PRIORITY DECISIONS.—

''(A) IN GENERAL.—Not later than 60 days after the publication of a designation under section 4A(b)(4), or a designation under section 4A(b)(8) of a chemical substance as a low-priority substance, any person may commence a civil action to challenge the designation.

''(B) JURISDICTION.—The United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction over a civil action filed under this paragraph.''; and

(2) in subsection (c)(1)(B)—

(A) in clause (i)—

(i) by striking ''section 4(a), 5(b)(4), 6(a), or 6(e)'' and inserting ''section 4(a), 6(d), or 6(g), or an order under section 6(c)(1)(A)''; and

(ii) by striking ''evidence in the rulemaking record (as defined in subsection (a)(3)) taken as

a whole;'' and inserting ''evidence (including any matter) in the rulemaking record, taken as a whole; and''; and

(B) by striking clauses (ii) and (iii) and the matter following clause (iii) and inserting the following:

''(ii) the court may not review the contents and adequacy of any statement of basis and purpose required by section 553(c) of title 5, United States Code, to be incorporated in the rule, except as part of the rulemaking record, taken as a whole.''.

SEC. 19. CITIZENS' CIVIL ACTIONS.

Section 20 of the Toxic Substances Control Act (15 U.S.C. 2619) is amended—

(1) in subsection (a)(1), by striking ''or order issued under section 5'' and inserting ''or order issued under section 4 or 5''; and

(2) in subsection (b)—

(A) in paragraph (1)(B), by striking ''or'' at the end;

(B) in paragraph (2), by striking the period at the end and inserting '', except that no prior notification shall be required in the case of a civil action brought to compel a decision by the Administrator pursuant to section 18(f)(3)(B); or''; and

(C) by adding at the end the following:

''(3) in the case of a civil action brought to compel a decision by the Administrator pursuant to section 18(f)(3)(B), after the date that is 60 days after the deadline specified in section 18(f)(3)(B).''.

SEC. 20. CITIZENS' PETITIONS.

Section 21 of the Toxic Substances Control Act (15 U.S.C. 2620) is amended—

(1) in subsection (a), by striking ''an order under section 5(e) or 6(b)(2)'' and inserting ''an order under section 4 or 5(d)''; and

(2) in subsection (b)—

(A) in paragraph (1), by striking ''an order under section 5(e), 6(b)(1)(A), or 6(b)(1)(B)'' and inserting ''an order under section 4 or 5(d)''; and

(B) in paragraph (4), by striking subparagraph (B) and inserting the following:

''(B) DE NOVO PROCEEDING.—

''(i) IN GENERAL.—In an action under subparagraph (A) to initiate a proceeding to issue a rule pursuant to section 4, 5, 6, or 8 or issue an order under section 4 or 5(d), the petitioner shall be provided an opportunity to have the petition considered by the court in a de novo proceeding.

''(ii) DEMONSTRATION.—

''(I) IN GENERAL.—The court in a de novo proceeding under this subparagraph shall order the Administrator to initiate the action requested by the petitioner if the petitioner demonstrates to the satisfaction of the court by a preponderance of the evidence that—

''(aa) in the case of a petition to initiate a proceeding for the issuance of a rule or order under section 4, the information is needed for a purpose identified in section 4(a);

''(bb) in the case of a petition to issue an order under section 5(d), the chemical substance is not likely to meet the safety standard;

''(cc) in the case of a petition to initiate a proceeding for the issuance of a rule under section 6(d), the chemical substance does not meet the safety standard; or

''(dd) in the case of a petition to initiate a proceeding for the issuance of a rule under section 8, there is a reasonable basis to conclude that the rule is necessary to protect health or the environment or ensure that the chemical substance meets the safety standard.

''(II) DEFERMENT.—The court in a de novo proceeding under this subparagraph may permit the Administrator to defer initiating the action requested by the petitioner until such time as the court prescribes, if the court finds that—

''(aa) the extent of the risk to health or the environment alleged by the petitioner is less than the extent of risks to health or the environment with respect to which the Administrator is taking action under this Act; and

''(bb) there are insufficient resources available to the Administrator to take the action requested by the petitioner.''.

SEC. 21. EMPLOYMENT EFFECTS.

Section 24(b)(2)(B)(ii) of the Toxic Substances Control Act (15 U.S.C. 2623(b)(2)(B)(ii)) is amended by striking ''section 6(c)(3),'' and inserting ''the applicable requirements of this Act;''.

SEC. 22. STUDIES.

Section 25 of the Toxic Substances Control Act (15 U.S.C. 2624) is repealed.

SEC. 23. ADMINISTRATION.

Section 26 of the Toxic Substances Control Act (15 U.S.C. 2625) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) FEES.—

''(1) IN GENERAL.—The Administrator shall establish, not later than 1 year after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, by rule—

''(A) the payment of 1 or more reasonable fees as a condition of submitting a notice or requesting an exemption under section 5; and

''(B) the payment of 1 or more reasonable fees by a manufacturer or processor that—

''(i) is required to submit a notice pursuant to the rule promulgated under section 8(b)(4)(A)(i) identifying a chemical substance as active;

''(ii) is required to submit a notice pursuant to section 8(b)(5)(B)(i) changing the status of a chemical substance from inactive to active;

''(iii) is required to report information pursuant to the rules promulgated under paragraph (1) or (4) of section 8(a); or

''(iv) manufactures or processes a chemical substance subject to a safety assessment and safety determination pursuant to section 6.

''(2) UTILIZATION AND COLLECTION OF FEES.—The Administrator shall—

''(A) utilize the fees collected under paragraph (1) only to defray costs associated with the actions of the Administrator—

''(i) to collect, process, review, provide access to, and protect from disclosure (where appropriate) information on chemical substances under this Act;

''(ii) to review notices and make determinations for chemical substances under paragraphs (1) and (3) of section 5(d) and impose any necessary restrictions under section 5(d)(4);

''(iii) to make prioritization decisions under section 4A;

''(iv) to conduct and complete safety assessments and determinations under section 6; and

''(v) to conduct any necessary rulemaking pursuant to section 6(d);

''(B) insofar as possible, collect the fees described in paragraph (1) in advance of conducting any fee-supported activity;

''(C) deposit the fees in the Fund established by paragraph (4)(A); and

''(D) insofar as possible, not collect excess fees or retain a significant amount of unused fees.

''(3) AMOUNT AND ADJUSTMENT OF FEES; REFUNDS.—In setting fees under this section, the Administrator shall—

''(A) prescribe lower fees for small business concerns, after consultation with the Administrator of the Small Business Administration;

''(B) set the fees established under paragraph (1) at levels such that the fees will, in aggregate, provide a sustainable source of funds to annually defray—

''(i) the lower of—

''(I) 25 percent of the costs of conducting the activities identified in paragraph (2)(A), other than the costs to conduct and complete safety assessments and determinations under section 6 for chemical substances identified pursuant to section 4A(c); or

''(II) $25,000,000 (subject to adjustment pursuant to subparagraph (F)); and

''(ii) the full costs and the 50-percent portion of the costs of safety assessments and safety determinations specified in subparagraph (D);

''(C) reflect an appropriate balance in the assessment of fees between manufacturers and processors, and allow the payment of fees by consortia of manufacturers or processors;

''(D) notwithstanding subparagraph (B) and paragraph (4)(D)—

''(i) for substances designated pursuant to section 4A(c)(1), establish the fee at a level sufficient to defray the full annual costs to the Administrator of conducting the safety assessment and safety determination under section 6; and

''(ii) for substances designated pursuant to section 4A(c)(3), establish the fee at a level sufficient to defray 50 percent of the annual costs to the Administrator of conducting the safety assessment and safety determination under section 6;

''(E) prior to the establishment or amendment of any fees under paragraph (1), consult and meet with parties potentially subject to the fees or their representatives, subject to the condition that no obligation under the Federal Advisory Committee Act (5 U.S.C. App.) or subchapter III of chapter 5 of title 5, United States Code, is applicable with respect to such meetings;

''(F) beginning with the fiscal year that is 3 years after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, and every 3 years thereafter, after consultation with parties potentially subject to the fees and their representatives pursuant to subparagraph (E), increase or decrease the fees established under paragraph (1) as necessary to adjust for inflation and to ensure, based on the audit analysis required under paragraph (5)(B), that funds deposited in the Fund are sufficient to defray—

''(i) approximately but not more than 25 percent of the annual costs to conduct the activities identified in paragraph (2)(A), other than the costs to conduct and complete safety assessments and determinations under section 6 for chemical substances identified pursuant to section 4A(c); and

''(ii) the full annual costs and the 50-percent portion of the annual costs of safety assessments and safety determinations specified in subparagraph (D);

''(G) adjust fees established under paragraph (1) as necessary to vary on account of differing circumstances, including reduced fees or waivers in appropriate circumstances, to reduce the burden on manufacturing or processing, remove barriers to innovation, or where the costs to the Administrator of collecting the fees exceed the fee revenue anticipated to be collected; and

''(H) if a notice submitted under section 5 is refused or subsequently withdrawn, refund the fee or a portion of the fee if no substantial work was performed on the notice.

''(4) TSCA IMPLEMENTATION FUND.—

''(A) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the 'TSCA Implementation Fund' (referred to in this subsection as the 'Fund'), consisting of—

''(i) such amounts as are deposited in the Fund under paragraph (2)(C); and

''(ii) any interest earned on the investment of amounts in the Fund; and

''(iii) any proceeds from the sale or redemption of investments held in the Fund.

''(B) CREDITING AND AVAILABILITY OF FEES.—

''(i) IN GENERAL.—Fees authorized under this section shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts, and shall be available without fiscal year limitation.

''(ii) REQUIREMENTS.—Fees collected under this section shall not—

''(I) be made available or obligated for any purpose other than to defray the costs of conducting the activities identified in paragraph (2)(A);

''(II) otherwise be available for any purpose other than implementation of this Act; and

''(III) so long as amounts in the Fund remain available, be subject to restrictions on expenditures applicable to the Federal government as a whole.

''(C) UNUSED FUNDS.—Amounts in the Fund not currently needed to carry out this subsection shall be—

''(i) maintained readily available or on deposit;

''(ii) invested in obligations of the United States or guaranteed by the United States; or

''(iii) invested in obligations, participations, or other instruments that are lawful investments for fiduciary, trust, or public funds.

''(D) MINIMUM AMOUNT OF APPROPRIATIONS.—Fees may not be assessed for a fiscal year under this section unless the amount of appropriations for the Chemical Risk Review and Reduction program project of the Environmental Protection Agency for the fiscal year (excluding the amount of any fees appropriated for the fiscal year) are equal to or greater than the amount of appropriations for that program project for fiscal year 2014.

''(5) AUDITING.—

''(A) FINANCIAL STATEMENTS OF AGENCIES.—For the purpose of section 3515(c) of title 31, United States Code, the Fund shall be considered a component of an executive agency.

''(B) COMPONENTS.—The annual audit required under sections 3515(b) and 3521 of that title of the financial statements of activities under this subsection shall include an analysis of—

''(i) the fees collected under paragraph (1) and disbursed;

''(ii) compliance with the deadlines established in section 6 of this Act;

''(iii) the amounts budgeted, appropriated, collected from fees, and disbursed to meet the requirements of sections 4, 4A, 5, 6, 8, and 14, including the allocation of full time equivalent employees to each such section or activity; and

''(iv) the reasonableness of the allocation of the overhead associated with the conduct of the activities described in paragraph (2)(A).

''(C) INSPECTOR GENERAL.—The Inspector General of the Environmental Protection Agency shall—

''(i) conduct the annual audit required under this subsection; and

''(ii) report the findings and recommendations of the audit to the Administrator and to the appropriate committees of Congress.

''(6) TERMINATION.—The authority provided by this section shall terminate at the conclusion of the fiscal year that is 10 years after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, unless otherwise reauthorized or modified by Congress.'';

(2) in subsection (e), by striking ''Health, Education, and Welfare'' each place it appears and inserting ''Health and Human Services''; and

(3) adding at the end the following:

''(h) PRIOR ACTIONS.—Nothing in this Act eliminates, modifies, or withdraws any rule promulgated, order issued, or exemption established pursuant to this Act before the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act.''.

SEC. 24. DEVELOPMENT AND EVALUATION OF TEST METHODS AND SUSTAINABLE CHEMISTRY.

(a) IN GENERAL.—Section 27 of the Toxic Substances Control Act (15 U.S.C. 2626) is amended—

(1) in subsection (a), in the first sentence by striking ''Health, Education, and Welfare'' and inserting ''Health and Human Services''; and

(2) by adding at the end the following:

''(c) NATIONAL COORDINATING ENTITY FOR SUSTAINABLE CHEMISTRY.—

''(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, the Director of the Office of Science and Technology Policy shall convene an entity under the National Science and Technology Council with the responsibility to coordinate Federal programs and activities in support of sustainable chemistry, including, as appropriate, at the National Science Foundation, the Department of Energy, the Department of Agriculture, the Environmental Protection Agency, the National Institute of Standards and Technology, the Department of Defense, the National Institutes of Health, and other related Federal agencies.

''(2) CHAIRMAN.—The entity described in paragraph (1) shall be chaired by the Director of the National Science Foundation and the Assistant Administrator for the Office of Research and Development of the Environmental Protection Agency, or their designees.

''(3) DUTIES.—

''(A) IN GENERAL.—The entity described in paragraph (1) shall—

''(i) develop a working definition of sustainable chemistry, after seeking advice and input from stakeholders as described in clause (v);

''(ii) oversee the planning, management, and coordination of the Sustainable Chemistry Initiative described in subsection (d);

''(iii) develop a national strategy for sustainable chemistry as described in subsection (f);

''(iv) develop an implementation plan for sustainable chemistry as described in subsection (g); and

''(v) consult and coordinate with stakeholders qualified to provide advice and information on the development of the initiative, national strategy, and implementation plan for sustainable chemistry, at least once per year, to carry out activities that may include workshops, requests for information, and other efforts as necessary.

''(B) STAKEHOLDERS.—The stakeholders described in subparagraph (A)(v) shall include representatives from—

''(i) industry (including small- and medium-sized enterprises from across the value chain);

''(ii) the scientific community (including the National Academy of Sciences, scientific professional societies, and academia);

''(iii) the defense community;

''(iv) State, tribal, and local governments;

''(v) State or regional sustainable chemistry programs;

''(vi) nongovernmental organizations; and

''(vii) other appropriate organizations.

''(4) SUNSET.—

''(A) IN GENERAL.—On completion of the national strategy and accompanying implementation plan for sustainable chemistry as described in paragraph (3), the Director of the Office of Science and Technology Policy—

''(i) shall review the need for further work; and

''(ii) may disband the entity described in paragraph (1) if no further efforts are determined to be necessary.

''(B) NOTICE AND JUSTIFICATION.—The Director of the Office of Science and Technology Policy shall provide notice and justification, including an analysis of options to establish the Sustainable Chemistry Initiative described in subsection (d) and the partnerships described in subsection (e) within 1 or more appropriate Federal agencies, regarding a decision to disband the entity not less than 90 days prior to the termination date to the Committee on Science, Space, and Technology and the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works and the Committee on Commerce, Science, and Transportation of the Senate.

''(d) SUSTAINABLE CHEMISTRY INITIATIVE.—The entity described in subsection (c)(1) shall oversee the establishment of an interagency Sustainable Chemistry Initiative to promote and coordinate activities designed—

''(1) to provide sustained support for sustainable chemistry research, development, demonstration, technology transfer, commercialization, education, and training through—

''(A) coordination and promotion of sustainable chemistry research, development, demonstration, and technology transfer conducted at Federal and national laboratories and Federal agencies and at public and private institutions of higher education; and

''(B) to the extent practicable, encouragement of consideration of sustainable chemistry in, as appropriate—

''(i) the conduct of Federal, State, and private science and engineering research and development; and

''(ii) the solicitation and evaluation of applicable proposals for science and engineering research and development;

''(2) to examine methods by which the Federal Government can offer incentives for consideration and use of sustainable chemistry processes and products that encourage competition and overcoming market barriers, including grants, loans, loan guarantees, and innovative financing mechanisms;

''(3) to expand the education and training of undergraduate and graduate students and professional scientists and engineers, including through partnerships with industry as described in subsection (e), in sustainable chemistry science and engineering;

''(4) to collect and disseminate information on sustainable chemistry research, development, and technology transfer, including information on—

''(A) incentives and impediments to development, manufacturing, and commercialization;

''(B) accomplishments;

''(C) best practices; and

''(D) costs and benefits; and

''(5) to support (including through technical assistance, participation, financial support, or other forms of support) economic, legal, and other appropriate social science research to identify barriers to commercialization and methods to advance commercialization of sustainable chemistry.

''(e) PARTNERSHIPS IN SUSTAINABLE CHEMISTRY.—

''(1) IN GENERAL.—The entity described in subsection (c)(1), itself or through an appropriate subgroup designated or established by the entity, shall work through the agencies described in subsection (c)(1) to support, through financial, technical, or other assistance, the establishment of partnerships between institutions of higher education, nongovernmental organizations, consortia, and companies across the value chain in the chemical industry, including small- and medium-sized enterprises—

''(A) to establish collaborative research, development, demonstration, technology transfer, and commercialization programs; and

''(B) to train students and retrain professional scientists and engineers in the use of sustainable chemistry concepts and strategies by methods including—

''(i) developing curricular materials and courses for undergraduate and graduate levels and for the professional development of scientists and engineers; and

''(ii) publicizing the availability of professional development courses in sustainable chemistry and recruiting scientists and engineers to pursue those courses.

''(2) PRIVATE SECTOR ENTITIES.—To be eligible for support under this section, a partnership in sustainable chemistry shall include at least 1 private sector entity.

''(3) SELECTION OF PARTNERSHIPS.—In selecting partnerships for support under this section, the entity and the agencies described in subsection (c)(1) shall also consider the extent to which the applicants are willing and able to demonstrate evidence of support for, and commitment—

''(A) to achieving the goals of the Sustainable Chemistry Initiative described in subsection (d); and

''(B) to sustaining any new innovations, tools, and resources generated from funding under the program.

''(4) PROHIBITED USE OF FUNDS.—Financial support provided under this section may not be used—

''(A) to support or expand a regulatory chemical management program at an implementing agency under a State law; or

''(B) to construct or renovate a building or structure.

''(f) NATIONAL STRATEGY TO CONGRESS.—

''(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, the entity described in subsection (c)(1) shall submit to the Committee on Science, Space, and Technology and the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works and the Committee on Commerce, Science, and Transportation of the Senate, a national strategy that shall include—

''(A) a summary of federally funded sustainable chemistry research, development, demonstration, technology transfer, commercialization, education, and training activities;

''(B) a summary of the financial resources allocated to sustainable chemistry initiatives;

''(C) an analysis of the progress made toward achieving the goals and priorities of the Sustainable Chemistry Initiative described in subsection (d), and recommendations for future initiative activities, including consideration of options to establish the Sustainable Chemistry Initiative and the partnerships described in subsection (e) within 1 or more appropriate Federal agencies;

''(D) an assessment of the benefits of expanding existing, federally supported regional innovation and manufacturing hubs to include sustainable chemistry and the value of directing the establishment of 1 or more dedicated sustainable chemistry centers of excellence or hubs;

''(E) an evaluation of steps taken and future strategies to avoid duplication of efforts, streamline interagency coordination, facilitate information sharing, and spread best practices between participating agencies in the Sustainable Chemistry Initiative; and

''(F) a framework for advancing sustainable chemistry research, development, technology transfer, commercialization, and education and training.

''(2) SUBMISSION TO GAO.—The entity described in subsection (c)(1) shall submit the national strategy described in paragraph (1) to the Government Accountability Office for consideration in future Congressional inquiries.

''(g) IMPLEMENTATION PLAN.—Not later than 3 years after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, the entity described in subsection (c)(1) shall submit to the Committee on Science, Space, and Technology and the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works and the Committee on Commerce, Science, and Transportation of the Senate, an implementation plan, based on the findings of the national strategy and other assessments, as appropriate, for sustainable chemistry.''.

(b) SUSTAINABLE CHEMISTRY BASIC RESEARCH.—Subject to the availability of appropriated funds, the Director of the National Science Foundation shall continue to carry out the Green Chemistry Basic Research program authorized under section 509 of the National Science Foundation Authorization Act of 2010 (42 U.S.C. 1862p–3).

SEC. 25. STATE PROGRAMS.

Section 28 of the Toxic Substances Control Act (15 U.S.C. 2627) is amended—

(1) in subsection (b)(1)—

(A) in subparagraphs (A) through (D), by striking the comma at the end of each subparagraph and inserting a semicolon; and

(B) in subparagraph (E), by striking '', and'' and inserting ''; and''; and

(2) by striking subsections (c) and (d).

SEC. 26. AUTHORIZATION OF APPROPRIATIONS.

Section 29 of the Toxic Substances Control Act (15 U.S.C. 2628) is repealed.

SEC. 27. ANNUAL REPORT.

Section 30 of the Toxic Substances Control Act (15 U.S.C. 2629) is amended by striking paragraph (2) and inserting the following:

''(2)(A) the number of notices received during each year under section 5; and

''(B) the number of the notices described in subparagraph (A) for chemical substances subject to a rule, testing consent agreement, or order under section 4;''.

SEC. 28. EFFECTIVE DATE.

Section 31 of the Toxic Substances Control Act (15 U.S.C. 2601 note; Public Law 94–469) is amended—

(1) by striking ''Except as provided in section 4(f), this'' and inserting the following:

''(a) IN GENERAL.—This''; and

(2) by adding at the end the following:

''(b) RETROACTIVE APPLICABILITY.—Nothing in this Act shall be interpreted to apply retroactively to any State, Federal, or maritime legal action commenced prior to the effective date of the Frank R. Lautenberg Chemical Safety for the 21st Century Act.''.

SEC. 29. ELEMENTAL MERCURY.

(a) TEMPORARY GENERATOR ACCUMULATION.—Section 5 of the Mercury Export Ban Act of 2008 (42 U.S.C. 6939f) is amended—

(1) in subsection (a)(2), by striking ''2013'' and inserting ''2019'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by redesignating subparagraphs (A), (B), and (C), as clauses (i), (ii), and (iii), respectively and indenting appropriately;

(ii) in the first sentence, by striking ''After consultation'' and inserting the following:

''(A) ASSESSMENT AND COLLECTION.—After consultation'';

(iii) in the second sentence, by striking ''The amount of such fees'' and inserting the following:

''(B) AMOUNT.—The amount of the fees described in subparagraph (A)'';

(iv) in subparagraph (B) (as so designated)—

(I) in clause (i) (as so redesignated), by striking ''publically available not later than October 1, 2012'' and inserting ''publicly available not later than October 1, 2018'';

(II) in clause (ii) (as so redesignated), by striking ''and'';

(III) in clause (iii) (as so redesignated), by striking the period at the end and inserting '', subject to clause (iv); and''; and

(IV) by adding at the end the following:

''(iv) for generators temporarily accumulating elemental mercury in a facility subject to subparagraphs (B) and (D)(iv) of subsection (g)(2) if the facility designated in subsection (a) is not operational by January 1, 2019, shall be adjusted to subtract the cost of the temporary accumulation during the period in which the facility designated under subsection (a) is not operational.''; and

(v) by adding at the end the following:

''(C) CONVEYANCE OF TITLE AND PERMITTING.—If the facility designated in subsection (a) is not operational by January 1, 2020, the Secretary—

''(i) shall immediately accept the conveyance of title to all elemental mercury that has accumulated in facilities in accordance with subsection (g)(2)(D), before January 1, 2020, and deliver the accumulated mercury to the facility designated under subsection (a) on the date on which the facility becomes operational;

''(ii) shall pay any applicable Federal permitting costs, including the costs for permits issued under section 3005(c) of the Solid Waste Disposal Act (42 U.S.C. 6925(c)); and

''(iii) shall store, or pay the cost of storage of, until the time at which a facility designated in subsection (a) is operational, accumulated mercury to which the Secretary has title under this subparagraph in a facility that has been issued a permit under section 3005(c) of the Solid Waste Disposal Act (42 U.S.C. 6925(c)).''; and

(B) in paragraph (2), in the first sentence, by striking ''paragraph (1)(C)'' and inserting ''paragraph (1)(B)(iii)''; and

(3) in subsection (g)(2)—

(A) in the undesignated material at the end, by striking ''This subparagraph'' and inserting the following:

''(C) Subparagraph (B)'';

(B) in subparagraph (C) (as added by paragraph (1)), by inserting ''of that subparagraph'' before the period at the end; and

(C) by adding at the end the following:

''(D) A generator producing elemental mercury incidentally from the beneficiation or processing of ore or related pollution control activities, may accumulate the mercury produced onsite that is destined for a facility designated by the Secretary under subsection (a), for more than 90 days without a permit issued under section 3005(c) of the Solid Waste Disposal Act (42 U.S.C. 6925(c)), and shall not be subject to the storage prohibition of section 3004(j) of that Act (42 U.S.C. 6924(j)), if—

''(i) the Secretary is unable to accept the mercury at a facility designated by the Secretary under subsection (a) for reasons beyond the control of the generator;

''(ii) the generator certifies in writing to the Secretary that the generator will ship the mercury to a designated facility when the Secretary is able to accept the mercury;

''(iii) the generator certifies in writing to the Secretary that the generator is storing only mercury the generator has produced or recovered onsite and will not sell, or otherwise place into commerce, the mercury; and

''(iv) the generator has obtained an identification number under section 262.12 of title 40, Code of Federal Regulations, and complies with the requirements described in paragraphs (1) through (4) of section 262.34(a) of title 40, Code of Federal Regulations (as in effect on the date of enactment of this subparagraph).

''(E) MANAGEMENT STANDARDS FOR TEMPORARY STORAGE.—Not later than January 1, 2017, the Secretary, after consultation with the Administrator of the Environmental Protection Agency and State agencies in affected States, shall develop and make available guidance that establishes procedures and standards for the management and short-term storage of elemental mercury at a generator covered under subparagraph (D), including requirements to ensure appropriate use of flasks or other suitable containers. Such procedures and standards shall be protective of human health and the environment and shall ensure that the elemental mercury is stored in a safe, secure, and effective manner. A generator may accumulate mercury in accordance with subparagraph (D) immediately upon enactment of this Act, and notwithstanding that guidance called for by this paragraph (E) has not been developed or made available.''.

(b) INTERIM STATUS.—Section 5(d)(1) of the Mercury Export Ban Act of 2008 (42 U.S.C. 6939f(d)(1)) is amended—

(1) in the fourth sentence, by striking ''in existence on or before January 1, 2013,''; and

(2) in the last sentence, by striking ''January 1, 2015'' and inserting ''January 1, 2020''.

(c) MERCURY INVENTORY.—Section 8(b) of the Toxic Substances Control Act (15 U.S.C. 2607(b)) (as amended by section 10(2)) is amended by adding at the end the following:

''(10) MERCURY.—

''(A) DEFINITION OF MERCURY.—In this paragraph, notwithstanding section 3(2)(B), the term 'mercury' means—

''(i) elemental mercury; and

''(ii) a mercury compound.

''(B) PUBLICATION.—Not later than April 1, 2017, and every 3 years thereafter, the Administrator shall publish in the Federal Register an inventory of mercury supply, use, and trade in the United States.

''(C) PROCESS.—In carrying out the inventory under subparagraph (B), the Administrator shall—

''(i) identify any remaining manufacturing processes or products that intentionally add mercury; and

''(ii) recommend actions, including proposed revisions of Federal law (including regulations), to achieve further reductions in mercury use.

''(D) REPORTING.—

''(i) IN GENERAL.—To assist in the preparation of the inventory under subparagraph (B), any person who manufactures mercury or mercury-added products or otherwise intentionally uses mercury in a manufacturing process shall make periodic reports to the Administrator, at such time and including such information as the Administrator shall determine by rule promulgated not later than 2 years after the date of enactment of this paragraph.

''(ii) COORDINATION.—To avoid duplication, the Administrator shall coordinate the reporting under this subparagraph with the Interstate Mercury Education and Reduction Clearinghouse.

''(iii) EXEMPTION.—This subparagraph shall not apply to a person engaged in the generation, handling, or management of mercury-containing waste, unless that person manufactures or recovers mercury in the management of that waste.''.

(d) PROHIBITION ON EXPORT OF CERTAIN MERCURY COMPOUNDS.—Section 12(c) of the Toxic Substances Control Act (15 U.S.C. 2611(c)) (as amended by section 13(3)) is amended—

(1) in the subsection heading, by inserting ''AND MERCURY COMPOUNDS'' after ''MERCURY''; and

(2) by inserting after paragraph (2) the following:

''(3) PROHIBITION ON EXPORT OF CERTAIN MERCURY COMPOUNDS.—

''(A) IN GENERAL.—Effective January 1, 2020, the export of the following mercury compounds is prohibited:

''(i) Mercury (I) chloride or calomel.

''(ii) Mercury (II) oxide.

''(iii) Mercury (II) sulfate.

''(iv) Mercury (II) nitrate.

''(v) Cinnabar or mercury sulphide.

''(vi) Any mercury compound that the Administrator, at the discretion of the Administrator, adds to the list by rule, on determining that exporting that mercury compound for the purpose of regenerating elemental mercury is technically feasible.

''(B) PUBLICATION.—Not later than 90 days after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, and as appropriate thereafter, the Administrator shall publish in the Federal Register a list of the mercury compounds that are prohibited from export under this paragraph.

''(C) PETITION.—Any person may petition the Administrator to add to the list of mercury compounds prohibited from export.

''(D) ENVIRONMENTALLY SOUND DISPOSAL.—This paragraph does not prohibit the export of mercury (I) chloride or calomel for environmentally sound disposal to member countries of the Organization for Economic Cooperation and Development, on the condition that no mercury or mercury compounds are to be recovered, recycled, or reclaimed for use, or directly reused.

''(E) REPORT.—Not later than 5 years after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, the Administrator shall evaluate any exports of calomel for disposal that occurred since that date of enactment and shall submit to Congress a report that contains the following:

''(i) volumes and sources of calomel exported for disposal;

''(ii) receiving countries of such exports;

''(iii) methods of disposal used;

''(iv) issues, if any, presented by the export of calomel;

''(v) evaluation of calomel management options in the United States, if any, that are commercially available and comparable in cost and efficacy to methods being utilized in the receiving countries; and

''(vi) a recommendation regarding whether Congress should further limit or prohibit the export of calomel for disposal.

''(F) EFFECT ON OTHER LAW.—Nothing in this paragraph shall be construed to affect the authority of the Administrator under Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).''.

SEC. 30. TREVOR'S LAW.

(a) PURPOSES.—The purposes of this section are—

(1) to provide the appropriate Federal agencies with the authority to help conduct investigations into potential cancer clusters;

(2) to ensure that Federal agencies have the authority to undertake actions to help address cancer clusters and factors that may contribute to the creation of potential cancer clusters; and

(3) to enable Federal agencies to coordinate with other Federal, State, and local agencies, institutes of higher education, and the public in investigating and addressing cancer clusters.

(b) DESIGNATION AND INVESTIGATION OF POTENTIAL CANCER CLUSTERS.—Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

''SEC. 399V–6. DESIGNATION AND INVESTIGATION OF POTENTIAL CANCER CLUSTERS.

''(a) DEFINITIONS.—In this section:

''(1) CANCER CLUSTER.—The term 'cancer cluster' means the incidence of a particular cancer within a population group, a geographical area, or a period of time that is greater than expected for such group, area, or period.

''(2) PARTICULAR CANCER.—The term 'particular cancer' means one specific type of cancer or a type of cancers scientifically proven to have the same cause.

''(3) POPULATION GROUP.—The term 'population group' means a group, for purposes of calculating cancer rates, defined by factors such as race, ethnicity, age, or gender.

''(b) CRITERIA FOR DESIGNATION OF POTENTIAL CANCER CLUSTERS.—

''(1) DEVELOPMENT OF CRITERIA.—The Secretary shall develop criteria for the designation of potential cancer clusters.

''(2) REQUIREMENTS.—The criteria developed under paragraph (1) shall consider, as appropriate—

''(A) a standard for cancer cluster identification and reporting protocols used to determine when cancer incidence is greater than would be typically observed;

''(B) scientific screening standards that ensure that a cluster of a particular cancer involves the same type of cancer, or types of cancers;

''(C) the population in which the cluster of a particular cancer occurs by factors such as race, ethnicity, age, and gender, for purposes of calculating cancer rates;

''(D) the boundaries of a geographic area in which a cluster of a particular cancer occurs so as not to create or obscure a potential cluster by selection of a specific area; and

''(E) the time period over which the number of cases of a particular cancer, or the calculation of an expected number of cases, occurs.

''(c) GUIDELINES FOR INVESTIGATION OF POTENTIAL CANCER CLUSTERS.—The Secretary, in consultation with the Council of State and Territorial Epidemiologists and representatives of State and local health departments, shall develop, publish, and periodically update guidelines for investigating potential cancer clusters. The guidelines shall—

''(1) require that investigations of cancer clusters—

''(A) use the criteria developed under subsection (b);

''(B) use the best available science; and

''(C) rely on a weight of the scientific evidence;

''(2) provide standardized methods of reviewing and categorizing data, including from health surveillance systems and reports of potential cancer clusters; and

''(3) provide guidance for using appropriate epidemiological and other approaches for investigations.

''(d) INVESTIGATION OF CANCER CLUSTERS.—

''(1) SECRETARY DISCRETION.—The Secretary—

''(A) in consultation with representatives of the relevant State and local health departments, shall consider whether it is appropriate to conduct an investigation of a potential cancer cluster; and

''(B) in conducting investigations shall have the discretion to prioritize certain potential cancer clusters, based on the availability of resources.

''(2) COORDINATION.—In investigating potential cancer clusters, the Secretary shall coordinate with agencies within the Department of Health and Human Services and other Federal agencies, such as the Environmental Protection Agency.

''(3) BIOMONITORING.—In investigating potential cancer clusters, the Secretary shall rely on all appropriate biomonitoring information collected under other Federal programs, such as the National Health and Nutrition Examination Survey. The Secretary may provide technical assistance for relevant biomonitoring studies of other Federal agencies.

''(e) DUTIES.—The Secretary shall—

''(1) ensure that appropriate staff of agencies within the Department of Health and Human Services are prepared to provide timely assistance, to the extent practicable, upon receiving a request to investigate a potential cancer cluster from a State or local health authority;

''(2) maintain staff expertise in epidemiology, toxicology, data analysis, environmental health and cancer surveillance, exposure assessment, pediatric health, pollution control, community outreach, health education, laboratory sampling and analysis, spatial mapping, and informatics;

''(3) consult with community members as investigations into potential cancer clusters are conducted, as the Secretary determines appropriate;

''(4) collect, store, and disseminate reports on investigations of potential cancer clusters, the possible causes of such clusters, and the actions taken to address such clusters; and

''(5) provide technical assistance for investigating cancer clusters to State and local health departments through existing programs, such as the Epi-Aids program of the Centers for Disease Control and Prevention and the Assessments of Chemical Exposures program of the Agency for Toxic Substances and Disease Registry.''.

MOTION OFFERED BY MR. SHIMKUS

Mr. SHIMKUS. Mr. Speaker, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. Shimkus moves that the House concur in the Senate amendment to H.R. 2576 with an amendment inserting the text of Rules Committee Print 114–54, modified by the amendment printed in House Report 114–590, in lieu of the matter proposed to be inserted by the Senate.

The text of the House amendment to the Senate amendment to the text is as follows:

In lieu of the matter proposed to be inserted by the Senate, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Frank R. Lautenberg Chemical Safety for the 21st Century Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CHEMICAL SAFETY

Sec. 2. Findings, policy, and intent.

Sec. 3. Definitions.
Sec. 4. Testing of chemical substances and mixtures.
Sec. 5. Manufacturing and processing notices.
Sec. 6. Prioritization, risk evaluation, and regulation of chemical substances and mixtures.
Sec. 7. Imminent hazards.
Sec. 8. Reporting and retention of information.
Sec. 9. Relationship to other Federal laws.
Sec. 10. Exports of elemental mercury.
Sec. 11. Confidential information.
Sec. 12. Penalties.
Sec. 13. State-Federal relationship.
Sec. 14. Judicial review.
Sec. 15. Citizens' civil actions.
Sec. 16. Studies.
Sec. 17. Administration of the Act.
Sec. 18. State programs.
Sec. 19. Conforming amendments.
Sec. 20. No retroactivity.
Sec. 21. Trevor's Law.

TITLE II—RURAL HEALTHCARE CONNECTIVITY

Sec. 201. Short title.
Sec. 202. Telecommunications services for skilled nursing facilities.

TITLE I—CHEMICAL SAFETY

SEC. 2. FINDINGS, POLICY, AND INTENT.

Section 2(c) of the Toxic Substances Control Act (15 U.S.C. 2601(c)) is amended by striking ''proposes to take'' and inserting ''proposes as provided''.

SEC. 3. DEFINITIONS.

Section 3 of the Toxic Substances Control Act (15 U.S.C. 2602) is amended—

(1) by redesignating paragraphs (4) through (14) as paragraphs (5), (6), (8), (9), (10), (11), (13), (14), (15), (16), and (17), respectively;

(2) by inserting after paragraph (3) the following:

''(4) The term 'conditions of use' means the circumstances, as determined by the Administrator, under which a chemical substance is intended, known, or reasonably foreseen to be manufactured, processed, distributed in commerce, used, or disposed of.'';

(3) by inserting after paragraph (6), as so redesignated, the following:

''(7) The term 'guidance' means any significant written guidance of general applicability prepared by the Administrator.''; and

(4) by inserting after paragraph (11), as so redesignated, the following:

''(12) The term 'potentially exposed or susceptible subpopulation' means a group of individuals within the general population identified by the Administrator who, due to either greater susceptibility or greater exposure, may be at greater risk than the general population of adverse health effects from exposure to a chemical substance or mixture, such as infants, children, pregnant women, workers, or the elderly.''.

SEC. 4. TESTING OF CHEMICAL SUBSTANCES AND MIXTURES.

Section 4 of the Toxic Substances Control Act (15 U.S.C. 2603) is amended—

(1) by striking ''standards'' each place it appears and inserting ''protocols and methodologies'';

(2) in subsection (a)—

(A) by striking ''If the Administrator finds'' and inserting ''(1) If the Administrator finds'';

(B) in paragraph (1), as so designated—

(i) by striking ''(1)(A)(i)'' and inserting ''(A)(i)(I)'';

(ii) by striking ''(ii)'' each place it appears and inserting ''(II)'';

(iii) by striking ''are insufficient data'' and inserting ''is insufficient information'' each place it appears;

(iv) by striking ''(iii)'' each place it appears and inserting ''(III)'';

(v) by striking ''such data'' and inserting ''such information'' each place it appears;

(vi) by striking ''(B)(i)'' and inserting ''(ii)(I)'';

(vii) by striking ''(I)'' and inserting ''(aa)'';

(viii) by striking ''(II)'' and inserting ''(bb)'';

(ix) by striking ''(2)'' and inserting ''(B)''; and

(x) in the matter following subparagraph (B), as so redesignated—

(I) by inserting '', or, in the case of a chemical substance or mixture described in subparagraph (A)(i), by rule, order, or consent agreement,'' after ''rule'';

(II) by striking ''data'' each place it appears and inserting ''information''; and

(III) by striking ''and which are relevant'' and inserting ''and which is relevant''; and

(C) by adding at the end the following:

''(2) ADDITIONAL TESTING AUTHORITY.—In addition to the authority provided under paragraph (1), the Administrator may, by rule, order, or consent agreement—

''(A) require the development of new information relating to a chemical substance or mixture if the Administrator determines that the information is necessary—

''(i) to review a notice under section 5 or to perform a risk evaluation under section 6(b);

''(ii) to implement a requirement imposed in a rule, order, or consent agreement under subsection (e) or (f) of section 5 or in a rule promulgated under section 6(a);

''(iii) at the request of a Federal implementing authority under another Federal law, to meet the regulatory testing needs of that authority with regard to toxicity and exposure; or

''(iv) pursuant to section 12(a)(2); and

''(B) require the development of new information for the purposes of prioritizing a chemical substance under section 6(b) only if the Administrator determines that such information is necessary to establish the priority of the substance, subject to the limitations that—

''(i) not later than 90 days after the date of receipt of information regarding a chemical substance complying with a rule, order, or consent agreement under this subparagraph, the Administrator shall designate the chemical substance as a high-priority substance or a low-priority substance; and

''(ii) information required by the Administrator under this subparagraph shall not be required for the purposes of establishing or implementing a minimum information requirement of broader applicability.

''(3) STATEMENT OF NEED.—When requiring the development of new information relating to a chemical substance or mixture under paragraph (2), the Administrator shall identify the need for the new information, describe how information reasonably available to the Administrator was used to inform the decision to require new information, explain the basis for any decision that requires the use of vertebrate animals, and, as applicable, explain why issuance of an order is warranted instead of promulgating a rule or entering into a consent agreement.

''(4) TIERED TESTING.—When requiring the development of new information under this subsection, the Administrator shall employ a tiered screening and testing process, under which the results of screening-level tests or assessments of available information inform the decision as to whether 1 or more additional tests are necessary, unless information available to the Administrator justifies more advanced testing of potential health or environmental effects or potential exposure without first conducting screening-level testing.'';

(3) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking ''test data'' and inserting ''information'';

(ii) in subparagraph (C), by striking ''data'' and inserting ''information''; and

(iii) in the matter following subparagraph (C), by striking ''data'' and inserting ''information'';

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking ''test data'' and inserting ''information'';

(II) by inserting ''Protocols and methodologies for the development of information may also be prescribed for the assessment of exposure or exposure potential to humans or the environment.'' after the first sentence; and

(III) by striking ''hierarchical tests'' and inserting ''tiered testing''; and

(ii) in subparagraph (B), by striking ''data'' and inserting ''information'';

(C) in paragraph (3)—

(i) by striking ''data'' each place it appears and inserting ''information'';

(ii) in subparagraph (A), by inserting ''or (C), as applicable,'' after ''subparagraph (B)'';

(iii) by striking ''(a)(1)(A)(ii) or (a)(1)(B)(ii)'' each place it appears in subparagraph (B) and inserting ''(a)(1)(A)(i)(II) or (a)(1)(A)(ii)(II)'';

(iv) in subparagraph (B), in the matter before clause (i), by striking ''subsection (a)'' and inserting ''subsection (a)(1)''; and

(v) by adding at the end the following:

''(C) A rule or order under paragraph (1) or (2) of subsection (a) may require the development of information by any person who manufactures or processes, or intends to manufacture or process, a chemical substance or mixture subject to the rule or order.'';

(D) in paragraph (4)—

(i) by striking ''of data'' each place it appears and inserting ''of information''; and

(ii) by striking ''test data'' each place it appears and inserting ''information''; and

(E) by striking paragraph (5);

(4) in subsection (c)—

(A) in paragraph (1), by striking ''data'' and inserting ''information'';

(B) in paragraph (2), by striking ''data'' each place it appears and inserting ''information'';

(C) in paragraph (3)—

(i) by striking ''test data'' each place it appears and inserting ''information''; and

(ii) by striking ''such data'' each place it appears and inserting ''such information''; and

(D) in paragraph (4) by striking ''test data'' each place it appears and inserting ''information'';

(5) in subsection (d)—

(A) by striking ''test data'' each place it appears and inserting ''information'';

(B) by striking ''such data'' each place it appears and inserting ''such information''; and

(C) by striking ''for which data have'' and inserting ''for which information has'';

(6) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking ''promulgation of a rule'' and inserting ''development of information''; and

(II) by striking ''data'' each place it appears and inserting ''information''; and

(ii) in subparagraph (B), by striking ''either initiate a rulemaking proceeding under subsection (a) or if such a proceeding is not initiated within such period, publish in the Federal Register the Administrator's reason for not initiating such a proceeding'' and insert ''issue an order, enter into a consent agreement, or initiate a rulemaking proceeding under subsection (a), or, if such an order or consent agreement is not issued or such a proceeding is not initiated within

such period, publish in the Federal Register the Administrator's reason for not issuing such an order, entering into such a consent agreement, or initiating such a proceeding''; and

(B) in paragraph (2)(A)—

(i) by striking ''eight members'' and inserting ''ten members''; and

(ii) by adding at the end the following:

''(ix) One member appointed by the Chairman of the Consumer Product Safety Commission from Commissioners or employees of the Commission.

''(x) One member appointed by the Commissioner of Food and Drugs from employees of the Food and Drug Administration.'';

(7) in subsection (f)—

(A) in paragraph (1), by striking ''test data'' and inserting ''information''; and

(B) in the matter following paragraph (2)—

(i) by striking ''or will present'';

(ii) by striking ''from cancer, gene mutations, or birth defects'';

(iii) by striking ''data or'';

(iv) by striking ''appropriate'' and inserting ''applicable''; and

(v) by inserting '', made without consideration of costs or other nonrisk factors,'' after ''publish in the Federal Register a finding'';

(8) in subsection (g)—

(A) by amending the subsection heading to read as follows:''PETITION FOR PROTOCOLS AND METHODOLOGIES FOR THE DEVELOPMENT OF INFORMATION'';

(B) by striking ''test data'' each place it appears and inserting ''information''; and

(C) by striking ''submit data'' and inserting ''submit information''; and

(9) by adding at the end the following:

''(h) REDUCTION OF TESTING ON VERTEBRATES.—

''(1) IN GENERAL.—The Administrator shall reduce and replace, to the extent practicable, scientifically justified, and consistent with the policies of this title, the use of vertebrate animals in the testing of chemical substances or mixtures under this title by—

''(A) prior to making a request or adopting a requirement for testing using vertebrate animals, and in accordance with subsection (a)(3), taking into consideration, as appropriate and to the extent practicable and scientifically justified, reasonably available existing information, including—

''(i) toxicity information;

''(ii) computational toxicology and bioinformatics; and

''(iii) high-throughput screening methods and the prediction models of those methods; and

''(B) encouraging and facilitating—

''(i) the use of scientifically valid test methods and strategies that reduce or replace the use of vertebrate animals while providing information of equivalent or better scientific quality and relevance that will support regulatory decisions under this title;

''(ii) the grouping of 2 or more chemical substances into scientifically appropriate categories in cases in which testing of a chemical substance would provide scientifically valid and useful information on other chemical substances in the category; and

''(iii) the formation of industry consortia to jointly conduct testing to avoid unnecessary duplication of tests, provided that such consortia make all information from such testing available to the Administrator.

''(2) IMPLEMENTATION OF ALTERNATIVE TESTING METHODS.—To promote the development and timely incorporation of new scientifically valid test methods and strategies that are not based on vertebrate animals, the Administrator shall—

''(A) not later than 2 years after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, develop a strategic plan to promote the development and implementation of alternative test methods and strategies to reduce, refine, or replace vertebrate animal testing and provide information of equivalent or better scientific quality and relevance for assessing risks of injury to health or the environment of chemical substances or mixtures through, for example—

''(i) computational toxicology and bioinformatics;

''(ii) high-throughput screening methods;

''(iii) testing of categories of chemical substances;

''(iv) tiered testing methods;

''(v) in vitro studies;

''(vi) systems biology;

''(vii) new or revised methods identified by validation bodies such as the Interagency Coordinating Committee on the Validation of Alternative Methods or the Organization for Economic Co-operation and Development; or

''(viii) industry consortia that develop information submitted under this title;

''(B) as practicable, ensure that the strategic plan developed under subparagraph (A) is reflected in the development of requirements for testing under this section;

''(C) include in the strategic plan developed under subparagraph (A) a list, which the Administrator shall update on a regular basis, of particular alternative test methods or strategies the Administrator has identified that do not require new vertebrate animal testing and are scientifically reliable, relevant, and capable of providing information of equivalent or better scientific reliability and quality to that which would be obtained from vertebrate animal testing;

''(D) provide an opportunity for public notice and comment on the contents of the plan developed under subparagraph (A), including the criteria for considering scientific reliability and relevance of the test methods and strategies that may be identified pursuant to subparagraph (C);

''(E) beginning on the date that is 5 years after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, and every 5 years thereafter, submit to Congress a report that describes the progress made in implementing the plan developed under subparagraph (A) and goals for future alternative test methods and strategies implementation; and

''(F) prioritize and, to the extent consistent with available resources and the Administrator's other responsibilities under this title, carry out performance assessment, validation, and translational studies to accelerate the development of scientifically valid test methods and strategies that reduce, refine, or replace the use of vertebrate animals, including minimizing duplication, in any testing under this title.

''(3) VOLUNTARY TESTING.—

''(A) IN GENERAL.—Any person developing information for submission under this title on a voluntary basis and not pursuant to any request or requirement by the Administrator shall first attempt to develop the information by means of an alternative test method or strategy identified by the Administrator pursuant to paragraph (2)(C), if the Administrator has identified such a test method or strategy for the development of such information, before conducting new vertebrate animal testing.

''(B) EFFECT OF PARAGRAPH.—Nothing in this paragraph shall, under any circumstance, limit or restrict the submission of any existing information to the Administrator.

''(C) RELATIONSHIP TO OTHER LAW.—A violation of this paragraph shall not be a prohibited act under section 15.

''(D) REVIEW OF MEANS.—This paragraph authorizes, but does not require, the Administrator to review the means by which a person conducted testing described in subparagraph (A).''.

SEC. 5. MANUFACTURING AND PROCESSING NOTICES.

Section 5 of the Toxic Substances Control Act (15 U.S.C. 2604) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''Except as provided in'' and inserting ''(A) Except as provided in subparagraph (B) of this paragraph and'';

(ii) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(iii) by striking all that follows ''significant new use'' and inserting a period; and

(iv) by adding at the end the following:

''(B) A person may take the actions described in subparagraph (A) if—

''(i) such person submits to the Administrator, at least 90 days before such manufacture or processing, a notice, in accordance with subsection (d), of such person's intention to manufacture or process such substance and such person complies with any applicable requirement of, or imposed pursuant to, subsection (b), (e), or (f); and

''(ii) the Administrator—

''(I) conducts a review of the notice; and

''(II) makes a determination under subparagraph (A), (B), or (C) of paragraph (3) and takes the actions required in association with that determination under such subparagraph within the applicable review period.''; and

(B) by adding at the end the following new paragraphs:

''(3) REVIEW AND DETERMINATION.—Within the applicable review period, subject to section 18, the Administrator shall review such notice and determine—

''(A) that the relevant chemical substance or significant new use presents an unreasonable risk of injury to health or the environment, without consideration of costs or other nonrisk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant by the Administrator under the conditions of use, in which case the Administrator shall take the actions required under subsection (f);

''(B) that—

''(i) the information available to the Administrator is insufficient to permit a reasoned evaluation of the health and environmental effects of the relevant chemical substance or significant new use; or

''(ii)(I) in the absence of sufficient information to permit the Administrator to make such an evaluation, the manufacture, processing, distribution in commerce, use, or disposal of such substance, or any combination of such activities, may present an unreasonable risk of injury to health or the environment, without consideration of costs or other nonrisk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant by the Administrator; or

''(II) such substance is or will be produced in substantial quantities, and such substance either enters or may reasonably be anticipated to enter the environment in substantial quantities or there is or may be significant or substantial human exposure to the substance,

in which case the Administrator shall take the actions required under subsection (e); or

''(C) that the relevant chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment, without consideration of costs or other nonrisk factors, including an unreasonable risk to a potentially

exposed or susceptible subpopulation identified as relevant by the Administrator under the conditions of use, in which case the submitter of the notice may commence manufacture of the chemical substance or manufacture or processing for a significant new use.

''(4) FAILURE TO RENDER DETERMINATION.—

''(A) FAILURE TO RENDER DETERMINATION.—If the Administrator fails to make a determination on a notice under paragraph (3) by the end of the applicable review period and the notice has not been withdrawn by the submitter, the Administrator shall refund to the submitter all applicable fees charged to the submitter for review of the notice pursuant to section 26(b), and the Administrator shall not be relieved of any requirement to make such determination.

''(B) LIMITATIONS.—(i) A refund of applicable fees under subparagraph (A) shall not be made if the Administrator certifies that the submitter has not provided information required under subsection (b) or has otherwise unduly delayed the process such that the Administrator is unable to render a determination within the applicable review period.

''(ii) A failure of the Administrator to render a decision shall not be deemed to constitute a withdrawal of the notice.

''(iii) Nothing in this paragraph shall be construed as relieving the Administrator or the submitter of the notice from any requirement of this section.

''(5) ARTICLE CONSIDERATION.—The Administrator may require notification under this section for the import or processing of a chemical substance as part of an article or category of articles under paragraph (1)(A)(ii) if the Administrator makes an affirmative finding in a rule under paragraph (2) that the reasonable potential for exposure to the chemical substance through the article or category of articles subject to the rule justifies notification.'';

(2) in subsection (b)—

(A) in the subsection heading, by striking ''TEST DATA'' and inserting ''INFORMATION'';

(B) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking ''test data'' and inserting ''information''; and

(II) by striking ''such data'' and inserting ''such information''; and

(ii) in subparagraph (B)—

(I) by striking ''test data'' and inserting ''information'';

(II) by striking ''subsection (a)(1)(A)'' and inserting ''subsection (a)(1)(A)(i)''; and

(III) by striking ''subsection (a)(1)(B)'' and inserting ''subsection (a)(1)(A)(ii)'';

(C) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking ''test data'' in clause (ii) and inserting ''information'';

(II) by striking ''shall'' and inserting ''may''; and

(III) by striking ''data prescribed'' and inserting ''information prescribed''; and

(ii) in subparagraph (B)—

(I) by striking ''Data'' and inserting ''Information'';

(II) by striking ''data'' both places it appears and inserting ''information'';

(III) by striking ''show'' and inserting ''shows'';

(IV) by striking ''subsection (a)(1)(A)'' in clause (i) and inserting ''subsection (a)(1)(A)(i)''; and

(V) by striking ''subsection (a)(1)(B)'' in clause (ii) and inserting ''subsection (a)(1)(A)(ii)'';

(D) in paragraph (3)—

(i) by striking ''Data'' and inserting ''Information''; and

(ii) by striking ''paragraph (1) or (2)'' and inserting ''paragraph (1) or (2) of this subsection or under subsection (e)''; and

(E) in paragraph (4)—

(i) in subparagraph (A)(i), by inserting '', without consideration of costs or other nonrisk factors'' after ''health or the environment''; and

(ii) in subparagraph (C), by striking '', except that'' and all that follows through ''subparagraph (A)'';

(3) in subsection (c)—

(A) in the subsection heading, by striking ''NOTICE'' and inserting ''REVIEW''; and

(B) by striking ''before which'' and all that follows through ''subsection may begin'';

(4) in subsection (d)—

(A) by striking ''test data'' in paragraph (1)(B) and inserting ''information'';

(B) by striking ''data'' each place it appears in paragraph (1)(C) and paragraph (2) and inserting ''information'';

(C) in paragraph (2)(B), by striking ''uses or intended uses of such substance'' and inserting ''uses of such substance identified in the notice''; and

(D) in paragraph (3)—

(i) by striking ''for which the notification period prescribed by subsection (a), (b), or (c)'' and inserting ''for which the applicable review period''; and

(ii) by striking ''such notification period'' and inserting ''such period'';

(5) in subsection (e)—

(A) in paragraph (1)(A)—

(i) in clause (i), by striking ''; and'' and inserting ''; or'';

(ii) in clause (ii)(I), by inserting ''without consideration of costs or other nonrisk factors, including an unreasonable risk to a potentially exposed subpopulation identified as relevant by the Administrator under the conditions of use;'' after ''health or the environment,''; and

(iii) in the matter after clause (ii)(II)—

(I) by striking ''may issue a proposed order'' and inserting ''shall issue an order'';

(II) by striking ''notification period applicable to the manufacturing or processing of such substance under subsection (a), (b), (c)'' and inserting ''applicable review period''; and

(III) by inserting ''to the extent necessary to protect against an unreasonable risk of injury to health or the environment, without consideration of costs or other nonrisk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant by the Administrator under the conditions of use, and the submitter of the notice may commence manufacture of the chemical substance, or manufacture or processing of the chemical substance for a significant new use, including while any required information is being developed, only in compliance with the order'' before the period at the end;

(B) in paragraph (1)(B)—

(i) by striking ''A proposed order'' and inserting ''An order'';

(ii) by striking ''notification period applicable to the manufacture or processing of such substance under subsection (a), (b), (c)'' and inserting ''applicable review period''; and

(iii) by striking ''of the proposed order'' and inserting ''of the order'';

(C) by striking paragraph (1)(C); and

(D) by striking paragraph (2);

(6) in subsection (f)—

(A) in paragraph (1)—

(i) by striking ''finds that there is a reasonable basis to conclude that the manufacture, processing, distribution in commerce, use, or disposal of a chemical substance with'' and inserting ''determines that a chemical substance or significant new use with'';

(ii) by striking '', or that any combination of such activities,'';

(iii) by striking ''or will present'';

(iv) by striking ''before a rule promulgated under section 6 can protect against such risk,'' and inserting '', without consideration of costs or other nonrisk factors, including an unreasonable risk to a potentially exposed subpopulation identified as relevant by the Administrator under the conditions of use,''; and

(v) by striking ''notification period applicable under subsection (a), (b), or (c) to the manufacturing or processing of such substance'' and inserting ''applicable review period'';

(B) in paragraph (2), the matter following subparagraph (C), by striking ''Section 6(d)(2)(B)'' and inserting ''Section 6(d)(3)(B)'';

(C) in paragraph (3)—

(i) in subparagraph (A)—

(I) by striking ''Administrator may'' and all that follows through ''issue a proposed order to prohibit the'' and inserting ''Administrator may issue an order to prohibit or limit the''; and

(II) by striking ''under paragraph (1)'' and all that follows through ''processing of such substance.'' and inserting ''under paragraph (1). Such order shall take effect on the expiration of the applicable review period.'';

(ii) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B);

(iii) in subparagraph (B), as so redesignated—

(I) by striking ''subparagraphs (B) and (C)'' and inserting ''subparagraph (B)'';

(II) by striking ''clause (i) of''; and

(III) by striking ''; and the provisions of subparagraph (C) of subsection (e)(2) shall apply with respect to an injunction issued under subparagraph (B)''; and

(iv) by striking subparagraph (D); and

(D) by adding at the end the following:

''(4) TREATMENT OF NONCONFORMING USES.—Not later than 90 days after taking an action under paragraph (2) or (3) or issuing an order under subsection (e) relating to a chemical substance with respect to which the Administrator has made a determination under subsection (a)(3)(A) or (B), the Administrator shall consider whether to promulgate a rule pursuant to subsection (a)(2) that identifies as a significant new use any manufacturing, processing, use, distribution in commerce, or disposal of the chemical substance that does not conform to the restrictions imposed by the action or order, and, as applicable, initiate such a rulemaking or publish a statement describing the reasons of the Administrator for not initiating such a rulemaking.

''(5) WORKPLACE EXPOSURES.—To the extent practicable, the Administrator shall consult with the Assistant Secretary of Labor for Occupational Safety and Health prior to adopting any prohibition or other restriction relating to a chemical substance with respect to which the Administrator has made a determination under subsection (a)(3)(A) or (B) to address workplace exposures.'';

(7) by amending subsection (g) to read as follows:

''(g) STATEMENT ON ADMINISTRATOR FINDING.—If the Administrator finds in accordance with subsection (a)(3)(C) that a chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment, then notwithstanding any remaining portion of the applicable review period, the submitter of the notice may commence manufacture of the chemical substance or manufacture or processing for the significant new use, and the Administrator shall make public a statement of the Administrator's finding. Such a statement shall be submitted for publication in the Federal Register as soon as is practicable before the expiration of such period. Publication of such statement in accordance

with the preceding sentence is not a prerequisite to the manufacturing or processing of the substance with respect to which the statement is to be published.'';

(8) in subsection (h)—

(A) in paragraph (1)(A), by inserting '', including an unreasonable risk to a potentially exposed or susceptible subpopulation identified by the Administrator for the specific conditions of use identified in the application'' after ''health or the environment'';

(B) in paragraph (2), by striking ''data'' each place it appears and inserting ''information''; and

(C) in paragraph (4), by striking ''. A rule promulgated'' and all that follows through ''section 6(c)'' and inserting '', including an unreasonable risk to a potentially exposed or susceptible subpopulation identified by the Administrator under the conditions of use''; and

(9) by amending subsection (i) to read as follows:

''(i) DEFINITIONS.—(1) For purposes of this section, the terms 'manufacture' and 'process' mean manufacturing or processing for commercial purposes.

''(2) For purposes of this Act, the term 'requirement' as used in this section shall not displace any statutory or common law.

''(3) For purposes of this section, the term 'applicable review period' means the period starting on the date the Administrator receives a notice under subsection (a)(1) and ending 90 days after that date, or on such date as is provided for in subsection (b)(1) or (c).''.

SEC. 6. PRIORITIZATION, RISK EVALUATION, AND REGULATION OF CHEMICAL SUBSTANCES AND MIXTURES.

Section 6 of the Toxic Substances Control Act (15 U.S.C. 2605) is amended—

(1) by striking the section heading and inserting ''**PRIORITIZATION, RISK EVALUATION, AND REGULATION OF CHEMICAL SUBSTANCES AND MIXTURES**'';

(2) in subsection (a)—

(A) by striking ''finds that there is a reasonable basis to conclude'' and inserting ''determines in accordance with subsection (b)(4)(A)'';

(B) by striking ''or will present'';

(C) by inserting ''and subject to section 18, and in accordance with subsection (c)(2),'' after ''shall by rule'';

(D) by striking ''to protect adequately against such risk using the least burdensome requirements'' and inserting ''so that the chemical substance or mixture no longer presents such risk'';

(E) by inserting ''or otherwise restricting'' after ''prohibiting'' in paragraphs (1)(A) and (2)(A);

(F) by inserting ''minimum'' before ''warnings'' both places it appears in paragraph (3);

(G) by striking ''and monitor or conduct tests'' and inserting ''or monitor or conduct tests'' in paragraph (4); and

(H) in paragraph (7)—

(i) by striking ''such unreasonable risk of injury'' and inserting ''such determination''; and

(ii) by striking ''such risk of injury'' and inserting ''such determination'';

(3) by amending subsection (b) to read as follows:

''(b) RISK EVALUATIONS.—

''(1) PRIORITIZATION FOR RISK EVALUATIONS.—

''(A) ESTABLISHMENT OF PROCESS.—Not later than 1 year after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, the Administrator shall establish, by rule, a risk-based screening process, including criteria for designating chemical substances as high-priority substances for risk evaluations or low-priority substances for which risk evaluations are not warranted at the time. The process to designate the priority of chemical substances shall include a consideration of the hazard and exposure potential of a chemical substance or a category of chemical substances (including consideration of persistence and bioaccumulation, potentially exposed or susceptible subpopulations and storage near significant sources of drinking water), the conditions of use or significant changes in the conditions of use of the chemical substance, and the volume or significant changes in the volume of the chemical substance manufactured or processed.

''(B) IDENTIFICATION OF PRIORITIES FOR RISK EVALUATION.—

''(i) HIGH-PRIORITY SUBSTANCES.—The Administrator shall designate as a high-priority substance a chemical substance that the Administrator concludes, without consideration of costs or other nonrisk factors, may present an unreasonable risk of injury to health or the environment because of a potential hazard and a potential route of exposure under the conditions of use, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant by the Administrator.

''(ii) LOW-PRIORITY SUBSTANCES.—The Administrator shall designate a chemical substance as a low-priority substance if the Administrator concludes, based on information sufficient to establish, without consideration of costs or other nonrisk factors, that such substance does not meet the standard identified in clause (i) for designating a chemical substance a high-priority substance.

''(C) INFORMATION REQUEST AND REVIEW AND PROPOSED AND FINAL PRIORITIZATION DESIGNATION.—The rulemaking required in subparagraph (A) shall ensure that the time required to make a priority designation of a chemical substance be no shorter than nine months and no longer than 1 year, and that the process for such designations includes—

''(i) a requirement that the Administrator request interested persons to submit relevant information on a chemical substance that the Administrator has initiated the prioritization process on, before proposing a priority designation for the chemical substance, and provide 90 days for such information to be provided;

''(ii) a requirement that the Administrator publish each proposed designation of a chemical substance as a high- or low-priority substance, along with an identification of the information, analysis, and basis used to make the proposed designations, and provide 90 days for public comment on each such proposed designation; and

''(iii) a process by which the Administrator may extend the deadline in clause (i) for up to three months in order to receive or evaluate information required to be submitted in accordance with section 4(a)(2)(B), subject to the limitation that if the information available to the Administrator at the end of such an extension remains insufficient to enable the designation of the chemical substance as a low-priority substance, the Administrator shall designate the chemical substance as a high-priority substance.

''(2) INITIAL RISK EVALUATIONS AND SUBSEQUENT DESIGNATIONS OF HIGH- AND LOW-PRIORITY SUBSTANCES.—

''(A) INITIAL RISK EVALUATIONS.—Not later than 180 days after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, the Administrator shall ensure that risk evaluations are being conducted on 10 chemical substances drawn from the 2014 update of the TSCA Work Plan for Chemical Assessments and shall publish the list of such chemical substances during the 180 day period.

''(B) ADDITIONAL RISK EVALUATIONS.—Not later than three and one half years after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, the Administrator shall ensure that risk evaluations are being conducted on at least 20 high-priority substances and that at least 20 chemical substances have been designated as low-priority substances, subject to the limitation that at least 50 percent of all chemical substances on which risk evaluations are being conducted by the Administrator are drawn from the 2014 update of the TSCA Work Plan for Chemical Assessments.

''(C) CONTINUING DESIGNATIONS AND RISK EVALUATIONS.—The Administrator shall continue to designate priority substances and conduct risk evaluations in accordance with this subsection at a pace consistent with the ability of the Administrator to complete risk evaluations in accordance with the deadlines under paragraph (4)(G).

''(D) PREFERENCE.—In designating high-priority substances, the Administrator shall give preference to—

''(i) chemical substances that are listed in the 2014 update of the TSCA Work Plan for Chemical Assessments as having a Persistence and Bioaccumulation Score of 3; and

''(ii) chemical substances that are listed in the 2014 update of the TSCA Work Plan for Chemical Assessments that are known human carcinogens and have high acute and chronic toxicity.

''(E) METALS AND METAL COMPOUNDS.—In identifying priorities for risk evaluation and conducting risk evaluations of metals and metal compounds, the Administrator shall use the Framework for Metals Risk Assessment of the Office of the Science Advisor, Risk Assessment Forum, and dated March 2007, or a successor document that addresses metals risk assessment and is peer reviewed by the Science Advisory Board.

''(3) INITIATION OF RISK EVALUATIONS; DESIGNATIONS.—

''(A) RISK EVALUATION INITIATION.—Upon designating a chemical substance as a high-priority substance, the Administrator shall initiate a risk evaluation on the substance.

''(B) REVISION.—The Administrator may revise the designation of a low-priority substance based on information made available to the Administrator.

''(C) ONGOING DESIGNATIONS.—The Administrator shall designate at least one high-priority substance upon the completion of each risk evaluation (other than risk evaluations for chemical substances designated under paragraph (4)(C)(ii)).

''(4) RISK EVALUATION PROCESS AND DEADLINES.—

''(A) IN GENERAL.—The Administrator shall conduct risk evaluations pursuant to this paragraph to determine whether a chemical substance presents an unreasonable risk of injury to health or the environment, without consideration of costs or other nonrisk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant to the risk evaluation by the Administrator, under the conditions of use.

''(B) ESTABLISHMENT OF PROCESS.—Not later than 1 year after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, the Administrator shall establish, by rule, a process to conduct risk evaluations in accordance with subparagraph (A).

''(C) REQUIREMENT.—The Administrator shall conduct and publish risk evaluations, in accordance with the rule promulgated under subparagraph (B), for a chemical substance—

''(i) that has been identified under paragraph (2)(A) or designated under paragraph (1)(B)(i); and

''(ii) subject to subparagraph (E), that a manufacturer of the chemical substance has

requested, in a form and manner and using the criteria prescribed by the Administrator in the rule promulgated under subparagraph (B), be subjected to a risk evaluation.

''(D) SCOPE.—The Administrator shall, not later than 6 months after the initiation of a risk evaluation, publish the scope of the risk evaluation to be conducted, including the hazards, exposures, conditions of use, and the potentially exposed or susceptible subpopulations the Administrator expects to consider, and, for each designation of a high-priority substance, ensure not less than 12 months between the initiation of the prioritization process for the chemical substance and the publication of the scope of the risk evaluation for the chemical substance, and for risk evaluations conducted on chemical substances that have been identified under paragraph (2)(A) or selected under subparagraph (E)(iv)(II) of this paragraph, ensure not less than 3 months before the Administrator publishes the scope of the risk evaluation.

''(E) LIMITATION AND CRITERIA.—

''(i) PERCENTAGE REQUIREMENTS.—The Administrator shall ensure that, of the number of chemical substances that undergo a risk evaluation under clause (i) of subparagraph (C), the number of chemical substances undergoing a risk evaluation under clause (ii) of subparagraph (C) is—

''(I) not less than 25 percent, if sufficient requests are made under clause (ii) of subparagraph (C); and

''(II) not more than 50 percent.

''(ii) REQUESTED RISK EVALUATIONS.—Requests for risk evaluations under subparagraph (C)(ii) shall be subject to the payment of fees pursuant to section 26(b), and the Administrator shall not expedite or otherwise provide special treatment to such risk evaluations.

''(iii) PREFERENCE.—In deciding whether to grant requests under subparagraph (C)(ii), the Administrator shall give preference to requests for risk evaluations on chemical substances for which the Administrator determines that restrictions imposed by 1 or more States have the potential to have a significant impact on interstate commerce or health or the environment.

''(iv) EXCEPTIONS.—(I) Chemical substances for which requests have been granted under subparagraph (C)(ii) shall not be subject to section 18(b).

''(II) Requests for risk evaluations on chemical substances which are made under subparagraph (C)(ii) and that are drawn from the 2014 update of the TSCA Work Plan for Chemical Assessments shall be granted at the discretion of the Administrator and not be subject to clause (i)(II).

''(F) REQUIREMENTS.—In conducting a risk evaluation under this subsection, the Administrator shall—

''(i) integrate and assess available information on hazards and exposures for the conditions of use of the chemical substance, including information that is relevant to specific risks of injury to health or the environment and information on potentially exposed or susceptible subpopulations identified as relevant by the Administrator;

''(ii) describe whether aggregate or sentinel exposures to a chemical substance under the conditions of use were considered, and the basis for that consideration;

''(iii) not consider costs or other nonrisk factors;

''(iv) take into account, where relevant, the likely duration, intensity, frequency, and number of exposures under the conditions of use of the chemical substance; and

''(v) describe the weight of the scientific evidence for the identified hazard and exposure.

''(G) DEADLINES.—The Administrator—

''(i) shall complete a risk evaluation for a chemical substance as soon as practicable, but not later than 3 years after the date on which the Administrator initiates the risk evaluation under subparagraph (C); and

''(ii) may extend the deadline for a risk evaluation for not more than 6 months.

''(H) NOTICE AND COMMENT.—The Administrator shall provide no less than 30 days public notice and an opportunity for comment on a draft risk evaluation prior to publishing a final risk evaluation.'';

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

''(c) PROMULGATION OF SUBSECTION (a) RULES.—

''(1) DEADLINES.—If the Administrator determines that a chemical substance presents an unreasonable risk of injury to health or the environment in accordance with subsection (b)(4)(A), the Administrator—

''(A) shall propose in the Federal Register a rule under subsection (a) for the chemical substance not later than 1 year after the date on which the final risk evaluation regarding the chemical substance is published;

''(B) shall publish in the Federal Register a final rule not later than 2 years after the date on which the final risk evaluation regarding the chemical substance is published; and

''(C) may extend the deadlines under this paragraph for not more than two years, subject to the condition that the aggregate length of extensions under this subparagraph and subsection (b)(4)(G)(ii) does not exceed two years, and subject to the limitation that the Administrator may not extend a deadline for the publication of a proposed or final rule regarding a chemical substance drawn from the 2014 update of the TSCA Work Plan for Chemical Assessments or a chemical substance that, with respect to persistence and bioaccumulation, scores high for 1 and either high or moderate for the other, pursuant to the TSCA Work Plan Chemicals Methods Document published by the Administrator in February 2012 (or a successor scoring system), without adequate public justification that demonstrates, following a review of the information reasonably available to the Administrator, that the Administrator cannot complete the proposed or final rule without additional information regarding the chemical substance.

''(2) REQUIREMENTS FOR RULE.—

''(A) STATEMENT OF EFFECTS.—In proposing and promulgating a rule under subsection (a) with respect to a chemical substance or mixture, the Administrator shall consider and publish a statement based on reasonably available information with respect to—

''(i) the effects of the chemical substance or mixture on health and the magnitude of the exposure of human beings to the chemical substance or mixture;

''(ii) the effects of the chemical substance or mixture on the environment and the magnitude of the exposure of the environment to such substance or mixture;

''(iii) the benefits of the chemical substance or mixture for various uses; and

''(iv) the reasonably ascertainable economic consequences of the rule, including consideration of—

''(I) the likely effect of the rule on the national economy, small business, technological innovation, the environment, and public health;

''(II) the costs and benefits of the proposed and final regulatory action and of the 1 or more primary alternative regulatory actions considered by the Administrator; and

''(III) the cost effectiveness of the proposed regulatory action and of the 1 or more primary alternative regulatory actions considered by the Administrator.

''(B) SELECTING REQUIREMENTS.—In selecting among prohibitions and other restrictions, the Administrator shall factor in, to the extent practicable, the considerations under subparagraph (A) in accordance with subsection (a).

''(C) CONSIDERATION OF ALTERNATIVES.—Based on the information published under subparagraph (A), in deciding whether to prohibit or restrict in a manner that substantially prevents a specific condition of use of a chemical substance or mixture, and in setting an appropriate transition period for such action, the Administrator shall consider, to the extent practicable, whether technically and economically feasible alternatives that benefit health or the environment, compared to the use so proposed to be prohibited or restricted, will be reasonably available as a substitute when the proposed prohibition or other restriction takes effect.

''(D) REPLACEMENT PARTS.—

''(i) IN GENERAL.—The Administrator shall exempt replacement parts for complex durable goods and complex consumer goods that are designed prior to the date of publication in the Federal Register of the rule under subsection (a), unless the Administrator finds that such replacement parts contribute significantly to the risk, identified in a risk evaluation conducted under subsection (b)(4)(A), to the general population or to an identified potentially exposed or susceptible subpopulation.

''(ii) DEFINITIONS.—In this subparagraph—

''(I) the term 'complex consumer goods' means electronic or mechanical devices composed of multiple manufactured components, with an intended useful life of 3 or more years, where the product is typically not consumed, destroyed, or discarded after a single use, and the components of which would be impracticable to redesign or replace; and

''(II) the term 'complex durable goods' means manufactured goods composed of 100 or more manufactured components, with an intended useful life of 5 or more years, where the product is typically not consumed, destroyed, or discarded after a single use.

''(E) ARTICLES.—In selecting among prohibitions and other restrictions, the Administrator shall apply such prohibitions or other restrictions to an article or category of articles containing the chemical substance or mixture only to the extent necessary to address the identified risks from exposure to the chemical substance or mixture from the article or category of articles so that the substance or mixture does not present an unreasonable risk of injury to health or the environment identified in the risk evaluation conducted in accordance with subsection (b)(4)(A).

''(3) PROCEDURES.—When prescribing a rule under subsection (a) the Administrator shall proceed in accordance with section 553 of title 5, United States Code (without regard to any reference in such section to sections 556 and 557 of such title), and shall also—

''(A) publish a notice of proposed rulemaking stating with particularity the reason for the proposed rule;

''(B) allow interested persons to submit written data, views, and arguments, and make all such submissions publicly available;

''(C) promulgate a final rule based on the matter in the rulemaking record; and

''(D) make and publish with the rule the determination described in subsection (a).'';

(5) in subsection (d)—

(A) by redesignating paragraph (2) as paragraph (3);

(B) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—In any rule under subsection (a), the Administrator shall—

''(A) specify the date on which it shall take effect, which date shall be as soon as practicable;

''(B) except as provided in subparagraphs (C) and (D), specify mandatory compliance dates for all of the requirements under a rule under subsection (a), which shall be as soon as practicable, but not later than 5 years after the date of promulgation of the rule, except in a case of a use exempted under subsection (g);

''(C) specify mandatory compliance dates for the start of ban or phase-out requirements under a rule under subsection (a), which shall be as soon as practicable, but not later than 5 years after the date of promulgation of the rule, except in the case of a use exempted under subsection (g);

''(D) specify mandatory compliance dates for full implementation of ban or phase-out requirements under a rule under subsection (a), which shall be as soon as practicable; and

''(E) provide for a reasonable transition period.

''(2) VARIABILITY.—As determined by the Administrator, the compliance dates established under paragraph (1) may vary for different affected persons.''; and

(C) in paragraph (3), as so redesignated by subparagraph (A) of this paragraph—

(i) in subparagraph (A)—

(I) by striking ''upon its publication'' and all that follows through ''respecting such rule if'' and inserting '', and compliance with the proposed requirements to be mandatory, upon publication in the Federal Register of the proposed rule and until the compliance dates applicable to such requirements in a final rule promulgated under section 6(a) or until the Administrator revokes such proposed rule, in accordance with subparagraph (B), if''; and

(II) in clause (i)(I), by inserting ''without consideration of costs or other non-risk factors'' after ''effective date''; and

(ii) in subparagraph (B), by striking '', provide reasonable opportunity'' and all that follows through the period at the end and inserting ''in accordance with subsection (c), and either promulgate such rule (as proposed or with modifications) or revoke it.'';

(6) in subsection (e)(4), by striking ''paragraphs (2), (3), and (4)'' and inserting ''paragraph (3)''; and

(7) by adding at the end the following new subsections:

''(g) EXEMPTIONS.—

''(1) CRITERIA FOR EXEMPTION.—The Administrator may, as part of a rule promulgated under subsection (a), or in a separate rule, grant an exemption from a requirement of a subsection (a) rule for a specific condition of use of a chemical substance or mixture, if the Administrator finds that—

''(A) the specific condition of use is a critical or essential use for which no technically and economically feasible safer alternative is available, taking into consideration hazard and exposure;

''(B) compliance with the requirement, as applied with respect to the specific condition of use, would significantly disrupt the national economy, national security, or critical infrastructure; or

''(C) the specific condition of use of the chemical substance or mixture, as compared to reasonably available alternatives, provides a substantial benefit to health, the environment, or public safety.

''(2) EXEMPTION ANALYSIS AND STATEMENT.—In proposing an exemption under this subsection, the Administrator shall analyze the need for the exemption, and shall make public the analysis and a statement describing how the analysis was taken into account.

''(3) PERIOD OF EXEMPTION.—The Administrator shall establish, as part of a rule under this subsection, a time limit on any exemption for a time to be determined by the Administrator as reasonable on a case-by-case basis, and, by rule, may extend, modify, or eliminate an exemption if the Administrator determines, on the basis of reasonably available information and after adequate public justification, the exemption warrants extension or modification or is no longer necessary.

''(4) CONDITIONS.—As part of a rule promulgated under this subsection, the Administrator shall include conditions, including reasonable recordkeeping, monitoring, and reporting requirements, to the extent that the Administrator determines the conditions are necessary to protect health and the environment while achieving the purposes of the exemption.

''(h) CHEMICALS THAT ARE PERSISTENT, BIOACCUMULATIVE, AND TOXIC.—

''(1) EXPEDITED ACTION.—Not later than 3 years after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, the Administrator shall propose rules under subsection (a) with respect to chemical substances identified in the 2014 update of the TSCA Work Plan for Chemical Assessments—

''(A) that the Administrator has a reasonable basis to conclude are toxic and that with respect to persistence and bioaccumulation score high for one and either high or moderate for the other, pursuant to the TSCA Work Plan Chemicals Methods Document published by the Administrator in February 2012 (or a successor scoring system), and are not a metal or a metal compound, and for which the Administrator has not completed a Work Plan Problem Formulation, initiated a review under section 5, or entered into a consent agreement under section 4, prior to the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act; and

''(B) exposure to which under the conditions of use is likely to the general population or to a potentially exposed or susceptible subpopulation identified by the Administrator, or the environment, on the basis of an exposure and use assessment conducted by the Administrator.

''(2) NO RISK EVALUATION REQUIRED.—The Administrator shall not be required to conduct risk evaluations on chemical substances that are subject to paragraph (1).

''(3) FINAL RULE.—Not later than 18 months after proposing a rule pursuant to paragraph (1), the Administrator shall promulgate a final rule under subsection (a).

''(4) SELECTING RESTRICTIONS.—In selecting among prohibitions and other restrictions promulgated in a rule under subsection (a) pursuant to paragraph (1), the Administrator shall address the risks of injury to health or the environment that the Administrator determines are presented by the chemical substance and shall reduce exposure to the substance to the extent practicable.

''(5) RELATIONSHIP TO SUBSECTION (b).—If, at any time prior to the date that is 90 days after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, the Administrator makes a designation under subsection (b)(1)(B)(i), or receives a request under subsection (b)(4)(C)(ii), such chemical substance shall not be subject to this subsection, except that in selecting among prohibitions and other restrictions promulgated in a rule pursuant to subsection (a), the Administrator shall both ensure that the chemical substance meets the rulemaking standard under subsection (a) and reduce exposure to the substance to the extent practicable.

''(i) FINAL AGENCY ACTION.—Under this section and subject to section 18—

''(1) a determination by the Administrator under subsection (b)(4)(A) that a chemical substance does not present an unreasonable risk of injury to health or the environment shall be issued by order and considered to be a final agency action, effective beginning on the date of issuance of the order; and

''(2) a final rule promulgated under subsection (a), including the associated determination by the Administrator under subsection (b)(4)(A) that a chemical substance presents an unreasonable risk of injury to health or the environment, shall be considered to be a final agency action, effective beginning on the date of promulgation of the final rule.

''(j) DEFINITION.—For the purposes of this Act, the term 'requirement' as used in this section shall not displace statutory or common law.''.

SEC. 7. IMMINENT HAZARDS.

Section 7 of the Toxic Substances Control Act (15 U.S.C. 2606) is amended—

(1) in subsection (b)(1), by inserting ''(as identified by the Administrator without consideration of costs or other nonrisk factors)'' after ''from the unreasonable risk''; and

(2) in subsection (f), by inserting '', without consideration of costs or other nonrisk factors'' after ''widespread injury to health or the environment''.

SEC. 8. REPORTING AND RETENTION OF INFORMATION.

(a) IN GENERAL.—Section 8 of the Toxic Substances Control Act (15 U.S.C. 2607) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking the matter that follows subparagraph (G);

(B) in paragraph (3), by adding at the end the following:

''(C) Not later than 180 days after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, and not less frequently than once every 10 years thereafter, the Administrator, after consultation with the Administrator of the Small Business Administration, shall—

''(i) review the adequacy of the standards prescribed under subparagraph (B); and

''(ii) after providing public notice and an opportunity for comment, make a determination as to whether revision of the standards is warranted.''; and

(C) by adding at the end the following:

''(4) CONTENTS.—The rules promulgated pursuant to paragraph (1)—

''(A) may impose differing reporting and recordkeeping requirements on manufacturers and processors; and

''(B) shall include the level of detail necessary to be reported, including the manner by which use and exposure information may be reported.

''(5) ADMINISTRATION.—In carrying out this section, the Administrator shall, to the extent feasible—

''(A) not require reporting which is unnecessary or duplicative;

''(B) minimize the cost of compliance with this section and the rules issued thereunder on small manufacturers and processors; and

''(C) apply any reporting obligations to those persons likely to have information relevant to the effective implementation of this title.

''(6) NEGOTIATED RULEMAKING.—(A) The Administrator shall enter into a negotiated rulemaking pursuant to subchapter III of chapter 5 of title 5, United States Code, to develop and publish, not later than 3 years after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, a proposed rule providing for limiting the reporting requirements, under this subsection, for manufacturers of any inorganic byproducts, when such byproducts,

whether by the byproduct manufacturer or by any other person, are subsequently recycled, reused, or reprocessed.

''(B) Not later than 3 and one-half years after such date of enactment, the Administrator shall publish a final rule resulting from such negotiated rulemaking.''; and

(2) in subsection (b), by adding at the end the following:

''(3) NOMENCLATURE.—

''(A) IN GENERAL.—In carrying out paragraph (1), the Administrator shall—

''(i) maintain the use of Class 2 nomenclature in use on the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act;

''(ii) maintain the use of the Soap and Detergent Association Nomenclature System, published in March 1978 by the Administrator in section 1 of addendum III of the document entitled 'Candidate List of Chemical Substances', and further described in the appendix A of volume I of the 1985 edition of the Toxic Substances Control Act Substances Inventory (EPA Document No. EPA–560/7–85–002a); and

''(iii) treat the individual members of the categories of chemical substances identified by the Administrator as statutory mixtures, as defined in Inventory descriptions established by the Administrator, as being included on the list established under paragraph (1).

''(B) MULTIPLE NOMENCLATURE LISTINGS.—If a manufacturer or processor demonstrates to the Administrator that a chemical substance appears multiple times on the list published under paragraph (1) under different CAS numbers, the Administrator may recognize the multiple listings as a single chemical substance.

''(4) CHEMICAL SUBSTANCES IN COMMERCE.—

''(A) RULES.—

''(i) IN GENERAL.—Not later than 1 year after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, the Administrator, by rule, shall require manufacturers, and may require processors, subject to the limitations under subsection (a)(5)(A), to notify the Administrator, by not later than 180 days after the date on which the final rule is published in the Federal Register, of each chemical substance on the list published under paragraph (1) that the manufacturer or processor, as applicable, has manufactured or processed for a nonexempt commercial purpose during the 10-year period ending on the day before the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act.

''(ii) ACTIVE SUBSTANCES.—The Administrator shall designate chemical substances for which notices are received under clause (i) to be active substances on the list published under paragraph (1).

''(iii) INACTIVE SUBSTANCES.—The Administrator shall designate chemical substances for which no notices are received under clause (i) to be inactive substances on the list published under paragraph (1).

''(iv) LIMITATION.—No chemical substance on the list published under paragraph (1) shall be removed from such list by reason of the implementation of this subparagraph, or be subject to section 5(a)(1)(A)(i) by reason of a change to active status under paragraph (5)(B).

''(B) CONFIDENTIAL CHEMICAL SUBSTANCES.—In promulgating a rule under subparagraph (A), the Administrator shall—

''(i) maintain the list under paragraph (1), which shall include a confidential portion and a nonconfidential portion consistent with this section and section 14;

''(ii) require any manufacturer or processor of a chemical substance on the confidential portion of the list published under paragraph (1) that seeks to maintain an existing claim for protection against disclosure of the specific chemical identity of the chemical substance as confidential pursuant to section 14 to submit a notice under subparagraph (A) that includes such request;

''(iii) require the substantiation of those claims pursuant to section 14 and in accordance with the review plan described in subparagraph (C); and

''(iv) move any active chemical substance for which no request was received to maintain an existing claim for protection against disclosure of the specific chemical identity of the chemical substance as confidential from the confidential portion of the list published under paragraph (1) to the nonconfidential portion of that list.

''(C) REVIEW PLAN.—Not later than 1 year after the date on which the Administrator compiles the initial list of active substances pursuant to subparagraph (A), the Administrator shall promulgate a rule that establishes a plan to review all claims to protect the specific chemical identities of chemical substances on the confidential portion of the list published under paragraph (1) that are asserted pursuant to subparagraph (B).

''(D) REQUIREMENTS OF REVIEW PLAN.—In establishing the review plan under subparagraph (C), the Administrator shall—

''(i) require, at a time specified by the Administrator, all manufacturers or processors asserting claims under subparagraph (B) to substantiate the claim, in accordance with section 14, unless the manufacturer or processor has substantiated the claim in a submission made to the Administrator during the 5-year period ending on the last day of the of the time period specified by the Administrator; and

''(ii) in accordance with section 14—

''(I) review each substantiation—

''(aa) submitted pursuant to clause (i) to determine if the claim qualifies for protection from disclosure; and

''(bb) submitted previously by a manufacturer or processor and relied on in lieu of the substantiation required pursuant to clause (i), if the substantiation has not been previously reviewed by the Administrator, to determine if the claim warrants protection from disclosure;

''(II) approve, approve in part and deny in part, or deny each claim; and

''(III) except as provided in this section and section 14, protect from disclosure information for which the Administrator approves such a claim for a period of 10 years, unless, prior to the expiration of the period—

''(aa) the person notifies the Administrator that the person is withdrawing the claim, in which case the Administrator shall not protect the information from disclosure; or

''(bb) the Administrator otherwise becomes aware that the information does not qualify for protection from disclosure, in which case the Administrator shall take the actions described in section 14(g)(2).

''(E) TIMELINE FOR COMPLETION OF REVIEWS.—

''(i) IN GENERAL.—The Administrator shall implement the review plan so as to complete reviews of all claims specified in subparagraph (C) not later than 5 years after the date on which the Administrator compiles the initial list of active substances pursuant to subparagraph (A).

''(ii) CONSIDERATIONS.—

''(I) IN GENERAL.—The Administrator may extend the deadline for completion of the reviews for not more than 2 additional years, after an adequate public justification, if the Administrator determines that the extension is necessary based on the number of claims needing review and the available resources.

''(II) ANNUAL REVIEW GOAL AND RESULTS.—At the beginning of each year, the Administrator shall publish an annual goal for reviews and the number of reviews completed in the prior year.

''(5) ACTIVE AND INACTIVE SUBSTANCES.—

''(A) IN GENERAL.—The Administrator shall keep designations of active substances and inactive substances on the list published under paragraph (1) current.

''(B) CHANGE TO ACTIVE STATUS.—

''(i) IN GENERAL.—Any person that intends to manufacture or process for a nonexempt commercial purpose a chemical substance that is designated as an inactive substance shall notify the Administrator before the date on which the inactive substance is manufactured or processed.

''(ii) CONFIDENTIAL CHEMICAL IDENTITY.—If a person submitting a notice under clause (i) for an inactive substance on the confidential portion of the list published under paragraph (1) seeks to maintain an existing claim for protection against disclosure of the specific chemical identity of the inactive substance as confidential, the person shall, consistent with the requirements of section 14—

''(I) in the notice submitted under clause (i), assert the claim; and

''(II) by not later than 30 days after providing the notice under clause (i), substantiate the claim.

''(iii) ACTIVE STATUS.—On receiving a notification under clause (i), the Administrator shall—

''(I) designate the applicable chemical substance as an active substance;

''(II) pursuant to section 14, promptly review any claim and associated substantiation submitted pursuant to clause (ii) for protection against disclosure of the specific chemical identity of the chemical substance and approve, approve in part and deny in part, or deny the claim;

''(III) except as provided in this section and section 14, protect from disclosure the specific chemical identity of the chemical substance for which the Administrator approves a claim under subclause (II) for a period of 10 years, unless, prior to the expiration of the period—

''(aa) the person notifies the Administrator that the person is withdrawing the claim, in which case the Administrator shall not protect the information from disclosure; or

''(bb) the Administrator otherwise becomes aware that the information does not qualify for protection from disclosure, in which case the Administrator shall take the actions described in section 14(g)(2); and

''(IV) pursuant to section 6(b), review the priority of the chemical substance as the Administrator determines to be necessary.

''(C) CATEGORY STATUS.—The list of inactive substances shall not be considered to be a category for purposes of section 26(c).

''(6) INTERIM LIST OF ACTIVE SUBSTANCES.—Prior to the promulgation of the rule required under paragraph (4)(A), the Administrator shall designate the chemical substances reported under part 711 of title 40, Code of Federal Regulations (as in effect on the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act), during the reporting period that most closely preceded the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, as the interim list of active substances for the purposes of section 6(b).

''(7) PUBLIC INFORMATION.—Subject to this subsection and section 14, the Administrator shall make available to the public—

''(A) each specific chemical identity on the nonconfidential portion of the list published under paragraph (1) along with the Administrator's designation of the chemical substance as an active or inactive substance;

''(B) the unique identifier assigned under section 14, accession number, generic name,

and, if applicable, premanufacture notice case number for each chemical substance on the confidential portion of the list published under paragraph (1) for which a claim of confidentiality was received; and

''(C) the specific chemical identity of any active substance for which—

''(i) a claim for protection against disclosure of the specific chemical identity of the active substance was not asserted, as required under this subsection or section 14;

''(ii) all claims for protection against disclosure of the specific chemical identity of the active substance have been denied by the Administrator; or

''(iii) the time period for protection against disclosure of the specific chemical identity of the active substance has expired.

''(8) LIMITATION.—No person may assert a new claim under this subsection or section 14 for protection from disclosure of a specific chemical identity of any active or inactive substance for which a notice is received under paragraph (4)(A)(i) or (5)(B)(i) that is not on the confidential portion of the list published under paragraph (1).

''(9) CERTIFICATION.—Under the rules promulgated under this subsection, manufacturers and processors, as applicable, shall be required—

''(A) to certify that each notice or substantiation the manufacturer or processor submits complies with the requirements of the rule, and that any confidentiality claims are true and correct; and

''(B) to retain a record documenting compliance with the rule and supporting confidentiality claims for a period of 5 years beginning on the last day of the submission period.''.

(b) MERCURY INVENTORY.—Section 8(b) of the Toxic Substances Control Act (15 U.S.C. 2607(b)) (as amended by subsection (a)) is further amended by adding at the end the following:

''(10) MERCURY.—

''(A) DEFINITION OF MERCURY.—In this paragraph, notwithstanding section 3(2)(B), the term 'mercury' means—

''(i) elemental mercury; and

''(ii) a mercury compound.

''(B) PUBLICATION.—Not later than April 1, 2017, and every 3 years thereafter, the Administrator shall carry out and publish in the Federal Register an inventory of mercury supply, use, and trade in the United States.

''(C) PROCESS.—In carrying out the inventory under subparagraph (B), the Administrator shall—

''(i) identify any manufacturing processes or products that intentionally add mercury; and

''(ii) recommend actions, including proposed revisions of Federal law or regulations, to achieve further reductions in mercury use.

''(D) REPORTING.—

''(i) IN GENERAL.—To assist in the preparation of the inventory under subparagraph (B), any person who manufactures mercury or mercury-added products or otherwise intentionally uses mercury in a manufacturing process shall make periodic reports to the Administrator, at such time and including such information as the Administrator shall determine by rule promulgated not later than 2 years after the date of enactment of this paragraph.

''(ii) COORDINATION.—To avoid duplication, the Administrator shall coordinate the reporting under this subparagraph with the Interstate Mercury Education and Reduction Clearinghouse.

''(iii) EXEMPTION.—Clause (i) shall not apply to a person engaged in the generation, handling, or management of mercury-containing waste, unless that person manufactures or recovers mercury in the management of that waste.''.

SEC. 9. RELATIONSHIP TO OTHER FEDERAL LAWS.

Section 9 of the Toxic Substances Control Act (15 U.S.C. 2608) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''has reasonable basis to conclude'' and inserting ''determines'';

(ii) by striking ''or will present''; and

(iii) by inserting '', without consideration of costs or other nonrisk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant by the Administrator, under the conditions of use,'' after ''or the environment'';

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting '', within the time period specified by the Administrator in the report,'' after ''issues an order''; and

(ii) in subparagraph (B), by inserting ''responds within the time period specified by the Administrator in the report and'' before ''initiates, within 90'';

(C) by redesignating paragraph (3) as paragraph (6); and

(D) by inserting after paragraph (2) the following:

''(3) The Administrator shall take the actions described in paragraph (4) if the Administrator makes a report under paragraph (1) with respect to a chemical substance or mixture and the agency to which the report was made does not—

''(A) issue the order described in paragraph (2)(A) within the time period specified by the Administrator in the report; or

''(B)(i) respond under paragraph (1) within the timeframe specified by the Administrator in the report; and

''(ii) initiate action within 90 days of publication in the Federal Register of the response described in clause (i).

''(4) If an agency to which a report is submitted under paragraph (1) does not take the actions described in subparagraph (A) or (B) of paragraph (3), the Administrator shall—

''(A) initiate or complete appropriate action under section 6; or

''(B) take any action authorized or required under section 7, as applicable.

''(5) This subsection shall not relieve the Administrator of any obligation to take any appropriate action under section 6(a) or 7 to address risks from the manufacture, processing, distribution in commerce, use, or disposal of a chemical substance or mixture, or any combination of those activities, that are not identified in a report issued by the Administrator under paragraph (1).'';

(2) in subsection (b)—

(A) by striking ''The Administrator shall coordinate'' and inserting ''(1) The Administrator shall coordinate''; and

(B) by adding at the end the following:

''(2) In making a determination under paragraph (1) that it is in the public interest for the Administrator to take an action under this title with respect to a chemical substance or mixture rather than under another law administered in whole or in part by the Administrator, the Administrator shall consider, based on information reasonably available to the Administrator, all relevant aspects of the risk described in paragraph (1) and a comparison of the estimated costs and efficiencies of the action to be taken under this title and an action to be taken under such other law to protect against such risk.''; and

(3) by adding at the end the following:

''(e) EXPOSURE INFORMATION.—In addition to the requirements of subsection (a), if the Administrator obtains information related to exposures or releases of a chemical substance or mixture that may be prevented or reduced under another Federal law, including a law not administered by the Administrator, the Administrator shall make such information available to the relevant Federal agency or office of the Environmental Protection Agency.''.

SEC. 10. EXPORTS.

(a) IN GENERAL.—Section 12(a)(2) of the Toxic Substances Control Act (15 U.S.C. 2611(a)(2)) is amended by striking ''will present'' and inserting ''presents''.

(b) PROHIBITION ON EXPORT OF CERTAIN MERCURY COMPOUNDS.—Section 12(c) of the Toxic Substances Control Act (15 U.S.C. 2611(c)) is amended—

(1) in the subsection heading, by inserting ''AND MERCURY COMPOUNDS'' after ''MERCURY''; and

(2) by adding at the end the following:

''(7) PROHIBITION ON EXPORT OF CERTAIN MERCURY COMPOUNDS.—

''(A) IN GENERAL.—Effective January 1, 2020, the export of the following mercury compounds is prohibited:

''(i) Mercury (I) chloride or calomel.

''(ii) Mercury (II) oxide.

''(iii) Mercury (II) sulfate.

''(iv) Mercury (II) nitrate.

''(v) Cinnabar or mercury sulphide.

''(vi) Any mercury compound that the Administrator adds to the list published under subparagraph (B) by rule, on determining that exporting that mercury compound for the purpose of regenerating elemental mercury is technically feasible.

''(B) PUBLICATION.—Not later than 90 days after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, and as appropriate thereafter, the Administrator shall publish in the Federal Register a list of the mercury compounds that are prohibited from export under this paragraph.

''(C) PETITION.—Any person may petition the Administrator to add a mercury compound to the list published under subparagraph (B).

''(D) ENVIRONMENTALLY SOUND DISPOSAL.—This paragraph does not prohibit the export of mercury compounds on the list published under subparagraph (B) to member countries of the Organization for Economic Co-operation and Development for environmentally sound disposal, on the condition that no mercury or mercury compounds so exported are to be recovered, recycled, or reclaimed for use, or directly reused, after such export.

''(E) REPORT.—Not later than 5 years after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, the Administrator shall evaluate any exports of mercury compounds on the list published under subparagraph (B) for disposal that occurred after such date of enactment and shall submit to Congress a report that—

''(i) describes volumes and sources of mercury compounds on the list published under subparagraph (B) exported for disposal;

''(ii) identifies receiving countries of such exports;

''(iii) describes methods of disposal used after such export;

''(iv) identifies issues, if any, presented by the export of mercury compounds on the list published under subparagraph (B);

''(v) includes an evaluation of management options in the United States for mercury compounds on the list published under subparagraph (B), if any, that are commercially available and comparable in cost and efficacy to methods being utilized in such receiving countries; and

''(vi) makes a recommendation regarding whether Congress should further limit or prohibit the export of mercury compounds

on the list published under subparagraph (B) for disposal.

''(F) EFFECT ON OTHER LAW.—Nothing in this paragraph shall be construed to affect the authority of the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).''.

(c) TEMPORARY GENERATOR ACCUMULATION.—Section 5 of the Mercury Export Ban Act of 2008 (42 U.S.C. 6939f) is amended—

(1) in subsection (a)(2), by striking ''2013'' and inserting ''2019'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by redesignating subparagraphs (A), (B), and (C), as clauses (i), (ii), and (iii), respectively and indenting appropriately;

(ii) in the first sentence, by striking ''After consultation'' and inserting the following:

''(A) ASSESSMENT AND COLLECTION.—After consultation'';

(iii) in the second sentence, by striking ''The amount of such fees'' and inserting the following:

''(B) AMOUNT.—The amount of the fees described in subparagraph (A)'';

(iv) in subparagraph (B) (as so designated)—

(I) in clause (i) (as so redesignated), by striking ''publically available not later than October 1, 2012'' and inserting ''publicly available not later than October 1, 2018'';

(II) in clause (ii) (as so redesignated), by striking ''and'';

(III) in clause (iii) (as so redesignated), by striking the period at the end and inserting '', subject to clause (iv); and''; and

(IV) by adding at the end the following:

''(iv) for generators temporarily accumulating elemental mercury in a facility subject to subparagraphs (B) and (D)(iv) of subsection (g)(2) if the facility designated in subsection (a) is not operational by January 1, 2019, shall be adjusted to subtract the cost of the temporary accumulation during the period in which the facility designated under subsection (a) is not operational.''; and

(v) by adding at the end the following:

''(C) CONVEYANCE OF TITLE AND PERMITTING.—If the facility designated in subsection (a) is not operational by January 1, 2020, the Secretary—

''(i) shall immediately accept the conveyance of title to all elemental mercury that has accumulated in facilities in accordance with subsection (g)(2)(D), before January 1, 2020, and deliver the accumulated mercury to the facility designated under subsection (a) on the date on which the facility becomes operational;

''(ii) shall pay any applicable Federal permitting costs, including the costs for permits issued under section 3005(c) of the Solid Waste Disposal Act (42 U.S.C. 6925(c)); and

''(iii) shall store, or pay the cost of storage of, until the time at which a facility designated in subsection (a) is operational, accumulated mercury to which the Secretary has title under this subparagraph in a facility that has been issued a permit under section 3005(c) of the Solid Waste Disposal Act (42 U.S.C. 6925(c)).''; and

(B) in paragraph (2), in the first sentence, by striking ''paragraph (1)(C)'' and inserting ''paragraph (1)(B)(iii)''; and

(3) in subsection (g)(2)—

(A) in the undesignated material at the end, by striking ''This subparagraph'' and inserting the following:

''(C) Subparagraph (B)'';

(B) in subparagraph (C) (as designated by subparagraph (A)), by inserting ''of that subparagraph'' before the period at the end; and

(C) by adding at the end the following:

''(D) A generator producing elemental mercury incidentally from the beneficiation or processing of ore or related pollution control activities may accumulate the mercury produced onsite that is destined for a facility designated by the Secretary under subsection (a) for more than 90 days without a permit issued under section 3005(c) of the Solid Waste Disposal Act (42 U.S.C. 6925(c)), and shall not be subject to the storage prohibition of section 3004(j) of that Act (42 U.S.C. 6924(j)), if—

''(i) the Secretary is unable to accept the mercury at a facility designated by the Secretary under subsection (a) for reasons beyond the control of the generator;

''(ii) the generator certifies in writing to the Secretary that the generator will ship the mercury to a designated facility when the Secretary is able to accept the mercury;

''(iii) the generator certifies in writing to the Secretary that the generator is storing only mercury the generator has produced or recovered onsite and will not sell, or otherwise place into commerce, the mercury; and

''(iv) the generator has obtained an identification number under section 262.12 of title 40, Code of Federal Regulations, and complies with the requirements described in paragraphs (1) through (4) of section 262.34(a) of title 40, Code of Federal Regulations (as in effect on the date of enactment of this subparagraph).

''(E) MANAGEMENT STANDARDS FOR TEMPORARY STORAGE.—Not later than January 1, 2017, the Secretary, after consultation with the Administrator of the Environmental Protection Agency and State agencies in affected States, shall develop and make available guidance that establishes procedures and standards for the management and short-term storage of elemental mercury at a generator covered under subparagraph (D), including requirements to ensure appropriate use of flasks or other suitable containers. Such procedures and standards shall be protective of health and the environment and shall ensure that the elemental mercury is stored in a safe, secure, and effective manner. A generator may accumulate mercury in accordance with subparagraph (D) immediately upon enactment of this subparagraph, and notwithstanding that guidance called for by this paragraph has not been developed or made available.''.

(d) INTERIM STATUS.—Section 5(d)(1) of the Mercury Export Ban Act of 2008 (42 U.S.C. 6939f(d)(1)) is amended—

(1) in the fourth sentence, by striking ''in existence on or before January 1, 2013,''; and

(2) in the last sentence, by striking ''January 1, 2015'' and inserting ''January 1, 2020''.

SEC. 11. CONFIDENTIAL INFORMATION.

Section 14 of the Toxic Substances Control Act (15 U.S.C. 2613) is amended to read as follows:

''SEC. 14. CONFIDENTIAL INFORMATION.

''(a) IN GENERAL.—Except as provided in this section, the Administrator shall not disclose information that is exempt from disclosure pursuant to subsection (a) of section 552 of title 5, United States Code, by reason of subsection (b)(4) of that section—

''(1) that is reported to, or otherwise obtained by, the Administrator under this Act; and

''(2) for which the requirements of subsection (c) are met.

In any proceeding under section 552(a) of title 5, United States Code, to obtain information the disclosure of which has been denied because of the provisions of this subsection, the Administrator may not rely on section 552(b)(3) of such title to sustain the Administrator's action.

''(b) INFORMATION NOT PROTECTED FROM DISCLOSURE.—

''(1) MIXED CONFIDENTIAL AND NONCONFIDENTIAL INFORMATION.—Information that is protected from disclosure under this section, and which is mixed with information that is not protected from disclosure under this section, does not lose its protection from disclosure notwithstanding that it is mixed with information that is not protected from disclosure.

''(2) INFORMATION FROM HEALTH AND SAFETY STUDIES.—Subsection (a) does not prohibit the disclosure of—

''(A) any health and safety study which is submitted under this Act with respect to—

''(i) any chemical substance or mixture which, on the date on which such study is to be disclosed has been offered for commercial distribution; or

''(ii) any chemical substance or mixture for which testing is required under section 4 or for which notification is required under section 5; and

''(B) any information reported to, or otherwise obtained by, the Administrator from a health and safety study which relates to a chemical substance or mixture described in clause (i) or (ii) of subparagraph (A).

This paragraph does not authorize the disclosure of any information, including formulas (including molecular structures) of a chemical substance or mixture, that discloses processes used in the manufacturing or processing of a chemical substance or mixture or, in the case of a mixture, the portion of the mixture comprised by any of the chemical substances in the mixture.

''(3) OTHER INFORMATION NOT PROTECTED FROM DISCLOSURE.—Subsection (a) does not prohibit the disclosure of—

''(A) any general information describing the manufacturing volumes, expressed as specific aggregated volumes or, if the Administrator determines that disclosure of specific aggregated volumes would reveal confidential information, expressed in ranges; or

''(B) a general description of a process used in the manufacture or processing and industrial, commercial, or consumer functions and uses of a chemical substance, mixture, or article containing a chemical substance or mixture, including information specific to an industry or industry sector that customarily would be shared with the general public or within an industry or industry sector.

''(4) BANS AND PHASE-OUTS.—

''(A) IN GENERAL.—If the Administrator promulgates a rule pursuant to section 6(a) that establishes a ban or phase-out of a chemical substance or mixture, the protection from disclosure of any information under this section with respect to the chemical substance or mixture shall be presumed to no longer apply, subject to subsection (g)(1)(E) and subparagraphs (B) and (C) of this paragraph.

''(B) LIMITATIONS.—

''(i) CRITICAL USE.—In the case of a chemical substance or mixture for which a specific condition of use is subject to an exemption pursuant to section 6(g), if the Administrator establishes a ban or phase-out described in subparagraph (A) with respect to the chemical substance or mixture, the presumption against protection under such subparagraph shall only apply to information that relates solely to any conditions of use of the chemical substance or mixture to which the exemption does not apply.

''(ii) EXPORT.—In the case of a chemical substance or mixture for which there is manufacture, processing, or distribution in commerce that meets the conditions of section 12(a)(1), if the Administrator establishes a ban or phase-out described in subparagraph (A) with respect to the chemical substance or mixture, the presumption against protection under such subparagraph shall only apply to information that relates solely to any other manufacture, processing, or distribution in commerce of the chemical substance or mixture for the conditions of use

subject to the ban or phase-out, unless the Administrator makes the determination in section 12(a)(2).

''(iii) SPECIFIC CONDITIONS OF USE.—In the case of a chemical substance or mixture for which the Administrator establishes a ban or phase-out described in subparagraph (A) with respect to a specific condition of use of the chemical substance or mixture, the presumption against protection under such subparagraph shall only apply to information that relates solely to the condition of use of the chemical substance or mixture for which the ban or phase-out is established.

''(C) REQUEST FOR NONDISCLOSURE.—

''(i) IN GENERAL.—A manufacturer or processor of a chemical substance or mixture subject to a ban or phase-out described in this paragraph may submit to the Administrator, within 30 days of receiving a notification under subsection (g)(2)(A), a request, including documentation supporting such request, that some or all of the information to which the notice applies should not be disclosed or that its disclosure should be delayed, and the Administrator shall review the request under subsection (g)(1)(E).

''(ii) EFFECT OF NO REQUEST OR DENIAL.—If no request for nondisclosure or delay is submitted to the Administrator under this subparagraph, or the Administrator denies such a request under subsection (g)(1)(A), the information shall not be protected from disclosure under this section.

''(5) CERTAIN REQUESTS.—If a request is made to the Administrator under section 552(a) of title 5, United States Code, for information reported to or otherwise obtained by the Administrator under this Act that is not protected from disclosure under this subsection, the Administrator may not deny the request on the basis of section 552(b)(4) of title 5, United States Code.

''(c) REQUIREMENTS FOR CONFIDENTIALITY CLAIMS.—

''(1) ASSERTION OF CLAIMS.—

''(A) IN GENERAL.—A person seeking to protect from disclosure any information that person submits under this Act (including information described in paragraph (2)) shall assert to the Administrator a claim for protection from disclosure concurrent with submission of the information, in accordance with such rules regarding a claim for protection from disclosure as the Administrator has promulgated or may promulgate pursuant to this title.

''(B) INCLUSION.—An assertion of a claim under subparagraph (A) shall include a statement that the person has—

''(i) taken reasonable measures to protect the confidentiality of the information;

''(ii) determined that the information is not required to be disclosed or otherwise made available to the public under any other Federal law;

''(iii) a reasonable basis to conclude that disclosure of the information is likely to cause substantial harm to the competitive position of the person; and

''(iv) a reasonable basis to believe that the information is not readily discoverable through reverse engineering.

''(C) ADDITIONAL REQUIREMENTS FOR CLAIMS REGARDING CHEMICAL IDENTITY INFORMATION.—In the case of a claim under subparagraph (A) for protection from disclosure of a specific chemical identity, the claim shall include a structurally descriptive generic name for the chemical substance that the Administrator may disclose to the public, subject to the condition that such generic name shall—

''(i) be consistent with guidance developed by the Administrator under paragraph (4)(A); and

''(ii) describe the chemical structure of the chemical substance as specifically as practicable while protecting those features of the chemical structure—

''(I) that are claimed as confidential; and

''(II) the disclosure of which would be likely to cause substantial harm to the competitive position of the person.

''(2) INFORMATION GENERALLY NOT SUBJECT TO SUBSTANTIATION REQUIREMENTS.—Subject to subsection (f), the following information shall not be subject to substantiation requirements under paragraph (3):

''(A) Specific information describing the processes used in manufacture or processing of a chemical substance, mixture, or article.

''(B) Marketing and sales information.

''(C) Information identifying a supplier or customer.

''(D) In the case of a mixture, details of the full composition of the mixture and the respective percentages of constituents.

''(E) Specific information regarding the use, function, or application of a chemical substance or mixture in a process, mixture, or article.

''(F) Specific production or import volumes of the manufacturer or processor.

''(G) Prior to the date on which a chemical substance is first offered for commercial distribution, the specific chemical identity of the chemical substance, including the chemical name, molecular formula, Chemical Abstracts Service number, and other information that would identify the specific chemical substance, if the specific chemical identity was claimed as confidential at the time it was submitted in a notice under section 5.

''(3) SUBSTANTIATION REQUIREMENTS.—Except as provided in paragraph (2), a person asserting a claim to protect information from disclosure under this section shall substantiate the claim, in accordance with such rules as the Administrator has promulgated or may promulgate pursuant to this section.

''(4) GUIDANCE.—The Administrator shall develop guidance regarding—

''(A) the determination of structurally descriptive generic names, in the case of claims for the protection from disclosure of specific chemical identity; and

''(B) the content and form of the statements of need and agreements required under paragraphs (4), (5), and (6) of subsection (d).

''(5) CERTIFICATION.—An authorized official of a person described in paragraph (1)(A) shall certify that the statement required to assert a claim submitted pursuant to paragraph (1)(B), and any information required to substantiate a claim submitted pursuant to paragraph (3), are true and correct.

''(d) EXCEPTIONS TO PROTECTION FROM DISCLOSURE.—Information described in subsection (a)—

''(1) shall be disclosed to an officer or employee of the United States—

''(A) in connection with the official duties of that person under any Federal law for the protection of health or the environment; or

''(B) for a specific Federal law enforcement purpose;

''(2) shall be disclosed to a contractor of the United States and employees of that contractor—

''(A) if, in the opinion of the Administrator, the disclosure is necessary for the satisfactory performance by the contractor of a contract with the United States for the performance of work in connection with this Act; and

''(B) subject to such conditions as the Administrator may specify;

''(3) shall be disclosed if the Administrator determines that disclosure is necessary to protect health or the environment against an unreasonable risk of injury to health or the environment, without consideration of costs or other nonrisk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant by the Administrator under the conditions of use;

''(4) shall be disclosed to a State, political subdivision of a State, or tribal government, on written request, for the purpose of administration or enforcement of a law, if such entity has 1 or more applicable agreements with the Administrator that are consistent with the guidance developed under subsection (c)(4)(B) and ensure that the entity will take appropriate measures, and has adequate authority, to maintain the confidentiality of the information in accordance with procedures comparable to the procedures used by the Administrator to safeguard the information;

''(5) shall be disclosed to a health or environmental professional employed by a Federal or State agency or tribal government or a treating physician or nurse in a nonemergency situation if such person provides a written statement of need and agrees to sign a written confidentiality agreement with the Administrator, subject to the conditions that—

''(A) the statement of need and confidentiality agreement are consistent with the guidance developed under subsection (c)(4)(B);

''(B) the statement of need shall be a statement that the person has a reasonable basis to suspect that—

''(i) the information is necessary for, or will assist in—

''(I) the diagnosis or treatment of 1 or more individuals; or

''(II) responding to an environmental release or exposure; and

''(ii) 1 or more individuals being diagnosed or treated have been exposed to the chemical substance or mixture concerned, or an environmental release of or exposure to the chemical substance or mixture concerned has occurred; and

''(C) the person will not use the information for any purpose other than the health or environmental needs asserted in the statement of need, except as otherwise may be authorized by the terms of the agreement or by the person who has a claim under this section with respect to the information;

''(6) shall be disclosed in the event of an emergency to a treating or responding physician, nurse, agent of a poison control center, public health or environmental official of a State, political subdivision of a State, or tribal government, or first responder (including any individual duly authorized by a Federal agency, State, political subdivision of a State, or tribal government who is trained in urgent medical care or other emergency procedures, including a police officer, firefighter, or emergency medical technician) if such person requests the information, subject to the conditions that such person shall—

''(A) have a reasonable basis to suspect that—

''(i) a medical, public health, or environmental emergency exists;

''(ii) the information is necessary for, or will assist in, emergency or first-aid diagnosis or treatment; or

''(iii) 1 or more individuals being diagnosed or treated have likely been exposed to the chemical substance or mixture concerned, or a serious environmental release of or exposure to the chemical substance or mixture concerned has occurred; and

''(B) if requested by a person who has a claim with respect to the information under this section—

''(i) provide a written statement of need and agree to sign a confidentiality agreement, as described in paragraph (5); and

''(ii) submit to the Administrator such statement of need and confidentiality agreement as soon as practicable, but not necessarily before the information is disclosed;

''(7) may be disclosed if the Administrator determines that disclosure is relevant in a proceeding under this Act, subject to the condition that the disclosure is made in such a manner as to preserve confidentiality to the extent practicable without impairing the proceeding;

''(8) shall be disclosed if the information is required to be made public under any other provision of Federal law; and

''(9) shall be disclosed as required pursuant to discovery, subpoena, other court order, or any other judicial process otherwise allowed under applicable Federal or State law.

''(e) DURATION OF PROTECTION FROM DISCLOSURE.—

''(1) IN GENERAL.—Subject to paragraph (2), subsection (f)(3), and section 8(b), the Administrator shall protect from disclosure information described in subsection (a)—

''(A) in the case of information described in subsection (c)(2), until such time as—

''(i) the person that asserted the claim notifies the Administrator that the person is withdrawing the claim, in which case the information shall not be protected from disclosure under this section; or

''(ii) the Administrator becomes aware that the information does not qualify for protection from disclosure under this section, in which case the Administrator shall take any actions required under subsections (f) and (g); and

''(B) in the case of information other than information described in subsection (c)(2)—

''(i) for a period of 10 years from the date on which the person asserts the claim with respect to the information submitted to the Administrator; or

''(ii) if applicable before the expiration of such 10-year period, until such time as—

''(I) the person that asserted the claim notifies the Administrator that the person is withdrawing the claim, in which case the information shall not be protected from disclosure under this section; or

''(II) the Administrator becomes aware that the information does not qualify for protection from disclosure under this section, in which case the Administrator shall take any actions required under subsections (f) and (g).

''(2) EXTENSIONS.—

''(A) IN GENERAL.—In the case of information other than information described in subsection (c)(2), not later than the date that is 60 days before the expiration of the period described in paragraph (1)(B)(i), the Administrator shall provide to the person that asserted the claim a notice of the impending expiration of the period.

''(B) REQUEST.—

''(i) IN GENERAL.—Not later than the date that is 30 days before the expiration of the period described in paragraph (1)(B)(i), a person reasserting the relevant claim shall submit to the Administrator a request for extension substantiating, in accordance with subsection (c)(3), the need to extend the period.

''(ii) ACTION BY ADMINISTRATOR.—Not later than the date of expiration of the period described in paragraph (1)(B)(i), the Administrator shall, in accordance with subsection (g)(1)—

''(I) review the request submitted under clause (i);

''(II) make a determination regarding whether the claim for which the request was submitted continues to meet the relevant requirements of this section; and

''(III)(aa) grant an extension of 10 years; or

''(bb) deny the request.

''(C) NO LIMIT ON NUMBER OF EXTENSIONS.—There shall be no limit on the number of extensions granted under this paragraph, if the Administrator determines that the relevant request under subparagraph (B)(i)—

''(i) establishes the need to extend the period; and

''(ii) meets the requirements established by the Administrator.

''(f) REVIEW AND RESUBSTANTIATION.—

''(1) DISCRETION OF ADMINISTRATOR.—The Administrator may require any person that has claimed protection for information from disclosure under this section, whether before, on, or after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, to reassert and substantiate or resubstantiate the claim in accordance with this section—

''(A) after the chemical substance is designated as a high-priority substance under section 6(b);

''(B) for any chemical substance designated as an active substance under section 8(b)(5)(B)(iii); or

''(C) if the Administrator determines that disclosure of certain information currently protected from disclosure would be important to assist the Administrator in conducting risk evaluations or promulgating rules under section 6.

''(2) REVIEW REQUIRED.—The Administrator shall review a claim for protection of information from disclosure under this section and require any person that has claimed protection for that information, whether before, on, or after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, to reassert and substantiate or resubstantiate the claim in accordance with this section—

''(A) as necessary to determine whether the information qualifies for an exemption from disclosure in connection with a request for information received by the Administrator under section 552 of title 5, United States Code;

''(B) if the Administrator has a reasonable basis to believe that the information does not qualify for protection from disclosure under this section; or

''(C) for any chemical substance the Administrator determines under section 6(b)(4)(A) presents an unreasonable risk of injury to health or the environment.

''(3) PERIOD OF PROTECTION.—If the Administrator requires a person to reassert and substantiate or resubstantiate a claim under this subsection, and determines that the claim continues to meet the relevant requirements of this section, the Administrator shall protect the information subject to the claim from disclosure for a period of 10 years from the date of such determination, subject to any subsequent requirement by the Administrator under this subsection.

''(g) DUTIES OF ADMINISTRATOR.—

''(1) DETERMINATION.—

''(A) IN GENERAL.—Except for claims regarding information described in subsection (c)(2), the Administrator shall, subject to subparagraph (C), not later than 90 days after the receipt of a claim under subsection (c), and not later than 30 days after the receipt of a request for extension of a claim under subsection (e) or a request under subsection (b)(4)(C), review and approve, approve in part and deny in part, or deny the claim or request.

''(B) REASONS FOR DENIAL.—If the Administrator denies or denies in part a claim or request under subparagraph (A) the Administrator shall provide to the person that asserted the claim or submitted the request a written statement of the reasons for the denial or denial in part of the claim or request.

''(C) SUBSETS.—The Administrator shall—

''(i) except with respect to information described in subsection (c)(2)(G), review all claims or requests under this section for the protection from disclosure of the specific chemical identity of a chemical substance; and

''(ii) review a representative subset, comprising at least 25 percent, of all other claims or requests for protection from disclosure under this section.

''(D) EFFECT OF FAILURE TO ACT.—The failure of the Administrator to make a decision regarding a claim or request for protection from disclosure or extension under this section shall not have the effect of denying or eliminating a claim or request for protection from disclosure.

''(E) DETERMINATION OF REQUESTS UNDER SUBSECTION (b)(4)(C).—With respect to a request submitted under subsection (b)(4)(C), the Administrator shall, with the objective of ensuring that information relevant to the protection of health and the environment is disclosed to the extent practicable, determine whether the documentation provided by the person rebuts what shall be the presumption of the Administrator that the public interest in the disclosure of the information outweighs the public or proprietary interest in maintaining the protection for all or a portion of the information that the person has requested not be disclosed or for which disclosure be delayed.

''(2) NOTIFICATION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B) and subsections (b), (d), and (e), if the Administrator denies or denies in part a claim or request under paragraph (1), concludes, in accordance with this section, that the information does not qualify for protection from disclosure, intends to disclose information pursuant to subsection (d), or promulgates a rule under section 6(a) establishing a ban or phase-out with respect to a chemical substance or mixture, the Administrator shall notify, in writing, the person that asserted the claim or submitted the request of the intent of the Administrator to disclose the information or not protect the information from disclosure under this section. The notice shall be furnished by certified mail (return receipt requested), by personal delivery, or by other means that allows verification of the fact and date of receipt.

''(B) DISCLOSURE OF INFORMATION.—Except as provided in subparagraph (C), the Administrator shall not disclose information under this subsection until the date that is 30 days after the date on which the person that asserted the claim or submitted the request receives notification under subparagraph (A).

''(C) EXCEPTIONS.—

''(i) FIFTEEN DAY NOTIFICATION.—For information the Administrator intends to disclose under subsections (d)(3), (d)(4), (d)(5), and (j), the Administrator shall not disclose the information until the date that is 15 days after the date on which the person that asserted the claim or submitted the request receives notification under subparagraph (A), except that, with respect to information to be disclosed under subsection (d)(3), if the Administrator determines that disclosure of the information is necessary to protect against an imminent and substantial harm to health or the environment, no prior notification shall be necessary.

''(ii) NOTIFICATION AS SOON AS PRACTICABLE.—For information the Administrator intends to disclose under paragraph (6) of subsection (d), the Administrator shall notify the person that submitted the information that the information has been disclosed as soon as practicable after disclosure of the information.

''(iii) NO NOTIFICATION REQUIRED.—Notification shall not be required—

''(I) for the disclosure of information under paragraphs (1), (2), (7), or (8) of subsection (d); or

''(II) for the disclosure of information for which—

''(aa) the Administrator has provided to the person that asserted the claim a notice under subsection (e)(2)(A); and

''(bb) such person does not submit to the Administrator a request under subsection (e)(2)(B) on or before the deadline established in subsection (e)(2)(B)(i).

''(D) APPEALS.—

''(i) ACTION TO RESTRAIN DISCLOSURE.—If a person receives a notification under this paragraph and believes the information is protected from disclosure under this section, before the date on which the information is to be disclosed pursuant to subparagraph (B) or (C) the person may bring an action to restrain disclosure of the information in—

''(I) the United States district court of the district in which the complainant resides or has the principal place of business; or

''(II) the United States District Court for the District of Columbia.

''(ii) NO DISCLOSURE.—

''(I) IN GENERAL.—Subject to subsection (d), the Administrator shall not disclose information that is the subject of an appeal under this paragraph before the date on which the applicable court rules on an action under clause (i).

''(II) EXCEPTION.—Subclause (I) shall not apply to disclosure of information described under subsections (d)(4) and (j).

''(3) REQUEST AND NOTIFICATION SYSTEM.—The Administrator, in consultation with the Director of the Centers for Disease Control and Prevention, shall develop a request and notification system that, in a format and language that is readily accessible and understandable, allows for expedient and swift access to information disclosed pursuant to paragraphs (5) and (6) of subsection (d).

''(4) UNIQUE IDENTIFIER.—The Administrator shall—

''(A)(i) develop a system to assign a unique identifier to each specific chemical identity for which the Administrator approves a request for protection from disclosure, which shall not be either the specific chemical identity or a structurally descriptive generic term; and

''(ii) apply that identifier consistently to all information relevant to the applicable chemical substance;

''(B) annually publish and update a list of chemical substances, referred to by their unique identifiers, for which claims to protect the specific chemical identity from disclosure have been approved, including the expiration date for each such claim;

''(C) ensure that any nonconfidential information received by the Administrator with respect to a chemical substance included on the list published under subparagraph (B) while the specific chemical identity of the chemical substance is protected from disclosure under this section identifies the chemical substance using the unique identifier; and

''(D) for each claim for protection of a specific chemical identity that has been denied by the Administrator or expired, or that has been withdrawn by the person who asserted the claim, and for which the Administrator has used a unique identifier assigned under this paragraph to protect the specific chemical identity in information that the Administrator has made public, clearly link the specific chemical identity to the unique identifier in such information to the extent practicable.

''(h) CRIMINAL PENALTY FOR WRONGFUL DISCLOSURE.—

''(1) INDIVIDUALS SUBJECT TO PENALTY.—

''(A) IN GENERAL.—Subject to subparagraph (C) and paragraph (2), an individual described in subparagraph (B) shall be fined under title 18, United States Code, or imprisoned for not more than 1 year, or both.

''(B) DESCRIPTION.—An individual referred to in subparagraph (A) is an individual who—

''(i) pursuant to this section, obtained possession of, or has access to, information protected from disclosure under this section; and

''(ii) knowing that the information is protected from disclosure under this section, willfully discloses the information in any manner to any person not entitled to receive that information.

''(C) EXCEPTION.—This paragraph shall not apply to any medical professional (including an emergency medical technician or other first responder) who discloses any information obtained under paragraph (5) or (6) of subsection (d) to a patient treated by the medical professional, or to a person authorized to make medical or health care decisions on behalf of such a patient, as needed for the diagnosis or treatment of the patient.

''(2) OTHER LAWS.—Section 1905 of title 18, United States Code, shall not apply with respect to the publishing, divulging, disclosure, or making known of, or making available, information reported to or otherwise obtained by the Administrator under this Act.

''(i) APPLICABILITY.—

''(1) IN GENERAL.—Except as otherwise provided in this section, section 8, or any other applicable Federal law, the Administrator shall have no authority—

''(A) to require the substantiation or resubstantiation of a claim for the protection from disclosure of information reported to or otherwise obtained by the Administrator under this Act prior to the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act; or

''(B) to impose substantiation or resubstantiation requirements, with respect to the protection of information described in subsection (a), under this Act that are more extensive than those required under this section.

''(2) ACTIONS PRIOR TO PROMULGATION OF RULES.—Nothing in this Act prevents the Administrator from reviewing, requiring substantiation or resubstantiation of, or approving, approving in part, or denying any claim for the protection from disclosure of information before the effective date of such rules applicable to those claims as the Administrator may promulgate after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act.

''(j) ACCESS BY CONGRESS.—Notwithstanding any limitation contained in this section or any other provision of law, all information reported to or otherwise obtained by the Administrator (or any representative of the Administrator) under this Act shall be made available, upon written request of any duly authorized committee of the Congress, to such committee.''.

SEC. 12. PENALTIES.

Section 16 of the Toxic Substances Control Act (15 U.S.C. 2615) is amended—

(1) in subsection (a)(1), by striking ''$25,000'' and inserting ''$37,500''; and

(2) in subsection (b)—

(A) by striking ''Any person'' and inserting the following:

''(1) IN GENERAL.—Any person'';

(B) by striking ''$25,000'' and inserting ''$50,000''; and

(C) by adding at the end the following:

''(2) IMMINENT DANGER OF DEATH OR SERIOUS BODILY INJURY.—

''(A) IN GENERAL.—Any person who knowingly and willfully violates any provision of section 15 or 409, and who knows at the time of the violation that the violation places an individual in imminent danger of death or serious bodily injury, shall be subject on conviction to a fine of not more than $250,000, or imprisonment for not more than 15 years, or both.

''(B) ORGANIZATIONS.—Notwithstanding the penalties described in subparagraph (A), an organization that commits a knowing violation described in subparagraph (A) shall be subject on conviction to a fine of not more than $1,000,000 for each violation.

''(C) INCORPORATION OF CORRESPONDING PROVISIONS.—Subparagraphs (B) through (F) of section 113(c)(5) of the Clean Air Act (42 U.S.C. 7413(c)(5)(B)–(F)) shall apply to the prosecution of a violation under this paragraph.''.

SEC. 13. STATE-FEDERAL RELATIONSHIP.

Section 18 of the Toxic Substances Control Act (15 U.S.C. 2617) is amended—

(1) by amending subsection (a) to read as follows:

''(a) IN GENERAL.—

''(1) ESTABLISHMENT OR ENFORCEMENT.—Except as otherwise provided in subsections (c), (d), (e), (f), and (g), and subject to paragraph (2), no State or political subdivision of a State may establish or continue to enforce any of the following:

''(A) DEVELOPMENT OF INFORMATION.—A statute or administrative action to require the development of information about a chemical substance or category of chemical substances that is reasonably likely to produce the same information required under section 4, 5, or 6 in—

''(i) a rule promulgated by the Administrator;

''(ii) a consent agreement entered into by the Administrator; or

''(iii) an order issued by the Administrator.

''(B) CHEMICAL SUBSTANCES FOUND NOT TO PRESENT AN UNREASONABLE RISK OR RESTRICTED.—A statute, criminal penalty, or administrative action to prohibit or otherwise restrict the manufacture, processing, or distribution in commerce or use of a chemical substance—

''(i) for which the determination described in section 6(i)(1) is made, consistent with the scope of the risk evaluation under section (6)(b)(4)(D); or

''(ii) for which a final rule is promulgated under section 6(a), after the effective date of the rule issued under section 6(a) for the chemical substance, consistent with the scope of the risk evaluation under section (6)(b)(4)(D).

''(C) SIGNIFICANT NEW USE.—A statute or administrative action requiring the notification of a use of a chemical substance that the Administrator has specified as a significant new use and for which the Administrator has required notification pursuant to a rule promulgated under section 5.

''(2) EFFECTIVE DATE OF PREEMPTION.—Under this subsection, Federal preemption of statutes and administrative actions applicable to specific chemical substances shall not occur until the effective date of the applicable action described in paragraph (1) taken by the Administrator.'';

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

''(b) NEW STATUTES, CRIMINAL PENALTIES, OR ADMINISTRATIVE ACTIONS CREATING PROHIBITIONS OR OTHER RESTRICTIONS.—

''(1) IN GENERAL.—Except as provided in subsections (c), (d), (e), (f), and (g), beginning on the date on which the Administrator defines the scope of a risk evaluation for a chemical substance under section 6(b)(4)(D) and ending on the date on which the deadline established pursuant to section 6(b)(4)(G) for completion of the risk evaluation expires, or

on the date on which the Administrator publishes the risk evaluation under section 6(b)(4)(C), whichever is earlier, no State or political subdivision of a State may establish a statute, criminal penalty, or administrative action prohibiting or otherwise restricting the manufacture, processing, distribution in commerce, or use of such chemical substance that is a high-priority substance designated under section 6(b)(1)(B)(i).

''(2) EFFECT OF SUBSECTION.—This subsection does not restrict the authority of a State or political subdivision of a State to continue to enforce any statute enacted, criminal penalty assessed, or administrative action taken, prior to the date on which the Administrator defines and publishes the scope of a risk evaluation under section 6(b)(4)(D).''; and

(3) by adding at the end the following:

''(c) SCOPE OF PREEMPTION.—Federal preemption under subsections (a) and (b) of statutes, criminal penalties, and administrative actions applicable to specific chemical substances shall apply only to—

''(1) with respect to subsection (a)(1)(A), the chemical substances or category of chemical substances subject to a rule, order, or consent agreement under section 4, 5, or 6.

''(2) with respect to subsection (b), the hazards, exposures, risks, and uses or conditions of use of such chemical substances included in the scope of the risk evaluation pursuant to section 6(b)(4)(D);

''(3) with respect to subsection (a)(1)(B), the hazards, exposures, risks, and uses or conditions of use of such chemical substances included in any final action the Administrator takes pursuant to section 6(a) or 6(i)(1); or

''(4) with respect to subsection (a)(1)(C), the uses of such chemical substances that the Administrator has specified as significant new uses and for which the Administrator has required notification pursuant to a rule promulgated under section 5.

''(d) EXCEPTIONS.—

''(1) NO PREEMPTION OF STATUTES AND ADMINISTRATIVE ACTIONS.—

''(A) IN GENERAL.—Nothing in this Act, nor any amendment made by the Frank R. Lautenberg Chemical Safety for the 21st Century Act, nor any rule, standard of performance, risk evaluation, or scientific assessment implemented pursuant to this Act, shall affect the right of a State or a political subdivision of a State to adopt or enforce any rule, standard of performance, risk evaluation, scientific assessment, or any other protection for public health or the environment that—

''(i) is adopted or authorized under the authority of any other Federal law or adopted to satisfy or obtain authorization or approval under any other Federal law;

''(ii) implements a reporting, monitoring, or other information obligation for the chemical substance not otherwise required by the Administrator under this Act or required under any other Federal law;

''(iii) is adopted pursuant to authority under a law of the State or political subdivision of the State related to water quality, air quality, or waste treatment or disposal, except to the extent that the action—

''(I) imposes a restriction on the manufacture, processing, distribution in commerce, or use of a chemical substance; and

''(II)(aa) addresses the same hazards and exposures, with respect to the same conditions of use as are included in the scope of the risk evaluation published pursuant to section 6(b)(4)(D), but is inconsistent with the action of the Administrator; or

''(bb) would cause a violation of the applicable action by the Administrator under section 5 or 6; or

''(iv) subject to subparagraph (B), is identical to a requirement prescribed by the Administrator.

''(B) IDENTICAL REQUIREMENTS.—

''(i) IN GENERAL.—The penalties and other sanctions applicable under a law of a State or political subdivision of a State in the event of noncompliance with the identical requirement shall be no more stringent than the penalties and other sanctions available to the Administrator under section 16 of this Act.

''(ii) PENALTIES.—In the case of an identical requirement—

''(I) a State or political subdivision of a State may not assess a penalty for a specific violation for which the Administrator has assessed an adequate penalty under section 16; and

''(II) if a State or political subdivision of a State has assessed a penalty for a specific violation, the Administrator may not assess a penalty for that violation in an amount that would cause the total of the penalties assessed for the violation by the State or political subdivision of a State and the Administrator combined to exceed the maximum amount that may be assessed for that violation by the Administrator under section 16.

''(2) APPLICABILITY TO CERTAIN RULES OR ORDERS.—

''(A) PRIOR RULES AND ORDERS.—Nothing in this section shall be construed as modifying the preemptive effect under this section, as in effect on the day before the effective date of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, of any rule or order promulgated or issued under this Act prior to that effective date.

''(B) CERTAIN CHEMICAL SUBSTANCES AND MIXTURES.—With respect to a chemical substance or mixture for which any rule or order was promulgated or issued under section 6 prior to the effective date of the Frank R. Lautenberg Chemical Safety for the 21st Century Act with respect to manufacturing, processing, distribution in commerce, use, or disposal of the chemical substance or mixture, nothing in this section shall be construed as modifying the preemptive effect of this section as in effect prior to the enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act of any rule or order that is promulgated or issued with respect to such chemical substance or mixture under section 6 after that effective date, unless the latter rule or order is with respect to a chemical substance or mixture containing a chemical substance and follows a designation of that chemical substance as a high-priority substance under section 6(b)(1)(B)(i), the identification of that chemical substance under section 6(b)(2)(A), or the selection of that chemical substance for risk evaluation under section 6(b)(4)(E)(iv)(II).

''(e) PRESERVATION OF CERTAIN LAWS.—

''(1) IN GENERAL.—Nothing in this Act, subject to subsection (g) of this section, shall—

''(A) be construed to preempt or otherwise affect the authority of a State or political subdivision of a State to continue to enforce any action taken or requirement imposed or requirement enacted relating to a specific chemical substance before April 22, 2016, under the authority of a law of the State or political subdivision of the State that prohibits or otherwise restricts manufacturing, processing, distribution in commerce, use, or disposal of a chemical substance; or

''(B) be construed to preempt or otherwise affect any action taken pursuant to a State law that was in effect on August 31, 2003.

''(2) EFFECT OF SUBSECTION.—This subsection does not affect, modify, or alter the relationship between Federal law and laws of a State or political subdivision of a State pursuant to any other Federal law.

''(f) WAIVERS.—

''(1) DISCRETIONARY EXEMPTIONS.—Upon application of a State or political subdivision of a State, the Administrator may, by rule, exempt from subsection (a), under such conditions as may be prescribed in the rule, a statute, criminal penalty, or administrative action of that State or political subdivision of the State that relates to the effects of exposure to a chemical substance under the conditions of use if the Administrator determines that—

''(A) compelling conditions warrant granting the waiver to protect health or the environment;

''(B) compliance with the proposed requirement of the State or political subdivision of the State would not unduly burden interstate commerce in the manufacture, processing, distribution in commerce, or use of a chemical substance;

''(C) compliance with the proposed requirement of the State or political subdivision of the State would not cause a violation of any applicable Federal law, rule, or order; and

''(D) in the judgment of the Administrator, the proposed requirement of the State or political subdivision of the State is designed to address a risk of a chemical substance, under the conditions of use, that was identified—

''(i) consistent with the best available science;

''(ii) using supporting studies conducted in accordance with sound and objective scientific practices; and

''(iii) based on the weight of the scientific evidence.

''(2) REQUIRED EXEMPTIONS.—Upon application of a State or political subdivision of a State, the Administrator shall exempt from subsection (b) a statute or administrative action of a State or political subdivision of a State that relates to the effects of exposure to a chemical substance under the conditions of use if the Administrator determines that—

''(A)(i) compliance with the proposed requirement of the State or political subdivision of the State would not unduly burden interstate commerce in the manufacture, processing, distribution in commerce, or use of a chemical substance;

''(ii) compliance with the proposed requirement of the State or political subdivision of the State would not cause a violation of any applicable Federal law, rule, or order; and

''(iii) the State or political subdivision of the State has a concern about the chemical substance or use of the chemical substance based in peer-reviewed science; or

''(B) no later than the date that is 18 months after the date on which the Administrator has initiated the prioritization process for a chemical substance under the rule promulgated pursuant to section 6(b)(1)(A), or the date on which the Administrator publishes the scope of the risk evaluation for a chemical substance under section 6(b)(4)(D), whichever is sooner, the State or political subdivision of the State has enacted a statute or proposed or finalized an administrative action intended to prohibit or otherwise restrict the manufacture, processing, distribution in commerce, or use of the chemical substance.

''(3) DETERMINATION OF A WAIVER REQUEST.—The duty of the Administrator to grant or deny a waiver application shall be nondelegable and shall be exercised—

''(A) not later than 180 days after the date on which an application under paragraph (1) is submitted; and

''(B) not later than 110 days after the date on which an application under paragraph (2) is submitted.

''(4) FAILURE TO MAKE A DETERMINATION.—If the Administrator fails to make a determination under paragraph (3)(B) during the 110-day period beginning on the date on

which an application under paragraph (2) is submitted, the statute or administrative action of the State or political subdivision of the State that was the subject of the application shall not be considered to be an existing statute or administrative action for purposes of subsection (b) by reason of the failure of the Administrator to make a determination.

''(5) NOTICE AND COMMENT.—Except in the case of an application approved under paragraph (9), the application of a State or political subdivision of a State under this subsection shall be subject to public notice and comment.

''(6) FINAL AGENCY ACTION.—The decision of the Administrator on the application of a State or political subdivision of a State shall be—

''(A) considered to be a final agency action; and

''(B) subject to judicial review.

''(7) DURATION OF WAIVERS.—A waiver granted under paragraph (2) or approved under paragraph (9) shall remain in effect until such time as the Administrator publishes the risk evaluation under section 6(b).

''(8) JUDICIAL REVIEW OF WAIVERS.—Not later than 60 days after the date on which the Administrator makes a determination on an application of a State or political subdivision of a State under paragraph (1) or (2), any person may file a petition for judicial review in the United States Court of Appeals for the District of Columbia Circuit, which shall have exclusive jurisdiction over the determination.

''(9) APPROVAL.—

''(A) AUTOMATIC APPROVAL.—If the Administrator fails to meet the deadline established under paragraph (3)(B), the application of a State or political subdivision of a State under paragraph (2) shall be automatically approved, effective on the date that is 10 days after the deadline.

''(B) REQUIREMENTS.—Notwithstanding paragraph (6), approval of a waiver application under subparagraph (A) for failure to meet the deadline under paragraph (3)(B) shall not be considered final agency action or be subject to judicial review or public notice and comment.

''(g) SAVINGS.—

''(1) NO PREEMPTION OF COMMON LAW OR STATUTORY CAUSES OF ACTION FOR CIVIL RELIEF OR CRIMINAL CONDUCT.—

''(A) IN GENERAL.—Nothing in this Act, nor any amendment made by the Frank R. Lautenberg Chemical Safety for the 21st Century Act, nor any standard, rule, requirement, standard of performance, risk evaluation, or scientific assessment implemented pursuant to this Act, shall be construed to preempt, displace, or supplant any State or Federal common law rights or any State or Federal statute creating a remedy for civil relief, including those for civil damage, or a penalty for a criminal conduct.

''(B) CLARIFICATION OF NO PREEMPTION.—Notwithstanding any other provision of this Act, nothing in this Act, nor any amendments made by the Frank R. Lautenberg Chemical Safety for the 21st Century Act, shall preempt or preclude any cause of action for personal injury, wrongful death, property damage, or other injury based on negligence, strict liability, products liability, failure to warn, or any other legal theory of liability under any State law, maritime law, or Federal common law or statutory theory.

''(2) NO EFFECT ON PRIVATE REMEDIES.—

''(A) IN GENERAL.—Nothing in this Act, nor any amendments made by the Frank R. Lautenberg Chemical Safety for the 21st Century Act, nor any rules, regulations, requirements, risk evaluations, scientific assessments, or orders issued pursuant to this Act shall be interpreted as, in either the plaintiff's or defendant's favor, dispositive in any civil action.

''(B) AUTHORITY OF COURTS.—This Act does not affect the authority of any court to make a determination in an adjudicatory proceeding under applicable State or Federal law with respect to the admission into evidence or any other use of this Act or rules, regulations, requirements, standards of performance, risk evaluations, scientific assessments, or orders issued pursuant to this Act.''.

SEC. 14. JUDICIAL REVIEW.

Section 19(a) of the Toxic Substances Control Act (15 U.S.C. 2618(a)) is amended—

(1) in paragraph (1), by adding at the end the following:

''(C)(i) Not later than 60 days after the publication of a designation under section 6(b)(1)(B)(ii), any person may commence a civil action to challenge the designation.

''(ii) The United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction over a civil action filed under this subparagraph.''; and

(2) by striking paragraph (3).

SEC. 15. CITIZENS' CIVIL ACTIONS.

Section 20(b) of the Toxic Substances Control Act (15 U.S.C. 2619(b)) is amended—

(1) in paragraph (1)(B), by striking ''or'' at the end; and

(2) in paragraph (2), by striking the period at the end and inserting the following: '', except that no prior notification shall be required in the case of a civil action brought to compel a decision by the Administrator pursuant to section 18(f)(3)(B); or

''(3) in the case of a civil action brought to compel a decision by the Administrator pursuant to section 18(f)(3)(B), after the date that is 60 days after the deadline specified in section 18(f)(3)(B).''.

SEC. 16. STUDIES.

Section 25 of the Toxic Substances Control Act (15 U.S.C. 2624) is repealed.

SEC. 17. ADMINISTRATION OF THE ACT.

Section 26 of the Toxic Substances Control Act (15 U.S.C. 2625) is amended—

(1) in subsection (b)(1)—

(A) by striking ''of a reasonable fee'';

(B) by striking ''data under section 4 or 5 to defray the cost of administering this Act'' and inserting ''information under section 4 or a notice or other information to be reviewed by the Administrator under section 5, or who manufactures or processes a chemical substance that is the subject of a risk evaluation under section 6(b), of a fee that is sufficient and not more than reasonably necessary to defray the cost related to such chemical substance of administering sections 4, 5, and 6, and collecting, processing, reviewing, and providing access to and protecting from disclosure as appropriate under section 14 information on chemical substances under this title, including contractor costs incurred by the Administrator'';

(C) by striking ''Such rules shall not provide for any fee in excess of $2,500 or, in the case of a small business concern, any fee in excess of $100.''; and

(D) by striking ''submit the data and the cost to the Administrator of reviewing such data'' and inserting ''pay such fee and the cost to the Administrator of carrying out the activities described in this paragraph'';

(2) in subsection (b)—

(A) in paragraph (2), by striking ''paragraph (1)'' and inserting ''paragraph (4)''; and

(B) by adding at the end the following:

''(3) FUND.—

''(A) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the TSCA Service Fee Fund (in this paragraph referred to as the 'Fund'), consisting of such amounts as are deposited in the Fund under this paragraph.

''(B) COLLECTION AND DEPOSIT OF FEES.—Subject to the conditions of subparagraph (C), the Administrator shall collect the fees described in this subsection and deposit those fees in the Fund.

''(C) USE OF FUNDS BY ADMINISTRATOR.—Fees authorized under this section shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts, and shall be available without fiscal year limitation for use in defraying the costs of the activities described in paragraph (1).

''(D) ACCOUNTING AND AUDITING.—

''(i) ACCOUNTING.—The Administrator shall biennially prepare and submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that includes an accounting of the fees paid to the Administrator under this paragraph and amounts disbursed from the Fund for the period covered by the report, as reflected by financial statements provided in accordance with sections 3515 and 3521 of title 31, United States Code.

''(ii) AUDITING.—

''(I) IN GENERAL.—For the purpose of section 3515(c) of title 31, United States Code, the Fund shall be considered a component of a covered executive agency.

''(II) COMPONENTS OF AUDIT.—The annual audit required in accordance with sections 3515 and 3521 of title 31, United States Code, of the financial statements of activities carried out using amounts from the Fund shall include an analysis of—

''(aa) the fees collected and amounts disbursed under this subsection;

''(bb) the reasonableness of the fees in place as of the date of the audit to meet current and projected costs of administering the provisions of this title for which the fees may be used; and

''(cc) the number of requests for a risk evaluation made by manufacturers under section 6(b)(4)(C)(ii).

''(III) FEDERAL RESPONSIBILITY.—The Inspector General of the Environmental Protection Agency shall conduct the annual audit described in subclause (II) and submit to the Administrator a report that describes the findings and any recommendations of the Inspector General resulting from the audit.

''(4) AMOUNT AND ADJUSTMENT OF FEES; REFUNDS.—In setting fees under this section, the Administrator shall—

''(A) prescribe lower fees for small business concerns, after consultation with the Administrator of the Small Business Administration;

''(B) set the fees established under paragraph (1) at levels such that the fees will, in aggregate, provide a sustainable source of funds to annually defray—

''(i) the lower of—

''(I) 25 percent of the costs to the Administrator of carrying out sections 4, 5, and 6, and of collecting, processing, reviewing, and providing access to and protecting from disclosure as appropriate under section 14 information on chemical substances under this title, other than the costs to conduct and complete risk evaluations under section 6(b); or

''(II) $25,000,000 (subject to adjustment pursuant to subparagraph (F)); and

''(ii) the costs of risk evaluations specified in subparagraph (D);

''(C) reflect an appropriate balance in the assessment of fees between manufacturers and processors, and allow the payment of fees by consortia of manufacturers or processors;

''(D) notwithstanding subparagraph (B)—

''(i) except as provided in clause (ii), for chemical substances for which the Administrator has granted a request from a manufacturer pursuant to section 6(b)(4)(C)(ii), establish the fee at a level sufficient to defray the full costs to the Administrator of conducting the risk evaluation under section 6(b);

''(ii) for chemical substances for which the Administrator has granted a request from a manufacturer pursuant to section 6(b)(4)(C)(ii), and which are included in the 2014 update of the TSCA Work Plan for Chemical Assessments, establish the fee at a level sufficient to defray 50 percent of the costs to the Administrator of conducting the risk evaluation under section 6(b); and

''(iii) apply fees collected pursuant to clauses (i) and (ii) only to defray the costs described in those clauses;

''(E) prior to the establishment or amendment of any fees under paragraph (1), consult and meet with parties potentially subject to the fees or their representatives, subject to the condition that no obligation under the Federal Advisory Committee Act (5 U.S.C. App.) or subchapter II of chapter 5 of title 5, United States Code, is applicable with respect to such meetings;

''(F) beginning with the fiscal year that is 3 years after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, and every 3 years thereafter, after consultation with parties potentially subject to the fees and their representatives pursuant to subparagraph (E), increase or decrease the fees established under paragraph (1) as necessary to adjust for inflation and to ensure that funds deposited in the Fund are sufficient to defray—

''(i) approximately but not more than 25 percent of the costs to the Administrator of carrying out sections 4, 5, and 6, and of collecting, processing, reviewing, and providing access to and protecting from disclosure as appropriate under section 14 information on chemical substances under this title, other than the costs to conduct and complete risk evaluations requested under section 6(b)(4)(C)(ii); and

''(ii) the costs of risk evaluations specified in subparagraph (D); and

''(G) if a notice submitted under section 5 is not reviewed or such a notice is withdrawn, refund the fee or a portion of the fee if no substantial work was performed on the notice.

''(5) MINIMUM AMOUNT OF APPROPRIATIONS.—Fees may not be assessed for a fiscal year under this section unless the amount of appropriations for the Chemical Risk Review and Reduction program project of the Environmental Protection Agency for the fiscal year (excluding the amount of any fees appropriated for the fiscal year) are equal to or greater than the amount of appropriations for that program project for fiscal year 2014.

''(6) TERMINATION.—The authority provided by this subsection shall terminate at the conclusion of the fiscal year that is 10 years after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act unless otherwise reauthorized or modified by Congress.''; and

(3) by adding at the end the following:

''(h) SCIENTIFIC STANDARDS.—In carrying out sections 4, 5, and 6, to the extent that the Administrator makes a decision based on science, the Administrator shall use scientific information, technical procedures, measures, methods, protocols, methodologies, or models, employed in a manner consistent with the best available science, and shall consider as applicable—

''(1) the extent to which the scientific information, technical procedures, measures, methods, protocols, methodologies, or models employed to generate the information are reasonable for and consistent with the intended use of the information;

''(2) the extent to which the information is relevant for the Administrator's use in making a decision about a chemical substance or mixture;

''(3) the degree of clarity and completeness with which the data, assumptions, methods, quality assurance, and analyses employed to generate the information are documented;

''(4) the extent to which the variability and uncertainty in the information, or in the procedures, measures, methods, protocols, methodologies, or models, are evaluated and characterized; and

''(5) the extent of independent verification or peer review of the information or of the procedures, measures, methods, protocols, methodologies, or models.

''(i) WEIGHT OF SCIENTIFIC EVIDENCE.—The Administrator shall make decisions under sections 4, 5, and 6 based on the weight of the scientific evidence.

''(j) AVAILABILITY OF INFORMATION.—Subject to section 14, the Administrator shall make available to the public—

''(1) all notices, determinations, findings, rules, consent agreements, and orders of the Administrator under this title;

''(2) any information required to be provided to the Administrator under section 4;

''(3) a nontechnical summary of each risk evaluation conducted under section 6(b);

''(4) a list of the studies considered by the Administrator in carrying out each such risk evaluation, along with the results of those studies; and

''(5) each designation of a chemical substance under section 6(b), along with an identification of the information, analysis, and basis used to make the designations.

''(k) REASONABLY AVAILABLE INFORMATION.—In carrying out sections 4, 5, and 6, the Administrator shall take into consideration information relating to a chemical substance or mixture, including hazard and exposure information, under the conditions of use, that is reasonably available to the Administrator.

''(l) POLICIES, PROCEDURES, AND GUIDANCE.—

''(1) DEVELOPMENT.—Not later than 2 years after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, the Administrator shall develop any policies, procedures, and guidance the Administrator determines are necessary to carry out the amendments to this Act made by the Frank R. Lautenberg Chemical Safety for the 21st Century Act.

''(2) REVIEW.—Not later than 5 years after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, and not less frequently than once every 5 years thereafter, the Administrator shall—

''(A) review the adequacy of the policies, procedures, and guidance developed under paragraph (1), including with respect to animal, nonanimal, and epidemiological test methods and procedures for assessing and determining risk under this title; and

''(B) revise such policies, procedures, and guidance as the Administrator determines necessary to reflect new scientific developments or understandings.

''(3) TESTING OF CHEMICAL SUBSTANCES AND MIXTURES.—The policies, procedures, and guidance developed under paragraph (1) applicable to testing chemical substances and mixtures shall—

''(A) address how and when the exposure level or exposure potential of a chemical substance or mixture would factor into decisions to require new testing, subject to the condition that the Administrator shall not interpret the lack of exposure information as a lack of exposure or exposure potential; and

''(B) describe the manner in which the Administrator will determine that additional information is necessary to carry out this title, including information relating to potentially exposed or susceptible populations.

''(4) CHEMICAL SUBSTANCES WITH COMPLETED RISK ASSESSMENTS.—With respect to a chemical substance listed in the 2014 update to the TSCA Work Plan for Chemical Assessments for which the Administrator has published a completed risk assessment prior to the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, the Administrator may publish proposed and final rules under section 6(a) that are consistent with the scope of the completed risk assessment for the chemical substance and consistent with other applicable requirements of section 6.

''(5) GUIDANCE.—Not later than 1 year after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, the Administrator shall develop guidance to assist interested persons in developing and submitting draft risk evaluations which shall be considered by the Administrator. The guidance shall, at a minimum, address the quality of the information submitted and the process to be followed in developing draft risk evaluations for consideration by the Administrator.

''(m) REPORT TO CONGRESS.—

''(1) INITIAL REPORT.—Not later than 6 months after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, the Administrator shall submit to the Committees on Energy and Commerce and Appropriations of the House of Representatives and the Committees on Environment and Public Works and Appropriations of the Senate a report containing an estimation of—

''(A) the capacity of the Environmental Protection Agency to conduct and publish risk evaluations under section 6(b)(4)(C)(i), and the resources necessary to conduct the minimum number of risk evaluations required under section 6(b)(2);

''(B) the capacity of the Environmental Protection Agency to conduct and publish risk evaluations under section 6(b)(4)(C)(ii), the likely demand for such risk evaluations, and the anticipated schedule for accommodating that demand;

''(C) the capacity of the Environmental Protection Agency to promulgate rules under section 6(a) as required based on risk evaluations conducted and published under section 6(b); and

''(D) the actual and anticipated efforts of the Environmental Protection Agency to increase the Agency's capacity to conduct and publish risk evaluations under section 6(b).

''(2) SUBSEQUENT REPORTS.—The Administrator shall update and resubmit the report described in paragraph (1) not less frequently than once every 5 years.

''(n) ANNUAL PLAN.—

''(1) IN GENERAL.—The Administrator shall inform the public regarding the schedule and the resources necessary for the completion of each risk evaluation as soon as practicable after initiating the risk evaluation.

''(2) PUBLICATION OF PLAN.—At the beginning of each calendar year, the Administrator shall publish an annual plan that—

''(A) identifies the chemical substances for which risk evaluations are expected to be initiated or completed that year and the resources necessary for their completion;

''(B) describes the status of each risk evaluation that has been initiated but not yet completed; and

''(C) if the schedule for completion of a risk evaluation has changed, includes an updated schedule for that risk evaluation.

''(o) CONSULTATION WITH SCIENCE ADVISORY COMMITTEE ON CHEMICALS.—

''(1) ESTABLISHMENT.—Not later than 1 year after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, the Administrator shall establish an advisory committee, to be known as the Science Advisory Committee on Chemicals (referred to in this subsection as the 'Committee').

''(2) PURPOSE.—The purpose of the Committee shall be to provide independent advice and expert consultation, at the request of the Administrator, with respect to the scientific and technical aspects of issues relating to the implementation of this title.

''(3) COMPOSITION.—The Committee shall be composed of representatives of such science, government, labor, public health, public interest, animal protection, industry, and other groups as the Administrator determines to be advisable, including representatives that have specific scientific expertise in the relationship of chemical exposures to women, children, and other potentially exposed or susceptible subpopulations.

''(4) SCHEDULE.—The Administrator shall convene the Committee in accordance with such schedule as the Administrator determines to be appropriate, but not less frequently than once every 2 years.

''(p) PRIOR ACTIONS.—

''(1) RULES, ORDERS, AND EXEMPTIONS.—Nothing in the Frank R. Lautenberg Chemical Safety for the 21st Century Act eliminates, modifies, or withdraws any rule promulgated, order issued, or exemption established pursuant to this Act before the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act.

''(2) PRIOR-INITIATED EVALUATIONS.—Nothing in this Act prevents the Administrator from initiating a risk evaluation regarding a chemical substance, or from continuing or completing such risk evaluation, prior to the effective date of the policies, procedures, and guidance required to be developed by the Administrator pursuant to the amendments made by the Frank R. Lautenberg Chemical Safety for the 21st Century Act.

''(3) ACTIONS COMPLETED PRIOR TO COMPLETION OF POLICIES, PROCEDURES, AND GUIDANCE.—Nothing in this Act requires the Administrator to revise or withdraw a completed risk evaluation, determination, or rule under this Act solely because the action was completed prior to the development of a policy, procedure, or guidance pursuant to the amendments made by the Frank R. Lautenberg Chemical Safety for the 21st Century Act.''.

SEC. 18. STATE PROGRAMS.

Section 28 of the Toxic Substances Control Act (15 U.S.C. 2627) is amended by striking subsections (c) and (d).

SEC. 19. CONFORMING AMENDMENTS.

(a) TABLE OF CONTENTS.—The table of contents in section 1 of the Toxic Substances Control Act is amended—

(1) by striking the item relating to section 6 and inserting the following:

''Sec. 6. Prioritization, risk evaluation, and regulation of chemical substances and mixtures.'';

(2) by striking the item relating to section 10 and inserting the following:

''Sec. 10. Research, development, collection, dissemination, and utilization of information.'';

(3) by striking the item relating to section 14 and inserting the following:

''Sec. 14. Confidential information.''; and

(4) by striking the item relating to section 25.

(b) SECTION 2.—Section 2(b)(1) of the Toxic Substances Control Act (15 U.S.C. 2601(b)(1)) is amended by striking ''data'' both places it appears and inserting ''information''.

(c) SECTION 3.—Section 3 of the Toxic Substances Control Act (15 U.S.C. 2602) is amended—

(1) in paragraph (8) (as redesignated by section 3 of this Act), by striking ''data'' and inserting ''information''; and

(2) in paragraph (15) (as redesignated by section 3 of this Act)—

(A) by striking ''standards'' and inserting ''protocols and methodologies'';

(B) by striking ''test data'' both places it appears and inserting ''information''; and

(C) by striking ''data'' each place it appears and inserting ''information''.

(d) SECTION 4.—Section 4 of the Toxic Substances Control Act (15 U.S.C. 2603) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in the paragraph heading, by adding '', ORDER, OR CONSENT AGREEMENT'' at the end; and

(ii) by striking ''rule'' each place it appears and inserting ''rule, order, or consent agreement'';

(B) in paragraph (2)(B), by striking ''rules'' and inserting ''rules, orders, and consent agreements'';

(C) in paragraph (3)(A), by striking ''rule'' and inserting ''rule or order''; and

(D) in paragraph (4)—

(i) by striking ''rule under subsection (a)'' each place it appears and inserting ''rule, order, or consent agreement under subsection (a)'';

(ii) by striking ''repeals the rule'' each place it appears and inserting ''repeals the rule or order or modifies the consent agreement to terminate the requirement''; and

(iii) by striking ''repeals the application of the rule'' and inserting ''repeals or modifies the application of the rule, order, or consent agreement'';

(2) in subsection (c)—

(A) in paragraph (1), by striking ''rule'' and inserting ''rule or order'';

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''a rule under subsection (a) or for which data is being developed pursuant to such a rule'' and inserting ''a rule, order, or consent agreement under subsection (a) or for which information is being developed pursuant to such a rule, order, or consent agreement'';

(ii) in subparagraph (B), by striking ''such rule or which is being developed pursuant to such rule'' and inserting ''such rule, order, or consent agreement or which is being developed pursuant to such rule, order, or consent agreement''; and

(iii) in the matter following subparagraph (B), by striking ''the rule'' and inserting ''the rule or order'';

(C) in paragraph (3)(B)(i), by striking ''rule promulgated'' and inserting ''rule, order, or consent agreement''; and

(D) in paragraph (4)—

(i) by striking ''rule promulgated'' each place it appears and inserting ''rule, order, or consent agreement'';

(ii) by striking ''such rule'' each place it appears and inserting ''such rule, order, or consent agreement''; and

(iii) in subparagraph (B), by striking ''the rule'' and inserting ''the rule or order'';

(3) in subsection (d), by striking ''rule'' and inserting ''rule, order, or consent agreement''; and

(4) in subsection (g), by striking ''rule'' and inserting ''rule, order, or consent agreement''.

(e) SECTION 5.—Section 5 of the Toxic Substances Control Act (15 U.S.C. 2604) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A)—

(i) by striking ''rule promulgated'' and inserting ''rule, order, or consent agreement''; and

(ii) by striking ''such rule'' and inserting ''such rule, order, or consent agreement'';

(B) in paragraph (1)(B), by striking ''rule promulgated'' and inserting ''rule or order''; and

(C) in paragraph (2)(A)(ii), by striking ''rule promulgated'' and inserting ''rule, order, or consent agreement''; and

(2) in subsection (d)(2)(C), by striking ''rule'' and inserting ''rule, order, or consent agreement''.

(f) SECTION 7.—Section 7(a) of the Toxic Substances Control Act (15 U.S.C. 2606(a)) is amended—

(1) in paragraph (1), in the matter following subparagraph (C), by striking ''a rule under section 4, 5, 6, or title IV or an order under section 5 or title IV'' and inserting ''a determination under section 5 or 6, a rule under section 4, 5, or 6 or title IV, an order under section 4, 5, or 6 or title IV, or a consent agreement under section 4''; and

(2) in paragraph (2), by striking ''subsection 6(d)(2)(A)(i)'' and inserting ''section 6(d)(3)(A)(i)''.

(g) SECTION 8.—Section 8(a) of the Toxic Substances Control Act (15 U.S.C. 2607(a)) is amended—

(1) in paragraph (2)(E), by striking ''data'' and inserting ''information''; and

(2) in paragraph (3)(A)(ii)(I), by striking ''or an order in effect under section 5(e)'' and inserting '', an order in effect under section 4 or 5(e), or a consent agreement under section 4''.

(h) SECTION 9.—Section 9 of the Toxic Substances Control Act (15 U.S.C. 2608) is amended—

(1) in subsection (a), by striking ''section 6'' each place it appears and inserting ''section 6(a)''; and

(2) in subsection (d), by striking ''Health, Education, and Welfare'' and inserting ''Health and Human Services''.

(i) SECTION 10.—Section 10 of the Toxic Substances Control Act (15 U.S.C. 2609) is amended—

(1) in the section heading, by striking ''**DATA**'' and inserting ''**INFORMATION**'';

(2) by striking ''Health, Education, and Welfare'' each place it appears and inserting ''Health and Human Services'';

(3) in subsection (b)—

(A) in the subsection heading, by striking ''DATA'' and inserting ''INFORMATION'';

(B) by striking ''data'' and inserting ''information'' in paragraph (1);

(C) by striking ''data'' and inserting ''information'' in paragraph (2)(A); and

(D) by striking ''a data'' and inserting ''an information'' in paragraph (2)(B); and

(4) in subsection (g), by striking ''data'' and inserting ''information''.

(j) SECTION 11.—Section 11(b)(2) of the Toxic Substances Control Act (15 U.S.C. 2610(b)(2)) is amended—

(1) by striking ''data'' each place it appears and inserting ''information''; and

(2) in subparagraph (E), by striking ''rule promulgated'' and inserting ''rule promulgated, order issued, or consent agreement entered into''.

(k) SECTION 12.—Section 12(b)(1) of the Toxic Substances Control Act (15 U.S.C. 2611(b)(1)) is amended by striking ''data'' both places it appears and inserting ''information''.

(l) SECTION 15.—Section 15(1) of the Toxic Substances Control Act (15 U.S.C. 2614(1)) is amended by striking ''(A) any rule'' and all that follows through ''or (D)'' and inserting ''any requirement of this title or any rule promulgated, order issued, or consent agreement entered into under this title, or''.

(m) SECTION 19.—Section 19 of the Toxic Substances Control Act (15 U.S.C. 2618) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(A)—

(i) by striking ''Not later than 60 days after the date of the promulgation of a rule under section 4(a), 5(a)(2), 5(b)(4), 6(a), 6(e), or 8, or under title II or IV'' and inserting ''Except as otherwise provided in this title, not later than 60 days after the date on which a rule is promulgated under this title, title II, or title IV, or the date on which an order is issued under section 4, 5(e), 5(f), or 6(i)(1),'';

(ii) by striking ''such rule'' and inserting ''such rule or order''; and

(iii) by striking ''such a rule'' and inserting ''such a rule or order'';

(B) in paragraph (1)(B)—

(i) by striking ''Courts'' and inserting ''Except as otherwise provided in this title, courts''; and

(ii) by striking ''subparagraph (A) or (B) of section 6(b)(1)'' and inserting ''this title, other than an order under section 4, 5(e), 5(f), or 6(i)(1),''; and

(C) in paragraph (2)—

(i) by striking ''rulemaking record'' and inserting ''record''; and

(ii) by striking ''based the rule'' and inserting ''based the rule or order'';

(2) in subsection (b)—

(A) by striking ''review a rule'' and inserting ''review a rule, or an order under section 4, 5(e), 5(f), or 6(i)(1),'';

(B) by striking ''such rule'' and inserting ''such rule or order'';

(C) by striking ''the rule'' and inserting ''the rule or order'';

(D) by striking ''new rule'' each place it appears and inserting ''new rule or order''; and

(E) by striking ''modified rule'' and inserting ''modified rule or order''; and

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking ''a rule'' and inserting ''a rule or order''; and

(II) by striking ''such rule'' and inserting ''such rule or order'';

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking ''a rule'' and inserting ''a rule or order'';

(II) by amending clause (i) to read as follows:

''(i) in the case of review of—

''(I) a rule under section 4(a), 5(b)(4), 6(a) (including review of the associated determination under section 6(b)(4)(A)), or 6(e), the standard for review prescribed by paragraph (2)(E) of such section 706 shall not apply and the court shall hold unlawful and set aside such rule if the court finds that the rule is not supported by substantial evidence in the rulemaking record taken as a whole; and

''(II) an order under section 4, 5(e), 5(f), or 6(i)(1), the standard for review prescribed by paragraph (2)(E) of such section 706 shall not apply and the court shall hold unlawful and set aside such order if the court finds that the order is not supported by substantial evidence in the record taken as a whole; and''; and

(III) by striking clauses (ii) and (iii) and the matter after clause (iii) and inserting the following:

''(ii) the court may not review the contents and adequacy of any statement of basis and purpose required by section 553(c) of title 5, United States Code, to be incorporated in the rule or order, except as part of the record, taken as a whole.''; and

(iii) by striking subparagraph (C); and

(B) in paragraph (2), by striking ''any rule'' and inserting ''any rule or order''.

(n) SECTION 20.—Section 20(a)(1) of the Toxic Substances Control Act (15 U.S.C. 2619(a)(1)) is amended by striking ''order issued under section 5'' and inserting ''order issued under section 4 or 5''.

(o) SECTION 21.—Section 21 of the Toxic Substances Control Act (15 U.S.C. 2620) is amended—

(1) in subsection (a), by striking ''order under section 5(e) or (6)(b)(2)'' and inserting ''order under section 4 or 5(e) or (f)''; and

(2) in subsection (b)—

(A) in paragraph (1), by striking ''order under section 5(e), 6(b)(1)(A), or 6(b)(1)(B)'' and inserting ''order under section 4 or 5(e) or (f)''; and

(B) in paragraph (4)(B)—

(i) in the matter preceding clause (i), by striking ''order under section 5(e) or 6(b)(2)'' and inserting ''order under section 4 or 5(e) or (f)'';

(ii) in clause (i), by striking ''order under section 5(e)'' and inserting ''order under section 4 or 5(e)''; and

(iii) in clause (ii), by striking ''section 6 or 8 or an order under section 6(b)(2), there is a reasonable basis to conclude that the issuance of such a rule or order is necessary to protect health or the environment against an unreasonable risk of injury to health or the environment'' and inserting ''section 6(a) or 8 or an order under section 5(f), the chemical substance or mixture to be subject to such rule or order presents an unreasonable risk of injury to health or the environment, without consideration of costs or other nonrisk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation, under the conditions of use''.

(p) SECTION 24.—Section 24(b)(2)(B) of the Toxic Substances Control Act (15 U.S.C. 2623(b)(2)(B)) is amended—

(1) by inserting ''and'' at the end of clause (i);

(2) by striking clause (ii); and

(3) by redesignating clause (iii) as clause (ii).

(q) SECTION 26.—Section 26 of the Toxic Substances Control Act (15 U.S.C. 2625) is amended—

(1) in subsection (e), by striking ''Health, Education, and Welfare'' each place it appears and inserting ''Health and Human Services''; and

(2) in subsection (g)(1), by striking ''data'' and inserting ''information''.

(r) SECTION 27.—Section 27(a) of the Toxic Substances Control Act (15 U.S.C. 2626(a)) is amended—

(1) by striking ''Health, Education, and Welfare'' and inserting ''Health and Human Services'';

(2) by striking ''test data'' both places it appears and inserting ''information'';

(3) by striking ''rules promulgated'' and inserting ''rules, orders, or consent agreements''; and

(4) by striking ''standards'' and inserting ''protocols and methodologies''.

(s) SECTION 30.—Section 30(2) of the Toxic Substances Control Act (15 U.S.C. 2629(2)) is amended by striking ''rule'' and inserting ''rule, order, or consent agreement''.

SEC. 20. NO RETROACTIVITY.

Nothing in sections 1 through 19, or the amendments made by sections 1 through 19, shall be interpreted to apply retroactively to any State, Federal, or maritime legal action filed before the date of enactment of this Act.

SEC. 21. TREVOR'S LAW.

(a) PURPOSES.—The purposes of this section are—

(1) to provide the appropriate Federal agencies with the authority to help conduct investigations into potential cancer clusters;

(2) to ensure that Federal agencies have the authority to undertake actions to help address cancer clusters and factors that may contribute to the creation of potential cancer clusters; and

(3) to enable Federal agencies to coordinate with other Federal, State, and local agencies, institutes of higher education, and the public in investigating and addressing cancer clusters.

(b) DESIGNATION AND INVESTIGATION OF POTENTIAL CANCER CLUSTERS.—Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

''SEC. 399V–6. DESIGNATION AND INVESTIGATION OF POTENTIAL CANCER CLUSTERS.

''(a) DEFINITIONS.—In this section:

''(1) CANCER CLUSTER.—The term 'cancer cluster' means the incidence of a particular cancer within a population group, a geographical area, and a period of time that is greater than expected for such group, area, and period.

''(2) PARTICULAR CANCER.—The term 'particular cancer' means one specific type of cancer or a type of cancers scientifically proven to have the same cause.

''(3) POPULATION GROUP.—The term 'population group' means a group, for purposes of calculating cancer rates, defined by factors such as race, ethnicity, age, or gender.

''(b) CRITERIA FOR DESIGNATION OF POTENTIAL CANCER CLUSTERS.—

''(1) DEVELOPMENT OF CRITERIA.—The Secretary shall develop criteria for the designation of potential cancer clusters.

''(2) REQUIREMENTS.—The criteria developed under paragraph (1) shall consider, as appropriate—

''(A) a standard for cancer cluster identification and reporting protocols used to determine when cancer incidence is greater than would be typically observed;

''(B) scientific screening standards that ensure that a cluster of a particular cancer involves the same type of cancer, or types of cancers;

''(C) the population in which the cluster of a particular cancer occurs by factors such as race, ethnicity, age, and gender, for purposes of calculating cancer rates;

''(D) the boundaries of a geographic area in which a cluster of a particular cancer occurs so as not to create or obscure a potential cluster by selection of a specific area; and

''(E) the time period over which the number of cases of a particular cancer, or the calculation of an expected number of cases, occurs.

''(c) GUIDELINES FOR INVESTIGATION OF POTENTIAL CANCER CLUSTERS.—The Secretary, in consultation with the Council of State and Territorial Epidemiologists and representatives of State and local health departments, shall develop, publish, and periodically update guidelines for investigating potential cancer clusters. The guidelines shall—

''(1) recommend that investigations of cancer clusters—

''(A) use the criteria developed under subsection (b);

''(B) use the best available science; and

''(C) rely on a weight of the scientific evidence;

''(2) provide standardized methods of reviewing and categorizing data, including from health surveillance systems and reports of potential cancer clusters; and

''(3) provide guidance for using appropriate epidemiological and other approaches for investigations.

''(d) INVESTIGATION OF CANCER CLUSTERS.—

''(1) SECRETARY DISCRETION.—The Secretary—

''(A) in consultation with representatives of the relevant State and local health departments, shall consider whether it is appropriate to conduct an investigation of a potential cancer cluster; and

''(B) in conducting investigations shall have the discretion to prioritize certain potential cancer clusters, based on the availability of resources.

''(2) COORDINATION.—In investigating potential cancer clusters, the Secretary shall coordinate with agencies within the Department of Health and Human Services and other Federal agencies, such as the Environmental Protection Agency.

''(3) BIOMONITORING.—In investigating potential cancer clusters, the Secretary shall rely on all appropriate biomonitoring information collected under other Federal programs, such as the National Health and Nutrition Examination Survey. The Secretary may provide technical assistance for relevant biomonitoring studies of other Federal agencies.

''(e) DUTIES.—The Secretary shall—

''(1) ensure that appropriate staff of agencies within the Department of Health and Human Services are prepared to provide timely assistance, to the extent practicable, upon receiving a request to investigate a potential cancer cluster from a State or local health authority;

''(2) maintain staff expertise in epidemiology, toxicology, data analysis, environmental health and cancer surveillance, exposure assessment, pediatric health, pollution control, community outreach, health education, laboratory sampling and analysis, spatial mapping, and informatics;

''(3) consult with community members as investigations into potential cancer clusters are conducted, as the Secretary determines appropriate;

''(4) collect, store, and disseminate reports on investigations of potential cancer clusters, the possible causes of such clusters, and the actions taken to address such clusters; and

''(5) provide technical assistance for investigating cancer clusters to State and local health departments through existing programs, such as the Epi-Aids program of the Centers for Disease Control and Prevention and the Assessments of Chemical Exposures Program of the Agency for Toxic Substances and Disease Registry.''.

TITLE II—RURAL HEALTHCARE CONNECTIVITY

SEC. 201. SHORT TITLE.

This title may be cited as the ''Rural Healthcare Connectivity Act of 2016''.

SEC. 202. TELECOMMUNICATIONS SERVICES FOR SKILLED NURSING FACILITIES.

(a) IN GENERAL.—Section 254(h)(7)(B) of the Communications Act of 1934 (47 U.S.C. 254(h)(7)(B)) is amended—

(1) in clause (vi), by striking ''and'' at the end;

(2) by redesignating clause (vii) as clause (viii);

(3) by inserting after clause (vi) the following:

''(vii) skilled nursing facilities (as defined in section 1819(a) of the Social Security Act (42 U.S.C. 1395i–3(a))); and''; and

(4) in clause (viii), as redesignated, by striking ''clauses (i) through (vi)'' and inserting ''clauses (i) through (vii)''.

(b) SAVINGS CLAUSE.—Nothing in subsection (a) shall be construed to affect the aggregate annual cap on Federal universal service support for health care providers under section 54.675 of title 47, Code of Federal Regulations, or any successor regulation.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply beginning on the date that is 180 days after the date of the enactment of this Act.

The SPEAKER pro tempore. The motion shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce.

The gentleman from Illinois (Mr. SHIMKUS) and the gentleman from New Jersey (Mr. PALLONE) each will control 30 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 2576.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. SHIMKUS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 2576, the Frank R. Lautenberg Chemical Safety for the 21st Century Act, a bipartisan, bicameral bill to update the way our Nation assesses and manages the risks posed by chemicals and the products that contain them.

This is sweeping legislation, Mr. Speaker, with monumental benefits for virtually every man, woman, and child in the United States. The culmination of a multiyear, multi-Congress effort, this legislation on the floor today will mark the first consequential update of the Toxic Substances Control Act, or TSCA, in 40 years.

Mr. Speaker, I talked at a graduation event over the weekend, and I said this in the Rules Committee last night. In 1976, I was graduating high school. That was the year we wore plaid bell-bottoms, silk shirts, platform shoes, and I had an Afro. It was not a pretty sight.

Much like the bill, the Toxic Substances Control Act, well intentioned, was not a pretty sight.

When TSCA was enacted in 1976, it was not meant to examine all chemical manufacturing and uses, but, rather, to create a backstop of protection when potential dangers were otherwise not being addressed.

In the nearly four decades since then, concerns have mounted over the pace of the EPA's evaluation of chemicals, the ability of the Agency to meaningfully use its existing authority, and whether the law permits certain regulatory actions.

In short, Mr. Speaker, there is a widespread acknowledgment and understandable concern that nobody is well served by the current law.

This absence of workable Federal standards has also fostered a patchwork of State regulations. While well intentioned, these State actions have ultimately led to public confusion and a marketplace that has become increasingly uneven, unpredictable, and incompatible with economic and regulatory realities.

To stem the tide of uncertainty and protect Americans in every State, almost 1 year ago this Chamber passed legislation to bring TSCA into the 21st century by an overwhelming 398–1 vote and 6 months later our friends in the other body moved their own package of bipartisan TSCA reforms.

While both efforts were broadly supported, the House and Senate bills were quite different in size and scope. These differences left many issues that needed to be resolved, requiring many hours of complex discussions and difficult decisions to get us where we are today.

The end result of that work is a vast improvement over current law and a careful compromise that is good for consumers, good for jobs, and good for the environment.

So what does the Frank R. Lautenberg Chemical Safety for the 21st Century Act actually do?

The bill gives the EPA more direct tools to obtain testing information on chemical substances, an improvement over the lengthy process they now face.

It restructures the way existing chemicals are evaluated and regulated, allowing a purely scientific evaluation to guide those decisions.

It clarifies the treatment of trade secrets submitted to the EPA and ensures that the Agency uses only high-quality science in their decision-making.

It updates the collection of fees needed to support the EPA's implementation of TSCA.

Finally, it organizes the Federal-State regulatory relationship in a way that promotes interstate and global commerce while recognizing the efforts already taken by several States.

I look forward to this afternoon's debate. I urge my colleagues to support this landmark legislation.

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

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation named after the late Senator Frank R. Lautenberg from New Jersey, a great friend of mine and a longtime environmental champion.

The Toxic Substance Control Act, or TSCA, has not been updated since it was adopted 40 years ago. For decades we have known that the law is broken. So this legislation is long past due, and I hope that it will soon become law.

Had the law worked effectively from the beginning, we might never have had BPA in baby bottles or toxic flame retardants in children's pajamas and in our living room couches. Workers may have also been protected from exposure to asbestos decades ago.

Let me stress that last point. In 1989, after more than 10 years of study and analysis, the EPA banned asbestos under TSCA, but the ban was overturned by the courts because of serious flaws in the statute and serious limitations on the EPA's authority.

That court decision came down 25 years ago. Imagine the lives that could

have been saved and the injuries that could have been prevented if that ban had stood.

Now, reforming this law is about preventing injuries and saving lives. It is about protecting vulnerable populations: infants, children, workers, the elderly, and communities that are disproportionately exposed to toxic chemicals.

It is about getting dangerous chemicals like lead, mercury, and asbestos out of our consumer products, out of commerce, and out of the environment.

Mr. Speaker, the bill before us today is a step forward in reaching this important goal. Let me briefly describe some of the improvements.

This bill would make it easier for the EPA to require testing of chemicals by allowing them to act through orders instead of rulemakings.

It will also make it easier for the EPA to regulate chemicals by removing procedural hurdles in current law and providing more resources through user fees.

It will ensure that new chemicals are reviewed and regulated, if necessary, before they go on the market, and it will improve transparency by requiring manufacturers to substantiate their claims that information should be protected as confidential business information.

These are all major improvements over current law, but this is a compromise bill. It is not the bill that Democrats would have written if we were in the majority. I understand that some of my colleagues will oppose this legislation today, and I certainly respect their position.

On the substantive side, the bill could make it harder for the EPA and citizens to use some of the tools that have proven effective under current law, including significant new use rules and citizen petitions. I would have preferred to leave those tools intact, but, hopefully, the new tools we are giving the Agency will more than make up for those changes.

We also work to reduce the role of animal testing in ensuring that chemicals in commerce are safe. While there has long been broad agreement that animal tests should be a last resort, I had concerns, as did others, that past versions of this bill would keep necessary science out of the EPA's hands.

I am pleased that the language has been improved and now states explicitly that scientific studies should not be kept from the EPA once they are done. If the studies are done, animals are not helped by keeping the data from the EPA.

Now, on the issue of preemption, which is so important to so many of my colleagues, including myself, the bill creates a significant new type of preemption which many call pause preemption.

Under the bill, States will be barred from acting when the EPA starts evaluating a chemical instead of when Federal regulations are in place. This is unprecedented and has raised significant concerns from many Members, myself included.

In recent weeks, House Democrats have secured several important changes to reduce the impact of pause preemption. Some were included in the Rules Committee print that was filed on Friday, and some were included in the manager's amendment that was filed yesterday.

I just want to briefly describe these changes.

First, we have made changes to ensure that States would have lead time and notice before EPA begins to study a chemical so that they can propose or finalize restrictions before the pause begins. Those changes particularly benefit States that act through regulation as opposed to legislation.

Second, we worked to exclude from the pause the first group of chemicals that the EPA will review. Since the EPA must begin those reviews in the next 6 months, States will not have lead time to finish their work on those chemicals. This change helps States that are currently working on restrictions for chemicals that are likely to be top EPA priorities.

Third, we were able to exclude top-priority chemicals from the pause if the manufacturer of the chemical requests EPA review. This change is complicated, but important. Without this change, manufacturers would be able to abuse the system and seek EPA review as a way to cut off a pending State action.

Finally, Mr. Speaker, we clarified the scope of preemption in order to make clear that States are only preempted from regulating the uses that the EPA has studied or regulated.

In total, these changes are enough to allow me to support the bill.

So, Mr. Speaker, I want to thank three of my colleagues who worked tirelessly over the last week to get these changes included in this final bill.

First is our Environment and the Economy Subcommittee ranking member, PAUL TONKO. I also want to thank Leader PELOSI and our whip, Mr. HOYER. All three of them played an integral part in strengthening the package before us today.

I am happy to support this bill to move forward with more protection for public health, for the environment, for vulnerable populations, and for vulnerable communities.

While this is a compromise bill, it is a long overdue step forward in protecting families and communities from toxic chemicals.

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

Mr. SHIMKUS. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. UPTON), the chairman of the full committee.

Mr. UPTON. Mr. Speaker, today really does mark a milestone, a milestone for our majority, a milestone for this Congress, and a milestone for the American people, as we make great strides to update our Nation's chemical safety laws.

Folks said it could not be done, especially with Republicans in Congress and a Democratic President. This was a multiyear effort that dates back to at least the last Congress. But we took the time, and we did the hard work.

We put in countless hours of discussions and negotiations virtually every weekend, and it paid off. This legislation will have monumental impacts for commerce, the environment, and public health.

In 1976, under the leadership of Michigan's great President Jerry Ford, TSCA was a novel approach to regulating interstate commercial activity to address unreasonable risks presented by a chemical.

It was not meant to examine every piece of chemical manufacturing and use, but, rather, to provide a backstop of protection when suspicions about dangerous chemicals were not being addressed.

In the nearly 40 years since TSCA's enactment, there have been persistent concerns about the pace of the EPA's work on chemicals, the ability of the Agency to meaningfully use its existing authority, and whether the statute prevents certain regulatory efforts.

Over the last 3 years, the House Energy and Commerce Committee has conducted nine hearings, all on the aspects of TSCA. We learned that there is public confusion about chemical-specific safety claims. We learned that people think that the EPA should clear up that confusion and be more diligent on risky chemicals.

Finally, we learned that companies and workers were disadvantaged in a domestic and global marketplace where conflicting regulatory standards, indeed, hamper trade.

Within the last decade, a variety of factors, including the EPA's slow pace in regulating chemicals already on the market, have led to several new State chemical control statutes.

Some States have passed laws ranging from specific chemical restrictions to general chemical labeling requirements, like Prop 65 in California. Meanwhile, some retailers have called out for an objective scientific assessment of chemicals in consumer products.

Almost a year ago our committee unanimously reported this bill and the House passed it 398–1. In December, the Senate approved a package of TSCA reforms. The Senate's bill was quite different from the House, but the compromise agreement—this one—includes many of the Senate policy details.

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The resolution before us gives EPA more direct tools in obtaining testing information on chemical substances, specifying key points in the evaluation and regulatory process where EPA may order testing. In addition, the compromise text reduces animal testing required under TSCA. It restructures the

way existing chemicals are evaluated and regulated. The bill clarifies the treatment of trade secrets submitted to EPA.

The SPEAKER pro tempore (Mr. RIBBLE). The time of the gentleman has expired.

Mr. SHIMKUS. Mr. Speaker, I yield the gentleman an additional 2 minutes.

Mr. UPTON. The resolution specifies that EPA must protect trade secrets submitted to it for a renewable period of 10 years. The resolution also creates a new system to claim, substantiate and resubstantiate, review, and adjudicate requests for protection of trade secrets.

Finally, it organizes the Federal-State regulatory relationship in a way that makes sense for promoting interstate and global commerce, but also recognizes the efforts taken by a number of States. The amendment makes accommodations for some existing State requirements and tort actions as well.

Today, we have a landmark, bipartisan, bicameral agreement that makes substantial changes to the existing law. This resolution is supported by a broad coalition of stakeholders, ranging from environmental and public health groups to large and small industrial organizations. It is worthy of every Member's support.

Before I close, I want to say a word of thanks to my colleagues on the other side of the aisle, FRANK PALLONE and PAUL TONKO. I know the last couple of weeks have not exactly been a picnic—a few ants, et cetera—but they know that this is a better bill because of their involvement. But the real impetus behind this whole project has been JOHN SHIMKUS. What a guy. Without his leadership, we simply never would have reached this point.

Also, I want to thank the dedicated and hardworking staff who tirelessly worked to get us where we are today: Dave McCarthy, Jerry Couri, Tina Richards, and Chris Sarley. I thank them all. At times it may not have been a labor of love, but we have got a finished product that will indeed make a difference.

This bill is good for jobs. It is good for consumers. It is good for the environment. It is the most meaningful and impactful update to issues involving the environment and the economy that we have made in many decades, and soon it will be law. The President will sign it, and he will be grateful for all of our hard work, dedication, and legislative achievement that every one of us can be proud of.

Mr. PALLONE. Mr. Speaker, I yield 6 minutes to the gentleman from New York (Mr. TONKO), the ranking member of the subcommittee.

Mr. TONKO. Mr. Speaker, I thank the gentleman from New Jersey, our ranking member, for yielding.

It is with regret that I must stand here today in opposition to this bill to reform the Toxic Substances Control Act. We have negotiated in good faith for many months to try to reach an agreement to fix EPA's chemical program. While there are some positive aspects of this bill, ultimately, I believe it falls short.

Before I go into detail about my concerns, I want to express my appreciation for the work that has been done by both the majority and minority colleagues on the Energy and Commerce Committee. I want to commend the staffs, in particular those with whom I worked most closely from the minority side.

As we just heard from Chairman UPTON, the Senate passed a version in December of last year, after we had voted nearly unanimously to support our version of the bill. There are improvements over the bill passed by the Senate in December with this measure.

I want to be clear that, in some ways, this bill will improve current law: EPA gains new authorities and resources; the regulatory bar to testing is lowered, allowing EPA to acquire more information about chemicals; the least burdensome standard that essentially has prevented EPA from regulating chemicals even when there was overwhelming evidence of harm has been removed; one of our Caucus' top priorities, expediting the review of persistent, bioaccumulative, and toxic substances, or PBTs, was largely retained; and the bill requires the EPA to consider the most vulnerable populations.

But for every positive step to protect public health and the environment, there are numerous steps back that undermine those goals. For example, this bill weakens one of the few parts of TSCA as it stands today that actually works, Significant New Use Rules, or SNURs.

EPA can require companies to provide notice of new uses of a chemical before a company can manufacture or import it. A chemical that might be suitable for industrial uses should not necessarily be in consumer products. This bill would make it more difficult to require notification and, therefore, to track chemicals being used in new ways or in imported products.

Also, there is language on a negotiated rulemaking to limit reporting requirements for inorganic byproducts, a concept that was not in either the House or Senate bills but seems to have been stuck into this version somehow.

The section on nomenclature represents an improvement over the Senate bill, but I still have concerns. This is just one of a number of seemingly benign provisions that are included to create loopholes that undermine the public health and environmental protection goals of TSCA.

The bill retains the Senate's resource-intensive prioritization process that largely duplicates the work EPA has done already to identify chemicals of concern and place them on the work plan.

Finally, there has been a lot of talk about the preemption section. Currently, States are able to restrict a chemical unless EPA decides to impose its own restrictions. Preemption has not often been an issue because EPA has rarely acted, but States today—today—have a number of options when it does happen. They can coenforce restrictions, apply for a waiver, or ban the chemical. Under this bill, States lose those rights to ban a chemical, and a waiver would be more difficult to obtain than under current law.

Without a working Federal program, it has fallen upon States to lead the fight to get the most harmful chemicals out of commerce, and they have proven to be successful. They have been the champions, the driving force.

I understand there are Members from States that have not acted to regulate chemicals. Please do not think this provision does not apply to you as well. When States are able to act aggressively, as they have, they can move industry and they can move EPA to act, which benefits our entire Nation.

Unfortunately, this bill includes provisions that would severely inhibit States' ability to act. In January, 14 State attorneys general expressed their concerns with the preemption section. Those concerns were reiterated as recently as last week by some seven State environmental commissioners. Their concerns largely revolved around what has become known as pause preemption. During the pause period when EPA is evaluating a chemical, up to 3.5 years, States are prohibited from acting.

Last year's House-passed version did not—did not—include the pause. While we accepted that States would be preempted when EPA makes a final determination about a chemical's risks, it would be unprecedented to prevent a State from acting before then.

Overall, and very problematically, the Senate's State preemption framework is largely unchanged. We know a deal was struck in the Senate a few weeks ago, but I believe it is more accurate to call it a deal on prioritization, not preemption, because EPA would have to spend more time going through the unnecessary prioritization process. During this new window of time, States could rush to try to act before the pause kicks in.

We have heard from a number of States that act by legislative action rather than regulations. They have told us that 12 to 18 months is simply not sufficient. The reality is, in most cases, States will not have enough opportunity to protect their citizens from harmful chemicals during the years it can take for EPA to do its own evaluation.

Let us call the pause exactly what it is: unnecessary and precedent setting. It may be decades before we see the health benefits of this bill, but I fear it is only a matter of time before more and more bills come to the floor that prevent State regulation before a final Federal agency action. I can't help but ask: Will we rue the day that we gave

a nod of approval to the pause preemption concept?

It is a terrible policy, and we should not encourage it. It opens the door to unwelcome and dangerous precedent.

The core tension of my evaluation of this bill is to balance between new Federal authorities and new restrictions on States. On balance, I do not believe that the modest improvements to the Federal program—not to mention the carve-outs for certain industries, many of which are unnecessarily broad—are sufficiently positive to warrant these new restrictions.

You have heard during this debate that our system is broken and that the improvements, of which there are some, are better than nothing, which is what we have now for existing chemicals. But better than nothing is a very low bar. I think we can and should do better. The public deserves better.

I have no doubt that people on both sides of this debate genuinely want to ensure people are protected from dangerous and toxic chemicals. I do not begrudge my colleagues who choose to support it. However, the RECORD must reflect that this bill is not without its flaws or its controversies.

We must have a strong, national chemical program to protect American families and workers. But the States can and should be strong partners in this effort. This bill severely constrains the States' role in this effort. Ultimately, I am not convinced that the program that will be put into place by this bill justifies the unprecedented limitations of States' authorities.

Mr. Speaker, I urge my colleagues to oppose the bill.

Mr. SHIMKUS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN), the vice chair of the full committee.

Mrs. BLACKBURN. Mr. Speaker, I do rise in support of the amendments to H.R. 2576, and I congratulate Chairman SHIMKUS on the wonderful job he has done.

Mr. Speaker, I yield to the gentleman from Illinois (Mr. SHIMKUS) for the purpose of a brief colloquy to clarify one important element of the legislation.

Mr. Chairman, it is my understanding that this bill reemphasizes Congress' intent to avoid duplicative regulation through the TSCA law. It does so by carrying over two important EPA constraints in section 9 of the existing law while adding a new, important provision that would be found as new section, 9(b)(2).

It is my understanding that, as a unified whole, this language, old and new, limits the EPA's ability to promulgate a rule under section 6 of TSCA to restrict or eliminate the use of a chemical when the Agency either already regulates that chemical through a different statute under its own control and that authority sufficiently protects against a risk of injury to human health or the environment, or a different agency already regulates that chemical in a manner that also sufficiently protects against the risk identified by EPA.

Would the chairman please confirm my understanding of section 9?

Mr. SHIMKUS. Will the gentlewoman yield?

Mrs. BLACKBURN. I yield to the gentleman from Illinois.

Mr. SHIMKUS. The gentlewoman is correct in her understanding.

Mrs. BLACKBURN. I thank the chairman. The changes you have worked hard to preserve in this negotiated bill are important. As the EPA's early-stage efforts to regulate methylene chloride and TCE under TSCA statute section 6 illustrate, they are also timely.

EPA simply has to account for why a new regulation for methylene chloride and TCE under TSCA is necessary since its own existing regulatory framework already appropriately addresses risk to human health. New section 9(b)(2) will force the Agency to do just that.

I thank the chairman for his good work.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. Mr. Speaker, I thank the gentleman for yielding.

Number one, the starting point for analysis of this law is the current law. The current law is a mess. It is the Wild West out there when it comes to regulating chemicals. There are 85,000 chemicals that are on the market that have never been tested, and bad things are going to happen. This law changes that. The EPA is now going to have authority to regulate and review these substances as to their health and safety.

Number two, it requires a safety finding before a new product goes on the market.

Number three, it replaces the cost-benefit analysis for a health-only analysis. When it comes to health and safety, that is absolutely essential. It is not about the cost. The cost in human terms and to communities when you have let something go by for accounting reasons, as opposed to looking vigilantly at health and safety, is not the way to go. It is a very good change.

Next, it protects vulnerable populations: children, pregnant women, and especially workers who are in plants where these products are used.

Finally, it makes the companies come clean with what information they have that allows regulators to come to a conclusion. That is very important.

The preemption issue is a concern. In Vermont, we have had a very active Republican and Democratic Governor, a very active Agency of Natural Resources secretary, and very, very active and aggressive attorneys general. They are concerned about this. But there is, in this legislation, flexibility so that Vermont is going to continue to have the ability to act to protect its citizens, and I am confident they will.

If the EPA is going to put a product on a list that they are going to start reviewing, we are going to get a heads-up in Vermont, as every State is, of about 9 months. I have confidence in the Vermont General Assembly, in the Vermont Governor, in the Vermont attorney general, and in the Vermont secretary of the Agency of Natural Resources to do what is required to protect the public health and the public safety.

So no law is perfect, but in this institution, we have had a hard time passing laws that we all know need to get done. I thank all the people who have been involved.

□ 1515

Mr. SHIMKUS. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. PITTENGER).

Mr. PITTENGER. Mr. Speaker, I thank the chairman for this very sensible legislation. I appreciate his efforts in leading a bipartisan effort to reform U.S. chemical safety law that is decades in the making.

I particularly thank him for securing amendments to section 9 of the TSCA law that remain in the negotiated text. These amendments reemphasize and strengthen Congress' intent that TSCA serve as an authority of last resort for the regulation of a chemical when another authority under EPA's jurisdiction, or another Federal agency, already regulates the chemical and the risk identified by EPA.

As a unified whole, TSCA now makes clear that EPA may not promulgate a rule under section 6 of TSCA to restrict or eliminate the use of a chemical when:

Number one, the agency either already regulates that chemical through a different statute under its own control, like the Clean Air Act, and that authority sufficiently protects against a risk of injury to human health or the environment; or

Number two, a different agency already regulates that chemical in a manner that also sufficiently protects against the risk already identified by EPA.

Mr. Speaker, in light of yet another regulatory overreach in the rulemaking at EPA, the new amendments to section 9 of TSCA are a welcome reform with the intent that it will help restrain the agency's unnecessary activities. These are commonsense, but important, protections given what EPA is likely to pursue.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GENE GREEN), ranking member of the Subcommittee on Health.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in support of the amendment to H.R. 2576, the TSCA Modernization Act. That is an abbreviation for the Toxic Substances Control Act.

This bipartisan, bicameral legislation will reform our broken chemical safety law for the first time since 1976, and directly addresses TSCA's fundamental flaws. This legislation is a win-

win for our district in East Houston and Harris County, Texas, home to one of the largest collection of chemical facilities in the country. The reforms contained in this proposal will enhance protections for the workers in our chemical plants, the fence-line communities next to these facilities, and will benefit chemical manufacturers who will have certainty in a true, nationwide market.

Congress has worked on reforming TSCA for over a decade, and I personally have been working on fixing the statute since 2008. Though not perfect, the proposal before the House today is, in the words of the Obama administration, ''a clear improvement over current TSCA and represents a historic advancement for both chemical safety and environmental law.''

Let me quote also from the United Steelworkers:

''Overall, the amendments to H.R. 2576, the 'TSCA Modernization Act,' do not result in a bill we would have written. However, there are significant improvements over current law, including a fix of the 1991 'asbestos decision' that crippled the Environmental Protection Agency's (EPA's) ability to act. Now EPA must use a health-only standard to evaluate chemicals and reserve cost-benefit analysis for determining restrictions of harmful chemicals. Additionally, the bill includes increased EPA authority to review chemicals, a fee structure to fund the program, and protection of vulnerable populations, including workers.''

Again, that is from the United Steelworkers.

The most notable improvements in the bill are replacing current TSCA's burdensome safety standard with a pure, health-based standard; explicitly requiring the protection of vulnerable populations, like children, pregnant women, and workers at the plants; requiring a safety finding before new chemicals are allowed to go to market; and giving EPA new authority to order testing and ensure chemicals are safe, with a focus on the most risky chemicals.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PALLONE. Mr. Speaker, I yield the gentleman an additional 30 seconds.

Mr. GENE GREEN of Texas. This legislation responds to the concerns of industry to provide regulatory certainty for job creators throughout our economy and has the support of the Environmental Defense Fund, the Humane Society, the March of Dimes, and the National Wildlife Federation, along with the machinists union and the building trades.

I urge my colleagues on both sides of the aisle to join me in supporting this amendment, and help pass the first major environmental legislation in a quarter century.

Mr. SHIMKUS. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. CARTER).

Mr. CARTER of Georgia. Mr. Speaker, I rise today in support of the House amendment to the Senate amendment to H.R. 2576, the Frank R. Lautenberg Chemical Safety for the 21st Century Act.

This legislation would combine the policy priorities from H.R. 2576 and S. 697 into a bipartisan bill that would modernize the Toxic Substances Control Act of 1976.

Recognizing the need to ensure that chemicals are safely made and used, Congress passed the Toxic Substances Control Act 40 years ago. This law made protecting human health and the environment a priority in the chemical manufacturing process. However, the Toxic Substances Control Act has not been updated since its inception, and is in dire need of reform. Policies based on this 40-year-old law are disjointed, confusing, and often contradictory for both manufacturers and consumers.

Modernizing the Toxic Substances Control Act would allow for adoption of uniform, science-based chemical safety policies. Manufacturers will have the regulatory certainty they need to develop new and safe products, and consumers can shop with confidence.

This version of the bill also protects intellectual property rights of chemical manufacturers, many of which have invested millions of dollars in research and development.

I urge my colleagues to support this bipartisan bill that greatly improves a landmark consumer and environmental protection law.

Mr. PALLONE. Mr. Speaker, can I inquire as to how much time remains on both sides?

The SPEAKER pro tempore. The gentleman from New Jersey has 14 minutes remaining. The gentleman from Illinois has 16 minutes remaining.

Mr. PALLONE. Mr. Speaker, I yield 3 minutes to the gentlewoman from Colorado (Ms. DEGETTE), the ranking member of the Subcommittee on Oversight and Investigations.

Ms. DEGETTE. Mr. Speaker, I rise today in support of the Frank R. Lautenberg Chemical Safety for the 21st Century Act.

We have been talking a lot about the, admittedly, very arcane details of this bill. I want to talk for a minutes about how this bill is going to impact the families of America.

Think about someone you know and love who will probably start a family in the next decade. I think of my own two daughters who are in their 20s. That future parent will be very excited about the arrival of a child. The parents will create a nursery in their home for their new baby, a space that is clean, warm, and safe.

Well, they think it is safe. But right now, under current law, that rocking chair in the corner could be covered with toxic flame retardants. The fresh paint on the walls could contain harmful volatile organic compounds. The rug beneath the crib probably has been treated with formaldehyde, which is a carcinogen. Parents and children should not have to worry whether the most basic, everyday things they do are toxic to their health.

TSCA has been a flawed piece of legislation since it passed in 1976. Nobody liked it—the environmental community, the chemical industry, or the parents of America. We need to bring some certainty to the regulation of the tens of thousands of chemicals that we have out there, and that is what this bill will do.

Did you know that under this bill, for the first time, EPA will have access to the information it needs on a chemical? For the first time, EPA will regulate the worst chemicals out there, like arsenic? For the first time, the EPA will have deadlines for review so that Americans are protected from dangerous chemicals as soon as practicable? And for the first time, Americans will know exactly what is out there in commerce?

For the first time, every nursery in America will be clean, warm, and safe. That is what America deserves.

Is this bill perfect?

No. But it is what we are expected to do as Members of the House and Senate, Democrats and Republicans—protect the safety of our children and generations to come.

I really want to thank my colleagues. I want to thank Mr. PALLONE and Mr. TONKO on our side of the aisle. I want to thank the rock star, Mr. SHIMKUS, who I have been working with, along with Mr. GREEN, since 2007 to bring this to reality.

This truly is a great day for the families of America, and I am really proud that we are able to get this done. I hope my colleagues will look at the bill in totality; I hope you will see how, finally, we are going to be able to actually regulate these chemicals; and I hope you will vote ''yes.''

Mr. SHIMKUS. Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER), the Democratic whip, who has been extremely helpful in the last few days in dealing with this legislation.

(Mr. HOYER asked and was given permission to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, I rise in support of this legislation, which is the product of much negotiation—which is an understatement, I think—in an effort to find consensus.

Congress first enacted the Toxic Substances Control Act 40 years ago to protect Americans from the risks posed by chemicals in commerce. It has not been reauthorized since. Since its original enactment, the law has become outdated, and efforts to modernize it have been ongoing for several years with great difficulty. Under current law, it has become hard for the EPA to ban even substances that are known to cause cancer, such as asbestos.

The bill before us today is a breakthrough after a significant amount of work. It represents a compromise that, while not perfect, as everyone has noted, is a great improvement over current law. And it will help the EPA protect Americans from harmful, toxic substances and safeguard our environment.

This bill will require the EPA to evaluate both existing and new chemical substances against a new risk-based, scientific safety standard that includes specific considerations for populations more vulnerable to chemical exposure, such as children, seniors, and pregnant women. It also ensures that the EPA can order testing immediately for substances suspected of placing Americans at risk.

This bill improves public transparency of chemical information, provides for clear and enforceable deadlines to review prioritized chemicals, and takes action to mitigate any identified risk.

In short, this is a bill that reflects the kind of compromise across the aisle we ought to be seeing more of in this House. It is fittingly named after Senator Frank Lautenberg of New Jersey, who spent his career working to make this law more functional.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PALLONE. I yield the gentleman an additional 1 minute.

Mr. HOYER. I want to first thank the person in my office who worked far harder than I did. I just took her phone calls and talked to Mr. PALLONE and talked to Mr. SHIMKUS from time to time. Mary Frances Repko is one of the hardest working staff members. Mr. Speaker, I want to thank Mary Frances for the work that she did to get us to where we are. It is not perfect, as she and I agree, but it is a bill that will be better than what we have.

I want to thank, of course, Ranking Member PALLONE; my dear friend, Chairman UPTON; my friend, JOHN SHIMKUS, the chairman of the committee; and Mr. TONKO, who is not for this bill. He worked hard to get it to this place. He didn't get there, but he worked hard on that effort.

Mr. Speaker, I urge my colleagues to support this legislation. It is a work product that has been sincerely achieved by people of goodwill, and it is adjudged by the President of the United States and the administration and by the director of the administrator of the Environmental Protection Agency as a significant and important step forward. That is a good deal for the American people.

Mr. SHIMKUS. Mr. Speaker, I continue to reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. JOHNSON).

Mr. JOHNSON of Georgia. Mr. Speaker, I thank the gentleman.

Mr. Speaker, this body has never passed a law that denied States the ability to act before there is a Federal standard in place. What we are perpetrating today with this vote is a first.

Instead of being preempted to act once an established EPA standard is in place, States are prevented from pursuing critical protections for their communities from dangerous chemicals the moment the EPA decides to review the chemical, not when the EPA has created a new regulation.

□ 1530

By allowing for this so-called pause preemption, we will create an almost 3-year limbo period in which a chemical under review is essentially unregulated by either State or Federal laws.

Meanwhile, the public is subjected to potentially dangerous chemicals. This is unheard of in our existing consumer protection legal standards, and it will be to the detriment of the American people.

However, I do commend the efforts of the Energy and Commerce Committee to take on this Herculean task of updating the existing regulatory regime and reaching a compromise package.

However, I regret that this compromise comes at the expense of the rights of the States to protect the health, safety, and welfare of their citizens.

We should not be preventing local governments from exerting their basic duty to take proactive steps that will protect our communities, our environment, and the public health.

Federal regulations serve as a floor, not as a ceiling, and States should be permitted to pursue laws that fill gaps in existing Federal regulations.

Pause preemption not only increases uncertainty and delay to the rulemaking process, but it further limits communities' abilities to seek redress through our courts when they find themselves the victims of dangerous and unregulated chemicals.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PALLONE. I yield the gentleman an additional 1 minute.

Mr. JOHNSON of Georgia. I thank the gentleman.

Mr. Speaker, lastly, I thank my colleagues on both sides of the aisle for their tremendous work on this bill and for the time and energy spent by their staffs.

I ask my colleagues to support this bill.

Mr. SHIMKUS. Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I would just inform my colleague that I have no additional speakers.

Mr. SHIMKUS. I have no other speakers, and I will close after the gentleman from New Jersey has closed.

Mr. PALLONE. Mr. Speaker, I yield myself the balance of my time.

So many people have been involved on our staffs in this bill over the last several years, certainly prior to the time that I was the ranking member.

I want to, in particular, thank Jackie Cohen. Jackie is sitting here to my right. She, more than anybody else, worked on this bill and made it possible to bring this bill to fruition. I think she knows more about TSCA than anybody else I know; so, I want to thank her in particular.

I also want to thank Jean Fruci, Rick Kessler, Tuley Wright, Timia Crisp, and Alexander Ratner. From Mr. TONKO's staff, I want to thank Brendan Larkin and Clinton Britt.

Mr. Speaker, this bill is named the Frank R. Lautenberg Chemical Safety Act for the 21st Century. One of the things that was so important to me in the process of negotiating this bill was that it would live up to Senator Lautenberg's legacy.

Senator Lautenberg was always a mentor to me. I worked on his first campaign back in 1982. He was always looking out for the little guy. One of the most important things to him in that respect was health and safety because he always felt that the primary function of the Federal Government was to protect people's health and safety.

One of the biggest things that was important to him was what I call the right to know. He always felt, if we passed laws that allowed people to know what they were facing in the health and environment sphere, that that would be good because they or even their organizations that they might be involved with on an activist level locally—citizen groups—would have the ability, if you will, to effectuate and carry out those laws through their own efforts.

I think one of the greatest regrets that he had was that, when you dealt with toxic chemicals over the time that he was in the Senate—he was the longest serving Senator, actually, in New Jersey history—he was never able to say what chemicals were dangerous and, basically, give people the right to know about toxic chemicals.

I think that this is an important part of his legacy, and I am very proud to say that today we can support a bill that is named in his honor.

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

Mr. SHIMKUS. Mr. Speaker, I yield myself the balance of my time.

Before us today on the floor, as you have heard, is a bipartisan, bicameral agreement that substantially improves the safety of chemicals that are used by everyone every day.

As you have heard, while this is not the bill that a lot of people would have written if they had had their own way, the reality is that this is how the legislative process is supposed to work.

I think it is very instructive as we go back to our districts and do the ''Schoolhouse Rock!'' on how a bill becomes a law. There is a great dynamic that is in play. That is what happened here, and that is what brings us to the floor today.

This bill represents a balanced and thoughtful compromise that makes long-needed improvements to an outdated and ineffective law. The legislation before us is supported by a broad

coalition of stakeholders that ranges from environmental and public health groups to large and small industrial organizations.

It has the support of the National Association of Manufacturers, the Chamber of Commerce, the American Cleaning Institute, the National Association of Chemical Distributors, the Society of Chemical Manufacturers & Affiliates, and the American Chemistry Council. There is a list of 143 different groups that have come out in support of this bill. It is worthy of our support as well.

I want to thank the staff who worked very hard to get us here today: Chris Sarley, in my office; Dave McCarthy; Jerry Couri; Tina Richards; our head chief of staff of the committee, Gary Andres; along with, of course, Chairman FRED UPTON, who allowed all of these people to be at our disposal to get this work done.

Mr. Speaker, we have with us in the Chamber legislative counsel. These are the unknown heroes, the people who actually get the late phone calls, who try to help us figure out the language that we are trying to work with.

Tim Brown and Kakuti Lin are here. They have my gratitude and my thanks. In an era when we kind of question Federal employees and their commitment to excellence and work ethic, they are good examples of what people really do many times.

Thank you very much for your work.

I also want to give a nod to the great work done by the House Democratic staff. You are loyal adversaries, and I believe we will continue to be so, but we were able to do well in this process.

I thank the Senate Republicans on Mr. INHOFE's staff and the Senate Democrats' staff, from Senator UDALL's, Senator BOXER's, Senator MARKEY's, and Senator MERKLEY's offices, who all put in long hours and weekends for several months to get this multiyear effort done.

It has been a multiyear effort, starting since I became chairman of the committee. And you have seen GENE GREEN come down and DIANA DEGETTE, who worked diligently with me in the last Congress.

I also want to mention that the spiritual leader of this, kind of, was Bonnie Lautenberg, who I know called us numerous times. Behind every great man there is a greater woman. I think Bonnie Lautenberg kind of falls into that category, and I know she is very happy with our success today.

Mr. Speaker, as I said in my opening remarks, this bill is good for consumers, it is good for jobs, and it is good for the environment. It is imperative that we pass this bill and get it signed into law without delay.

This is graduation time throughout our country—a lot of commencement exercises—and we are always reminded that, really, ''commencement'' means beginning.

So even though we are kind of getting to the end of the legislative process of the law, the real test will be the commencement by the EPA in our trying to enact this law and in seeing if it does everything that we say it will do.

It is our job on our committee to continue to do oversight to make sure that the things we think are doing well are doing well and that the things that need improvement we look at. You have my support in doing that oversight and overview of this new law as it moves forward.

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

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 742, the previous question is ordered.

The question is on the motion to concur by the gentleman from Illinois (Mr. SHIMKUS).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. PALLONE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the order of the House of today, further proceedings on this question will be postponed.

ZIKA VECTOR CONTROL ACT

GENERAL LEAVE

Mr. GIBBS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 897.

The SPEAKER pro tempore (Mr. BROOKS of Alabama). Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. GIBBS. Mr. Speaker, pursuant to House Resolution 742, I call up the bill (H.R. 897) to amend the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Water Pollution Control Act to clarify Congressional intent regarding the regulation of the use of pesticides in or near navigable waters, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 742, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 114–53 is adopted, and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 897

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Zika Vector Control Act''.

SEC. 2. USE OF AUTHORIZED PESTICIDES.

Section 3(f) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(f)) is amended by adding at the end the following:

''(5) USE OF AUTHORIZED PESTICIDES.—

''(A) IN GENERAL.—Except as provided in section 402(s) of the Federal Water Pollution Control Act, the Administrator or a State may not require a permit under such Act for a discharge from a point source into navigable waters of a pesticide authorized for sale, distribution, or use under this Act, or the residue of such a pesticide, resulting from the application of such pesticide.

''(B) SUNSET.—This paragraph shall cease to be effective on September 30, 2018.''.

SEC. 3. DISCHARGES OF PESTICIDES.

Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

''(s) DISCHARGES OF PESTICIDES.—

''(1) NO PERMIT REQUIREMENT.—Except as provided in paragraph (2), a permit shall not be required by the Administrator or a State under this Act for a discharge from a point source into navigable waters of a pesticide authorized for sale, distribution, or use under the Federal Insecticide, Fungicide, and Rodenticide Act, or the residue of such a pesticide, resulting from the application of such pesticide.

''(2) EXCEPTIONS.—Paragraph (1) shall not apply to the following discharges of a pesticide or pesticide residue:

''(A) A discharge resulting from the application of a pesticide in violation of a provision of the Federal Insecticide, Fungicide, and Rodenticide Act that is relevant to protecting water quality, if—

''(i) the discharge would not have occurred but for the violation; or

''(ii) the amount of pesticide or pesticide residue in the discharge is greater than would have occurred without the violation.

''(B) Stormwater discharges subject to regulation under subsection (p).

''(C) The following discharges subject to regulation under this section:

''(i) Manufacturing or industrial effluent.

''(ii) Treatment works effluent.

''(iii) Discharges incidental to the normal operation of a vessel, including a discharge resulting from ballasting operations or vessel biofouling prevention.

''(3) SUNSET.—This subsection shall cease to be effective on September 30, 2018.''.

The SPEAKER pro tempore. The bill shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure.

The gentleman from Ohio (Mr. GIBBS) and the gentlewoman from California (Mrs. NAPOLITANO) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. GIBBS. Mr. Speaker, I yield myself such time as I may consume.

It has been 1 year since the first alerts about the Zika virus were issued in Brazil. Since then, the virus has been spreading north.

Many nations to our south have spent the better part of that year in fighting to stop the spread of Zika. It has already affected Puerto Rico and other U.S. Territories as the virus spreads by contact between people.

So far, we have been fortunate to avoid any transmission of Zika by mosquitos inside the United States, but that might change soon. Last week the Director from the National Institutes of Health announced that mosquitos carrying the Zika virus could be arriving in the United States as soon as June.

The World Health Organization has declared Zika to be a worldwide health

emergency, and burdensome Federal regulation should not get in the way of addressing a potential emergency in the United States, especially since we have the ability to prevent the spread of mosquitos carrying the virus before they mature.

The Zika virus is a serious health threat to pregnant women. It can cause birth defects, like microcephaly and a paralyzing neurological condition. As of May 11, the CDC reported that there were 503 cases of Zika in the United States and 701 cases in U.S. Territories and 113 pregnant women were reported to have Zika.

Last week this body acted to send additional funds to the Department of Health and Human Services to fight the spread of Zika. We should be investing in research and development to find a treatment and a vaccine for Zika.

We also have the ability to make it easier for States and local governments to stop the spread of this mosquito-borne disease.

Unfortunately, a duplicative and unnecessary permitting regulation is making it more difficult for cities, municipalities, and mosquito control districts to spray for mosquitos.

Because of a bad court decision, time and money that should be spent on eradicating mosquitos will be spent on bureaucratic paperwork instead.

□ 1545

In 2011, a decision by the Sixth Circuit Court of Appeals in The National Cotton Council of America v. United States Environmental Protection Agency reversed 60 years of commonsense regulation by the Environmental Protection Agency and imposed national pollutant discharge elimination system permitting on pesticide use. That case upended a 2006 Environmental Protection Agency rule that codified EPA's 35-year-long interpretation of the law.

The Federal Insecticide, Fungicide, and Rodenticide Act, also known as FIFRA, regulated pesticides for 60 years before the enactment of the Clean Water Act in 1972, and FIFRA regulated and improved pesticides for decades after the Clean Water Act.

EPA had, for over 80 years, held that the application of a pesticide for its intended purpose and in compliance with the results of FIFRA is not a discharge of a pollutant under the Clean Water Act, and, therefore, no NPDES permit is required, but the court decided otherwise.

In vacating the EPA's longstanding rule, the Sixth Circuit effectively legislated from the bench, negating reasonable agency interpretations of the law. The court undermined the traditional understanding of how the Clean Water Act interacts with other environmental statutes and expanded the scope of the Clean Water Act from the bench and pushed further regulation into areas and activities not originally intended by Congress or interpreted by the EPA.

As a result, Federal and State agencies are expending vital funds to initiate and maintain Clean Water Act permitting programs governing pesticide applications, and a wide range of public and private pesticide users face increased financial and administrative burdens in order to comply with the duplicative permitting process—but the NPDES permit and its cost comes with no additional environmental protection.

My colleagues across the aisle like to call this Groundhog Day, and I agree. We have seen previous public health emergencies that could have been prevented by the removal of the unnecessary NPDES permit. Despite this, many on the other side of the aisle continue to support this regulatory burden.

Last week, some of my colleagues circulated a letter that stated obtaining the NPDES permit was just a ''modest notification and monitoring requirements,'' but the organizations that must apply for it tell a different story. NPDES compliance costs and fears of potentially devastating litigation associated with complying with the new NPDES requirements are forcing States, counties, and mosquito control districts and other pest control programs to reduce operations and redirect resources in order to comply with the regulatory requirements.

I include in the RECORD this statement from the American Mosquito Control Association on the NPDES burden. This statement discusses many examples of this burden across the country, including how the local vector control managers in Oregon have explained repeatedly the negative impacts the permit is having on mosquito control.

AMERICAN MOSQUITO CONTROL ASSOCIATION STATEMENT ON NPDES BURDEN

From the perspective of the agencies charged with suppressing mosquitoes and other vectors of public health consequence, the NPDES burden is directly related to combatting Zika and other exotic viruses.

For over forty years and through both Democratic and Republican administrations, the EPA and states held that these permits did not apply to public health pesticide applications. However, activist lawsuits forced the EPA to require such permits even for the application of EPA-registered pesticides including mosquito control.

AMCA has testified numerous times to establish the burden created by this court ruling. The threat to the public health mission of America's mosquito control districts comes in two costly parts:

ONGOING COMPLIANCE COSTS

Though the activists contend that the NDPES permit has ''modest notification and monitoring requirements'' the experience of mosquito control districts is much different.

Initially obtaining and maintaining an NPDES comes at considerable expense. California vector control districts estimate that it has cost them $3 million to conduct the necessary administration of these permits.

The Gem County Mosquito Abatement District in Idaho has testified that their staff spends three weeks per year tabulating and documenting seasonal pesticide applications associated with permit oversight. Additionally, they have had to invest in a geographic information software program that cost 20% of the district's annual operating budget to maintain this information. That software has no other function than serving the unnecessary NPDES permit.

In Congressman DeFazio's district in Oregon, the local vector control managers have explained the negative impacts the permit was having on their districts. The managers of those districts have met with Rep. DeFazio's staff repeatedly in Washington D.C. over the past several years regarding the burden NPDES is having on mosquito control in Oregon.

The funds to operate districts like those in Oregon, California, Idaho and across the country come from taxpayers for the purpose of mosquito control, but are being diverted into this bureaucratic oversight function.

The fact that the existence of the permit has no additional environmental benefit (since pesticide applications are already governed by FIFRA) makes these taxpayer diversions from vector control unconscionable.

So why would the activist organizations be so adamant that these permits be mandatory for public health pesticide applications . . .?

EXPOSURE TO ACTIVIST LITIGATION

. . . Because it leaves municipal mosquito control programs vulnerable to CWA citizen lawsuits where fines to mosquito control districts may exceed $37,500/day.

Under FIFRA, the activists would need to demonstrate that the pesticides caused harm or were misapplied (because our pesticides are specific to mosquitoes and used in low doses by qualified applicators that would be extremely difficult).

However, the CWA 3rd Party Citizen Suit Provision allows for any third party to sue a government entity. Additionally, the CWA does not require actual evidence of a misapplication of a pesticide or harm to the environment, but rather simple paperwork violations or merely allegations of errors in permit oversight.

Gem County Mosquito Abatement District was the subject of one of these activist lawsuits utilizing the 3rd Party Citizen Suit Provision. It took ten years and the grand total of an entire year's annual operating budget ($450,000) to resolve that litigation against that public health entity.

These ongoing compliance costs and threat of crushing litigation directly refute any activist statements that ''Clean Water Act coverage in no way hinders, delays, or prevents the use of approved pesticides for pest control operations.''

The existence of this unnecessary requirement for mosquito control activities is directly related to our ability to combat the vectors related to Zika. It diverts precious resources away from finding and suppressing mosquito populations.

The American Mosquito Control Association urges rapid action to address this burden.

Mr. GIBBS. Benton County, Washington, Mosquito Control District calculated their compliance with the NPDES permit cost them $37,334. They spent over $37,334 doing paperwork to secure the Federal and State permits. This money was used to update maps to secure the permit. They spent money on the permit fees; they spent this money on software to help with the reporting requirements for the permit; and they spent this money on countless requirements associated with the permit. None of that over $37,000 was spent on spraying for mosquitos.

Benton County estimates they could have treated 2,593 acres of water where

mosquitos breed, or they could have paid for over 400 virus lab tests, or they could have hired three seasonal workers. But Benton County was forced to spend over $37,000 to comply with the redundant Federal permit.

The Gem County Mosquito Abatement District in Idaho has testified that their staff spends 3 weeks per year tabulating and documenting seasonal pesticide applications associated with permit oversight. Additionally, they have had to invest in software that costs 20 percent of the district's annual operating budget to maintain this information. That software has no other function than serving the unnecessary NPDES permit.

Mosquito control districts in California estimate that it has cost them $3 million to conduct the necessary administration for their NPDES permits.

Millions of dollars have now been spent on permitting and compliance rather than eradicating mosquitos. On top of the cost of the permit, it also opens up permit holders to the threat of citizen lawsuits where fines may exceed $35,000 a day. Citizen lawsuits under the Clean Water Act have a much lower threshold, and the simple allegation of permit errors and paperwork violations can take mosquito control districts to court.

Gem County Mosquito Abatement District was subjected to one of these lawsuits, which took 10 years and $450,000 to resolve the litigation. This is equal to their entire annual operating budget. We know that the NPDES permits are delaying, hindering, and preventing the use of lifesaving EPA-approved pesticides right now.

In 2012, the first year that this duplicative permitting went into effect, the number of cases of West Nile virus jumped from 712 to 5,674 cases in the United States. In response to those West Nile outbreaks, many States and communities were forced to declare public emergencies. This allowed them to use the lifesaving pesticides to control mosquitos without the delay caused by the NPDES permitting process. But they were only able to do this after they declared an emergency: West Nile had infected the community; they declared an emergency, and they could spray without having to get any permits. Congress should not be forcing States, cities, and mosquito control agencies to put their own residents, especially pregnant women, at risk of contracting Zika.

H.R. 897 will enable communities to resume conducting routine preventive mosquito control programs by providing a limited and temporary exemption for pesticides that are authorized by FIFRA and used in compliance with its label under EPA guidance. The EPA already reviews, approves, and regulates the use of these pesticides under FIFRA. Exempting them from NPDES permitting is a simple fix to a very bad court decision that added unnecessary red tape.

H.R. 897 was drafted very narrowly to address only the Sixth Circuit Court's decision and gives States and local entities that spray to control mosquito populations the certainty and the ability needed to protect public health. EPA even provided technical assistance in drafting this bill so it can achieve these objectives.

Well over 150 organizations representing a wide variety of public and private entities and thousands of stakeholders support a legislative resolution of this issue. Just to name a few, these organizations include the American Mosquito Control Association, the National Association of State Departments of Agriculture, the National Water Resources Association, the American Farm Bureau Federation, the National Farmers Union, Family Farm Alliance, the National Rural Electric Cooperative Association, CropLife America, Responsible Industry for a Sound Environment, the Agricultural Retailers Association, and the National Agricultural Aviation Association.

I thank Chairman SHUSTER for his leadership at the Transportation and Infrastructure Committee as well as Chairman CONAWAY and Ranking Member PETERSON on the Agriculture Committee for their leadership on this issue.

This is a responsible, commonsense bill that will help ensure public health officials aren't fighting Zika with their hands tied behind their back.

I reserve the balance of my time.

Mrs. NAPOLITANO. Madam Speaker, I yield myself such time as I may consume.

I rise again in strong opposition to H.R. 897. To be clear, H.R. 897 was not created to respond to Zika.

Now, I hear my colleague's information in regard to all that has happened with the EPA and all the budget items. I suggest that we start looking at increasing the budget for EPA so they can do a better job.

Insofar as herbicides and pesticides, I have a lot of information from my own experience in California, where it has created a Superfund that has taken many years and will take many more to create.

Up until 2 weeks ago, the so-called Reducing Regulatory Burdens Act was drafted to relax our laws protecting public health to reduce the paperwork burdens on commercial pesticide spraying operations. If you will notice, most of them were people in the spraying business, in the ag business, and it is to their advantage. What about the public interest? This will be the fourth time in 3 years that we will vote against the legislation.

To be clear, a great number of waterbodies in the U.S. are already impaired or threatened by pesticides; yet for some reason, our Republican majority wants it to be easier for companies to add more of these pesticides to our waters, yet not report these additions nor monitor, for any reason, immediate health impacts that may result.

I am very concerned about the effect these pesticides have on the health of our rivers, on our streams, and especially on the drinking water supply of all our citizens, including pregnant women.

Last week, the majority argued that even though this bill would exempt pesticide applications from the Clean Water Act, public health would not be impacted because FIFRA labeling requirements would remain in place. However, FIFRA labeling does not address the volumes of pesticides being directly or indirectly applied to our rivers, lakes, and streams on an annual basis.

In many cases, we simply do not know the quantities and location of the pesticides being added to our waters because this data is not tracked by Federal or State regulators. And if we don't know what is being added to our waters, we cannot accurately be looking for the potential human health or environmental impacts of these pesticides. In fact, the only way we often learn of a problem is in examples like the gentleman from Oregon cited on the floor: massive fish kills or other environmental catastrophes. It is reckless to rely on a system of catastrophes or massive die-offs to identify where problems may be lurking.

Proponents of this legislation also argue that this legislation would protect the health of pregnant women and their children. How so? I think it is important to note that it could hurt both.

However, this legislation does nothing demonstrable to prevent the spread of Zika in the United States. What I fear, however, is that this legislation will relax standards for pesticide application to the point where even more waterbodies become impaired or threatened by pesticides.

Madam Speaker, we know there are significant health risks associated with exposing pregnant women and young children to pesticides. Let me name a few: birth defects, neurodevelopmental delays and cognitive impairments, childhood brain cancer, autism spectrum disorders, ADHD, endocrine disruption. That is just to name a few.

To be clear, the bill under consideration today will make it easier—I will say it again, easier—to contaminate our drinking water supplies with pesticides known or suspected to pose health risks. The majority will say that FIFRA ensures these chemicals are safe. What the majority cannot say definitely, however, is that continued exposure to these chemicals over and over in the same watershed is also safe.

Peer-reviewed science suggests that there are impacts, and that evidence should be enough for us to be cautious. If my choice is cautious use of pesticides to protect public health or the elimination of the paperwork requirement, I believe protection of health is more important.

Furthermore, according to The Washington Post, of the 544 reported cases of Zika in the United States, nearly all of

them involve people who have contracted the disease when they traveled to a country where the disease is prevalent. While a handful of the 544 cases of Zika may have involved sexual transmission of the virus, no one has acquired the disease from mosquitos in this country—I repeat, no one. Let me repeat that. No one has reported acquiring the Zika virus from a mosquito in this country.

We cannot and should not eliminate the role of the Clean Water Act in the regulation of pesticides. Over the past 5 years, this regulatory process has been reasonable and has been workable for pest operations and ag interests alike. It needs to be retained.

Madam Speaker, I oppose this bill. I urge my colleagues on both sides to vote ''no.''

I reserve the balance of my time.

Mr. GIBBS. Madam Speaker, I yield myself such time as I may consume.

I want to reiterate, when I introduced this bill back in 2011, 5 years ago, the Director of the EPA's Office of Pesticide Programs under this current administration said this:

''When used properly, pesticides provide significant benefits to society, such as controlling disease-causing organisms, protecting the environment from invasive species, and fostering a safe and abundant food supply. FIFRA's safety standard requires EPA to weigh these types of benefits against any potential harm to human health and the environment that might result from using a pesticide.''

He went on to say:

''Under FIFRA, the Agency''—the EPA, in this case—''can impose a variety of risk mitigation measures—ranging, for example, from changes to how the pesticide is used to prohibition of specific uses or cancellation of all products containing a particular active ingredient—that ensure the use of the pesticide will not cause unreasonable adverse effect on the environment. When we are concerned about the risks arising from pesticides in water, we may require a reduction in application frequency or rates, a prohibition of certain application methods, the establishment of no-spray buffer zones around waterbodies, a requirement that limits use only to trained and certified applicators, or other restrictions.''

□ 1600

The important point to remember here, the EPA has full regulatory authority under FIFRA to ensure that the pesticide did not cause unreasonable adverse effects on human health or in the environment, including our Nation's waters.

Madam Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. RODNEY DAVIS).

Mr. RODNEY DAVIS of Illinois. Madam Speaker, I want to thank my good friend, Chairman GIBBS, for his effort in putting this commonsense legislation forward.

Madam Speaker, we all come here to this House floor, and we work together in a bipartisan way to address many important issues that affect Americans. We have worked closely together with many of our colleagues on the other side of the floor today to help our veterans, to help rebuild our roads and our infrastructure, and I do believe we can work together to stop the spread of the Zika virus.

This is a commonsense piece of legislation that isn't asking to get rid of EPA rules and regulations. It is asking to simply suspend them during this crisis period. I want to tell you why. My colleague, Mr. GIBBS, mentioned earlier that this is the result of a court case that, in 2006, actually created a duplicative and costly regulatory process that many of our small communities and small businesses are still trying to fight when they are dealing with spraying for mosquitoes.

Now, mosquito abatement has changed a lot since I was younger. I can remember my parents and my friends' parents sending us out to ride our bikes behind the fogger.

We wouldn't do that anymore now, would we, Madam Speaker?

Because we now see more rules and regulations. FIFRA, the policies that have been enacted by the EPA have shown that maybe that is not the smart thing to do.

We have processes in place. The very same agency that tells us what is safe and what is not when looking at spraying for mosquitoes that may or may not carry diseases like West Nile and Zika, how to safely use them, but the same agency has put together a process for Illinois, a 35-page document showing us how to get a permit to spray for mosquitoes if you are a small business, if you are a small community, and these 35 pages, these regulatory requirements, we are asking to suspend so we can deal with the Zika virus that we now know is mosquito borne. This 35-page permit had 6 entire pages dedicated to definitions and acronyms. Section 7, the recordkeeping portion alone includes three separate levels of recordkeeping, depending on the size of the annual treatment area, and it does it in there as some permittees are also subject to annual reporting requirements as well.

Madam Speaker, the farmers in my district are spending too much time to try to abate this disease on their own to help so many in our communities, and I am afraid they may say: Enough. Let's figure out how someone else is going to do it.

That doesn't help us solve the problem of eradicating the Zika virus. That is the reason why this bill that will suspend this process is so necessary right now.

I would urge my colleagues on the other side of the aisle to take a look at this commonsense approach and do what Mr. GIBBS is doing. Let's work together. Let's ensure that we can stop a permit process like this to deal with something so important to so many families. Unfortunately, the longer we talk in this institution, Madam Speaker, the less is done to stop the spread of the Zika virus in this country, in our States, and in our districts.

Madam Speaker, I thank Chairman GIBBS for this commonsense piece of legislation.

Mrs. NAPOLITANO. Oh, what I could tell you about the vector control. I served on the board for a few years, and what I know is something else, but, unfortunately, most of the proponents are people who benefit from the pesticide application. So I take exception, where is the public interest in this?

Madam Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Madam Speaker, I thank the gentlewoman for yielding.

First off, we have to give the chairman a report card, and I am going to give him an A-plus for persistence. This is the fifth time this legislation will have been on the floor of this House. Of course, it is threatened by a veto should it ever pass the Senate, but it won't, so A-plus for persistence.

I will give him an A for creativity because this is the same bill five times under four different guises. First it was for West Nile. Okay. Then it was the Pest Management and Fire Suppression Flexibility Act. So when we had West Nile, they called it a West Nile bill. When we were having a bad fire year, they called it a Fire Suppression Flexibility Act. Then they were honest, and they said it is the Reducing Regulatory Burdens Act, the piece of paper, the report you have to file after you apply the pesticides. So at least that was, from their side, honest. But then now it is the Zika Vector Control Act, renamed 2 weeks ago.

Zika is a serious problem. Of course, on their side, they are refusing to put forward an adequate budget to partner with communities who want to do mosquito reduction and control efforts, but that is a story for another day, and it is a different committee. But that would be a real thing we could do.

Here are a couple of points. Zika is very bad for pregnant women and is also implicated in Guillain-Barre syndrome in both males and females and other potential links to other diseases. Really, really bad stuff. We have to get ahead of it. We also know that pesticides and herbicides are bad for pregnant women.

So is the current state of affairs such that vector control districts can't go out right now today and apply pesticides to deal with a potential Zika with tiger mosquitoes and Aedes aegypti?

No. Actually, they can. Under the law, they can go out and apply whatever they think would be effective. They just need, within 30 days, to send a form—a form, a piece of paper—available online to the EPA saying what they applied and where they applied it.

Now, why would we care about that?

Well, because we are worried about loading up drinking water with stuff that is harmful to pregnant women and to babies and to other living things, just like the 90,000 steelhead that were killed in my district. All we are saying is we would like to keep track, and then when we see certain concentrations in certain areas, we will actually test the water.

Your local water authority does not routinely test—for the most part, very few—for pesticides and herbicides, but if they knew a bunch had been dumped upstream, they might want to do that, or the EPA might want to follow up and do some testing. So what we are saying is we don't want to know. We don't want to know what, where, how this stuff was applied.

Now, the horrible burden of submitting an online form, this horrible, horrible, horrible burden has led to: No, well, we heard last time there may have been an aerial applicator who didn't apply something because of this regulatory burden, or maybe because they had misapplied it, or maybe the wind was blowing too hard.

Who knows?

We don't know. That was one anecdotal report. But from the 50 States assembled and the EPA, there are no documented instances of delays or prevention of necessary application of pesticides or herbicides because of the reporting requirement to EPA so we will know what, when, where, and how this stuff was applied.

So the gentleman gets an A-plus for persistence, an A for creativity, but, unfortunately, a D for dangerous in terms of what this legislation would lead to.

I include in the RECORD the Statement of Administration Policy. I will put the whole thing in the RECORD, but the administration does not agree with that truncated quote talking about how important this is or something from someone at EPA. ''H.R. 897 would weaken environmental protections under the Clean Water Act by exempting pesticide spraying from the currently required pesticide general permit.'' General permit. ''Creating a new statutory exemption to the permit is unnecessary'' because the permit itself ''was explicitly crafted to allow immediate responses to declared pest emergencies, thereby allowing vector control methods to be applied to the possible influx of disease-carrying mosquitoes.''

STATEMENT OF ADMINISTRATION POLICY

H.R. 897—REDUCING REGULATORY BURDENS ACT OF 2015—REP. GIBBS, R–OH, AND TWO COSPONSORS

The Administration strongly opposes H.R. 897, Reducing Regulatory Burdens Act of 2015, recently rebranded as the Zika Vector Control Act. H.R. 897 would weaken environmental protections under the Clean Water Act by exempting pesticide spraying from the currently required Pesticide General Permit. Creating a new statutory exemption to the Permit is unnecessary, as it was explicitly crafted to allow immediate responses to declared pest emergencies, thereby allowing vector control methods to be applied to the possible influx of disease-carrying mosquitos.

In fact, most mosquito control districts and Federal and State agencies already have authority under the Pesticide General Permit to apply mosquitocides as needed to respond to Zika virus concerns and do not require any additional authorization under the Permit. In rare circumstances where a mosquito control district did not seek prior coverage under the Permit, emergency provisions of the Permit are available that allow instant authorization to spray without the need for prior notification.

The Administration is committed to taking necessary steps, as quickly as possible, to protect the American people from the Zika virus. Rebranding legislation that removes important Clean Water Act protections for public health and water quality is not an appropriate avenue for addressing the serious threat to the Nation that the Zika virus poses.

The SPEAKER pro tempore (Ms. ROS-LEHTINEN). The time of the gentleman has expired.

Mrs. NAPOLITANO. Madam Speaker, I yield an additional 1 minute to the gentleman.

Mr. DEFAZIO. So the current state, there is nothing going on here except this sort of myth that this is a huge impediment to agricultural practices in this country. This is being pushed by the Farm Bureau.

There is joint jurisdiction between the Committee on Transportation and Infrastructure and the Committee on Agriculture. The Committee on Transportation and Infrastructure, despite this bill being on the floor five times, has held zero—zero; count them, zero—hearings on this issue. We wouldn't want to hear from experts.

There was a joint hearing with the Committee on Agriculture. Unfortunately, we were not allowed to have a witness. Only the pro-reform, so-called repeal pesticide-herbicide, witnesses were allowed to testify. There has been no deliberation on this issue. There is a great mythology around it.

It is a very sad day to use a potential national health crisis to put through a lame bill that has gone through five times, which isn't going to pass the Senate. If it did, it will be vetoed.

Mr. GIBBS. Madam Speaker, I just want to address a few comments that were just made. I believe the witness that he was referring to was the head of the EPA under this administration. So that wasn't their witness, I guess. I don't know. It seems odd to me.

Funding. We passed a funding bill out last week, over $600 million to go to the end of this fiscal year, September 30. My side of the aisle is committed to appropriating more money, if need be, during the regular appropriation process for the next fiscal year starting October 1.

Regarding the fish kill, we had a discussion on this last week. It is very unfortunate when there is a fish kill, but we looked into this and concluded that even if this fish kill had happened back—I don't know—in 1996, I believe, the NPDES permit, if it was in place, would not have prevented the fish kill, would not have resolved it.

What we found out from the EPA's own investigation from the Office of Pesticide Programs was that the fish incident was the result of misuse of the pesticide. The EPA goes on to report that with the various species of salmon and steelhead analyzed, if the pesticide had been applied in accordance with all the label requirements and under FIFRA and EPA requirements, they wouldn't have had the Oregon fish kill. So completing the NPDES permit paperwork and paying for permit fees doesn't prevent fish kills or improve water quality. It just adds cost and takes money away from fighting mosquitoes in this case.

At this time I yield 3 minutes to the gentleman from Washington (Mr. NEWHOUSE).

Mr. NEWHOUSE. Madam Speaker, I want to thank the gentleman from Ohio for yielding and also for his hard work on this important piece of legislation. Coming from mosquito country, I am very much interested in this legislation.

Madam Speaker, passing the Zika Vector Control Act is a step that we must take today that will have a major impact on preventing the spread of the Zika virus as well as many other deadly mosquito-borne illnesses.

Right now the Centers for Disease Control is advising Americans to adopt the most commonsense method to avoid contacting Zika, and that is preventing mosquito bites. Since a vaccine does not exist, we need to prevent bites in the first place.

Our Nation's mosquito control districts are on the frontline of reducing mosquito populations that not only carry Zika, but other dangerous diseases such as West Nile virus. I can just tell you that I have a personal friend who passed away from West Nile, and I also know several people in my community whose lives have been changed forever by infection from West Nile. Dengue fever and various forms of encephalitis are huge problems also.

The legislation being offered today by the gentleman from Ohio (Mr. GIBBS) offers a simple, commonsense fix to one of the biggest burdens of our mosquito control districts. For more than 40 years, both Democrat and Republican administrations alike have not required mosquito control districts to seek a permit for treating mosquitoes since the EPA already approves every pesticide and every applicator being used.

However, several years ago, EPA required another permit in addition to the approval processes chemicals and applicators already go through. This duplicative permitting is very costly. The State of California alone—the gentlewoman's State—spends $3 million annually on these duplicative permits. That is $3 million less in resources to combat mosquitoes. To make matters worse, mosquito control districts now face increased legal uncertainty due to these new permits.

□ 1615

One district in my State informed me that they now set aside fully 20 percent of their budget for potential legal challenges related to the permits. Now, that is 20 percent of their budget that is not going to combat mosquitoes. To me, that is an example of government red tape at its worst, and it is putting lives at risk. So I would disagree with my friend from Oregon that it does reduce the amount of control that we do see.

Opponents of this legislation say that this will place our waters at risk. But, Madam Speaker, nothing can be further from the truth. Appropriate regulation already exists. All of the pesticides being used have already been approved by the EPA for safe use. The only risk to public health that will come from this legislation would be not to pass it.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GIBBS. Madam Speaker, I yield the gentleman an additional 1 minute.

Mr. NEWHOUSE. Not passing this bill will continue to unnecessarily expose millions of Americans to Zika and other mosquito-borne diseases and will restrict resources for those desperately trying to keep the American people safe.

Mrs. NAPOLITANO. Madam Speaker, I include in the RECORD several news editorials from coast to coast, including one from The New York Times that refers to this legislation as a ''pretext to weaken environmental regulations'' and ''a ruse to benefit pesticide manufacturers and farmers who find the regulation burdensome.''

[From the New York Times, May 19, 2016]

STEALING FROM EBOLA TO FIGHT ZIKA

(By the Editorial Board)

Nobody should be surprised when the present House of Representatives, dominated by penurious reactionaries, produces a stingy response to a danger that calls for compassionate largess. But for sheer fecklessness it's hard to top the House's response this week to the Zika virus. The salient feature is that in providing money to fight one health menace, it steals from other funds meant to fight an even more dangerous threat—the Ebola virus.

In February, President Obama asked Congress for $1.9 billion to help fight Zika, a virus that can cause severe birth defects and has been linked to neurological disorders in adults. Transmittable by mosquitoes and through sex, Zika broke out last year in Brazil and has since spread to the United States and other countries. Experts fear there could eventually be hundreds of thousands of infections in Puerto Rico, where nearly half the population lives below the poverty line, with possibly hundreds of babies affected. States in the American South with large mosquito populations are also at particular risk.

On Thursday, the Senate voted for $1.1 billion in emergency funds for research, vaccine development, mosquito control efforts and other programs The bill does not provide as much money as public health agencies like the Centers for Disease Control and Prevention say they need, but it is a decent start.

The House bill approved Wednesday would provide just over half that—$622 million. Further, the House insisted that even that sum be offset by cuts to other programs, including those aimed at Ebola. That makes no sense. It would shortchange critical efforts to strengthen public health systems in Africa in order to prevent a resurgence of Ebola, which killed more than 11,000 people, and other diseases.

The money in the House bill would be available only until the end of September, when the fiscal year ends. That cutoff seems to assume that Zika will no longer be a problem by then, an absurdly risky line of reasoning that most health experts do not accept. Cutting off funds that early would also severely hamper the effort to create a Zika vaccine, which is expected to take more than a year to develop and test.

Some ultraconservative House Republicans have said that they do not consider Zika a major health crisis. Perhaps they have yet to see (or, more distressingly, they deliberately ignore) the photographs of babies born with small heads because of the virus. Or perhaps they do not think of this as an emergency worthy of their attention because those babies were not born in the United States or to their constituents.

Perversely, while not doing much to contain the virus, some House members have seized upon it as a pretext to weaken environmental regulations. Republicans have introduced a bill that would allow businesses to spray pesticides on or near waterways without first notifying regulators, as now required by law. Once called the Reducing Regulatory Burdens Act, the bill was recently given a more ominous name, the Zika Vector Control Act, the idea being that with Zika lurking around the corner, local governments should be able to use pesticides more easily.

The bill, rejected on Tuesday under a rule that required a two-thirds majority in favor, could come up again under a rule requiring only a simple majority. In any case, it's a ruse to benefit pesticide manufacturers and farmers who find the regulation burdensome. The Environmental Protection Agency says that in emergencies, spraying can occur without prior notification. The House seems incapable of seeing that Zika is a real threat, not a device to satisfy its anti-regulatory zeal.

[From HeraldNet, May 19, 2016]

ADVANCE SENATE'S ZIKA FUNDING PACKAGE

(By the Herald Editorial Board)

Even more annoying than the whine of a mosquito has been the U.S. House Republicans response to the Zika virus.

In February, President Barack Obama made an emergency request for $1.9 billion to fund vaccine research, mosquito control efforts and other work to timely address the growing threat from Zika.

Now prevalent in South and Central America and threatening to move into some southern U.S. states, the mosquito-borne virus is not typically fatal and in most cases results in only mild symptoms. But its threat is much greater for pregnant women and the children they carry. The virus can cause birth defects when pregnant women are infected by mosquitoes or through sexual contact with an infected person. The most common birth defect is microcephaly, which results in infants with abnormally small heads and reduced brain development. But researchers also are investigating Zika's possible association with neurological disorders in adults, including Guillain-Barre syndrome.

An estimated 500 people in the continental U.S. have contracted the virus, almost all during travel abroad. But another 700 in Puerto Rico and other U.S. Territories have been infected by mosquitoes, including more than 100 pregnant women.

When neither the Senate nor the House moved quickly enough to provide funding, the White House instead diverted $510 million that had been allocated to research and fight the Ebola virus, with the hope that Congress would eventually approve the Zika request and allow the restoration of the Ebola funding.

This week, the Senate responded, first with a bipartisan proposal by Florida's senators, including former Republican presidential candidate Marco Rubio, to fund the president's full $1.9 billion request. When that failed to attract enough Republican votes, the Senate approved a compromise negotiated by Sen. Patty Murray, D–Washington, and Sen. Roy Blunt, R–Missouri, that will allocate $1.1 billion.

Murray would have preferred legislation to fund the president's full $1.9 billion request, a spokeswoman said, but as she has before, Washington's senior senator worked across the aisle to find a solution that would win passage. In answer to charges that the president had requested a ''slush fund'' Blunt said in a New York Times story that the package had been trimmed back to address the emergency and will finance research and response through September 2017.

Such responsible compromise is less certain in the House, where Republicans are expected to vote soon on a package that provides only $622 million, much of it again diverted from Ebola work.

That's too little and threatens further delay and a loss of progress on Ebola. While the Ebola epidemic in West Africa is no longer out of control, the disease continues to flare, most recently in Guinea and Liberia.

But adding a maddening itch to that mosquito bite of a funding package is a bill that the House is expected to vote on next week. The Zika Vector Control Act sounds promising, as if the threat is being taken seriously. But House Republicans, as reported by The Hill, have only renamed and changed the effective date for legislation proposed last year that seeks to weaken federal Clean Water Act standards that have little to do with Zika.

Formerly titled the Reducing Regulatory Burdens Act, the rechristened legislation would prohibit the Environmental Protection Agency from requiring permits to spray pesticides near bodies of water, if the pesticide is federally approved and the application has been approved by the state.

Prior federal approval of a particular pesticide doesn't guarantee that its use near a body of water is safe or even effective. Lifting environmental protections—and risking a threat to public health from a lack of oversight on toxic chemicals—is not going to further the fight against Zika.

The White House has threatened to veto the House proposal on Zika funding but appears ready to accept the $1.1 billion Senate package. The House should adopt the Senate package quickly to advance work that is needed now on a potentially devastating health threat.

[From the Hill, May 17, 2016]

GOP REPURPOSES EPA PESTICIDE BILL FOR ZIKA

(By Timothy Cama)

House Republicans are renaming a bill that fights environmental regulations on pesticides and reframing it to fight the Zika virus.

The House is planning to vote Tuesday on the Zika Vector Control Act, which up until late last week was known as the Reducing Regulatory Burdens Act.

With the national spotlight on Zika, and the GOP under harsh criticism for not taking bold action against the virus, Republicans are using the anti-Environmental Protection Agency (EPA) regulation bill to show they care about the Zika fight.

''EPA regulations under the Clean Water Act actually make it harder for our local communities to get the permits they need to go and kill the mosquitoes where they breed by sources of water,'' House Majority Whip Steve Scalise (R-La.) told reporters Tuesday.

''So this is an important bill as part of a package to make sure that we're combating Zika.''

Along with an appropriations bill to redirect $622 million toward fighting Zika and away from Ebola, Republicans say they're taking the virus seriously.

Zika can cause severe birth defects for newborns if the mother gets infected while pregnant. Symptoms are more minor for adults and other patients.

The pesticide bill, introduced last year by Rep. Bob Gibbs (R-Ohio), would prohibit the EPA from requiring permits to spray pesticides near bodies of water as long as the application has been approved by a state and the pesticides themselves are federally approved.

A spokesman for House Minority Leader Nancy Pelosi (D-Calif.) blasted the renaming as ''dishonest.''

''In a brazenly political act, the Republican leadership is trying to mask gutting the Clean Water Act as having something to do with fighting Zika,'' Drew Hammill said in a statement.

''This bill has nothing to do with Zika and everything to do with Republicans'' relentless special interest attacks on the Clean Water Act,'' he said. ''It will do nothing to stem the growing threat of the Zika virus.''

Rep. Peter DeFazio (Ore.), the top Democrat on the House Transportation Committee, said in a letter to colleagues Monday that the bill ''has absolutely nothing to do with preventing the spread of Zika or protecting public health.''

He further argued that the legislation is unnecessary, and the Clean Water Act ''in no way hinders, delays, or prevents the use of approved pesticides for pest control operations.'' The Transportation Committee has jurisdiction over the bill through its authority on the Clean Water Act.

Democrats want the GOP to approve President Obama's request for $1.9 billion in new funding to fight Zika.

But Dallas Gerber, a spokesman for Gibbs, said the reframing is entirely appropriate, since the bill would allow more spraying to kill the mosquitoes that carry Zika.

''It's an appropriate addition to the fight against Zika,'' Gerber said. ''When people are taking up a lot of their time on [National Pollutant Discharge Elimination System] permits, that's money and time that's being spent on paperwork and administration, not on spraying.''

Gerber confirmed that other than the title and a new expiration date, the bill has not changed since it was known as the Reducing Regulatory Burdens Act.

The House vote Tuesday will be under suspension of rules, requiring a two-thirds majority to pass. The bill previously passed the House in 2014 under a standard majority vote.

Mrs. NAPOLITANO. Madam Speaker, I yield 5 minutes to the gentleman from California (Mr. RUIZ).

Mr. RUIZ. Madam Speaker, I thank Ranking Member DEFAZIO and Ranking Member NAPOLITANO for bringing attention to this issue and for giving me time to speak.

I rise today to oppose the so-called Zika Vector Control Act, otherwise known as the pesticide Trojan horse bill.

Madam Speaker, I am disappointed. I am disappointed that, as this body fails to fully fund a meaningful effort to combat the spread of the Zika virus, the Republican majority is using the legitimate concern about Zika to advance its special interest agenda.

This Trojan horse was first called the Reducing Regulatory Burdens Act of 2015 and was only recently named the Zika Vector Control Act to play on fears over the Zika virus. The fact is the majority has been pushing the text of this legislation for years under whatever name happens to be convenient at the time. Each time they rename the bill, they merely find a different problem to manipulate to serve their same agenda.

Let's be frank, this bill has nothing to do with combating Zika. Vector control agencies already have the authority to apply pesticides in emergency situations, like combating the Zika virus epidemic, to prevent the spread of infectious diseases without the need to apply for a permit.

Instead of protecting the public's health, this bill actually does away with critical compliance oversight provisions that allow us to track when and where harmful pesticides are used. Without the ability to track where harmful pesticides are used, we are less able to prevent their negative impact or properly act when a mistake is made or when a harmful pesticide is inappropriately used.

I know, as a physician and public health expert, that pesticides can have a serious and harmful impact on human health, particularly for women and children, and for vulnerable populations who live and work where pesticides are often sprayed. Harmful pesticides can cause infertility, cancer, birth defects, and lifelong developmental delays.

This bill guts the oversight compliance that gives doctors like me the tools they need to track and identify the cluster of symptoms caused by harmful pesticides.

Madam Speaker, the pesticide Trojan horse bill is a farce, a disguise that can only leave our communities, our farm workers, and our drinking water at risk of contamination from harmful pesticides.

If passed, this legislation could harm the public's health. It will expose already vulnerable populations to greater risk, without providing a single dime in funding or scrap of authority that doctors and scientists actually need to combat the spread of Zika.

The pesticide Trojan horse bill is just another instance of political gamesmanship in Congress that could have a disastrous impact on public health. Instead of actually working to control the spread of one public health crisis, this bill could make another public health problem even worse.

Rather than spending our time on this bill that does nothing to strengthen Zika prevention efforts across the country, we should be working to pass legislation to fully fund efforts to contain and stop the virus before we adjourn.

We need to put people above partisanship and solutions above ideology. I have said this time and time again: it is time for Congress to do its job.

We must vote against this pesticide Trojan horse bill and for full funding that will fully combat the spread of Zika, not the partial funding bill that shortchanges American families, which Republicans have recently passed in the House, before it is too late.

Mr. GIBBS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, we know that since this court decision, there has been mosquito control districts, municipalities, that have delayed the preventative mosquito control programs, and then they have waited until epidemic proportions, epidemic levels, especially of the West Nile virus, which is what happened with Zika.

We just heard that you can have emergency provisions. It doesn't matter. You can still do it. Well, even with the emergency provisions, with this court decision in place, they have forgotten that the NPS permit emergency provisions have extensive compliance costs that go along with that provision.

The emergency provisions do not ease the threat of third-party lawsuits in the event a State, Federal, or local government declares an emergency. Pesticide applicators are required to file notice of intent no later than 15 days after the beginning of the application that provides a detailed description of the application and includes the rationale supporting the determination.

A user that fails to file the correct paperwork—this is key—can still be found in violation of the Clean Water Act and fined up to $37,000 a day. Now, you heard me say earlier we have got mosquito control districts where that is their entire annual budget.

Timely paperwork does not protect the mosquito control districts from legal disputes from the third party that argues the appropriate measures that were not taken to avoid potential adverse effects and impacts.

So it is just ridiculous to think that it is okay, delay your preventative programs, but then when you have epidemic proportions of mosquitoes with West Nile or Zika, declare an emergency. Go ahead and spray, but if you don't file your paperwork under the Clean Water Act, you will get fined $37,000 a day.

So guess what happens?

We don't control the mosquitoes and protect the public.

Madam Speaker, I include in the RECORD letters of support for H.R. 897 from the American Mosquito Control Association—by the way, I think their interest is more than just their self-interest; I think it is the interest of the

general public—the Pesticide Policy Coalition, and the National Agricultural Aviation Association.

THE AMERICAN MOSQUITO CONTROL ASSOCIATION,
May 16, 2016.

Hon. BOB GIBBS,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN GIBBS: The American Mosquito Control Association, in concert with mosquito control agencies, programs and regional associations throughout the United States, want to express our enthusiastic support for passage of HR 897 the Zika Vector Control Act clarifying the National Pollutant Discharge Elimination Systems (NPDES) permitting issue facing our public health agencies.

Each year, over one half million people die worldwide from mosquito-transmitted diseases. In the U.S. alone, the costs associated with the treatment of mosquito-borne illness run into the millions of dollars annually.

This amendment addresses a situation that has placed mosquito control activities under substantial legal jeopardy and requires ongoing diversion of taxpayer-supported resources away from their public health mission. Though the NPDES was originally designed to address point source emissions from major industrial polluters such as chemical plants, activist lawsuits have forced US Environmental Protection Agency (EPA) to require such permits even for the application of EPA registered pesticides, including insecticides used for mosquito control. These permits are mandated despite the fact that pesticides are already strictly regulated by the EPA under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA).

Currently, mosquito control programs are vulnerable to lawsuits for simple paperwork violations of the Clean Water Act (CWA) where fines may be up to $35,000 per day for activities that do not involve harm to the environment. In order to attempt to comply with this potential liability, these governmental agencies must divert scarce resources to CWA monitoring. In some cases, smaller applicators have simply chosen not to engage in vector control activities.

Requiring NPDES permits for the discharges of mosquito control products provides no additional environmental protections beyond those already listed on the pesticide label, yet the regulatory burdens are potentially depriving the general public of the economic and health benefits of mosquito control. This occurs at a time when many regions of the country have seen outbreaks of equine encephalitis, West Nile virus, dengue fever and the rapidly spreading new threat of the Zika and chikungunya viruses.

This negative impact on the public health response and needless legal jeopardy requires legislative clarification that the intent of the CWA does not include duplicating FIFRA's responsibilities. HR 897 seeks to achieve that goal and we strongly encourage its passage via any legislative vehicle that enacts its clarifying language into law.

Thank you for your strong leadership on this important public health issue.

Adams County (WA) Mosquito Control District, American Mosquito Control Association, Associated Executives of Mosquito Control Work in New Jersey, Atlantic County Office of Mosquito Control, Baker Valley Vector Control District. Benton County (WA) Mosquito Control District, Columbia Drainage Vector Control District, Davis County (UT) Mosquito Abatement District, Delaware Mosquito Control Section, Florida Mosquito Control Association, Gem County (ID) Mosquito Abatement, Georgia Mosquito Control Association, Idaho Mosquito and Vector Control Association, Jackson County (OR) Vector Control District, Klamath Vector Control District, Louisiana Mosquito Control Association, Magna Mosquito Abatement District, Manatee County (FL) Mosquito Control District.

Matthew C. Ball, Multnomah County (OR) Vector Control Program, New Jersey Mosquito Control Association, North Carolina Mosquito & Vector Control Association, North Morrow Vector Control District, Northeast Mosquito Control Association, North Shore Mosquito Abatement District (Cook County, Illinois), Northwest Mosquito and Vector Control Association, Oregon Mosquito and Vector Control Association, Pennsylvania Vector Control Association, Philip D. Smith, Richmond County (GA) Mosquito Control District, South Salt Lake Valley Mosquito Abatement District, Salt Lake City Mosquito Abatement District, Texas Mosquito Control Association, Teton County (WY) Weed & Pest District, Union County (OR) Vector Control District, Washington County (OR) Mosquito Control.

Members of the Mosquito and Vector Control Association of California:

Alameda County MAD, Alameda County VCSD, Antelope Valley MVCD, Burney Basin MAD, Butte County MVCD, City of Alturas, City of Berkeley, City of Blythe, City of Moorpark/VC, Coachella Valley MVCD, Colusa MAD, Consolidated MAD, Compton Creek MAD, Contra Costa MVCD, County of El Dorado, Vector Control, Delano MAD, Delta VCD, Durham MAD, East Side MAD, Fresno MVCD, Fresno Westside MAD, Glenn County MVCD.

Greater LA County VCD, Imperial County Vector Control, June Lake Public Utility District, Kern MVCD, Kings MAD, Lake County VCD, Long Beach Vector Control Program, Los Angeles West Vector and Vector-borne Disease Control District, Madera County MVCD, Marin/Sonoma MVCD, Merced County MAD, Mosquito and Vector Management District of Santa Barbara County, Napa County MAD, Nevada County Community Development Agency, No. Salinas Valley MAD, Northwest MVCD, Orange County Mosquito and Vector Control District, Oroville MAD, Owens Valley MAP, Pasadena Public Health Department, Pine Grove MAD, Placer MVCD.

Riverside County, Dept. of Environmental Health VCP, Sacramento-Yolo MVCD, Saddle Creek Community Services District, San Benito County Agricultural Commission, San Bernardino County Mosquito and Vector Control Program, San Diego County Dept. of Environmental Health, Vector Control, San Francisco Public Health, Environmental Health Section, San Gabriel Valley MVCD, San Joaquin County MVCD, San Mateo County MVCD, Santa Clara County VCD, Santa Cruz County Mosquito Abatement/Vector Control, Shasta MVCD, Solano County MAD, South Fork Mosquito Abatement District, Sutter-Yuba MVCD, Tehama County MVCD, Tulare Mosquito Abatement District, Turlock MAD, Ventura County Environmental Health Division, West Side MVCD, West Valley MVCD.

[From the American Mosquito Control Association]

AMERICAN MOSQUITO CONTROL ASSOCIATION
STATEMENT ON NPDES BURDEN

From the perspective of the agencies charged with suppressing mosquitoes and other vectors of public health consequence, the NPDES burden is directly related to combatting Zika and other exotic viruses.

For over forty years and through both Democratic and Republican administrations, the EPA and states held that these permits did not apply to public health pesticide applications. However, activist lawsuits forced the EPA to require such permits even for the application of EPA-registered pesticides including mosquito control.

AMCA has testified numerous times to establish the burden created by this court ruling. The threat to the public health mission of America's mosquito control districts comes in two costly parts:

ONGOING COMPLIANCE COSTS

Though the activists contend that the NDPES permit has ''modest notification and monitoring requirements'' the experience of mosquito control districts is much different.

Initially obtaining and maintaining an NPDES comes at considerable expense. California vector control districts estimate that it has cost them $3 million to conduct the necessary administration of these permits.

The Gem County Mosquito Abatement District in Idaho has testified that their staff spends three weeks per year tabulating and documenting seasonal pesticide applications associated with permit oversight. Additionally, they have had to invest in a geographic information software program that cost 20% of the district's annual operating budget to maintain this information. That software has no other function than serving the unnecessary NPDES permit.

In Congressman DeFazio's district in Oregon, the local vector control managers have explained the negative impacts the permit was having on their districts. The managers of those districts have met with Rep. DeFazio's staff repeatedly in Washington D.C. over the past several years regarding the burden NPDES is having on mosquito control in Oregon.

The funds to operate districts like those in Oregon, California, Idaho and across the country come from taxpayers for the purpose of mosquito control, but are being diverted into this bureaucratic oversight function.

The fact that the existence of the permit has no additional environmental benefit (since pesticide applications are already governed by FIFRA) makes these taxpayer diversions from vector control unconscionable.

So why would the activist organizations be so adamant that these permits be mandatory for public health pesticide applications . . .?

EXPOSURE TO ACTIVIST LITIGATION

. . . Because it leaves municipal mosquito control programs vulnerable to CWA citizen lawsuits where fines to mosquito control districts may exceed $37,500/day.

Under FIFRA, the activists would need to demonstrate that the pesticides caused harm or were misapplied (because our pesticides are specific to mosquitoes and used in low doses by qualified applicators that would be extremely difficult).

However, the CWA 3rd Party Citizen Suit Provision allows for any third party to sue a government entity. Additionally, the CWA does not require actual evidence of a misapplication of a pesticide or harm to the environment, but rather simple paperwork violations or merely allegations of errors in permit oversight.

Gem County Mosquito Abatement District was the subject of one of these activist lawsuits utilizing the 3rd Party Citizen Suit Provision. It took ten years and the grand total of an entire year's annual operating budget ($450,000) to resolve that litigation against that public health entity.

These ongoing compliance costs and threat of crushing litigation directly refute any activist statements that ''Clean Water Act coverage in no way hinders, delays, or prevents the use of approved pesticides for pest control operations.''

The existence of this unnecessary requirement for mosquito control activities is directly related to our ability to combat the

vectors related to Zika. It diverts precious resources away from finding and suppressing mosquito populations.

The American Mosquito Control Association urges rapid action to address this burden.

PESTICIDE POLICY COALITION

SETTING THE RECORD STRAIGHT ON H.R. 897

H.R. 897 is bi-partisan, would augment state and local governments' ability to combat Zika-carrying mosquitoes, eliminate costly and unnecessary duplicative permit regulations and thereby increase the number of trained applicators deployed each season to fight mosquitoes, and would continue to ensure the nation's waterways are protected against adverse impacts on human health, the environment, or drinking water. The dual regulation of pesticide applications under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Clean Water Act (CWA) National Pollutant Discharge Elimination System (NPDES) program is onerous and does not create additional environmental benefits.

It is our hope that we can make our case to you via this letter and win your support should the issue come up again under regular order. The burdens imposed by duplicative Clean Water Act requirements will remain a costly impediment to mosquito control, and therefore to Zika control, unless Congress addresses them in this legislation.

During last week's floor debate, a significant amount of misleading and false information was used by those opposed to H.R. 897. It's time to set the record straight:

Extensive review of pesticides is required for approval/registration under FIFRA. All pesticides undergo a rigorous review process before being approved for use by the U.S. Environmental Protection Agency (EPA). Only those mosquito control products (larvacides and adulticides) that are EPA-approved and registered are available for use to control mosquitoes. EPA's registration process includes extensive review of studies/data relating to possible health and environmental effects of pesticides. EPA specifically examines the possible risk of the intended use and potential non-target organism impacts and effects on water quality. FIFRA requires that when a pesticide is used according to the label, use ''will perform its intended function without unreasonable adverse effects on the environment; and when used in accordance with widespread and commonly recognized practice it will not generally cause unreasonable adverse effects on the environment''. Any pesticides in use for mosquito control have met this standard and when applied in accordance with the FIFRA label should not harm the environment/water quality.

Previous bills were passed in the House. Contrary to statements made during the May 17 floor discussion, there has been consistent bi-partisan support for this legislation in the House. The history of previous legislative activity is summarized briefly here:

H.R. 1749 (109th Congress): No votes were held during the 109th Congress. A House Agriculture Committee hearing took place on 09/29/05. The bill was sponsored by Rep. Butch Otter (R–Idaho), and had 77 co-sponsors, including over 20 House Democrats.

H.R. 872 (112th Congress): The bill had 137 co-sponsors, including over 20 House Democrats, and passed the House by a vote of 292 to 130. Yes votes include 57 House Democrats.

H.R. 935 (113th Congress): The House Agriculture and Transportation & Infrastructure Committees approved H.R. 935 by voice vote. The House passed H.R. 935 under regular order by a vote of 267 to 161.

The Oregon fish kill incident would not have been prevented by a Clean Water Act NPDES Pesticide General Permit. Statements made on the House floor in reference to a fish kill involving 92,000 steelhead in Oregon's Talent Irrigation District occurred several decades ago in 1996. This incident was litigated in the Headwaters v. Talent Irrigation District 2001 Ninth Circuit decision that triggered debate over CWA regulation of pesticide applications. Not only have regulatory requirements under FIFRA evolved since that time, the Talent incident, and others like it, were later attributed to misuse of the pesticide acrolein, a herbicide used to control aquatic weeds in irrigation canals. In a 2003 EPA Office of Pesticide Programs Report analyzing the potential risks posed by acrolein use for several species of Pacific salmon and steelhead, in reference to the fish kill incidents, EPA states ''[w]here sufficient information has been provided, it appears that the fish incidents are as a result of misuse. The form of misuse is that water was released from the irrigation canals too early. In some cases this was because the gate valves were not properly closed or that they leaked, in other cases the applicator opened them intentionally, but too soon. In one case, boards that helped contain the irrigation canal water may have been removed by children playing.'' EPA goes on in the report to address each of the various species of salmon and steelhead analyzed and repeatedly states ''[i]t is very unlikely that acrolein would affect the [steelhead or salmon species] if it is used in accordance with all label requirements.'' Completing NPDES Pesticide General Permit paperwork and paying a permit fee does not prevent fish kills, nor does it improve water quality. Pesticide applications in accordance with FIFRA pesticide labels will avoid adverse environmental impacts, including fish kill incidents.

USGS reports on decades old pesticide data do not reflect impacts of present day use in accordance with FIFRA. During the House floor discussion, one Member referred to a ''2016 USGS Report'' that includes water quality impairment data that states provide to EPA as showing ''more than 16,000 miles of rivers and streams, 1,380 bays and estuaries, and 370,000 acres of lakes in the United States are currently impaired or threatened by pesticides.'' Unfortunately, the U.S. Geological Service (USGS) continues to use outdated data analyzing pesticide occurrence in U.S. streams dating back to 1992–2001. This does not accurately capture the pesticides that are presently approved for use in the U.S. Further, USGS acknowledges that it's ''analytical methods were designed to measure concentrations as low as economically and technically feasible. By this approach . . . pesticides were commonly detected at concentrations far below Federal or State standards and guidelines for protecting water quality. Detections of pesticides do not necessarily indicate that there are appreciable risks to human health, aquatic life, or wildlife. Most of the 75 products actually studied were not detected or detected very infrequently.

In the Fact Sheet for recent draft 2016 PGP reissuance, EPA points out that during the past four years of pesticide use reporting under the PGP ''EPA found that of the 17 pesticide active ingredients identified on the relevant [CWA] 303(d) lists as causes of water quality impairment, 7 of these pesticides have been cancelled, and others have significant restrictions. Based on annual report data, none of the impairments caused by pesticides in PGP states for the 303(d) reported years were for pesticides applied under the PGP in those respective states.'' This current information is a more accurate representation of pesticides currently being used across the country to combat mosquitos and aquatic weeds etc., and strong evidence that none of these applications are causing impairments to water quality.

Irrespective of the Clean Water Act NPDES Pesticide General Permit, applicators must comply with federal regulations require record-keeping requirements; failure to comply can result in civil and criminal penalties. Under the law, applicators are required to keep detailed records of the type of pesticide, location, time/date, target pests, amount applied, and method/location of any pesticide disposal. Any applicator who ''fails to comply with the provisions of this rule may be subject to civil or criminal sanctions.''

In addition, under FIFRA, pesticide registrants are required to report any knowledge of incidents or problems encountered as a result of the pesticide's use. Specifically, ''if at any time after the registration of a pesticide the registrant has additional factual information regarding unreasonable adverse effects on the environment of the pesticide, the registrant shall submit such information to the Administrator.''

H.R. 897 does not eliminate Clean Water Act protections for the nation's waterways. This bill provides relief from duplicative regulation of pesticide applications under FIFRA and the Clean Water Act Section 402 NPDES Program. Nothing in the legislation would inhibit EPA and states from the continued implementation of the suite of Clean Water Act programs that are governed by other portions of the Act, including establishing and updating water quality standards/criteria and issuing total maximum daily loads (TMDLs). H.R. 897 simply eliminates the need for obtaining a Clean Water Act NPDES permit for pesticide applications that are already regulated under FIFRA in a manner that protects against adverse environmental impacts. In EPA testimony before the House Transportation & Infrastructure, Subcommittee on Water Resources and Environment, Ben Grumbles, former EPA Assistant Administrator for Water, stated ''there are other tools under [the CWA] that we fully intend and continue to use in coordination with State and local water quality officials through the water quality standards programs, through criteria, through pollution reduction and TMDL programs. Those are still in place. If you are lawfully applying a pesticide, and it is a direct application to waters of the U.S., or if it is an application to control pests over or near waters of the U.S., you don't need a Clean Water Act permit.''

NPDES Pesticide General Permits divert state and federal resources away from other Clean Water Act program activities. The federal and state resources required to administer the Pesticide General Permit program detracts from other agency priorities. In 2011 testimony before a joint hearing of the House Committee on Agriculture, Subcommittee on Nutrition and Horticulture and Transportation and Infrastructure, Subcommittee on Water Resources and Environment, Dr. Andrew Fisk, then President of the Association of State and Interstate Water Pollution Control Administrators (now known as ACWA), stated, ''[t]he general permits being developed must work for over 360,000 (estimated) new permittees brought within the purview of the NPDES program by the National Cotton Council court. Adding sources to the NPDES program carries with it regulatory and administrative burdens for states beyond merely developing and then issuing permits. It goes without saying that a meaningful environmental regulatory program is more than a paper exercise. It is not just a permit. EPA and states must provide technical and compliance assistance,

monitoring, and as needed, enforcement. These 360,000 new permittees do not bring with them additional federal or state funding.''

The threat of CWA liability depletes resources available to combat mosquitos. NPDES permitting requirements bring with them the vulnerability for CWA citizen suits. Mosquito control authorities have to set aside resources to defend against potential litigation that could otherwise be used to combat mosquitos and protect public health. In comments on the recent 2016 draft PGP reissuance, the Benton County Mosquito Control District in Washington state commented: The absence of lawsuits does not mean that Mosquito Control Districts (MCD's) have not been affected by the additional liability brought on by the NPDES permit requirement. Benton County Mosquito Control sets aside 20 percent of our annual budget in case we are party to a Clean Water Act related lawsuit The federal facilities in my district are managed by the Army Corps of Engineers, and due to the increased liability that has been put on them, we (the applicator) have been asked to report to their agency on a weekly basis. This is an example of the unseen, ongoing administrative costs of the permit.

Similarly, according to the American Mosquito Control Association (AMCA), ''California vector control districts estimate that it has cost them $3 million'' to conduct administration for NPDES PGPs. A few states away in Idaho, the Gem County Mosquito Abatement District was forced to spend ten years and $450,000 (which is the District's entire annual budget) to resolve an activist lawsuit. The lawsuit was brought under the CWA's 3rd Party Citizen Suit Provision, which doesn't even require evidence of a misapplication of a pesticide or harm to the environment, but can still result in tying up funds that would otherwise be used to fight mosquitoes. AMCA estimates that the total diversion of taxpayer funds nationwide to unnecessary NPDES-PGP compliance is $3 million annually. This does not include additional costs incurred by other commercial applicators performing public health spraying services to municipalities, home owners associations and the like.

Each of these problems would be fixed with the passage of H.R. 897, greatly increasing the funds available for governments to fight public health-threatening mosquitoes.

Municipal water works remove any harmful traces of pesticides from drinking water. Studies by USGS, EPA and states demonstrate that detectable traces of pesticides in source waters rarely exceed human health benchmarks. Public drinking water systems must meet Maximum Contaminant Levels (MCL) set by EPA for dozens of chemicals that may be present in source waters. This includes commonly used pesticides and their breakdown products. These standards are legally enforceable and another layer of regulation that mitigates potential human health risks from pesticide products.

NDPES PGP requirements limit the number of applicators able to perform timely pesticide application services. As a result, some applicators are shutting down their application businesses due to risk of frivolous lawsuit or PGP paperwork costs. Leonard Felix of Olathe Spray Service Inc. in Colorado, who testified in front of the House Small Business Committee, shut down his mosquito spraying operation because of the paperwork costs and for fear of frivolous lawsuits. Dean Mclain, owner and operator of AG Flyers in Torrington, Wyoming, has similarly ceased mosquito control services.

Making the same point, John Salazar, Commissioner of the Colorado Department of Agriculture and former T&I member testified in 2011 to the T&I committee that ''. . . the small businesses and public health entities that represent the majority of those required to obtain permits under this decision will face significant financial difficulties.'' He added ''If Congress does not act, I fear agricultural producers and other pesticide users will be forced to defend themselves against litigation. I might also add that this uncertainty would likely increase the costs to state regulators. . . . Depending on the increase in the cost of an application service or the difficulty to comply with all elements of the permit, there may be those who choose to not make pesticide applications at all.''

NATIONAL AGRICULTURAL AVIATION ASSOCIATION,
May 23, 2016.

Hon. BOB GIBBS,
Chairman, Subcommittee on Water Resources and Environment, Committee on Transportation and Infrastructure, U.S. Senate.

DEAR CHAIRMAN GIBBS: I am writing in support of H.R. 897, the Zika Vector Control Act. This legislation would eliminate a major unfunded mandate and regulatory hurdle that decreases our nation's ability to combat threatening mosquitoes that carry Zika and other viruses.

Following the U.S. Court of Appeals for the 6th Circuit case National Cotton Council, et at, v. EPA, et al., pesticide users have been required to obtain a Clean Water Act National Pollutant Discharge Elimination System (NPDES) pesticide general permit (PGP) from the Environmental Protection Agency (EPA) or delegated states before spraying for mosquitoes.

The development of the PGP, processing of permit applications by the states, and application process to obtain the permit is very costly for state and local governments and pesticide applicators in the private sector.

Additional paperwork costs required under the NPDES PGP and the citizen action suit provision under the Clean Water Act results in frivolous litigation and hinder businesses that could otherwise perform necessary public health work. These stewards of public health face increased legal costs that require a reduction of valuable resources for mosquito abatement needed by small towns and big cities. This duplicative regulation has forced local governments to spend extremely large percentages of their mosquito abatement budgets on these NPDES permits. Costly federal red tape is making it financially impossible for some entities to spray for mosquitoes.

In the private sector, our members like Leonard Felix of Olathe Spray Service Inc. in Colorado, are being forced to shut down their mosquito abatement operations because of the costs of NPDES PGPs and potential associated lawsuits. Dean Mclain, owner and operator of AG Flyers in Torrington, Wyoming, has similarly ceased mosquito control services. In other words, NPDES PGP requirements have reduced the number of small applicators able to perform mosquito abatement. Since small applicators make up 30 percent of America's mosquito abatement businesses, these requirements significantly reduce our nation's ability to fight Zika-carrying mosquitoes.

The worst part about these requirements is that they don't improve water quality. All pesticides that could be used under an NPDES PGP are already currently being reviewed and regulated by EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). This means each pesticide has undergone hundreds of millions of dollars in testing for impacts to aquatic species and water quality, including drinking water. There is no environmental or public health benefit from the PGP requirement, and there is no risk in creating an exemption from this requirement.

There is, however, a real public health threat with Zika-carrying mosquitoes in the U.S. and this threat could be exacerbated if H.R. 897 is not enacted because the unnecessary and duplicative NPDES-PGP requirements have grounded small business applicators that are a vital component of public health spraying. The mosquitoes that are known to carry Zika thrive and are developing as far north as Maine. With these unnecessary regulatory barriers, local governments will have fewer funds and applicators to fight these pests.

By enacting H.R. 897, we can fight Zika and other dangerous viruses without additional cost to the American taxpayers by simply recognizing the duplicative permitting process for pesticides. This legislation would permanently free up funds for state and local governments to combat mosquitoes while allowing mosquito abatement businesses to focus on hiring employees instead of wrestling with regulatory red tape.

Thank you for combatting the spread of Zika, and for protecting public health and small businesses with the Zika Vector Control Act.

Sincerely,

ANDREW MOORE,
Executive Director.

Mr. GIBBS. Madam Speaker, I reserve the balance of my time.

Mrs. NAPOLITANO. Madam Speaker, may I ask how much time I have remaining?

The SPEAKER pro tempore. The gentlewoman from California has 12½ minutes remaining, and the gentleman from Ohio has 8 minutes remaining.

Mrs. NAPOLITANO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I include in the RECORD a letter in opposition to H.R. 897 from 13 national environmental organizations. They are Earthjustice, League of Conservation Voters, Natural Resources Defense Council, Pacific Coast Federation of Fishermen's Association, San Francisco Baykeeper, Center for Biological Diversity, Clean Water Action, Defenders of Wildlife, Greenpeace, Beyond Pesticides, Southern Environmental Law Center, Sierra Club, and Friends of the Earth.

Re Oppose H.R. 897 (''Zika Vector Control Act'').

MAY 16, 2016.

DEAR REPRESENTATIVE: On behalf of our millions of members and supporters nationwide, we urge you to oppose H.R. 897 (''Zika Vector Control Act''), which would eliminate Clean Water Act safeguards that protect our waterways and communities from excessive pesticide pollution. The Pesticide General Permit targeted in this legislation has been in place for nearly five years now and alarmist predictions by pesticide manufacturers and others about the impacts of this permit have failed to bear any fruit.

This bill is the same legislation that pesticide manufacturers and other special interests have been pushing for years. It will not improve nor impact spraying to combat Zika virus, contrary to the new, last-minute title given to the bill. The Pesticide General Permit at issue allows for spraying to combat vector-borne diseases such as Zika and the West Nile virus. According to the U.S. Environmental Protection Agency, the permit ''provides that pesticide applications are

covered automatically under the permit and may be performed immediately for any declared emergency pest situations'' (emphasis added).

Further, repealing the Pesticide General Permit—as this damaging legislation seeks to do—would allow pesticides to be discharged into water bodies without any meaningful oversight since the federal pesticide registration law (the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)) does not require tracking of such applications.

Now that the Pesticide General Permit is in place, the public is finally getting information that they couldn't obtain before about the types of pesticides being sprayed or discharged into local bodies of water. All across the country, pesticide applicators are complying with the Pesticide General Permit to protect water quality without issue.

Further, the Pesticide General Permit has no significant effect on farming practices. The permit in no way affects land applications of pesticides for the purpose of controlling pests. Irrigation return flows and agricultural stormwater runoff do not require permits, even when they contain pesticides. Existing agricultural exemptions in the Clean Water Act remain.

Nearly 150 human health, fishing, environmental, and other organizations have opposed efforts like H.R. 897 that would undermine Clean Water Act permitting for direct pesticide applications to waterways. We attach a list of these groups for your reference, as well as a one-page fact sheet with more information on the issue.

The Pesticide General Permit simply lays out commonsense practices for applying pesticides directly to waters that currently fall under the jurisdiction of the Clean Water Act. Efforts to block this permit are highly controversial, as evidenced by the attached list of groups opposed.

Please protect the health of your state's citizens and all Americans by opposing H.R. 897.

Sincerely,

Earthjustice; League of Conservation Voters; Natural Resources Defense Council; Pacific Coast Federation of Fishermen's Associations; Sierra Club; San Francisco Baykeeper; Center for Biological Diversity; Southern Environmental Law Center; Clean Water Action; Defenders of Wildlife; Greenpeace; Beyond Pesticides; Friends of the Earth.

Mrs. NAPOLITANO. Madam Speaker, during the debate on H.R. 897 last week, it was suggested that the recordkeeping requirements of the Federal Insecticide, Fungicide, and Rodenticide Act, or FIFRA, were equal to or exceeding those required under the Clean Water Act permit. We checked with EPA and found a very different story.

First, contrary to suggestions otherwise, all private pesticide applicators are not required to keep any pesticide applications under FIFRA or its implementing regulations. Only commercial application of restricted-use pesticides are required to keep application records under FIFRA recordkeeping requirements.

Second, pesticide application records do not have to be filed with the EPA, any State or tribal agency, or person. They are only required to keep and be maintained at a place where pesticides are used, and available for inspection upon request by an authorized regulatory representative.

Yet, in contrast to the clean water requirements, the FIFRA application records are not publicly available. While in some States applicators can be required by State or regulation to lead to more robust recordkeeping requirements, it is not accurate to say those are required under FIFRA.

So in sum, FIFRA requires far fewer pesticide applicators to keep any records, does not require that these records be filed with the Federal, State, or tribal regulatory agency, and does not make these records publicly available.

In my view, then, it is not accurate to say that the recordkeeping requirements of FIFRA and the Clean Water Act are synonymous.

Madam Speaker, I reserve the balance of my time.

Mr. GIBBS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, just to respond a little bit, the EPA sets the label requirements. It sets all the requirements for the certified applicators. And to apply a restricted pesticide, you have to be a certified applicator.

Now, ironically, here, the EPA is the agency, the regulator, that can set what is restricted. In most cases what we are talking about here is the pesticides being used to control mosquitoes and stuff are restricted pesticides, and the certified applicators have to keep records. The regulators can come in and check those records. Those records consist of the date you applied the pesticide, the time of day, the wind speed, the temperature, the humidity—all sorts of things—and, obviously, the location. And so the EPA controls this under FIFRA, and they can come in and require to see those records if there is a problem, and they have absolute control of what is restricted and what is not restricted, and they can add to that list. They have full, broad ability to do that under FIFRA under the current law.

So I want to make that known—that you don't go out and apply restricted pesticides haphazardly. You just open yourself up to all kinds of legal problems and regulatory problems. It is an erroneous argument that that is going to happen.

Madam Speaker, I reserve the balance of my time.

Mrs. NAPOLITANO. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, I listened to the arguments, and I hope that, for the fifth time, this measure is opposed and rejected.

I think of California and its many rivers and streams that are heavily impacted by the pollution of pesticides and herbicides, and I urge my colleagues to consider that this could happen in their area, too.

I ask my colleagues to join me in opposing H.R. 897.

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

□ 1630

Mr. GIBBS. Madam Speaker, I really urge my colleagues to support this bill for several reasons. We need to make sure that we give our local communities and our States all the tools in that tool chest to fight this virus because this could reach epidemic proportions this summer. If we don't do that, it is on us.

What we tried to do here on this bill—viruses, they kind of run a course, and they go through that. We went through it with Ebola and other things. You have seen it with swine flu and other things.

During this virus running its course, we should do everything we can to try to mitigate the effects and the impact to the public's health and safety. So one thing we did in this bill is we put a 2-year sunset provision. So on September 30 of 2018, this provision, H.R. 897, expires. It sunsets.

So, really, to attack the issue here, while this disease runs its course—and, hopefully, it runs its course and we do the right thing and mitigate it by providing the resources to our local communities and our States to fight it; to provide for research, which we are doing in our bill that we passed last week; and, also, to give them the tools so they can spend all the money they have on the mosquito control programs and not on administration and paperwork.

That court decision back in the mid-2000s was a bad court decision. It added redtape and duplication and is delaying preventive programs from mosquito control. We know that. We have examples of that.

We saw the numbers of West Nile a couple of years ago just explode in West Nile cases because those mosquito programs weren't doing what they were supposed to be doing, because it is important to get in there and attack the issue early, kill the larvae before they grow mosquitoes.

So this is a commonsense bill that gives an additional tool to our local communities and States to fight that.

This argument that applicators go out and just haphazardly apply pesticides and chemicals is just playing on people's emotions. It is just not true.

First of all, these pesticides aren't cheap. They are expensive, and we try to use them in limited amounts to do the best thing.

Under FIFRA, a certified pesticide applicator, like I said, has to document everything they do, and those documents have to be made readily available if their regulator—in this case, the EPA—comes in and says they want to see them.

So if there is an issue with some waterbody, they can come in and find out. We saw that in that spill that was mentioned back in the 1990s in Oregon. That was a spill. It was done by either incompetence or not by a certified applicator. We also got reports that certain irrigation gates were open. Things just didn't happen the way they were supposed to happen.

The NPS permit would not have prevented that spill. We need to make sure

that we do everything we can and give the tools to communities to protect the environment, foster and protect public health, and not have to wait to do an emergency declaration and do aerial spraying and everything else.

Let's get those preventive programs going, and then we will give them the resources to do that and head off this potential epidemic before it occurs and protect the safety of our citizens.

I urge my colleagues to support H.R. 897.

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

Mr. GIBBS. Madam Speaker, I submit the following letters of support that we received for the bill last week:

A letter from nearly 100 organizations supporting H.R. 897, including: the National Association of State Departments of Agriculture, the National Farmers Union, the Ohio Professional Applicators for Responsible Regulation, the Pesticide Policy Coalition, and the National Council of Farmer Cooperatives.

The National Pest Management Association.

Responsible Industry for a Sound Environment.

The American Farm Bureau Federation.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 17, 2016.

DEAR MEMBER OF CONGRESS: The nearly one hundred undersigned organizations urge your support for HR 897, the Zika Vector Control Act, which the House will consider today under suspension of the rules.

Pesticide users, including those protecting public health from mosquito borne diseases, are now subjected to the court created requirement that lawful applications over, to or near 'waters of the U.S.' obtain a Clean Water Act (CWA) National Pollutant Discharge Elimination System (NPDES) permit from the Environmental Protection Agency (EPA) or delegated states. HR 897 would clarify that federal law does not require this redundant permit for already regulated pesticide applications.

Under the Federal Insecticide, Fungicide and Rodenticide Act (FIERA), all pesticides are reviewed and regulated for use with strict instructions on the EPA approved product label. A thorough review and accounting of impacts to water quality and aquatic species is included in every EPA review. Requiring water permits for pesticide applications is redundant and provides no additional environmental benefit.

Compliance with the NPDES water permit also imposes duplicative resource burdens on thousands of small businesses and farms, as well as the municipal, county, state and federal agencies responsible for protecting natural resources and public health. Further, and most menacing, the permit exposes all pesticide users—regardless of permit eligibility—to the liability of CWA-based citizen law suits.

In the 112th Congress, the same Reducing Regulatory Burdens Act—then HR 872—passed the House Committee on Agriculture and went on to pass the House of Representatives on suspension. In the 113th Congress, the legislation—then HR 935—passed the both the House Committees on Agriculture and Transportation & Infrastructure by voice vote, and again, the House of Representatives.

The water permit threatens the critical role pesticides play in protecting human health and the food supply from destructive and disease-carrying pests, and for managing invasive weeds to keep open waterways and shipping lanes, to maintain rights of way for transportation and power generation, and to prevent damage to forests and recreation areas. The time and money expended on redundant permit compliance drains public and private resources. All this for no measureable benefit to the environment. We urge you to remove this regulatory burden by voting ''YES'' on HR 897, the Zika Vector Control Act.

Sincerely,

Agribusiness Council of Indiana; Agribusiness & Water Council of Arizona; Agricultural Alliance of North Carolina; Agricultural Council of Arkansas; Agricultural Retailers Association; Alabama Agribusiness Council; American Farm Bureau Federation; Alabama Farmers Federation; American Mosquito Control Association; American Soybean Association; AmericanHort; Aquatic Plant Management Society; Arkansas Forestry Association; Biopesticide Industry Alliance; California Association of Winegrape Growers; California Specialty Crops Council; Cape Cod Cranberry Growers Association; The Cranberry Institute; CropLife America; Council of Producers & Distributors of Agrotechnology.

Family Farm Alliance; Far West Agribusiness Association; Florida Farm Bureau Federation; Florida Fruit & Vegetable Association; Georgia Agribusiness Council; Golf Course Superintendents Association of America; Hawaii Cattlemen's Council; Hawaii Farm Bureau Federation; Idaho Grower Shippers Association; Idaho Potato Commission; Idaho Water Users Association; Illinois Farm Bureau; Illinois Fertilizer & Chemical Association; Kansas Agribusiness Retailers Association; Louisiana Cotton and Grain Association; Louisiana Farm Bureau Federation; Maine Potato Board; Michigan Agribusiness Association; Minnesota Agricultural Aircraft Association; Minnesota Crop Production Retailers.

Minnesota Pesticide Information & Education; Minor Crops Farmer Alliance; Missouri Agribusiness Association; Missouri Farm Bureau Federation; Montana Agricultural Business Association; National Agricultural Aviation Association; National Alliance of Forest Owners; National Alliance of Independent Crop Consultants; National Association of State Departments of Agriculture; National Association of Wheat Growers; National Corn Growers Association; National Cotton Council; National Council of Farmer Cooperatives; National Farmers Union; National Pest Management Association; National Potato Council; National Rural Electric Cooperative; Association National Water Resources Association; Nebraska Agri-Business Association; North Carolina Agricultural Consultants Association.

North Carolina Cotton Producers Association; North Central Weed Science Society; North Dakota Agricultural Association; Northeast Agribusiness and Feed Alliance; Northeastern Weed Science Society; Northern Plains Potato Growers Association; Northwest Horticultural Council; Ohio Professional Applicators for Responsible Regulation; Oregon Potato Commission; Oregonians for Food & Shelter; Pesticide Policy Coalition; Plains Cotton Growers, Inc.; Professional Landcare Network; RISE (Responsible Industry for a Sound Environment); Rocky Mountain Agribusiness Association; SC Fertilizer Agrichemicals Association; South Dakota Agri-Business Association; South Texas Cotton and Grain Association; Southern Cotton Growers, Inc.; Southern Crop Production Association.

Southern Rolling Plains Cotton Growers; Southern Weed Science Society; Sugar Cane League; Texas Ag Industries Association; Texas Vegetation Management Association; United Fresh Produce Association; U.S. Apple Association; USA Rice Federation; Virginia Agribusiness Council; Virginia Forestry Association; Washington Friends of Farm & Forests; Washington State Potato Commission; Weed Science Society of America; Western Growers; Western Plant Health Association; Western Society of Weed Science; Wild Blueberry Commission of Maine; Wisconsin Farm Bureau Federation; Wisconsin Potato and Vegetable Growers Association; Wisconsin State Cranberry Growers Association; Wyoming Ag Business Association; Wyoming Crop Improvement Association; Wyoming Wheat Growers Association.

NATIONAL PEST MANAGEMENT ASSOCIATION

DEAR REPRESENTATIVE: I am writing to you today as a pest management professional requesting your support for H.R. 897, the Zika Vector Control Act. H.R. 897 is scheduled to be considered by the full House of Representatives tomorrow, May 17. H.R. 897 would suspend the need to obtain unnecessary and burdensome permits, allowing our industry to better protect you from the mosquitoes that transmit the Zika virus.

Zika is an emerging mosquito-borne virus that currently has no specific medical treatment or vaccine. Zika virus is spread through the bite of infected mosquitoes in the Aedes genus, the same mosquitoes that carry dengue fever and chikungunya. The Zika virus causes mild flu-like symptoms in about 20 percent of infected people, but the main concern among leading health organizations is centered on a possible link between the virus and microcephaly, a birth defect associated with underdevelopment of the head and brain, resulting in neurological and developmental problems. The World Health Organization (WHO) recently declared Zika virus a global health emergency.

Currently, pest management professionals who apply even small amounts of pesticides in and around lakes, rivers and streams to protect public health and prevent potential disease outbreaks are required to obtain an additional, redundant and burdensome National Pollutant Discharge Elimination System (NPDES) permit prior to application. Under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), all pesticides are reviewed and regulated for use with strict instructions on the U.S. Environmental Protection Agency (EPA) approved product label. A thorough review and accounting of impacts to water quality and aquatic species is included in every EPA review. Requiring water permits for pesticide applications is redundant and provides no additional environmental benefit.

Pest management professionals are on the front lines of protecting the public, using a variety of tools, including pesticides. Requiring pest management applicators to obtain an NPDES permit to prevent and react to potential disease outbreaks wastes valuable time against rapidly moving and potentially deadly pests. Water is the breeding ground for many pests.

The pest management industry strongly urges you temporarily remove this regulatory burden and help us protect people

throughout your community from mosquitoes that transmit dangerous and deadly diseases, like Zika, by voting YES on H.R. 897, the Zika Vector Control Act.

RESPONSIBLE INDUSTRY FOR
A SOUND ECONOMY,
Washington, DC, May 17, 2016.

Hon. BOB GIBBS,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE GIBBS: Thank you for re-introducing the H.R. 897. RISE (Responsible Industry for a Sound Environment) is a national not-for-profit trade association representing producers and suppliers of specialty pesticides including products used to control mosquitoes and invasive aquatic weeds.

For most of the past four decades, water quality concerns from pesticide applications were addressed within the registration process under the Federal Insecticide, Fungicide and Rodenticide Act (FIERA) rather than a Clean Water Act permitting program. Due to a 2009 decision of the 6th Circuit U.S. Court of Appeals, Clean Water Act National Pollution Discharge Elimination System Permits (NPDES) have been required since 2011 for aquatic pesticide applications. NPDES permits do not provide any identifiable additional environmental benefits, but add significant costs and paperwork requirements which make it more expensive to protect people from mosquitoes that can vector the Zika Virus, West Nile Virus, Dengue Fever and other viruses. Permits also make it more expensive to control invasive aquatic plants that over take our waterways and impede endangered species habitat.

H.R. 897 would clarify that duplicative NPDES permits are not needed for the application of EPA approved pesticides. The elimination of these permits will speed response to public health and other pest pressures, save resources for, states, municipalities, and communities. We support this legislation look forward to working with you and your colleagues to advance this legislation.

Sincerely,

AARON HOBBS,
President.

AMERICAN FARM
BUREAU FEDERATION,
Washington, DC, May 16, 2016.

Hon.,
House of Representatives,
Washington, DC.

DEAR MEMBERS OF CONGRESS: Later this week, the House will vote on legislation that clarifies congressional intent regarding regulation of the use of pesticides for control of exotic diseases such as Zika virus and West Nile virus, as well as for other lawful uses in or near navigable waters. The American Farm Bureau Federation (AFBF) strongly supports the Zika Vector Control Act of 2016'' and urges all members of Congress to support this legislation.

AFBF represents rural areas nationwide that will be impacted by the spread of dangerous exotic diseases like Zika. The only control measure at this time is vector control. Our members are aware that local mosquito control districts face tight budgets and are concerned with the operational disruptions and increased costs associated with unnecessary and duplicative permitting requirements. Any disruption in vector control will expose a large portion of Farm Bureau members to mosquitos that may carry diseases like Zika and West Nile virus.

We urge all committee members to vote in favor of the ''Zika Vector Control Act of 2016.''

Thank you very much for your support.

Sincerely,

ZIPPY DUVALL,
President.

Ms. JACKSON LEE. Madam Speaker, I rise to speak in support of full funding for the Zika Response Appropriations, because the House appropriations measure fell short of what is needed to aggressively address the enormity of the Zika Virus threat to the Americas and the United States, with particular concern for Puerto Rico the House needs to act.

I thank President Obama for his leadership in requesting $1.9 billion to address the threat of the Zika Virus, and facing congressional delay he took funds from Ebola response to prepare the nation to face the Zika Virus threat.

Let us not forget—Ebola was on our doorstep last year before Congress acted and there are still Ebola hot spots that are occurring, which have to be addressed, but we now lack the resources to deal with that ever present threat.

I am committed to doing everything I can to address the threat of Zika Virus, but I am not supportive of tricks or misguided strategies to get legislation to the House floor in the name of Zika prevention that will do too little; and funding that will abruptly end on September 30, 2016.

As the founder and Chair of the Children's Caucus and a senior member of the House Committee on Homeland Security, I am acutely aware of how dangerous the Zika Virus is to women who may be pregnant or may become pregnant should they be exposed to the disease.

Houston, Texas, like many cities, towns, and parishes along the Gulf Coast, has a tropical climate hospitable to mosquitoes that carry the Zika Virus like parts of Central and South America, as well as the Caribbean.

For this reason, I am sympathetic to those members who have districts along the Gulf Coast.

These Gulf Coast areas, which include Houston, the third largest city in the nation, are known to have both types of the Zika Virus carrying mosquitoes: the Aedes Aegypti and the Asian Tiger Mosquito; which is why I held a meeting in Houston on March 10, 2016 about this evolving health threat.

I convened this meeting with Houston, Harris County and State officials at every level of responsibility to combat the Zika Virus and to discuss preparations that would mitigate it.

The participants included Dr. Peter Hotez, Dean of the National School of Tropical Medicine and Professor of Pediatrics at Baylor College of Medicine and Dr. Dubboun, Director of the Harris County Public Health Environmental Services Mosquito Control Division who gave strong input on the critical need to address the threat on a multi-pronged approach.

The potential for the Zika Virus outbreaks in the United States if we do not act is real, and the people on the front lines are state and local governments who must prepare for mosquito season, establish community oriented education campaigns, provide Zika Virus prevention resources to women who live in areas where poverty is present, and environmental remediation of mosquito breeding near where people live.

The assumption that everyone has air conditioning; window and door screens that are in good repair or present at all; does not take into consideration the pockets of poverty that are present in every major city including many towns, counties, parishes, and cities along the Gulf Coast.

The 18th Congressional District of Texas, which I represent, has a tropical climate and is very likely to confront the challenge of Zika Virus carrying mosquitoes before mosquito season ends in the fall.

Dr. Dubboun, Director of the Harris County Public Health Environmental Services Mosquito Control Division stressed that we cannot spray our way out of the Zika Virus threat.

He was particularly cautious about the over use of spraying because of its collateral threat to the environment and people.

We should not forget that Flint, Michigan was an example of short-sighted thinking on the part of government decision makers, which resulted in the contamination of that city's water supply.

The participants in the meeting I held in Houston represented the senior persons at every state and local agency with responsibility for Zika Virus response.

The expert view of those present was that we need a unity of effort plan to address the Zika Virus in the Houston and Harris County area that will include every aspect of the community.

The collective wisdom of these experts revealed that we should not let the fear of the Zika Virus control public policy.

Instead we should get in front of the problem, then we can control the Zika Virus from its source—targeting mosquito breeding environments.

The real fight against the Zika Virus will be fought neighborhood by neighborhood and will rely upon the resources and expertise of local government working closely with State governments supported by federal government agencies.

The consensus of Texas, Houston, and Harris County experts is that we make significant strides to stay ahead of the arrival of mosquito transmission of Zika Virus if we act now.

The CDC said that for the period January 1, 2015 to May 11, 2016, the number of cases are as follows:

THE UNITED STATES

Travel-associated cases reported: 503; Locally acquired through mosquito bites reported: 0; Total: 503.

Pregnant: 48; Sexually transmitted: 10; Guillain-Barré syndrome: 1.

U.S. TERRITORIES

Travel-associated cases reported: 3; Mosquito acquired cases reported: 698; Total: 701.

Pregnant: 65; Guillain-Barré syndrome: 5.

There are 49 countries and territories in our hemisphere where mosquito borne transmission of the Zika Virus is the primary way the virus is spread include:

American Samoa; Aruba; Belize; Barbados; Bolivia; Brazil; Bonaire; Cape Verde; Central America; Colombia; Costa Rica; Cuba; Curaçao; Dominica; Dominican Republic; El Salvador; Ecuador; Fiji; French Guiana; Grenada; the Grenadines; Guatemala; Guadeloupe; Haiti; Honduras; Islands Guyana; Jamaica; Martinique; Kosrae (Federated States of Micronesia); Marshall Islands; Mexico; Nicaragua; New Caledonia; the Commonwealth of Puerto Rico, Panama; Papua New Guinea, Paraguay; Peru; Samoa, a U.S. territory; Saint Barthelemy; Saint Lucia; Saint Martin; Saint Vincent; Saint Maarten; Suriname; Tonga;

Trinidad and Tobago; U.S. Virgin Islands, Venezuela and particular note is made by the CDC by listing the 2016 Summer Olympics (Rio 2016) separately.

As of May 11, 2016, there were more than 1,200 confirmed Zika cases in the continental United States and U.S. Territories, including over 110 pregnant women with confirmed cases of the Zika virus.

The Zika virus is spreading in Puerto Rico, the U.S. Virgin Islands, American Samoa and abroad, and there will likely be mosquito-borne transmission within the continental United States in the coming summer months.

The most important approach to control the spread of Zika Virus is poverty and the conditions that may exist in poor communities can be of greatest risk for the Zika Virus breeding habitats for vector mosquitoes.

The spread of disease is opportunistic—Zika Virus is an opportunistic disease that is spread by 2 mosquitoes out of the 57 verities.

We should be planning to fight those 2 mosquitoes in a multi-pronged way with every resource we can bring to the battle.

Poverty is where the mosquito will find places to breed in great numbers, but these mosquitoes will not be limited to low income areas nor does the disease care how much someone earns.

The Aedes Aegypti or Yellow Fever mosquito has evolved to feed on people for the blood needed to lay its eggs.

This mosquito can breed in as little as a cap of dirty water; it will breed in aquariums in homes; plant water catching dishes; the well of discarded tires; puddles or pools of water; ditches; and children's wading pools.

Although water may evaporate mosquito eggs will remain viable and when it rains again or water is placed where they are in contact with eggs the process for mosquitos development resumes.

The enablers of Zika Virus are those who illegally dump tires; open ditches, torn screens, or no screens; tropical climates that create heat and humidity that force people without air conditioning to open windows or face heat exhaustion.

It might be hard for people who do not live in the tropical climates along the Gulf Coast to understand what a heat index is—it is a combination of temperature and humidity, which can mean that temperatures in summer are over 100 degrees.

Zika Virus Prevention Kits like those being distributed in Puerto Rico, which are vital to the effort there to protect women, will be essential to the fight against Zika Virus along the Gulf Coast.

These kits should include mosquito nets for beds.

Bed nets have proven to be essential in the battle to reduce malaria by providing protection and reducing the ability of biting insects to come in contact with people.

Mosquito netting has fine holes that are big enough to allow breezes to easily pass through, but small enough to keep mosquitoes and other biting insects out.

The kits should also include DEET mosquito repellant products that can be sprayed on clothing to protect against mosquito bites.

Madam Speaker, there is no need to be alarmed, but we should be preparing aggressively so that this nation does not have a reoccurrence of what happened during the Ebola crisis—when the Federal government seemed unprepared because this Congress was unmoved by the science, until domestic transmission of the disease were recorded.

The Zika Virus is a neurogenic virus that can attack the brain tissue of children in their mother's womb.

The Zika Virus will be difficult to detect and track in all cases because 4 in 5 people who get the disease will have no symptoms.

We know that 33 states have one or both of the vector mosquitoes.

Dr. Peter Hotez said that we can anticipated that the Americas including the United States can expect 4 million Zika Virus cases in the next four months and to date there are over a million cases in Brazil.

The virus has been transmitted through sexual contact.

We know that the evidence of the Zika Virus in newborns in the United States may not become apparent until we are in the late fall or winter of next year.

The most serious outcome the Zika Virus exposure is birth defects that can occur during pregnancy if the mother is exposed to the Zika Virus.

Infections of pregnant women can result in:

Still births;

The rate of Microcephaly based on Zika Virus exposure far exceeds that number.

Microcephaly is brain underdevelopment either at birth or the brain failing to develop properly after birth, which can cause:

Difficulty walking;

Difficulty hearing; and

Difficulty with speech.

Researchers and scientists at the CDC; NIH and HHS do not know how the disease attacks the nervous system of developing babies.

They cannot answer what the long term health prospects are for children born with such a severe brain birth defect.

They have not discovered the right vaccine to fight the disease—which requires care to be sure that it is safe and effective especially in pregnant women or women who may become pregnant.

The do not know what plan will work and to what degree if a tight network of mosquito control is established in areas most likely to have the Zika Virus carrying mosquitoes.

How the Zika Virus may evolve over time and what they may mean for human health.

I urge my colleagues to reject anything less than full support of the President's request for $1.9 billion to fight the Zika Virus threat.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 742, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. RUIZ. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. RUIZ. I am opposed in its current form, Madam Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Ruiz moves to recommit the bill H.R. 897 to the Committee on Transportation and Infrastructure with instructions to report the same back to the House forthwith with the following amendment:

At the end, add the following:

SEC. 4. PROTECTING PREGNANT WOMEN AND CHILDREN FROM PESTICIDES KNOWN OR SUSPECTED TO CAUSE ADVERSE HEALTH IMPACTS ON PREGNANT WOMEN, FETAL GROWTH, OR EARLY CHILDHOOD DEVELOPMENT.

This Act, and the amendments made by this Act, shall not apply to the discharge of a pesticide if there is evidence, based on peer-reviewed science, that the pesticide is known or suspected to—

(1) cause adverse health effects on pregnant women;

(2) cause adverse impacts to fetal growth or development; or

(3) cause adverse impacts on early childhood development.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California is recognized for 5 minutes in support of his motion.

Mr. RUIZ. Madam Speaker, this is the final amendment to the bill, which will not kill the bill or send it back to committee. If adopted, the bill will immediately proceed to final passage, as amended.

Madam Speaker, I offer this amendment because I recognize the critical need to protect women, infants, and developing children from the harmful impact of pesticides.

The underlying bill, the so-called Zika Vector Control Act, is a farce designed to play on public fears over Zika. It has nothing to do with combating Zika.

In fact, Republicans have been pushing the text of the underlying legislation for years under whatever name happens to be convenient at the time.

Otherwise known as the pesticide Trojan horse bill, this legislation attempts to gut our ability to track and report when and where harmful pesticides are sprayed.

Without oversight compliance, physicians and scientists are less able to track and identify the cluster of symptoms caused by pesticides which, in turn, reduces their ability to protect the public's health.

I know, as a physician and public health expert, that pesticides can have serious toxic impacts on human health particularly for women and children.

Pesticides can endanger women and unborn children, cause malformation in infants, hinder early childhood development, endanger reproductive health, and cause cancer.

Madam Speaker, I speak as a physician, but I also speak as the son of farm workers. The underlying bill could expose already vulnerable populations to greater risks of contamination from pesticides. Farm workers would be harmed by the unmonitored use of these harmful pesticides.

No oversight of compliance can harm the public's health. That is why I am offering this commonsense amendment to protect the health safety of our communities and our women and children.

Instead of actually working to control the spread of one public health crisis, the Zika virus, this bill could make another public health problem even worse.

Rather than spending our time on this bill that does nothing to strengthen Zika prevention efforts across the country, we should be working to pass legislation to fully fund efforts to contain and stop the virus before we adjourn.

Madam Speaker, last week we voted on an inadequate and unconscionable Zika funding bill that I opposed. That bill funded only one-third of the request from public health experts.

In medicine, you don't just partially treat a patient. That is called malpractice. You don't take out just a third of the cancer. You don't just give a third of the antibiotic dose for severe pneumonia.

Time is running out. It is past due, Madam Speaker, for you to do your job, protect American families, and fully address the Zika virus threat.

This underlying bill does not contain a dime in funding and no authority to protect public health from the spread of the Zika virus. It is an unnecessary bill because vector control agencies already have the authority to use pesticides under a public health emergency like the spread of the Zika virus epidemic.

So instead of pushing this Trojan horse, which could actually expose vulnerable communities to serious health risks, let's fully fund efforts to protect American families from Zika.

I urge you to vote ''yes'' to protect the health and safety of women and children in this country and to demand that we fully fund efforts to combat the spread of the Zika virus before it is too late.

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

Mr. GIBBS. Madam Speaker, I claim the time in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Ohio is recognized for 5 minutes.

Mr. GIBBS. Madam Speaker, this motion to recommit is unnecessary. The underlying bill, H.R. 897, eliminates the duplicative, expensive, and unnecessary permit process and helps free up resources for States, counties, and local governments to better combat the spread of Zika. But this motion, in effect, aims to undermine those efforts.

There are already adequate protections built in the FIFRA law. The FIFRA review process can restrict or deny. The process is rigorous and requires the EPA to evaluate the human health and environmental effects of pesticides prior to allowing their use.

EPA goes through their process. If there is any risk to the environment or human health, a pesticide will not get registered with an approved label. There won't be a label. It is that simple. It will be a restricted pesticide and won't be approved for use.

There are already enough protections in the current FIFRA law. So all this redundancy is just plain unnecessary. So we need to move ahead and stop creating unnecessary roadblocks and use the products that we have to protect the public.

The argument about harming farm workers is just unbelievable, too, because EPA controls the label. If it is restricted pesticides—which EPA can make all pesticides restricted. It has to be a certified applicator.

So any farm worker has to be under the supervision of a certified applicator, and we have that in effect. So farm workers are not harmed from this. The FIFRA law is adequate.

H.R. 897 is a good bill that will help protect pregnant women and stop mosquitos before they spread the Zika virus to vulnerable populations.

I strongly oppose the motion to recommit, and I urge my colleagues to vote ''no.''

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. RUIZ. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, and the order of the House of today, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 897, if ordered, and the motion to concur in the Senate amendment to H.R. 2576 with an amendment.

The vote was taken by electronic device, and there were—yeas 182, nays 232, not voting 19, as follows:

[Roll No. 236]

YEAS—182

Adams
Aguilar
Ashford
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blum
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Duckworth
Duncan (TN)
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jeffries
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NAYS—232

Abraham
Aderholt
Amash
Amodei
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Cole
Collins (NY)
Comstock
Conaway
Cook
Costa
Costello (PA)
Cramer
Crawford
Crenshaw
Culberson
Curbelo (FL)
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Ellmers (NC)
Emmer (MN)
Farenthold
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Hice, Jody B.
Hill
Holding
Hudson
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schweikert
Sensenbrenner
Sessions
Shimkus
Shuster

Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NOT VOTING—19

Allen
Bass
Castro (TX)
Collins (GA)
Fattah
Fincher
Granger
Herrera Beutler
Huelskamp
Huizenga (MI)
Jackson Lee
Loudermilk
Massie
Miller (MI)
O'Rourke
Sanchez, Loretta
Scott, Austin
Takai
Waters, Maxine

□ 1703

Messrs. RATCLIFFE, FITZPATRICK, HURD of Texas, Mmes. BLACKBURN, LOVE, Messrs. CALVERT, McHENRY, FORBES, TIBERI, DENT, and GOSAR changed their vote from ''yea'' to ''nay.''

Mr. LARSON of Connecticut and Ms. MOORE changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mrs. NAPOLITANO. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 258, noes 156, not voting 19, as follows:

[Roll No. 237]

AYES—258

Abraham
Aderholt
Amash
Amodei
Ashford
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (GA)
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Bustos
Butterfield
Byrne
Calvert
Capps
Carney
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Cole
Collins (NY)
Comstock
Conaway
Cook
Costa
Costello (PA)
Cramer
Crawford
Crenshaw
Cuellar
Culberson
Curbelo (FL)
Davis, Rodney
DelBene
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garamendi
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Hice, Jody B.
Hill
Holding
Hudson
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
Kind
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Kuster
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Loebsack
Long
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Maloney, Sean
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nolan
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perlmutter
Perry
Peterson
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schrader
Schweikert
Scott, David
Sensenbrenner
Sessions
Sewell (AL)
Shimkus
Shuster
Simpson
Sinema
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Vela
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Walz
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NOES—156

Adams
Aguilar
Beatty
Becerra
Bera
Beyer
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Capuano
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Courtney
Crowley
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kirkpatrick
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Matsui
McCollum
McDermott
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Norcross
Pallone
Pascrell
Payne
Pelosi
Peters
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Velázquez
Visclosky
Wasserman Schultz
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—19

Allen
Bass
Castro (TX)
Collins (GA)
Fattah
Fincher
Granger
Herrera Beutler
Huelskamp
Huizenga (MI)
Jackson Lee
Loudermilk
McGovern
Miller (MI)
O'Rourke
Sanchez, Loretta
Scott, Austin
Takai
Waters, Maxine

□ 1709

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

TSCA MODERNIZATION ACT OF 2015

The SPEAKER pro tempore. The unfinished business is the vote on the motion to concur in the Senate amendment to the bill (H.R. 2576) to modernize the Toxic Substances Control Act, and for other purposes, with an amendment, offered by the gentleman from Illinois (Mr. SHIMKUS), on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to concur.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 403, nays 12, not voting 18, as follows:

[Roll No. 238]

YEAS—403

Abraham
Adams
Aderholt
Aguilar
Amash
Amodei
Ashford
Babin
Barletta
Barr
Barton
Beatty
Becerra
Benishek
Bera
Beyer
Bilirakis
Bishop (GA)
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Blumenauer
Bonamici
Bost
Boustany
Boyle, Brendan F.
Brady (PA)
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Brown (FL)
Brownley (CA)
Buchanan
Bucshon
Burgess
Bustos
Butterfield
Byrne
Calvert
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Carter (GA)
Carter (TX)
Cartwright
Castor (FL)
Chabot
Chaffetz
Chu, Judy
Cicilline
Clark (MA)
Clawson (FL)
Clay
Cleaver
Clyburn
Coffman
Cohen
Cole
Collins (NY)
Comstock
Conaway
Connolly
Conyers
Cook
Cooper
Costa
Costello (PA)
Courtney
Cramer
Crawford
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Curbelo (FL)
Davis (CA)
Davis, Danny
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
DelBene
Denham
Dent
DeSantis
DeSaulnier
DesJarlais
Deutch
Diaz-Balart
Dingell
Doggett
Dold
Donovan
Doyle, Michael F.
Duckworth
Duffy
Duncan (SC)
Edwards
Ellison
Ellmers (NC)
Emmer (MN)
Engel
Eshoo
Esty
Farenthold
Farr
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foster

Foxx
Frankel (FL)
Franks (AZ)
Frelinghuysen
Fudge
Gabbard
Gallego
Garamendi
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Graham
Graves (GA)
Graves (LA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Grothman
Guinta
Guthrie
Gutiérrez
Hahn
Hanna
Hardy
Harper
Harris
Hartzler
Hastings
Heck (NV)
Heck (WA)
Hensarling
Hice, Jody B.
Higgins
Hill
Himes
Hinojosa
Holding
Honda
Hoyer
Hudson
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Israel
Issa
Jeffries
Jenkins (KS)
Jenkins (WV)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Kaptur
Katko
Keating
Kelly (IL)
Kelly (MS)
Kelly (PA)
Kennedy
Kildee
Kilmer
Kind
King (IA)
King (NY)
Kinzinger (IL)
Kirkpatrick
Kline
Knight
Kuster
Labrador
LaHood
LaMalfa
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latta
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Long
Love
Lowenthal
Lowey
Lucas
Luetkemeyer
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lummis
Lynch
MacArthur
Maloney, Carolyn
Maloney, Sean
Marchant
Marino
Massie
Matsui
McCarthy
McCaul
McCollum
McDermott
McGovern
McHenry
McKinley
McMorris Rodgers
McNerney
McSally
Meadows
Meehan
Meeks
Meng
Messer
Mica
Miller (FL)
Moolenaar
Mooney (WV)
Moore
Moulton
Mullin
Mulvaney
Murphy (FL)
Murphy (PA)
Nadler
Napolitano
Neal
Neugebauer
Newhouse
Noem
Nolan
Norcross
Nugent
Nunes
Olson
Palazzo
Pallone
Palmer
Pascrell
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Perry
Peters
Peterson
Pittenger
Pitts
Pocan
Poe (TX)
Poliquin
Polis
Pompeo
Posey
Price (NC)
Price, Tom
Quigley
Rangel
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (NY)
Rice (SC)
Richmond
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Roybal-Allard
Royce
Ruiz
Ruppersberger
Rush
Russell
Ryan (OH)
Salmon
Sánchez, Linda T.
Sanford
Scalise
Schiff
Schrader
Schweikert
Scott (VA)
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell (AL)
Sherman
Shimkus
Shuster
Simpson
Sinema
Sires
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Stefanik
Stewart
Stivers
Stutzman
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Titus
Torres
Trott
Tsongas
Turner
Upton
Valadao
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Walz
Wasserman Schultz
Watson Coleman
Weber (TX)
Webster (FL)
Welch
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (FL)
Wilson (SC)
Wittman
Womack
Woodall
Yarmuth
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NAYS—12

Buck
Clarke (NY)
Duncan (TN)
Huffman
Lofgren
McClintock
Pingree
Sarbanes
Schakowsky
Slaughter
Speier
Tonko

NOT VOTING—18

Allen
Bass
Castro (TX)
Collins (GA)
Fattah
Fincher
Granger
Herrera Beutler
Huelskamp
Huizenga (MI)
Jackson Lee
Loudermilk
Miller (MI)
O'Rourke
Sanchez, Loretta
Scott, Austin
Takai
Waters, Maxine

□ 1716

So the motion to concur was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 2012, ENERGY POLICY MODERNIZATION ACT OF 2016; PROVIDING FOR CONSIDERATION OF H.R. 5233, CLARIFYING CONGRESSIONAL INTENT IN PROVIDING FOR DC HOME RULE ACT OF 2016; AND PROVIDING FOR PROCEEDINGS DURING THE PERIOD FROM MAY 27, 2016, THROUGH JUNE 6, 2016

Mr. BURGESS, from the Committee on Rules, submitted a privileged report (Rept. No. 114–593) on the resolution (H. Res. 744) providing for consideration of the bill (S. 2012) to provide for the modernization of the energy policy of the United States, and for other purposes; providing for consideration of the bill (H.R. 5233) to repeal the Local Budget Autonomy Amendment Act of 2012, to amend the District of Columbia Home Rule Act to clarify the respective roles of the District government and Congress in the local budget process of the District government, and for other purposes; and providing for proceedings during the period from May 27, 2016, through June 6, 2016, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3765

Mr. JOLLY. Madam Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 3765.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

GENERAL LEAVE

Mr. SIMPSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 5055 and that I may include tabular material on the same.

The SPEAKER pro tempore (Mr. RODNEY DAVIS of Illinois). Is there objection to the request of the gentleman from Idaho?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 743 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 5055.

The Chair appoints the gentlewoman from Florida (Ms. ROS-LEHTINEN) to preside over the Committee of the Whole.

□ 1720

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5055) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2017, and for other purposes, with Ms. ROS-LEHTINEN in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Idaho (Mr. SIMPSON) and the gentlewoman from Ohio (Ms. KAPTUR) each will control 30 minutes.

The Chair recognizes the gentleman from Idaho.

Mr. SIMPSON. Madam Chair, I yield myself such time as I may consume.

It is my distinct honor to bring this fiscal year 2017 Energy and Water Development and Related Agencies Appropriations Act before you today.

Before I go into the details, I would like to recognize the hard work of Chairman ROGERS and Ranking Member LOWEY on this bill and in the appropriations process in our trying to get back to regular order.

I would also like to thank my ranking member, Ms. KAPTUR. I appreciate her help and her hard work on this bill. This bill is a better bill because of her input on this legislation.

The bill provides $37.4 billion for the activities of the Department of Energy, the Army Corps of Engineers, the Bureau of Reclamation, and other agencies under our jurisdiction. This is $259 million more than last year's funding level and is $168 million above the budget request.

This is a responsible bill that recognizes the importance of investing in this Nation's infrastructure and national defense. As we do each year, we work hard to incorporate priorities and perspectives from both sides of the aisle.

The administration's proposal to cut the programs of the Army Corps of Engineers by $1.4 billion would have led to economic disruptions at our ports and waterways silted in and would have left our communities and businesses vulnerable to flooding. Instead, this bill recognizes the critical work of the Corps and provides $6.1 billion for those activities. This includes $1.8 billion for flood and coastal storm damage reduction projects. These projects prevented

damages of $14.8 billion in 2014 alone. Harbor maintenance activities are funded at $1.26 billion, the same as last year, and $122 million more than the fiscal year 2017 target. The bill makes use of all estimated annual revenues from the Inland Waterways Trust Fund.

The Department of Energy's nuclear weapons program is funded at $9.3 billion, which is $438 million more than last year. This increase will support full funding for the stockpile life extension programs. It also includes an additional $106 million above the request to address the growing backlog of deferred maintenance and $30 million above the request to upgrade the security infrastructure where nuclear weapons material is stored. The recommendation for naval reactors is $1.4 billion, an increase of $45 million, and includes full funding for the Ohio-class replacement submarine.

A national energy policy can only be successful if it maintains stability while investing in a secure, independent, and prosperous energy future. This bill makes balanced investments in a true all-of-the-above energy strategy. This bill also takes a strong stand against the regulatory overreach and extreme application of laws that have been the hallmark of this administration.

The bill opposes the administration's actions with regard to the Clean Water Act and includes three provisions that prohibit changes to the definition of ''fill material,'' the definition of ''waters of the United States,'' and the permit requirement for certain agricultural activities.

The bill also includes several provisions to ensure that the Bureau of Reclamation maximizes water deliveries in California to help alleviate the drought while sustaining senior water rights and maintaining environmental protections.

This is a strong bill that will advance our national security interests and our economy, and I urge everyone to support it.

ENERGY AND WATER DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS BILL, FY 2017 (H.R. 5055)
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF DEFENSE - CIVIL					
DEPARTMENT OF THE ARMY					
Corps of Engineers - Civil					
Investigations	121,000	85,000	120,000	-1,000	+35,000
Construction	1,862,250	1,090,000	1,945,580	+83,330	+855,580
Mississippi River and Tributaries	345,000	222,000	345,000	---	+123,000
Operations and Maintenance	3,137,000	2,705,000	3,157,000	+20,000	+452,000
Regulatory Program	200,000	200,000	200,000	---	---
Formerly Utilized Sites Remedial Action Program (FUSRAP)	112,000	103,000	103,000	-9,000	---
Flood Control and Coastal Emergencies	28,000	30,000	34,000	+6,000	+4,000
Expenses	179,000	180,000	180,000	+1,000	---
Office of Assistant Secretary of the Army (Civil Works)	4,750	5,000	4,750	---	-250
Total, title I, Department of Defense - Civil	5,989,000	4,620,000	6,089,330	+100,330	+1,469,330
Appropriations	(5,989,000)	(4,620,000)	(6,089,330)	(+100,330)	(+1,469,330)
Rescissions	---	---	---	---	---
TITLE II - DEPARTMENT OF THE INTERIOR					
Central Utah Project Completion Account					
Central Utah Project Completion Account	10,000	5,600	11,000	+1,000	+5,400
Bureau of Reclamation					
Water and Related Resources	1,118,972	813,402	982,972	-136,000	+169,570
Central Valley Project Restoration Fund	49,528	55,606	55,606	+6,078	---
California Bay-Delta Restoration	37,000	36,000	36,000	-1,000	---
Policy and Administration	59,500	59,000	59,000	-500	---
Indian Water Rights Settlements	---	106,151	---	---	-106,151
San Joaquin River Restoration Fund	---	36,000	---	---	-36,000
Total, Bureau of Reclamation	1,265,000	1,106,159	1,133,578	-131,422	+27,419
Total, title II, Department of the Interior	1,275,000	1,111,759	1,144,578	-130,422	+32,819
Appropriations	(1,275,000)	(1,111,759)	(1,144,578)	(-130,422)	(+32,819)
Rescissions	---	---	---	---	---
TITLE III - DEPARTMENT OF ENERGY					
Energy Programs					
Energy Efficiency and Renewable Energy	2,073,000	2,898,400	1,825,000	-248,000	-1,073,400
Electricity Delivery and Energy Reliability	206,000	262,300	225,000	+19,000	-37,300
Nuclear Energy	860,000	842,020	875,000	+15,000	+32,980
Defense function	126,161	151,876	136,616	+10,455	-15,260
Subtotal	986,161	993,896	1,011,616	+25,455	+17,720
Fossil Energy Research and Development	632,000	360,000	645,000	+13,000	+285,000
Office of Technology Transitions	---	8,400	7,000	+7,000	-1,400
Naval Petroleum and Oil Shale Reserves	17,500	14,950	14,950	-2,550	---
Strategic Petroleum Reserve	212,000	257,000	257,000	+45,000	---
Northeast Home Heating Oil Reserve	7,600	6,500	6,500	-1,100	---
Energy Information Administration	122,000	131,125	122,000	---	-9,125
Non-defense Environmental Cleanup	255,000	218,400	226,745	-28,255	+8,345
Uranium Enrichment Decontamination and Decommissioning Fund	673,749	---	698,540	+24,791	+698,540
Science	5,350,200	5,572,069	5,400,000	+49,800	-172,069

ENERGY AND WATER DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS BILL, FY 2017 (H.R. 5055)
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Bill	Bill vs. Enacted	Bill vs. Request
Nuclear Waste Disposal	---	---	150,000	+150,000	+150,000
Advanced Research Projects Agency-Energy	291,000	350,000	305,889	+14,889	-44,111
Office of Indian Energy Policy and Programs	---	22,930	---	---	-22,930
Title 17 Innovative Technology Loan Guarantee Program	42,000	37,000	37,000	-5,000	---
Offsetting collection	-25,000	-30,000	-30,000	-5,000	---
Proposed change in subsidy cost	---	1,020,000	---	---	-1,020,000
Subtotal	17,000	1,027,000	7,000	-10,000	-1,020,000
Advanced Technology Vehicles Manufacturing Loans program	6,000	5,000	5,000	-1,000	---
Departmental Administration	248,142	270,037	233,971	-14,171	-36,066
Miscellaneous revenues	-117,171	-103,000	-103,000	+14,171	---
Net appropriation	130,971	167,037	130,971	---	-36,066
Office of the Inspector General	46,424	44,424	44,424	-2,000	---
Total, Energy programs	11,026,605	12,339,431	11,082,635	+56,030	-1,256,796
Atomic Energy Defense Activities					
National Nuclear Security Administration					
Weapons Activities	8,846,948	9,285,147	9,285,147	+438,199	---
Rescission	---	-42,000	-42,000	-42,000	---
Budget amendment rescission	---	-8,400	---	---	+8,400
Subtotal	8,846,948	9,234,747	9,243,147	+396,199	+8,400
Defense Nuclear Nonproliferation	1,940,302	1,821,916	1,821,916	-118,386	---
Rescission	---	-14,000	-14,000	-14,000	---
Subtotal	1,940,302	1,807,916	1,807,916	-132,386	---
Naval Reactors	1,375,496	1,420,120	1,420,120	+44,624	---
Federal Salaries and Expenses	383,666	412,817	382,387	-1,279	-30,430
Rescission	-19,900	---	---	+19,900	---
Subtotal	363,766	412,817	382,387	+18,621	-30,430
Total, National Nuclear Security Administration	12,526,512	12,875,600	12,853,570	+327,058	-22,030
Environmental and Other Defense Activities					
Defense Environmental Cleanup	5,289,742	5,226,950	5,226,950	-62,792	---
Budget amendment	---	8,400	---	---	-8,400
Subtotal	5,289,742	5,235,350	5,226,950	-62,792	-8,400
Defense Environmental cleanup (Legislative proposal)	---	155,100	---	---	-155,100
Other Defense Activities	776,425	791,552	776,425	---	-15,127
Total, Environmental and Other Defense Activities	6,066,167	6,182,002	6,003,375	-62,792	-178,627
Total, Atomic Energy Defense Activities	18,592,679	19,057,602	18,856,945	+264,266	-200,657

ENERGY AND WATER DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS BILL, FY 2017 (H.R. 5055)
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Bill	Bill vs. Enacted	Bill vs. Request
Power Marketing Administrations /1					
Operation and maintenance, Southeastern Power Administration	6,900	1,000	1,000	-5,900	---
Offsetting collections	-6,900	-1,000	-1,000	+5,900	---
Subtotal	---	---	---	---	---
Operation and maintenance, Southwestern Power Administration	47,361	45,643	45,643	-1,718	---
Offsetting collections	-35,961	-34,586	-34,586	+1,375	---
Subtotal	11,400	11,057	11,057	-343	---
Construction, Rehabilitation, Operation and Maintenance, Western Area Power Administration	307,714	307,144	307,144	-570	---
Offsetting collections	-214,342	-211,563	-211,563	+2,779	---
Subtotal	93,372	95,581	95,581	+2,209	---
Falcon and Amistad Operating and Maintenance Fund	4,490	4,070	4,070	-420	---
Offsetting collections	-4,262	-3,838	-3,838	+424	---
Subtotal	228	232	232	+4	---
Total, Power Marketing Administrations	105,000	106,870	106,870	+1,870	---
Federal Energy Regulatory Commission					
Salaries and expenses	319,800	346,800	346,800	+27,000	---
Revenues applied	-319,800	-346,800	-346,800	-27,000	---
General Provisions					
Title III Rescissions:					
Department of Energy:					
Energy Efficiency and Energy Reliability	-3,806	---	---	+3,806	---
Science	-3,200	---	---	+3,200	---
Weapons activities (050)	---	---	-64,126	-64,126	-64,126
Defense Nuclear Nonproliferation (050)	---	---	-19,128	-19,128	-19,128
Naval Reactors (050)	---	---	-307	-307	-307
Subtotal	-7,006	---	-83,561	-76,555	-83,561
Total, title III, Department of Energy	29,717,278	31,503,903	29,962,889	+245,611	-1,541,014
Appropriations	(29,744,184)	(31,568,303)	(30,102,450)	(+358,266)	(-1,465,853)
Rescissions	(-26,906)	(-64,400)	(-139,561)	(-112,655)	(-75,161)
TITLE IV - INDEPENDENT AGENCIES					
Appalachian Regional Commission	146,000	120,000	146,000	---	+26,000
Defense Nuclear Facilities Safety Board	29,150	31,000	31,000	+1,850	---
Delta Regional Authority	25,000	15,936	15,000	-10,000	-936
Denali Commission	11,000	15,000	11,000	---	-4,000
Northern Border Regional Commission	7,500	5,000	5,000	-2,500	---
Southeast Crescent Regional Commission	250	---	250	---	+250
Nuclear Regulatory Commission:					
Salaries and expenses	990,000	970,163	936,121	-53,879	-34,042
Revenues	-872,864	-851,161	-786,853	+86,011	+64,308
Subtotal	117,136	119,002	149,268	+32,132	+30,266
Office of Inspector General	12,136	12,129	12,129	-7	---
Revenues	-10,060	-10,044	-10,044	+16	---
Subtotal	2,076	2,085	2,085	+9	---
Total, Nuclear Regulatory Commission	119,212	121,087	151,353	+32,141	+30,266

ENERGY AND WATER DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS BILL, FY 2017 (H.R. 5055)
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Bill	Bill vs. Enacted	Bill vs. Request
Nuclear Waste Technical Review Board	3,600	3,600	3,600	---	---
Total, title IV, Independent agencies	341,712	311,623	363,203	+21,491	+51,580
Appropriations	(341,712)	(311,623)	(363,203)	(+21,491)	(+51,580)
Grand total	37,322,990	37,547,285	37,560,000	+237,010	+12,715
Appropriations	(37,349,896)	(37,611,685)	(37,699,561)	(+349,665)	(+87,876)
Rescissions	(-26,906)	(-64,400)	(-139,561)	(-112,655)	(-75,161)

1/ Totals adjusted to net out alternative financing costs, reimbursable agreement funding, and power purchase and wheeling expenditures. Offsetting collection totals only reflect funds collected for annual expenses, excluding power purchase wheeling

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

Ms. KAPTUR. Madam Chair, I yield myself such time as I may consume.

I want to thank Chairman SIMPSON for his bipartisan approach in preparing this bill. I also thank Chairman HAL ROGERS and Ranking Member NITA LOWEY for their efforts throughout.

To our dedicated staff—Donna Shahbaz and Taunja Berquam, the Republican and Democratic clerks, as well as the rest of the committee staff: Matt Anderson, Angie Giancarlo, Loraine Heckenberg, and Perry Yates—their countless long hours, late nights, weekends, and thoughtful insight are so critical to helping America prepare this legislation.

This bill funds transformative programs that unlock America's full economic potential, critical water resource projects, navigation and port operability, and breakthrough science advancements that are necessary for America's strategic and competitive posture. This bill undergirds our national defense through superior weapons, naval reactor research, and nonproliferation activities—all priorities that unite rather than divide us.

Chairman SIMPSON worked hard to incorporate the interests of Members from both parties. As a result, the bill's funding reflects priorities from both sides of the aisle. The chairman's efforts resulted in a bill which, with respect to funding levels, is reasonable; although, the trade-offs are not ideal.

The bill provides an increase of $259 million over the 2016 levels. It allows for stronger investments in the Army Corps of Engineers for critical projects in the Everglades and Great Lakes as well as additional funding to address flooding in areas like Houston. Notably, for the people of northern Ohio, the bill meets the need to comply with State law prior to the open lake disposal of dredged materials. The bill also provides robust funding for many areas at the Department of Energy.

It is sad, however, that the majority would jeopardize this good start by adding in ill-suited ideological or nongermane riders on the Clean Water Act, guns on Army Corps' lands, National Ocean Policy, and the California drought. I should not have to remind our majority colleagues that similar provisions imperiled the passage of this bill in the past. In fiscal year 2016, nearly all of the Democratic Members of the House voted against this bill with far fewer poison pill riders. The administration is on record with veto threats over nearly identical language. As such, I cannot support this bill in its current form.

Every year, this important bill sets the path for America's energy future, and I am happy to note that, more than ever before, America's course is set toward the true north of energy independence. In 2015, America produced 91 percent of the total energy consumed. This represents the 10th consecutive year of declining net energy imports. This translates into freedom.

Significant strides toward America's energy security should be applauded, but we must not lose our momentum by resting on our laurels. To finally free ourselves from our energy dependence, as well as to drastically cut dangerous carbon emissions, we must strongly support the Department of Energy's efforts to embrace the future.

I am disappointed by the $248 million cut, therefore, to the Office of Energy Efficiency and Renewable Energy, which is leading the charge into the new energy economy against stiff global competition from Europe and Asia. The solar energy account, in particular, yields serious benefits, with the solar industry projected to add 9.5 gigawatts of new energy this year—more than any other source. I am proud that my own district is active in this energy revolution, with First Solar, founded in Toledo, Ohio, the Nation's current leading solar company.

Wind energy is also expanding in northern Ohio, where the Great Lakes have the capacity to become the Saudi Arabia of wind, especially Lake Erie. Cleveland is poised to install the first national offshore wind turbines in a freshwater environment, and that is appropriate, given it was Cleveland where the first electric wind turbine was invented a century ago.

I would like to reiterate my concerns over the controversial riders that threaten not only the ultimate enactment of this bill but also our most precious resource—water. These provisions' inclusion does a disservice in our work, particularly given the serious water challenges many parts of our country face.

While I have concerns with the measure before us, I would like to express my deep appreciation for the chairman's hard work with us on so many issues. The gentleman from Idaho has ensured that the Energy and Water Development, and Related Agencies Subcommittee continues its tradition of bipartisanship, and he has been a gentleman throughout, as always.

Madam Chair, I reserve the balance of my time.

□ 1730

Mr. SIMPSON. Madam Chair, I yield such time as he may consume to the gentleman from Kentucky (Mr. ROGERS), the chairman of the full committee that does a great job with this appropriations process.

Mr. ROGERS of Kentucky. Madam Chair, I rise today to support this legislation that invests $37.4 billion in bipartisan priorities: our national security, critical infrastructure, and American energy independence. In total, this is a $259 million increase above current levels for these programs. This increase is directed almost entirely to our nuclear national security. With ever-changing threats that span the globe, it is imperative that our Nation stays at the very pinnacle of preparedness. This funding will help ensure that our stockpile is modern, secure, and ready to face any nuclear threat that may arise.

Another priority in the bill is the infrastructure that helps our economy prosper. This includes robust funding for the Army Corps of Engineers, a total of $6.1 billion, which is $100 million above last year's levels, and $1.5 billion above the President's request. This funding will go to activities that have a direct impact on public safety, that improve commerce and the movement of American products, and that support economic growth and job creation.

Lastly, Madam Chair, this bill advances an all-of-the-above energy strategy that will help the Nation move ever closer to our goal of energy independence. By investing in fossil fuels, nuclear, and other energy sources, we can help keep consumer energy prices affordable and make greater use of our domestic resources. This includes congressional efforts to support the Yucca Mountain nuclear repository for future use.

In order to make these targeted investments, the bill cuts back in other lower priority areas. Renewable energy programs, which have received significant investments in recent years, were cut by $248 million from current levels.

The bill also prohibits tax dollars from being used for a harmful regulatory agenda that hampers our economy. This includes prohibiting funds for the Army Corps of Engineers to make any changes to Federal jurisdiction under the Clean Water Act, protecting American farmers and ranchers and other job creators. The bill also protects coal and other mining operations from onerous efforts to change the definition of ''fill material'' and ''discharge of fill material.''

In sum, this bill is an investment in the growth of our American economy, supporting functioning and safe water resources and continued strides toward energy independence.

I thank and congratulate Subcommittee Chairman SIMPSON, Ranking Member KAPTUR, and the other members of the subcommittee for their hard work on bringing this bill forward. I feel completely safe and comfortable in the work when Chairman SIMPSON is doing the bossing.

I also want to acknowledge the dedicated staff that helped bring this bill before the House today.

I urge my colleagues to help promote a more secure and more prosperous future for our Nation and vote ''aye'' on the bill.

Ms. KAPTUR. Madam Chair, I yield 5 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Madam Chair, before I begin, I would like to thank Chairman SIMPSON, Ranking Member KAPTUR, and Chairman ROGERS for their work on the bill.

The energy and water bill is the second bill we will consider on the floor this year. Over and over again, the majority has promised a return to regular

order. Well, without a budget resolution and a full slate of 302(b) suballocations, this promise has clearly not been kept.

The fiscal year 2017 Energy and Water Development bill would allocate $37.4 billion in discretionary funding, $260 million above the fiscal year 2016 level and $168 million above the administration's request. While this allocation is an improvement, the majority's continued dysfunction jeopardizes Congress' ability to meet the significant challenges we face, including many in the bill before us.

For instance, the bill does not adequately invest in infrastructure development. The American Society of Civil Engineers estimates the United States must invest $3.6 trillion in our infrastructure to ensure public health and safety, and yet the Army Corps of Engineers is funded at $6.089 billion, which is billions of dollars short of what we need to meet our infrastructure needs.

Additionally, this bill does not adequately fund programs to combat climate change. To truly tackle the challenges posed by climate change, the Federal Government must prioritize investments in research. Yet the energy efficiency and renewable energy account would be reduced to $1.825 billion, a cut of $248 million, and $1.07 billion below the President's request. The Republican majority will continue to bury their heads in the sand and dismiss the science and consequences of climate change instead of taking action to save our planet.

However, the most concerning aspect of this bill is the inclusion of misguided and dangerous policy riders. An annual appropriations bill is not the place to amend or significantly change the Clean Water Act or restrict gun laws. These controversial riders, year after year, imperil the appropriations process.

Yet this year's energy and water bill would impede an effective and timely response to the continuing drought in California, permanently prohibit the Corps from changing the definition of ''fill material,'' which is an interest of mountaintop mining companies, permanently prohibit the Army Corps of Engineers from clarifying the definition of navigable waters, expand the area in which guns can be carried on Corps of Engineers lands, and prevent implementation of the national ocean policy. Neither Democrats in Congress nor President Obama will agree to poison pill riders that harm our environment or public health.

Unfortunately, this bill fails to address our Nation's infrastructure needs, invest in job creation, and take appropriate action to combat climate change.

Given inadequate funding levels and the presence of harmful riders, I urge my colleagues to oppose the bill.

Mr. SIMPSON. Madam Chair, I yield 1½ minutes to the gentleman from New Jersey (Mr. LANCE).

Mr. LANCE. Madam Chair, I rise today in strong support of this energy and water appropriations measure. The measure finally provides the critical funding to complete the Rahway River basin flood risk management feasibility study in New Jersey that will create a lasting solution to protect the communities of Cranford, Kenilworth, Maplewood, Millburn, Rahway, Springfield, Union, and the surrounding areas from severe flooding.

For years, these municipalities have pursued this project on its great merits, and I am proud to have been the champion of these municipalities on the Federal level. This is a critical role for Federal representatives effectively helping municipal, county, and State officials navigate the Federal Government and ensure efficient services to the areas they represent. These municipalities have experienced severe flooding from the Rahway River, and they deserve the completion of the study and the implementation of a plan that will protect life and property.

I thank the Mayors' Council and local leaders for continuing to advocate on behalf of their communities. I deeply thank Chairman SIMPSON and the Appropriations Committee for their thoughtful consideration of the study and their leadership during this process.

I urge a ''yes'' vote on the measure.

Ms. KAPTUR. Madam Chair, I yield 2 minutes to the gentleman from California (Mr. HONDA), a very hardworking member of our subcommittee.

Mr. HONDA. Madam Chairwoman, I thank Chairman SIMPSON and Ranking Member KAPTUR for their hard work on this bill. It is an honor to serve with them on the subcommittee.

This bill contains many positive things that I support, like funding for the Army Corps of Engineers' construction account and programs that provide the Corps with critical oceans and weather data.

It also includes strong funding for energy storage technologies as well as provisions that support increasing access to solar and renewable energy and promote increasing energy efficiency through smart electronics.

However, there are many cuts that are problematic, particularly those to the energy efficiency and renewable energy programs. We have an opportunity now to lead the world in innovating the next generation of energy technologies, but we are hamstringing our ability to be competitive by underfunding critical energy programs

Furthermore, I oppose the prohibition on the Department of Energy and Army Corps participating in marine and coastal planning efforts that are components of the National Ocean Policy. This provision is misguided and reduces our ability to protect our oceans, Great Lakes, and waterways that support our Nation's blue economy.

Coordinated ocean planning that encourages collaboration between stakeholders and Federal agencies will help improve the management of our marine resources, and it is unwise to stop those conversations from happening.

Finally, I would also oppose the rider which would prohibit the Army Corps from enforcing the ban on firearms at water resources development projects. This provision unnecessarily creates an unsafe environment at these sites. Corps rangers are not authorized to carry firearms, and this provision also strips away the discretion that the Secretary of the Army currently has to enforce or revise the policy on a case-by-case basis.

Ultimately, appropriations bills are an exercise in setting spending priorities, and I disagree with many of the prioritizations that this bill makes. I hope we can work together as this bill moves forward to develop a bill that will invest in clean energy.

Ms. KAPTUR. Madam Chair, I just want to inquire how much time remains on this side before we move forward.

The CHAIR. The gentlewoman from Ohio has 19 minutes remaining.

Mr. SIMPSON. Madam Chair, I yield 1 minute to the gentleman from California (Mr. MCCARTHY), the distinguished majority leader.

Mr. MCCARTHY. Madam Chair, I thank the gentleman for the tireless work that he has done on these appropriations.

I want to take a moment to thank another Representative, Representative DAVID VALADAO. It is rare to find a person so tirelessly devoted to his constituents. Every time the House passes legislation to address the drought crisis in California, DAVID VALADAO is at the center of it.

Like Congressman VALADAO, I also represent the people of the Central Valley of California. For too long, our constituents have been suffering, so I am going to put this as simply as possible. We need water.

California Republicans have tried for years—three Congresses now—to get a water bill signed into law to help the people of California. As the drought worsened and its reach grew, we tried last year to get legislation through the Senate that would help all the States in the West facing drought conditions. Unfortunately, Senate Democrats opposed the legislation and blocked it.

So we tried again. We added in provisions from my Republican colleagues and provisions supported by our California Senators, ideas both sides could support. We worked to make this bill as bipartisan as possible and focused on good policy. Again, our efforts were blocked.

But my constituents can't and won't take no for an answer. Water is not a luxury. It is a necessity, and we need it now more than ever. And it is very clear how we can get more water.

Now, earlier this year, bureaucrats allowed water from storms to flush out into the ocean instead of capturing it for our communities. Regulations and bad laws are keeping water from the

people who need it. We need more pumping, and we need more storage capturing more runoff.

□ 1745

Too many times our Senate Democratic colleagues have ignored or blocked action to help the people of California. So today, the Senate can no longer ignore it. They need to come to the table and negotiate with us in conference.

After all, this should not be controversial. We were elected to serve our constituents, and our constituents need water.

My colleagues and I have come back again and again to find an agreement because, as El Nino passes and the drought continues, our homes, our farms, and our people won't see relief until something is done. Now is the moment.

Ms. KAPTUR. Madam Chair, I yield 2 minutes to the gentleman from Illinois (Mr. FOSTER), who is a very hardworking member of the Committee on Financial Services and the Committee on Science, Space, and Technology.

Mr. FOSTER. Madam Chair, this appropriations bill would underfund the Office of Science by $272 million below the President's request for the next fiscal year. Investments in the DOE Office of Science have long supported American innovation and discovery science.

It is unwise and, in fact, impossible to ignore the value of our national labs. They have helped us answer fundamental questions about how our universe works, supported breakthroughs in medicine and developments in industry that drive our economy. The Office of Science is not only an important investment in our future, it is a valuable investment in our economy.

Our national labs and the major user facilities housed at those labs are some of the greatest tools ever created for researchers and industry. The direct economic benefit of Argonne and Fermilab in Illinois alone is estimated to be more than $1.3 billion annually. The indirect benefits of the technologies that they deliver is larger.

Those who seek to underfund and eliminate Federal programs often say that the private sector can do it better, but when it comes to fundamental scientific research, that is simply not the case.

The Office of Science is responsible for building and maintaining research facilities which many private companies rely on but are too big for any single business or university to develop. These user facilities, such as the advanced photon source at Argonne National Laboratory, are a critical research tool to academics and industry alike. For example, AbbVie, recently won FDA approval for a new leukemia drug that was developed because of the groundbreaking crystallography research done at Argonne's APS.

As other world powers are growing and challenging our position as a global leader in science and innovation, we cannot afford to let the number of American scientists and researchers or the quality of their research facilities diminish.

Madam Chair, we must continue to invest in American innovation and fully fund the research and development conducted through the DOE Office of Science.

Mr. SIMPSON. Madam Chair, I yield 2 minutes to the gentleman from California (Mr. COSTA).

Mr. COSTA. Madam Chair, I want to thank the chairman, Mr. SIMPSON, for yielding me this time.

This legislation that is before us gives Congress a new opportunity to give California an ability in the water provisions that are contained within this law that will help relieve the devastating drought that has been impacting Californians both in the short term and in the long term.

In the absence of getting a comprehensive water bill passed into law—which I have not given up hope for, and my colleagues on both sides are still working on a bipartisan basis with Senator FEINSTEIN—I hope my colleagues, in the meantime, will join me in supporting the provisions in this bill that Congressman VALADAO has been able to provide that will, in fact, contain relief to the people of California whom we represent and who have been most impacted by this drought.

Between December of last year and May of this year, hundreds of thousands of acre-feet went out to the bay, to the ocean, that could have been provided for farms and farm communities in the valley, that would have helped farmworkers and farmers. Unfortunately, that water was lost.

The Federal Government cannot allow this to happen again. Congress must pass this bill so that next year, if we do have the water during the rain and snowy seasons between November and April of next year, we will be able to capture that water desperately needed instead of allowing it to flow out to the ocean.

Even under the flawed biological opinions, these amendments make sense. I commend my colleagues for inserting them here.

I want to thank the chairman for yielding me this time.

Ms. KAPTUR. Madam Chair, I rise for a couple reasons. One is to wish my noble brother well back home. The other is to yield to the gentlewoman from New Hampshire (Ms. KUSTER) to enter into a colloquy.

Ms. KUSTER. Madam Chair, I thank Ranking Member KAPTUR.

I rise today to speak about the importance of the funding of the Office of Public Participation within the Federal Energy Regulatory Commission, known fondly to us as the FERC, an office that has never been active despite prior authorization.

With the expansion of natural gas infrastructure in the Northeast and across the country, it makes sense that we finally fund the Office of Public Participation to better incorporate the voices of average citizens in FERC proceedings and provide robust outreach efforts to communities and individuals that are impacted by energy projects.

Considering the broad authority that the FERC has over domestic energy markets and its control over the approval of energy infrastructure projects, average citizens simply do not have a sufficient public interest presence on the national level. With 27 States offering an existing consumer advocacy office, it is imperative that a similar national office be established within the FERC.

Constituents in my home State of New Hampshire are all too familiar with feeling shut out of the FERC process. The recently withdrawn Northeast Energy Direct natural gas pipeline would have impacted 18 small towns across my district and into the neighboring district.

Due in large part to the organizing efforts of citizens within these small towns, the NED pipeline's application within FERC was withdrawn this week, but this reality provides only momentary comfort because we all know that the FERC is in serious need of repair.

I understand that my Republican colleagues have interest in working to bring the Office of Public Participation to fruition and in making additional structural changes to the FERC. I look forward to working closely with my colleagues on both sides of the aisle to move this effort forward.

Ms. KAPTUR. Madam Chair, I would commit to working with the very able gentlewoman from New Hampshire to see what progress we could make on this very important issue.

Mr. SIMPSON. Will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Idaho.

Mr. SIMPSON. Madam Chair, I look forward to working with the gentlewoman from Ohio (Ms. KAPTUR), the ranking member, and our colleagues on the Committee on Energy and Commerce to see if we can find an appropriate path forward on this issue.

Ms. KAPTUR. Madam Chair, I reserve the balance of my time.

Mr. SIMPSON. Madam Chair, I yield 2 minutes to the gentleman from New York (Mr. GIBSON).

Mr. GIBSON. Madam Chair, let me express my gratitude to the chairman and the ranking member. I am here today to support the bill and to really urge my colleagues to continue to work together so that we can make progress on clean and renewable energy and energy efficiencies. I offer three points as to why.

First of all, it is important to us to be an independent nation. After four combat tours in Iraq, I am very eager to see us become energy independent, and certainly that requires an all-of-the-above energy strategy, including the renewable energy sources: solar power, wind, hydro, geothermal, biomass. All of these in upstate New York

are making a significant advance, and I want to see us continue to facilitate this.

We are a country that can do hard things. We have shown that time and again. We put a man on the Moon. We stood up to the Communist challenge. We did so in part because of research, development, and prototyping. The investments we made were so critical to that, and we not only won the cold war, but we also got the supercomputer, we got the Internet, and we ushered in the information age.

I think if we make similar investments—and we will have an amendment here shortly on ARPA-E. I appreciate what the chairman has done to support the program. I think this is very important. It would also offer jobs in my district and all throughout New York. This has been helpful to jobs.

Finally, the environment, how important it is. We want to be good stewards of our resources. To me, a conservative, you are certainly protecting all resources, including natural resources. To me, if conservation isn't conservative, well, then, words have no meaning at all.

So renewable energy sources and also the criticality of energy efficiencies, a kilowatt-hour saved is a kilowatt-hour produced. I know we have made progress. I appreciate the work of the committee. I urge us to continue that and double our efforts going forward.

Finally, I will say that I appreciate what Ms. KUSTER mentioned just moments ago. This is a bill I look forward to working on with her. I think it is a step in the right direction.

Thank you for your great work, Mr. Chairman.

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

Mr. SIMPSON. Mr. Chair, did the gentleman yield back his time?

Mr. HONDA. Yes, I yielded back the balance of my time.

Mr. SIMPSON. Mr. Chairman, I yield myself the balance of my time.

Let me just say that this is an important bill. It is an important bill for our economy, and it is an important bill for our defense.

I did want to say that I appreciate the staff and the hard work that they have put into this legislation, trying to address the requests of many Members. We have had something like—I can't remember the numbers—2300 different requests from Members for this piece of legislation, and we were able to address, in at least one form or another, about 95 percent of those requests. The staff works very hard to make this a bill that all Members can support.

It has been a pleasure working with the gentlewoman from Ohio (Ms. KAPTUR). She is from Ohio. I am from Idaho. We come from different States and have different perspectives and different points of view and different interests many times, and it is fun to sit in our hearings because oftentimes she brings up issues that I would have never thought of as we have people before us testifying, and I hope I do the same occasionally, too, and all our members do that. That is what really makes this process work.

That is why getting back to regular order and debating bills and marking them up and going to conference, as the Speaker and leader and minority leader have tried to do here, is so important.

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

The Acting CHAIR (Mr. CARTER of Georgia). All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, each amendment shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent. No pro forma amendment shall be in order except 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. The chair of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the CONGRESSIONAL RECORD designated for that purpose. Amendments so printed shall be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 5055

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for energy and water development and related agencies for the fiscal year ending September 30, 2017, and for other purposes, namely:

TITLE I

CORPS OF ENGINEERS—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related efforts.

INVESTIGATIONS

For expenses necessary where authorized by law for the collection and study of basic information pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related needs; for surveys and detailed studies, and plans and specifications of proposed river and harbor, flood and storm damage reduction, shore protection, and aquatic ecosystem restoration projects, and related efforts prior to construction; for restudy of authorized projects; and for miscellaneous investigations, and, when authorized by law, surveys and detailed studies, and plans and specifications of projects prior to construction, $120,000,000, to remain available until expended: *Provided*, That the Secretary may initiate up to, but not more than, six new study starts during fiscal year 2017: *Provided further*, That the new study starts will consist of five studies where the majority of the benefits are derived from navigation transportation savings or from flood and storm damage reduction and one study where the majority of benefits are derived from environmental restoration: *Provided further*, That the Secretary shall not deviate from the new starts proposed in the work plan, once the plan has been submitted to the Committees on Appropriations of both Houses of Congress.

AMENDMENT OFFERED BY MR. GOSAR

Mr. GOSAR. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 5, after the dollar amount, insert ''(increased by $1,000,000)''.

Page 50, line 21, after the dollar amount, insert ''(reduced by $1,000,000)''.

Mr. GOSAR (during the reading). Mr. Chair, I ask unanimous consent that the amendment be considered as read.

The Acting CHAIR. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from Arizona and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. GOSAR. Mr. Chairman, I rise to offer an amendment that will help reduce the large backlog of important Army Corps of Engineers' projects. This amendment transfers $1 million from the Department of Energy's departmental administration budget to the Army Corps of Engineers' investigations account to bring it up to fiscal year 2016 enacted levels.

The investigations account funds the planning and environmental studies required under the law for important Corps projects prior to construction.

□ 1800

There is a backlog of worthwhile Corps projects throughout the country that are essential to improving water infrastructure for communities, improving ecosystem restoration, providing clean water, and expanding much-needed water storage. These projects are especially critical to the drought-stricken communities in the West, and many other parts of the Nation.

The committee showed great insight in recognizing that the administration's request for the Corps' investigation budget was much too low, stating in the committee report: ''Once again, the administration's claims to understand the importance of infrastructure ring hollow when it comes to water resource infrastructure investments. In fact, if enacted, the budget request would represent the lowest level of funding for the Civil Works program since fiscal year 2004.''

At a time of historic drought and major water challenges, we shouldn't be reducing investigation dollars that will allow worthwhile community projects to move forward.

The committee has provided significant safeguards in the report to ensure that the funds transferred by this amendment will go to planning for the most viable projects and ''studies that will enhance the Nation's economic development, job growth, and international competitiveness; are for projects located in areas that have suffered recent natural disasters; or are for projects to address legal requirements.''

Support for this amendment is definitive action we can take to directly support timely development of critical water infrastructure projects.

I urge my colleagues to support this amendment. I thank the distinguished chair and ranking member for their work on this bill.

Mr. Chairman, I ask for a positive vote on this amendment.

I yield back the balance of my time.

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

The amendment was agreed to.

The Acting CHAIR. The Committee will rise informally.

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

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Byrd, one of its clerks, announced that the Senate has agreed to without amendment a Joint Resolution of the House of the following title:

H.J. Res. 88. Joint Resolution disapproving the rule submitted by the Department of Labor relating to the definition of the term ''Fiduciary''.

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

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

The Committee resumed its sitting.

AMENDMENT OFFERED BY MR. RODNEY DAVIS OF ILLINOIS

Mr. RODNEY DAVIS of Illinois. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR (Mr. CARTER of Georgia). The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 5, after the dollar amount, insert ''(reduced by $10,000,000)(increased by $10,000,000)''.

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from Illinois and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. RODNEY DAVIS of Illinois. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, America's navigation infrastructure is crumbling. Most of the locks and dams on the Upper Mississippi River and Illinois Waterway System were built in the 1920s and 1930s, and have far outlived their life expectancy. Unfortunately, we have not kept up with the maintenance and upgrades necessary to ensure that they can transport 21st century cargo that fuels and feeds the world.

Sixty percent of the grain exported from the United States goes through these locks and dams before hitting the global marketplace. But delays at navigation locks continue to get worse, lasting as long as 12 hours at a given time. And while a 2003 study by the Illinois Farm Bureau estimated these delays to cost midwestern farmers $500 an hour, one can only assume how much more these delays cost today.

In the Water Resources Development Act of 2007, Congress authorized the construction of seven new 1,200-foot locks along the Upper Mississippi River and the Illinois Waterway System. This bill also authorized the Navigation and Ecosystem Sustainability Program, or NESP, an important dual-purposed program that allows the Corps of Engineers to address both navigation and ecosystem restoration in an integrated approach.

It is supported widely by industry as well as conservation groups. In addition, the Governors of five States, from both political parties—Minnesota, Wisconsin, Illinois, Iowa, and Missouri—and more than 50 bipartisan Members of the House and Senate have expressed support advancing NESP.

Unfortunately, the administration has taken few steps to implement NESP, and, once again, did not request any funding to continue pre-construction engineering and design activities for authorized lock projects on the Upper Mississippi River and Illinois Waterway System. If these pre-construction efforts are delayed further, we risk further delays of these projects actually getting off the ground and moving forward at such time as the moneys for them are available.

With this amendment, we tell the Corps that enough is enough. It is time to stop delaying the necessary work. We must ensure these construction projects are ready to go on day one.

I also want to thank my colleague, DARIN LAHOOD, who was going to come speak on this amendment, but I don't see him here. It started a little sooner, Mr. Chairman, than what we envisioned. But Mr. LAHOOD, I know, would like to reiterate some of the comments I made. And he represents two of these locks that are included in this study.

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

The Acting CHAIRMAN. The gentleman from Illinois has 2½ minutes remaining.

Mr. RODNEY DAVIS of Illinois. Mr. Chairman, I am going to try and stall until my colleague gets here.

I do want to say this amendment, this project, has wide bipartisan support. This is an opportunity for us to look at the global marketplace and the products that go up and down the Mississippi River and the Illinois Waterway System. This is how we feed the world.

We have some of the most fertile and expensive farmland in Illinois, Missouri, Iowa, Wisconsin, and Minnesota, and so many of these products that use these systems are the ones that are exporting into the global marketplace and also to Third World countries to feed those who need food the most.

As a matter of fact, just a few weeks ago, my colleague, Mr. LAHOOD, and I toured some outdated facilities.

Ms. KAPTUR. Will the gentleman yield?

Mr. RODNEY DAVIS of Illinois. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. I am happy to hear the gentleman's deep interest in that corridor of Illinois and Mississippi, and I would look forward to the gentleman's assistance on trying to prevent the Asian carp from moving further north in those channels and into the entire Great Lakes system, destroying our natural fish population.

So I just wanted to put that on the record, and I thank the gentleman so much for showing an interest in both the infrastructure and the environmental restoration in those corridors.

Mr. RODNEY DAVIS of Illinois. Reclaiming my time, I would like to thank the gentlewoman, too. This is an opportunity to address both of those issues.

Obviously, representing part of the Mississippi River, like I do, we have seen the Asian carp problem firsthand. As a matter of fact, a plant opened in my district not too long ago to process Asian carp to be able to get fish oil and fishmeal that is used for pet food and other commodities. Unfortunately, they didn't anticipate the smell.

So you can't really build a fish processing plant around homes. And I think they figured that out. But we need ingenuous ideas and opportunities like that to be able to address that Asian carp problem, because it is an invasive species and we need to do everything we can in a bipartisan way to work together to put a stop to it entering the Great Lakes or any other waterway.

Ms. KAPTUR. Will the gentleman yield?

Mr. RODNEY DAVIS of Illinois. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I learned that, in the Peoria region, all the natural fish have disappeared now as a result of the invasion of the Asian carp there.

Mr. RODNEY DAVIS of Illinois. Reclaiming my time, I wouldn't say all the natural fish, but I know that the Asian carp infestation has grown substantially more than what was envisioned when they were brought in.

Mr. Chairman, may I inquire how much time I have remaining?

The Acting CHAIR. The gentleman's time has expired.

Mr. RODNEY DAVIS of Illinois. Mr. Chairman, I yield back the balance of my time.

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

The amendment was agreed to.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

CONSTRUCTION

For expenses necessary for the construction of river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related projects authorized by law; for conducting detailed studies, and plans and specifications, of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and plans and specifications, shall not constitute a commitment of the Government to construction); $1,945,580,000, to remain available until expended; of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by Public Law 104µ09303; and of which such sums as are necessary to cover one-half of the costs of construction, replacement, rehabilitation, and expansion of inland waterways projects shall be derived from the Inland Waterways Trust Fund, except as otherwise specifically provided for in law: *Provided*, That the Secretary may initiate up to, but not more than, four new construction starts during fiscal year 2017: *Provided further*, That the new construction starts will consist of three projects where the majority of the benefits are derived from navigation transportation savings or from flood and storm damage reduction and one project where the majority of the benefits are derived from environmental restoration: *Provided further*, That for new construction projects, project cost sharing agreements shall be executed as soon as practicable but no later than August 31, 2017: *Provided further*, That no allocation for a new start shall be considered final and no work allowance shall be made until the Secretary provides to the Committees on Appropriations of both Houses of Congress an out-year funding scenario demonstrating the affordability of the selected new starts and the impacts on other projects: *Provided further*, That the Secretary may not deviate from the new starts proposed in the work plan, once the plan has been submitted to the Committees on Appropriations of both Houses of Congress.

AMENDMENT OFFERED BY MR. CLAWSON OF FLORIDA

Mr. CLAWSON of Florida. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 3, after the dollar amount, insert ''(increased by $50,000,000)''.

Page 46, line 16, after the dollar amount, insert ''(reduced by $50,000,000)''.

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from Florida and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. CLAWSON of Florida. Mr. Chairman, I offer an amendment to the Energy and Water Development and Related Agencies Appropriations bill. I especially have full appreciation and admiration and respect for the chairman. I know he is going to go against me and this is going to get voted down, but as both a leader and the chairman, I have full admiration for what he does for our country, and he is an example to people like me, by the way.

My amendment would move $50 million from the Strategic Petroleum Reserve account into the Army Corps' construction account, which finances our Nation's water infrastructure projects.

The Strategic Petroleum Reserve account, currently funded at $257 million, has increased by millions of dollars in each omnibus. This funding is currently $68 million higher than it was back in the 2014 omnibus.

There is a management/cost question here because, at the same time the costs have been going up at a significant level, the amount of oil a barrel stored has stayed flat or gone down.

The American taxpayer is paying more and more every year, in a low inflation environment, mind you, for the same amount or less oil. I just think we ought to put the pressure on people to manage within their cost structure as opposed to asking the taxpayer to pay the increase.

Moreover, I want the Army Corps' construction account to increase by $50 million because in South Florida we are suffering a year of ecological and economic disaster. It is an El Nino year, and the rains have raised the levels of stagnant water in Lake Okeechobee beyond the capacity of the Herbert Hoover Dike.

Consequently, unwanted fresh waters flow east and west down the St. Lucie and Caloosahatchee Rivers, polluting the Gulf of Mexico. Countless fish and wildlife pay a price with their lives, and our fishermen and tourism industry pay a major economic price as well, while the cost structure of the Strategic Petroleum Reserve account goes up.

As summer approaches, Lake Okeechobee water levels are, again, rising dangerously and we are about to have another ecological disaster. It is on our doorstep, and it is not right. My people can hardly bear it.

So I say let's do the right thing and move $50 million more into the Army Corps' construction account for projects that will help my district and other districts around the country with similar projects.

To quote the conscience of our Congress, JOHN LEWIS, I think he would say: let's make this place a little cleaner, let's make our environment a little greener, and maybe our country a little kinder. Less money for SG&A costs, more money for fresh water and for our environment and for our economy.

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

Mr. SIMPSON. Mr. Chairman, I claim the time in opposition.

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

Mr. SIMPSON. Mr. Chairman, first, let me say that I appreciate the gentleman's kind words, and I am sympathetic to my colleague's interest in funding the construction account, including the flood and storm damage reduction projects such as the Herbert Hoover Dike.

Unfortunately, because we no longer do earmarks, as Congress used to do, moving $50 million into an account doesn't guarantee that project would necessarily be done by the Army Corps of Engineers. It just increases the total amount in that account. In fact, the underlying bill increases the construction funding by $856 million, or almost 80 percent above the budget request of the administration.

□ 1815

For flood and storm damage reduction activity specifically, the bill more than doubles the budget request. This includes a total of $392 million, for which the Herbert Hoover Dike could compete for additional funding. Since the dike is a DSC1 dam safety project, I am sure it will compete well for the work plan funds if it is able to use additional funding in fiscal year 2017.

However, we must balance all the needs, and that means I cannot support a reduction in the Strategic Petroleum Reserve account. The Strategic Petroleum Reserve stores petroleum to protect the Nation from adverse economic impacts due to petroleum supply interruptions.

The funding in this bill is necessary for the operation and maintenance of the Reserve as well as to address the backlog of deferred maintenance at the Reserve. We must adequately fund these activities to maintain our energy security.

For example, it does us no good to have this petroleum if we can't access it in an emergency. For those reasons, even though I am sympathetic to what the gentleman is trying to do, I urge my colleagues to vote ''no'' on the amendment.

Ms. KAPTUR. Will the gentleman yield?

Mr. SIMPSON. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. As with the chairman of the subcommittee, I rise in reluctant opposition to this amendment. I like its intent, but not the means by which the able gentleman from Florida (Mr. CLAWSON) gets to his bottom line.

I think our major objection on this side is cutting the Strategic Petroleum Reserve. While I do support the Corps' construction account—and, just for the RECORD, the account that we have proposed for construction is $855 million over the 2017 budget request and $83.3 million over what is being expended this time.

But we have a $60 billion backlog, $60 billion for what we need to do in the Corps throughout this country. So we have a problem there; so, I would therefore oppose the amendment and recommend a ''no'' vote.

But maybe, in working with the gentleman, we can find ways in future years to increase the overall account again. But I truly appreciate his leadership and his efforts on this important issue.

I thank the chairman for yielding.

Mr. SIMPSON. I appreciate the gentlewoman's comments. Maybe at some point in time this Congress will get back to the point where Members of Congress can actually direct what activities are being done and individual projects in their districts because nobody knows their district better than the Members of Congress do.

When we had earmarks in the past, admittedly, we went too far, did some frivolous things, all that kind of stuff, and I understand why we instituted an earmark ban. But sometimes we go too far in the other direction. That pendulum sometimes swings too far in the other direction.

Members of Congress ought to have a say in what is done in their districts. At this time that is hard to do, but I appreciate what the gentleman is trying to do.

Mr. CLAWSON of Florida. Will the gentleman yield?

Mr. SIMPSON. I yield to the gentleman from Florida.

Mr. CLAWSON of Florida. With all humility, I appreciate the increase in the projects and understand that you all are doing a great job.

You all have to understand that this is a disaster and everybody gets disaster funding in our country but my district and my State.

So when there is a hurricane somewhere else, the President says it is emergency funding and everybody gets their money. But when it is an El Nino year and all that dirty water comes down that river and my district gets wiped out by it, the President doesn't do anything. We don't do anything.

It is about to happen again in August. You all have to understand, for my constituents, that lake is up high again and it is rainy season. We are going to say, no, my bill is not going to get heard on the floor of the House, and my district is going to be underwater with dirty water. There is going to be fish piled up on the beach, and we are going to be a Congress that hasn't done anything about it.

So I hear you all and understand and agree with it and appreciate it. But we have to have a bias for action, in my view. So I am just going for more.

I hope you all forgive me for wanting a recorded vote, but you all have to understand my folks are suffering right now. I hope Members understand that. This is a big deal to us.

Mr. SIMPSON. Mr. Chairman, I yield back the balance of my time.

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

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

Mr. CLAWSON of Florida. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT OFFERED BY MR. RICE OF SOUTH CAROLINA

Mr. RICE of South Carolina. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 3, after the dollar amount, insert ''(increased by $2,241,850)''.

Page 50, line 21, after the dollar amount, insert ''(reduced by $2,241,850)''.

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from South Carolina and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from South Carolina.

Mr. RICE of South Carolina. Mr. Chairman, I would like to start by thanking Chairman SIMPSON and Ranking Member KAPTUR for their hard work on this important legislation.

My amendment transfers $2.2 million from the Department of Energy, Departmental Administration account, to the Army Corps of Engineers' construction account.

The intent of this amendment is for additional construction funds to be used for the Army Corps' shore protection mission.

Shore protection projects are critical safeguards for life and property in coastal districts like mine, protecting millions of lives and billions of dollars of property.

These projects protect against storm surge, erosion, and flooding, which are all too common. Not only are our beaches an important safety buffer, but they are also economic drivers.

The State of South Carolina knows this well after suffering the devastating flood event associated with Hurricane Joaquin last October.

As a result of this major disaster, the authorized Myrtle Beach shore protection project suffered damages of approximately 700,000 cubic yards of sand and $17 million. My amendment would protect projects across the country like the Myrtle Beach project.

I want to thank the chairman for working with me in the wake of the disaster on pertinent flood and storm damage accounts in this year's funding bill.

I also want to thank the Army Corps for working with project sponsors for inclusion in this year's work plan.

Two of the reaches of the project fit Public Law 84–99 emergency criteria, resulting in a Corps recommendation of action. The Corps, while they recommended action, did not have available resources to address both reaches this year, imposing a safety and property vulnerability in our area.

For that reason, I think it appropriate to increase the Corps' construction account to allow significant projects like the one in north Myrtle Beach, which lost 241,850 cubic yards of sand in October, to compete for funding.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from South Carolina (Mr. RICE).

The amendment was agreed to.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for flood damage reduction projects and related efforts in the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, $345,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund.

OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; providing security for infrastructure owned or operated by the Corps, including administrative buildings and laboratories; maintaining harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; surveying and charting northern and northwestern lakes and connecting waters; clearing and straightening channels; and removing obstructions to navigation, $3,157,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for coastal harbors and channels, and for inland harbors shall be derived from the Harbor Maintenance Trust Fund; of which such sums as become available from the special account for the Corps of Engineers established by the Land and Water Conservation Fund Act of 1965 shall be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available; and of which such sums as become available from fees collected under section 217 of Public Law 104–303 shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which such fees have been collected: *Provided*, That 1 percent of the total amount of funds provided for each of the programs, projects, or activities funded under this heading shall not be allocated to a field operating activity prior to the beginning of the fourth quarter of the fiscal year and shall be available for use by the Chief of Engineers to fund such emergency activities as the Chief of Engineers determines to be necessary and appropriate, and that the Chief of Engineers shall allocate during the fourth quarter any remaining funds which have not been used for emergency activities proportionally in accordance with the amounts provided for the programs, projects, or activities.

AMENDMENT OFFERED BY MS. GRAHAM

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 6, line 5, after the dollar amount, insert ''(increased by $3,000,000)''.

Page 8, line 10, after the dollar amount, insert ''(reduced b y $3,000,000)''.

The Acting CHAIR. Pursuant to House Resolution 743, the gentlewoman from Florida and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

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

The Apalachicola, Chattahoochee, and Flint River system is a critically important asset to the Southeastern United States' ecology, economy, and heritage.

Unfortunately, it has also become a point of intense political friction and lengthy, ongoing, and extremely costly litigation. I strongly believe that, if we could get away from the politics and the lawsuits, we would have a much better chance of resolving this issue in a way that brings us together rather than divides us.

That is why I am optimistic about the recent work of the Apalachicola, Chattahoochee, and Flint Stakeholders, a diverse group of private citizens who live and work in the ACF Basin. They represent the whole spectrum of stakeholders, public and private, from Florida, Georgia, and Alabama.

They have been able to unite around the common mission of changing the management of the ACF Basin to create a healthier economy and environment, which will benefit everyone, and they have made a number of recommendations to the Corps of Engineers to meet their goal of a sustainable ACF Basin.

The ACF Stakeholder group has identified significant gaps in fundamental, scientific, and technical knowledge needed to best manage this natural resource. One of those recommendations is that the Corps conduct more basic scientific research on the entire river basin and bay.

My amendment is intended to provide a small amount of money to the Corps so that they can simply do more of that kind of research in the ACF.

In short, there is a whole lot that we still don't know about how water moves throughout the ACF Basin, and I believe it is simply common sense that, if we have better information about this unique natural resource, we, in turn, can manage it better for today and generations to come.

Let's follow the good example of the ACF Stakeholders and work together to get this done.

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

Mr. SIMPSON. Mr. Chairman, I claim time in opposition, although I am not opposed to the amendment.

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

There was no objection.

Mr. SIMPSON. Mr. Chairman, I will not oppose this amendment because it does not require the Corps to fund anything in particular.

We have had other similar amendments already tonight, and I would just like to remind my colleagues that these amendments—simply increasing the funding level of a particular account, they do not direct that funding to a particular activity.

If they did fund specific projects, those would be congressional earmarks that are no longer allowed. As we talked about on the last amendment, frankly, that is something I would like to change myself, and I know that the ranking member would, also.

But since this amendment only changes the overall account level, I will not oppose it.

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

Ms. GRAHAM. Mr. Chairman, I just want to thank the chair and the ranking member for working with me on this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Florida (Ms. GRAHAM).

The amendment was agreed to.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $200,000,000, to remain available until September 30, 2018.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation's early atomic energy program, $103,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary to prepare for flood, hurricane, and other natural disasters and support emergency operations, repairs, and other activities in response to such disasters as authorized by law, $34,000,000, to remain available until expended.

EXPENSES

For expenses necessary for the supervision and general administration of the civil works program in the headquarters of the Corps of Engineers and the offices of the Division Engineers; and for costs of management and operation of the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the United States Army Engineer Research and Development Center, and the United States Army Corps of Engineers Finance Center allocable to the civil works program, $180,000,000, to remain available until September 30, 2018, of which not to exceed $5,000 may be used for official reception and representation purposes and only during the current fiscal year: *Provided*, That no part of any other appropriation provided in this title shall be available to fund the civil works activities of the Office of the Chief of Engineers or the civil works executive direction and management activities of the division offices: *Provided further*, That any Flood Control and Coastal Emergencies appropriation may be used to fund the supervision and general administration of emergency operations, repairs, and other activities in response to any flood, hurricane, or other natural disaster.

OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS

For the Office of the Assistant Secretary of the Army for Civil Works as authorized by 10 U.S.C. 3016(b)(3), $4,750,000, to remain available until September 30, 2018: *Provided*, That not more than 25 percent of such amount may be obligated or expended until the Assistant Secretary submits to the Committees on Appropriations of both Houses of Congress a work plan that allocates at least 95 percent of the additional funding provided under each heading in this title (as designated under such heading in the report of the Committee on Appropriations accompanying this Act) to specific programs, projects, or activities.

GENERAL PROVISIONS—CORPS OF ENGINEERS—CIVIL

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. (a) None of the funds provided in this title shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates or initiates a new program, project, or activity;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by this Act;

(4) reduces funds that are directed to be used for a specific program, project, or activity by this Act;

(5) increases funds for any program, project, or activity by more than $2,000,000 or 10 percent, whichever is less; or

(6) reduces funds for any program, project, or activity by more than $2,000,000 or 10 percent, whichever is less.

(b) Subsection (a)(1) shall not apply to any project or activity authorized under section 205 of the Flood Control Act of 1948, section 14 of the Flood Control Act of 1946, section 208 of the Flood Control Act of 1954, section 107 of the River and Harbor Act of 1960, section 103 of the River and Harbor Act of 1962, section 111 of the River and Harbor Act of 1968, section 1135 of the Water Resources Development Act of 1986, section 206 of the Water Resources Development Act of 1996, or section 204 of the Water Resources Development Act of 1992.

(c) The Corps of Engineers shall submit reports on a quarterly basis to the Committees on Appropriations of both Houses of Congress detailing all the funds reprogrammed between programs, projects, activities, or categories of funding. The first quarterly report shall be submitted not later than 60 days after the date of enactment of this Act.

SEC. 102. None of the funds made available in this title may be used to award or modify any contract that commits funds beyond the amounts appropriated for that program, project, or activity that remain unobligated, except that such amounts may include any funds that have been made available through reprogramming pursuant to section 101.

SEC. 103. The Secretary of the Army may transfer to the Fish and Wildlife Service, and the Fish and Wildlife Service may accept and expend, up to $5,400,000 of funds provided in this title under the heading ''Operation and Maintenance'' to mitigate for fisheries lost due to Corps of Engineers projects.

SEC. 104. None of the funds in this Act shall be used for an open lake placement alternative for dredged material, after evaluating the least costly, environmentally acceptable manner for the disposal or management of dredged material originating from Lake Erie or tributaries thereto, unless it is approved under a State water quality certification pursuant to section 401 of the Federal Water Pollution Control Act (33 U.S.C. 1341); *Provided further*, That until an open lake placement alternative for dredged material is approved under a State water quality certification, the Corps of Engineers shall continue upland placement of such dredged material consistent with the requirements of section 101 of the Water Resources Development Act of 1986 (33 U.S.C. 2211).

SEC. 105. None of the funds made available in this title may be used for any acquisition that is not consistent with 48 CFR 225.7007.

SEC. 106. None of the funds made available by this Act may be used to carry out any water supply reallocation study under the Wolf Creek Dam, Lake Cumberland, Kentucky, project authorized under the Act of July 24, 1946 (60 Stat. 636, ch. 595).

SEC. 107. The Secretary of the Army, acting through the Chief of Engineers, may accept from the Trinity River Authority of Texas, if received by September 30, 2016, $31,233,401 as payment in full for amounts owed to the United States, including any accrued interest, for the approximately 61,747.1 acre-feet of water supply storage space in Joe Pool Lake, Texas (previously known as Lakeview Lake) for which payment has not commenced under Article 5.a. (relating to project investment costs) of contract number DACW63-76-C-0106 as of the date of enactment of this section.

SEC. 108. None of the funds made available in this or any other Act making appropriations for Energy and Water Development for any fiscal year may be used by the Corps of Engineers to develop, adopt, implement, administer, or enforce any change to the regulations in effect on October 1, 2012, pertaining to the definitions of the terms ''fill material'' or ''discharge of fill material'' for the purposes of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

□ 1830

AMENDMENT OFFERED BY MR. BEYER

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 13, beginning on line 3, strike section 108.

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from Virginia and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. BEYER. Mr. Chairman, this amendment is very simple: it strikes section 108 of this bill. Section 108 would prevent the Army Corps of Engineers from updating the definitions of the terms ''fill material'' or ''discharge of fill material.''

These definitions underlie section 404 of the Clean Water Act which governs dredge and fill permitting, one of the most important components of the act.

To freeze those definition in time, as section 108 does, ties the hands of the implementing agencies, despite evolving scientific understanding and current regulatory insights. Current and future administrations must have discretion to implement key terms and clarify them when needed.

The alternative puts our Nation's waters at risk.

My amendment would remove this anti-Clean Water Act rider.

When Congress first enacted the Clean Water Act, the section 404 permit process was supposed to be used for certain construction projects, like bridges and roads, where raising the bottom elevation of a water body or converting an area into dry land was unavoidable.

But under a 2002 rule change, the definition of ''fill material'' was broadened to include ''rock, sand, soil, clay, plastics, construction debris, wood chips, overburden from mining or other excavation activities.''

The revised rule also removed regulatory language which previously excluded ''waste'' discharges from section 404 jurisdiction, a change that some argue allows the use of 404 permits to authorize certain discharges that harm the aquatic environment.

The Clean Water Act section 404(b)(1) guidelines are not well suited for evaluating the environmental effects of discharging hazardous wastes, such as mining refuse and similar materials, into a water body or wetland.

In sum, the net effect of the 2002 rule change was to alter the Corps permit process in ways that Congress had never intended.

It was not congressional intent to allow mining refuse and similar material—some of it hazardous—to qualify as fill material and, thereby, bypass a more thorough environmental review and meet Federal pollution standards.

Downstream water users have every right to be concerned that the section 404 process fails to protect them from the discharge of hazardous substances.

Lower Slate Lake in Alaska is the perfect example. A permit allows the discharge of toxic wastewater from a gold ore processing mill to go untreated directly into the lake, despite the fact that the discharge violates EPA's standards for the mining industry. Mining waste can contain toxic chemicals known to pose health risks to humans and aquatic animals. Continuing the practice of dumping this waste into our Nation's streams and rivers is dangerous and irresponsible.

EPA estimates that 120 miles per year of headwater streams are buried with the chemical-laden discharge as a result of surface mining operations under existing divisions of ''fill.'' Equally important, a 2008 EPA study found evidence that mining activities can have severe impacts on downstream aquatic life and the biological conditions of a stream. That same study found that 9 out of every 10 streams downstream from surface mining operations were impaired based on assessments of aquatic life.

Mr. Chairman, this provision, section 108, is a preemptive strike against protecting our drinking water. Since there is no time limit on this provision, it would not only block the current administration but any future administration from considering changes.

Mr. Chairman, I urge my colleagues to support my amendment and strike section 108 from this bill.

I reserve the balance of my time.

Mr. SIMPSON. Mr. Chairman, I claim the time in opposition to the amendment.

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

Mr. SIMPSON. Mr. Chairman, I rise in opposition to this amendment. The language in the bill is intended simply to maintain the status quo regarding what is fill material for the purposes of the Clean Water Act.

The existing definition was put in place through a rulemaking initiated by the Clinton administration and was finalized by the Bush administration. That rule aligned the definitions on the books of the Corps and the EPA so that both agencies were working with the same definition.

Changing the definition again, as some have proposed, could effectively kill mining operations across much of this country. For that reason, I support the underlying language and would oppose this amendment.

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

Mr. BEYER. Mr. Chairman, I yield back the balance of my time.

Ms. KAPTUR. Mr. Chair, I move to strike the last word.

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

Ms. KAPTUR. Mr. Chair, I support the gentleman's amendment to strike section 108, and I thank Congressman BEYER of Virginia for offering it.

The provision the gentleman seeks to strike is one of three egregious attacks on the Clean Water Act, including locking in place a state of confusion about the scope of pollution control programs and sacrificing water quality for small streams and wetlands that contribute to the drinking water of one in three Americans.

I urge my colleagues to support the Beyer amendment. Freshwater is a precious resource, one which should be protected in the best scientific manner possible.

I thank the gentleman from Virginia for doing something really important for the country through this amendment to clean up this bill.

I yield back the balance of my time.

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

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

Mr. SIMPSON. Mr. Chair, I demand a recorded vote.

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

The Clerk will read.

The Clerk read as follows:

SEC. 109. Notwithstanding section 404(f)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1344(f)(2)), none of the funds made available by this Act may be used to require a permit for the discharge of dredged or fill material under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) for the activities identified in subparagraphs (A) and (C) of section 404(f)(1) of the Act (33 U.S.C. 1344(f)(1)(A), (C)).

SEC. 110. None of the funds made available in this or any other Act making appropriations for Energy and Water Development for any fiscal year may be used by the Corps of Engineers to develop, adopt, implement, administer, or enforce any change to the regulations and guidance in effect on October 1, 2012, pertaining to the definition of waters under the jurisdiction of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.),

including the provisions of the rules dated November 13, 1986, and August 25, 1993, relating to such jurisdiction, and the guidance documents dated January 15, 2003, and December 2, 2008, relating to such jurisdiction.

AMENDMENT OFFERED BY MR. BEYER

Mr. BEYER. Mr. Chairman, Congresswoman EDDIE BERNICE JOHNSON, Congressman MATT CARTWRIGHT, and I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 13, beginning on line 20, strike section 110.

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from Virginia and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. BEYER. Mr. Chairman, much like the previous discussion, our amendment would simply strike section 110.

As it stands, section 110 would prevent the implementation of the Clean Water Rule. The Environmental Protection Agency and the Army Corps of Engineers adopted the Clean Water Rule following a lengthy and inclusive public rulemaking process.

It restores the Clean Water Act protections to streams, wetlands, and other important waters of the United States.

Without the Clean Water Rule, the streams that provide drinking water systems serving one in three Americans will remain at risk.

Almost everyone agreed that clarity was needed in light of the Supreme Court rulings in 2001 and 2006 that interpreted the regulatory scope of the Clean Water Act more narrowly than the agencies and lower courts. Those cases created uncertainty about the scope of waters protected under the Clean Water Act.

Calls for EPA to issue a rule even came from such organizations as the National Cattlemen's Beef Association, the American Farm Bureau Federation, the Western Business Roundtable, and the National Association of Manufacturers.

Prohibiting the EPA from implementing this rule, as section 110 would direct, would perpetrate this confusion. There are countless cases to reiterate this point.

For example, the EPA acknowledged enforcement difficulties in a case in which storm water from construction sites carried oil, grease, and other pollutants into tributaries to the San Pedro River, which is an internationally recognized river ecosystem supporting diverse wildlife, but where the waters in question flow only for part of the year.

The agency stated that it had to discontinue all enforcement cases in this area because it was so time-consuming and costly to prove that the Clean Water Act protects these rivers. So we need to end the confusion.

But, unfortunately, we are left with the Clean Water Rule not currently being enforced because of a Federal Court ruling that blocked its implementation while it is being litigated.

The Corps and the EPA will continue to make Clean Water Act jurisdictional determinations based on the 2010 guidelines, as they did before the promulgation of the 2015 rule, doing the best they can with the ambiguity that they are forced to work with. So this confusion will continue.

It needs to be said that opponents of the Clean Water Rule have it wrong. The rule respects agriculture and the law by maintaining all of the existing exemptions for agricultural discharges and waters. It identifies specific types of water bodies to which it does not apply—areas like artificial lakes and ponds, and many types of drainage and irrigation ditches. It does not extend Federal protection to any waters not historically protected under the Clean Water Act, and it is fully consistent with the law and the decisions of the Supreme Court.

I want to reiterate. The administration has created a strong, commonsense rule to make clean water a priority by protecting the sources that feed the drinking water for more than 117 million Americans, including 2.3 million Virginians. If we continue to block the rule to protect clean water, at least 57 percent of Virginia's streams and 20 million acres of wetlands nationwide will continue to be at risk.

American businesses need to know when the Federal Government has authority and when it doesn't. Without updated guidance and the clarity it provides, businesses will often not know when they need Army Corps of Engineers' permits. This uncertainty could result in civil and criminal liability and will certainly cost them extra money.

Overall, the Clean Water Act riders are part of an effort to return us to a time when we had no uniform, national, minimum clean water standards, and States had conflicting policies or no policies to protect the public. That was a time when rivers were so polluted they caught fire and when responsible downstream States suffered the consequences of lax or weak upstream State policies.

Mr. Chairman, I urge my colleagues to oppose these Clean Water Act riders and to support my amendment to strike section 110.

I reserve the balance of my time.

Mr. SIMPSON. Mr. Chairman, I rise in opposition to this amendment.

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

Mr. SIMPSON. Mr. Chairman, I strongly oppose this amendment. We have debated this issue for many years now.

The fact is, the gentleman is right in one regard in that the Clean Water Act, in trying to define what waters of the United States by navigable waters, is hard. Navigable to what?

Consequently, every organization that I know of supports a new rule that brings certainty and clarity to it. That is what the Supreme Court said on two different occasions: that the Corps of Engineers and the Environmental Protection Agency had gone too far, and that Federal jurisdiction over the Clean Water Act was not as broad as they had claimed, and that we needed certainty and clarity in this rule. So the EPA took that and said: okay, I know what will give certainty; we will just regulate everything.

That is pretty much what they have done with this rule. Everybody who proposes this as a really good deal is under the assumption that the waters were not regulated before if they didn't fall under the Clean Water Act. The reality is that the EPA didn't regulate them, but the States regulated them, and the States did a darn good job of it in most cases.

We do need some clarity. But as cases have said, as the Supreme Court has said, the EPA has gone too far. Deciding how water should be used is the responsibility of State and local officials who are more familiar with the people and the local issues.

Under the WOTUS rule, the Federal reach of jurisdiction would be so broad that it could significantly restrict landowners' ability to make decisions about their property and a local government's right to plan for its own development. While there may be a desire for clarity on the issue of the Federal jurisdiction, providing clarity does not trump the need to stay within the limits of the law.

Bringing certainty to this, you know, that is a nice thing to say. A hanging brings certainty, but I am not sure it is the result you want, which is what we have got here.

The WOTUS rule would expand Federal jurisdiction far beyond what was ever intended by the Clean Water Act.

The provision in the Energy and Water Development bill does not weaken the Clean Water Act; it stops the administration from expanding Federal jurisdiction. For that purpose, I strongly urge my colleagues to vote ''no'' on this amendment.

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

Mr. BEYER. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Ohio (Ms. KAPTUR), the distinguished ranking member of the subcommittee.

Ms. KAPTUR. Mr. Chair, I thank the gentleman from Virginia for yielding and support his amendment strongly. It strikes a harmful provision that prevents the Corps from addressing deficiencies in regulatory uncertainties related to Clean Water Act regulations. Without this amendment, the bill would contribute to delays, uncertainty, and increased costs both for the government, for companies, and individuals who discharge into wetlands, streams, lakes, and other waters.

It will increase delays in the implementation of important public works projects and lead to protracted litigation on the disparity between existing

Federal regulations and two Supreme Court decisions.

The provision that this amendment strikes does not apply to just this year. It applies to any subsequent Energy and Water Development Act precluding potential changes that may be necessary to protect public health and the environment, and ensuring that uncertainty continues indefinitely.

I believe the amendment allows the Corps the needed flexibility to deal with the confusion that has surrounded Clean Water Act jurisdiction in the wake of the two Supreme Court decisions, and we should be allowing the Corps to take actions that address the Supreme Court's ruling, bringing clarity and certainty to the regulatory process, not prolonging the confusion.

□ 1845

If this amendment is not passed, it could mean an estimated one-fifth of wetlands and 2 million miles of small streams will not be protected.

I urge my colleagues to support the Beyer amendment. Freshwater is a precious resource, one which should be protected in the best scientific manner possible. We owe it to future generations.

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

Mr. SIMPSON. Mr. Chairman, they are absolutely right. This would block the implementation of this rule in the future. That is what we are trying to do. We are saying this rule is no good, start again. It doesn't mean that these streams would be in danger or anything else.

We are saying to the Army Corps and to the EPA, go back and start again, because they were wrong in this rule and they far overreached their authority of the Clean Water Act. I think that is what a court is going to decide, and this probably won't be necessary because a court is probably going to throw this out.

The reality is we all want clean water. If this amendment is not adopted and our language goes into effect, it doesn't mean that these wetlands and these streams are going to be unregulated. They will be regulated, as they were before, by the State governments. We have a Federal system. We have Federal law. We have State laws. The State laws do some things. They have regulated water within their States for years and have done a pretty good job of it.

Is the Clean Water Act necessary? You bet it is. You are right. The Cuyahoga River hasn't started a fire for a long time because of the cleanup that has been done, but that doesn't mean that they need to regulate every little mud puddle and stream in the State of Idaho.

I strongly oppose this amendment, as I have in years gone by. And I would say it again: This is telling the EPA and the Army Corps of Engineers to start over again. Follow the intent of the Clean Water Act and the intent of Congress when it was passed.

I yield back the balance of my time.

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

The amendment was rejected.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 111. As of the date of enactment of this Act and each fiscal year thereafter, the Secretary of the Army shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm, including an assembled or functional firearm, at a water resources development project covered under section 327.0 of title 36, Code of Federal Regulations (as in effect on the date of enactment of this Act), if—

(1) the individual is not otherwise prohibited by law from possessing the firearm; and

(2) the possession of the firearm is in compliance with the law of the State in which the water resources development project is located.

AMENDMENT OFFERED BY MR. DESAULNIER

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 14, strike lines 7 through 19.

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from California and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

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

Mr. Chairman, my amendment simply strikes a controversial provision that is irrelevant to the underlying bill.

Section 111 of the bill explicitly prohibits the Secretary of the Army from preventing someone from bringing a loaded weapon onto Federal Army Corps property. This divisive gun policy is nothing more than another attempt by the majority, unfortunately, to promote the interests of the gun lobby. It chips away at the safety and well-being of the Army Corps personnel and surrounding communities.

Not only is this gun rider widely considered bad policy, the Energy and Water Appropriations bill is an inappropriate mechanism for debating the pros and cons of gun possession on Federal lands, and is inconsistent with the majority's promotion of regular order.

Last week, the House debated the National Defense Authorization Act, which is certainly a more appropriate legislative vehicle for a discussion about guns. I offered an amendment to that bill to improve smart gun technology, and the majority didn't even allow it to be debated on the floor. In fact, not a single gun bill has been considered by the House in the 114th Congress. If the majority is eager to debate the merits of carrying loaded weapons on Federal properties, I am certain that many of us on this side of the aisle would be more than willing to participate in that debate.

By virtue of attaching this policy rider to an appropriations bill, and by virtue of the majority dismissing requests to debate gun research and smart gun technology, it seems that the majority would rather force a contentious issue through Congress with no debate at all. This approach is at odds with the purpose for which we are all here: to debate issues important to our constituents and this country and, by virtue of that debate, advance policies to improve our country.

Mr. Chairman, this policy rider is misplaced and misguided.

I reserve the balance of my time.

Mr. SIMPSON. Mr. Chairman, I claim the time in opposition to the amendment.

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

Mr. SIMPSON. Mr. Chairman, it is hard to understand that we are doing this without any debate when the gentleman is, in fact, debating. That is what we are doing. That is what we did in committee. That is what we did in subcommittee. That is how this process works.

I rise in opposition to the amendment. The current regulation prohibits citizens from exercising their Second Amendment rights guaranteed in the Constitution on Corps land. Many people don't realize it, but the Army Corps of Engineers is the largest Federal provider of outdoor recreation in the country.

The language in this bill would simply align Corps policy with the policy for national parks and national wildlife refuges established by Congress in 2009. We heard the same debate when we said, no, people ought to be able to exercise their Second Amendment rights in national parks. They shouldn't have to disassemble their guns, put them in their trunk, and everything else when they go through national parks. We instituted that policy, and today you can exercise your Second Amendment rights in national parks. It hasn't been a problem. The same thing with national wildlife refuges.

Therefore, I oppose this amendment. Let's make sure that every American has the right to exercise their Second Amendment rights guaranteed in the Constitution.

I yield back the balance of my time.

Mr. DESAULNIER. Mr. Chairman, while I respect that perspective, I appreciate the gentleman from Idaho's perspective, and hope that we can work together in the future to make sure that public safety is protected on Army Corps of Engineers property.

Mr. Chairman, it is clear today that this is not a day for a breakthrough on gun debate, in my view.

I ask unanimous consent to withdraw my amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from Florida.

There was no objection.

The Acting CHAIR. The amendment is withdrawn.

The Clerk will read.

The Clerk read as follows:

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, $11,000,000, to remain available until expended, of which $1,300,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission: *Provided*, That of the amount provided under this heading, $1,350,000 shall be available until September 30, 2018, for expenses necessary in carrying out related responsibilities of the Secretary of the Interior: *Provided further*, That for fiscal year 2017, of the amount made available to the Commission under this Act or any other Act, the Commission may use an amount not to exceed $1,500,000 for administrative expenses.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES

(INCLUDING TRANSFERS OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, federally recognized Indian tribes, and others, $982,972,000, to remain available until expended, of which $22,000 shall be available for transfer to the Upper Colorado River Basin Fund and $5,551,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund: *Provided*, That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further*, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 6806 shall be derived from that Fund or account: *Provided further*, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which the funds were contributed: *Provided further*, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further*, That of the amounts provided herein, funds may be used for high-priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $55,606,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), and 3405(f) of Public Law 102–575, to remain available until expended: *Provided*, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102–575: *Provided further*, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

CALIFORNIA BAY-DELTA RESTORATION

(INCLUDING TRANSFERS OF FUNDS)

For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act, consistent with plans to be approved by the Secretary of the Interior, $36,000,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes: *Provided*, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management: *Provided further*, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program.

POLICY AND ADMINISTRATION

For expenses necessary for policy, administration, and related functions in the Office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until September 30, 2018, $59,000,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed five passenger motor vehicles, which are for replacement only.

GENERAL PROVISIONS—DEPARTMENT OF THE INTERIOR

SEC. 201. (a) None of the funds provided in this title shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates or initiates a new program, project, or activity;

(2) eliminates a program, project, or activity;

(3) increases funds for any program, project, or activity for which funds have been denied or restricted by this Act;

(4) restarts or resumes any program, project or activity for which funds are not provided in this Act, unless prior approval is received from the Committees on Appropriations of both Houses of Congress;

(5) transfers funds in excess of the following limits—

(A) 15 percent for any program, project or activity for which $2,000,000 or more is available at the beginning of the fiscal year; or

(B) $300,000 for any program, project or activity for which less than $2,000,000 is available at the beginning of the fiscal year;

(6) transfers more than $500,000 from either the Facilities Operation, Maintenance, and Rehabilitation category or the Resources Management and Development category to any program, project, or activity in the other category; or

(7) transfers, where necessary to discharge legal obligations of the Bureau of Reclamation, more than $5,000,000 to provide adequate funds for settled contractor claims, increased contractor earnings due to accelerated rates of operations, and real estate deficiency judgments.

(b) Subsection (a)(5) shall not apply to any transfer of funds within the Facilities Operation, Maintenance, and Rehabilitation category.

(c) For purposes of this section, the term ''transfer'' means any movement of funds into or out of a program, project, or activity.

(d) The Bureau of Reclamation shall submit reports on a quarterly basis to the Committees on Appropriations of both Houses of Congress detailing all the funds reprogrammed between programs, projects, activities, or categories of funding. The first quarterly report shall be submitted not later than 60 days after the date of enactment of this Act.

SEC. 202. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the ''Cleanup Program—Alternative Repayment Plan'' and the ''SJVDP—Alternative Repayment Plan'' described in the report entitled ''Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995'', prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

SEC. 203. Section 205(2) of division D of Public Law 114–113 is amended by striking ''2016'' and inserting ''2017''.

SCIENTIFICALLY SUPPORTED IMPLEMENTATION OF OMR FLOW REQUIREMENTS

SEC. 204. (a) To maximize water supplies for the Central Valley Project and the State Water Project, in implementing the provisions of the smelt biological opinion or salmonid biological opinion, or any successor biological opinions or court orders, pertaining to management of reverse flow in the Old and Middle Rivers, the Secretary of the Interior shall—

(1) consider the relevant provisions of the applicable biological opinions or any successor biological opinions;

(2) manage export pumping rates to achieve a reverse OMR flow rate of -5,000 cubic feet per second unless existing information or that developed by the Secretary of the Interior under paragraphs (3) and (4) leads the Secretary to reasonably conclude, using the best scientific and commercial data available, that a less negative OMR flow rate is necessary to avoid a significant negative impact on the long-term survival of the species covered by the smelt biological opinion or salmonid biological opinion. If the best scientific and commercial data available to the Secretary indicates that a reverse OMR flow rate more negative than -5,000 cubic feet per second can be established without an imminent negative impact on the long-term survival of the species covered by the smelt biological opinion or salmonid biological opinion, the Secretary shall manage export pumping rates to achieve that more negative OMR flow rate;

(3) document, in writing, any significant facts about real-time conditions relevant to the determinations of OMR reverse flow rates, including—

(A) whether targeted real-time fish monitoring pursuant to this section, including monitoring in the vicinity of Station 902, indicates that a significant negative impact on the long-term survival of species covered by

the smelt biological opinion or salmonid biological opinion is imminent; and

(B) whether near-term forecasts with available models show under prevailing conditions that OMR flow of -5,000 cubic feet per second or higher will cause a significant negative impact on the long-term survival of species covered by the smelt biological opinion or salmonid biological opinion;

(4) show, in writing, that any determination to manage OMR reverse flow at rates less negative than -5,000 cubic feet per second is necessary to avoid a significant negative impact on the long-term survival of species covered by the smelt biological opinion or salmonid biological opinion, and provide, in writing, an explanation of the data examined and the connection between those data and the choice made, after considering—

(A) the distribution of Delta smelt throughout the Delta;

(B) the potential effects of documented, quantified entrainment on subsequent Delta smelt abundance;

(C) the water temperature;

(D) other significant factors relevant to the determination; and

(E) whether any alternative measures could have a substantially lesser water supply impact; and

(5) for any subsequent smelt biological opinion or salmonid biological opinion, make the showing required in paragraph (4) for any determination to manage OMR reverse flow at rates less negative than the most negative limit in the biological opinion if the most negative limit in the biological opinion is more negative than -5,000 cubic feet per second.

(b) NO REINITIATION OF CONSULTATION.—In implementing or at the conclusion of actions under subsection (a), the Secretary of the Interior or the Secretary of Commerce shall not reinitiate consultation on those adjusted operations unless there is a significant negative impact on the long-term survival of the species covered by the smelt biological opinion or salmonid biological opinion. Any action taken under subsection (a) that does not create a significant negative impact on the long-term survival to species covered by the smelt biological opinion or salmonid biological opinion will not alter application of the take permitted by the incidental take statement in the biological opinion under section 7(o)(2) of the Endangered Species Act of 1973.

(c) CALCULATION OF REVERSE FLOW IN OMR.—Within 90 days of the enactment of this title, the Secretary of the Interior is directed, in consultation with the California Department of Water Resources to revise the method used to calculate reverse flow in Old and Middle Rivers, for implementation of the reasonable and prudent alternatives in the smelt biological opinion and the salmonid biological opinion, and any succeeding biological opinions, for the purpose of increasing Central Valley Project and State Water Project water supplies. The method of calculating reverse flow in Old and Middle Rivers shall be reevaluated not less than every five years thereafter to achieve maximum export pumping rates within limits established by the smelt biological opinion, the salmonid biological opinion, and any succeeding biological opinions.

AMENDMENT OFFERED BY MR. MCNERNEY

Mr. MCNERNEY. Mr. Chairman, I have an amendment at the desk that amends a portion of the bill not yet read for amendment. I ask unanimous consent to offer it at this point in the reading.

The Acting CHAIR. Is there objection to the request of the gentleman from California?

There was no objection.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Strike page 22, line 1, through page 42, line 16.

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from California and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

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

Mr. Chairman, I am submitting an amendment with Representatives Lieu and Garamendi to strike provisions in the underlying legislation that are taken from H.R. 2898.

This important appropriations bill contains policy provisions that would further drain freshwater from the California delta with overpumping. These provisions would damage the delta's ecosystem and would cause serious economic harm to the communities we serve.

These provisions would undermine 40 years of progress in developing a true stewardship over the land and resources. Since these laws, which have helped make this progress possible, there have been countless attempts to scale back or undo them.

The provisions in the bill will weaken the Endangered Species Act and set a precedent of putting aside environmental protections. It misstates California water law and perpetuates a water war in the West at a time when we are working to bridge those divides. Families, farmers, and small businesses north and south of the California delta need water. This is a State issue, not a regional one.

Meanwhile, the results for farmers, families, businesses in the delta, as well as fishermen will be devastating. Fish will vanish and saltwater will intrude, permanently damaging some of the most productive farmland in the world.

Mr. Chairman, California water use seems to rely on an endless supply of freshwater. Unfortunately, there is only a finite amount of freshwater.

Historically, in limited water conditions, water has been taken from one region to supply another region. The Owens Valley and the Colorado River are perfect examples of what happens—one region benefits and another region suffers. That is exactly what is going to happen here. The delta region will suffer. Is that what we really want?

Mr. Chairman, California and Federal officials have been able to increase exports from the California delta. This action has helped maximize use of what little water exists in the State. A lack of water is our biggest threat, not operational flexibility.

It is completely inappropriate for a policy of this magnitude to be included in an annual must-pass appropriations bill. We should not be using an appropriations bill to ram through misguided policies that reward a few powerful stakeholders at the expense of others. This bill should not be included in this year's Energy and Water Appropriations bill. I urge my colleagues to support my amendment.

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

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

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

Mr. VALADAO. Mr. Chairman, one of the most interesting things we always hear is water is a finite resource and we shouldn't waste it.

It always blows my mind because this simple graph right here is a very strong example of what happened from one year to the next. Right here is what came into the delta in 2015, and right here is what happened in 2016—the amount of water that came in and the amount of water that was exported to the south of the delta—and this is the amount of water going through the delta this year. So the amount of water that went through the delta and out into the ocean and completely wasted, right here in this graph, and this is how much we are able to capture.

That is a huge difference and a huge waste of water. Communities in my district have been suffering because of a lack of action in this House. This is not a State issue. This is policy that was implemented years ago; and as we watch and see the delta continue to go and continue to decline and the species continue to disappear, doing this has actually not helped the species, has done nothing.

There is language in this bill that actually helps protect the species, the predator species. We have the ability in this bill to start a program that could actually help eliminate the striped bass. We have seen studies. As much as 60 to 90 percent of delta smelt are consumed by striped bass.

Why don't we allow that language to move forward? There was a motion today to strike some of that language, as well, in another bill as there is in this one.

This is a problem. As communities continue to struggle, this is what we end up with. I think this is the most important picture. This is in my district. This is not in a Third World country. This is in the United States of America. This is right here in California, and this is something that is happening in these communities because of this water being wasted.

□ 1900

We are putting people out of work, and we now see shanty towns. These shanty towns are not just regular folks—these are families. You see a stroller here, and you see some children's toys.

Is this what we want to support?

Anybody who supports this amendment is supporting this in the United

States of America, and I can't imagine why we would want to do that.

Again, this is commonsense language that helps to address the problem that we have. We try to bring some common sense to the protection of the delta, and we look at it from all different angles. If Members want to continue this debate elsewhere, I am happy to do it. We have passed legislation. It sits in the Senate. The Senate hasn't acted. We are going to keep pushing and looking for a way to bring this to the forefront so we can offer a solution.

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

Mr. MCNERNEY. Mr. Chair, I yield 2 minutes to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. Mr. Chairman, welcome to California water wars, Members of Congress. Here we are again, back to our water war.

We need to solve the problem of the delta, but you don't do it by gutting the environmental protections of the delta. Have no doubt about it. This is another water war in California that we do not need.

What we need is some wise legislation that actually can solve the problem. Gutting the Endangered Species Act, overriding the biological opinions, taking away the Clean Water Act, and simply turning the pumps on is not a solution. It is, in fact, the death knell of the delta. Along with Governor Brown's twin tunnels, it will destroy the delta. So let's not go that way. Let's find the right solution in which science—that is the realtime monitoring of what is happening in the delta—is how we determine whether to ramp up or to reduce the pumping in the delta. That is not in this bill.

Take a look at the opponents here. We have the two delta interests, Mr. MCNERNEY and I. We have the San Joaquin Valley interests. Gentlemen and ladies, welcome to California water wars. This is not the way to handle it—not in an appropriation, not in a bill that guts the environmental protections and simply turns the pumps on.

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

The Acting CHAIR. The gentleman from California has 30 seconds remaining.

Mr. MCNERNEY. Mr. Chair, we hear about water being wasted in its going out to the ocean, but that water is pushing saltwater away from our farms and the delta. It is allowing salmon fish to go out to the ocean. It is providing jobs all up and down the coast. I don't really accept the word ''waste.''

I implore my colleagues from southern California: let's work together. There are solutions out there. We can recycle; we can store rainwater; we can become more efficient and find wastage and stop evaporations. There are plenty of things we can do to produce new water. These provisions in this bill produce no new water. It just serves one portion of the State to benefit another.

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

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

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

Mr. VALADAO. Mr. Chair, I yield 1½ minutes to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. I thank the gentleman.

Mr. Chair, water wars. I have been at this for a while, too, as my friend from northern California has. People are suffering right now for no good reason.

According to independent studies, under the existing biological opinions, over a million acre feet of water have been wasted because of non-pumping. What I mean by ''wasted'' is not one fish—not one smelt, not one salmon—would have been lost in the delta because of pumping; but because of overcautiousness on the part of the Department of the Interior and the Department of Fish and Wildlife, we have let that water go. Tell that to the people who live in that shanty town. Tell that to the people who actually import produce from China to live on.

I know that people like to paint us as the party that doesn't care about the Hispanic community. Tell that to the hundreds of thousands of people who have been put out of work in the Central Valley. This is wrong.

I congratulate Mr. VALADAO for the hard work and the passion that he has put into this because he cares about the people he represents, and we should care about them, too.

There is no good reason why we have let this happen. We have allowed this to happen for a number of reasons, most of which don't make any sense to most people who understand this stuff. We have a chance, I think, to fix this and to pass Mr. VALADAO's legislation. Let's move on.

Ms. KAPTUR. Mr. Chair, I move to strike the last word.

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

Ms. KAPTUR. Mr. Chair, I yield to the gentleman from California (Mr. MCNERNEY).

Mr. MCNERNEY. I thank the gentlewoman from Ohio.

Mr. Chair, I just want to follow up on a few things.

We talked about water that goes out to the ocean as being wasted. Again, the delta is becoming more salty every year. We have been exporting 70 percent of the freshwater that comes to the delta. The saltwater has been intruding. We need the freshwater to push out that saltwater for the fishermen who live up and down the coast. I feel for the farmers who are in the south part of the valley—it is devastating; it is horrible—but we also see the same thing happening with fishermen on the north coast.

Basically, we are doing the same thing that has been done historically. At Owens Valley, we are going to take water from one part of the State, and we are going to give it to another. We are going to benefit one part, and we are going to hurt another. That is not the way to do business.

We can find comprehensive solutions that include infrastructure investments, recycling, WaterSMART projects. There are ways to create new water. We don't have to keep grabbing water from one another to grow fruits and vegetables or to have fishermen survive on the north coast.

Ms. KAPTUR. Mr. Chair, I yield to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. Mr. Chair, all of us can get pretty excited about water in California, and I see my colleagues from the San Joaquin Valley and beyond who are lined up here to protest what has happened over this last year.

There is no doubt that in this last year the rainy season didn't work for anybody. We can find a solution if we base that solution on solid science, if we base it on the realtime monitoring of where the fish are. I know there is a monitoring provision in this bill. Also, this particular bill, as written, would push aside the environmental protections and simply allow the pumps to be turned on even with the monitoring. What we really need to do is to base the delta operation on the realtime monitoring of where the species are and then adjust the pumps accordingly.

There is a solution. My colleague, Mr. MCNERNEY, just talked in detail about the necessity of building additional infrastructure for water. We need Sites Reservoir in the northern part of the State. We need to rebuild the San Luis Reservoir, and the Los Banos Grandes needs to be built. We need to build the infrastructure, the recycling, and all of the other things.

We do not need to take, as this bill does, the Endangered Species Act, the Clean Water Act, and the biological opinions and push them out of the way and just allow the pumps to turn on. That is not a solution. That is a solution for the destruction of the largest estuary on the west coast of the Western Hemisphere.

I don't doubt for a moment the sincerity of my colleagues from the San Joaquin Valley and from southern California. They are sincere about the concern, and we share that concern. 300,000 acres of my rice farm didn't get planted this last year because of the drought. We also know the damage that a drought can do, but there is a way of solving this problem. This is not the bill. This bill will set off a war. Obviously, we are already at it here on the floor of the House.

Let's put this aside. Let's sit down, as we can do, and develop a solution that keeps in place the environmental laws and allows the flexibility that is present within those laws to be used to the maximum extent and not push the laws and the biological opinions out of the way to the detriment of the largest

estuary on the west coast of the Western Hemisphere. It is critical for salmon and other species in the ocean as well as for the agriculture in the delta and the 4 million or 5 million people who depend upon that water from the delta.

I ask my colleagues to work with all of us, and I will take the chair of the subcommittee up on his offer. I will take the gentleman up on his offer and sit down with him, and we will work this out, but not in this way, at this moment on this floor, with a bill that really does gut the environmental laws and that guts the environmental species as well as the Clean Water Act.

Ms. KAPTUR. Mr. Chair, how much time do I have remaining?

The Acting CHAIR (Mr. REED). The gentlewoman from Ohio has 1 minute remaining.

Ms. KAPTUR. Mr. Chair, I yield to the gentleman from California (Mr. MCNERNEY), who has fought so very hard on this issue.

Mr. MCNERNEY. I thank the gentlewoman.

Mr. Chair, I am basically appealing to my colleagues. There are solutions out there. We can find a whole State solution to which all stakeholders have input. Right now that is not what this is. This is pitting one region against the other, and it is going to perpetuate what has been called the California water war. We didn't need to go there. There are solutions.

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

Mr. VALADAO. Mr. Chair, I yield the balance of my time to the gentleman from California (Mr. MCCARTHY), the majority leader.

Mr. MCCARTHY. I thank the gentleman for yielding.

Mr. Chair, I am always amazed by the debates on this floor, and I think they are healthy. I like to listen to what people say and what people desire. Let me explain what I have heard as a desire to deal with the water crisis in California.

People request that whatever we do, do not change the Endangered Species Act. Could we work together on both sides? Could we make sure we stay within the biological opinion?

For some of those people who are watching at home, they may not have watched the last three terms of this Congress. This drought is not new. But what is interesting is, if you just go back in this decade of the snowpack in California—let's go back 5 years—we had 160 percent of snowpack, which was an amazing year for California.

But do you know what was allocated from the State Water Project for water?

Eighty percent out of 160 percent. The next year, we had only 55 percent. In 2015, we only had 8 percent of snowpack. This year was an El Nino, so we got up to 87 percent. Yet, if you look at the numbers, we have only pumped about the same amount of water as we did when we had 8 percent.

My parents would always read me bedtime stories. The one I loved the most was one in which they talked about a grasshopper and an ant. It was interesting how one of them would save for that rainy day. In this case, it would be putting the water away. It would be saving for that next year because, as we go through these years, our snowpack is always not the same.

If we are not pumping the water down, where is it going?

It is going to the ocean.

For the last three terms, we have tried to solve the water crisis, and, every time, we have heard these same arguments; so every term we did something different. A term ago, we got together with Republicans and Democrats, and we worked with our Senate leaders on the other side; but when it got time to make a final decision, I was told: no, no, we couldn't do this because it didn't go through committee, and there weren't enough people in the room.

So we said: All right. Well, we will go back to the drawing board.

This time we went through and we put Republicans and Democrats in the room.

Do you know what is interesting?

It just so happens Republicans are in the majority and Democrats are in the minority, but not in that room. There were more Democrats than there were Republicans, and we stayed months in there talking. We came to a lot of agreements. Maybe some people who were in the room won't say that on the outside, but on the inside, they agreed to a lot of the pieces of the legislation.

I will tell you that those pieces that we agreed to are in this bill.

Do you know why?

Because we listened. We don't change the Endangered Species Act. We don't go beyond the biological opinion.

Are you concerned about fish?

We say in this piece of legislation to pump higher unless there is a concern in the harming of the fish. You don't have to come back to Congress to change the level of pumping. So those solutions I hear on the floor are in the bill. I think it is about time that we stop making false accusations and actually stand for what we need.

□ 1915

Do you know what in these rooms I heard a lot about? Desalinization. And I said I will help with that. Because the whole concept of desalinization is we will spend a lot of money with a lot of energy to take that ocean water and take the salt out of it and make it freshwater.

Don't you think it would kind of be smart of us first to make sure that our freshwater is not becoming saltwater first? That is all we are asking here. We are saying let's live within the biological opinion.

We are protecting the Endangered Species Act, but we are doing something different in California. We are planning for the future. We are planning for those years that you won't have the big snowpack. We are planning for the years that California continues to grow. We are also planning for those people who work in the fields. We are planning for the people who want to build the homes.

Central Valley may be a little different than everyplace else, but those jobs are just as important as any job anywhere else in California. So, yes, we have sat in the rooms. Yes, there were more on the minority side than on the majority. Yes, we listened to you and we took what we heard and put it into a bill.

Because the other thing I heard when we couldn't do this is that it had to be regular order. That is why it could not be in the omnibus bill even though that was an idea from my Senate colleague in the other house.

So you know what? This is regular order on the floor of the House with the ideas that we heard, and it is in the bill.

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

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

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

Mr. MCNERNEY. Mr. Chair, I demand a recorded vote.

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

The Clerk will read.

The Clerk read as follows:

TEMPORARY OPERATIONAL FLEXIBILITY FOR FIRST FEW STORMS OF THE WATER YEAR

SEC. 205. (a) IN GENERAL.—Consistent with avoiding an immediate significant negative impact on the long-term survival upon listed fish species over and above the range of impacts authorized under the Endangered Species Act of 1973 and other environmental protections under subsection (d), the Secretary of the Interior and the Secretary of Commerce shall authorize the Central Valley Project and the California State Water Project, combined, to operate at levels that result in negative OMR flows at -7,500 cubic feet per second (based on United States Geological Survey gauges on Old and Middle Rivers) daily average as described in subsections (b) and (c) to capture peak flows during storm events.

(b) DAYS OF TEMPORARY OPERATIONAL FLEXIBILITY.—The temporary operational flexibility described in subsection (a) shall be authorized on days that the California Department of Water Resources determines the net Sacramento-San Joaquin River Delta outflow index is at, or above, 13,000 cubic feet per second.

(c) COMPLIANCE WITH ENDANGERED SPECIES ACT AUTHORIZATIONS.—In carrying out this section, the Secretary of the Interior and the Secretary of Commerce may continue to impose any requirements under the smelt biological opinion and salmonid biological opinion during any period of temporary operational flexibility as they determine are reasonably necessary to avoid additional significant negative impacts on the long-term survival of a listed fish species over and

above the range of impacts authorized under the Endangered Species Act of 1973, provided that the requirements imposed do not reduce water supplies available for the Central Valley Project and the California State Water Project.

(d) OTHER ENVIRONMENTAL PROTECTIONS.—

(1) STATE LAW.—The actions of the Secretary of the Interior and the Secretary of Commerce under this section shall be consistent with applicable regulatory requirements under State law. The foregoing does not constitute a waiver of sovereign immunity.

(2) FIRST SEDIMENT FLUSH.—During the first flush of sediment out of the Sacramento-San Joaquin River Delta in each water year, and provided that such determination is based upon objective evidence, OMR flow may be managed at rates less negative than -5,000 cubic feet per second for a minimum duration to avoid movement of adult Delta smelt (*Hypomesus transpacificus*) to areas in the southern Sacramento-San Joaquin River Delta that would be likely to increase entrainment at Central Valley Project and California State Water Project pumping plants.

(3) APPLICABILITY OF OPINION.—This section shall not affect the application of the salmonid biological opinion from April 1 to May 31, unless the Secretary of Commerce finds, based on the best scientific and commercial data available, that some or all of such applicable requirements may be adjusted during this time period to provide emergency water supply relief without resulting in additional adverse effects over and above the range of impacts authorized under the Endangered Species Act of 1973. In addition to any other actions to benefit water supply, the Secretary of the Interior and the Secretary of Commerce shall consider allowing through-Delta water transfers to occur during this period if they can be accomplished consistent with section 3405(a)(1)(H) of the Central Valley Project Improvement Act. Water transfers solely or exclusively through the California State Water Project that do not require any use of Reclamation facilities or approval by Reclamation are not required to be consistent with section 3405(a)(1)(H) of the Central Valley Project Improvement Act.

(4) MONITORING.—During operations under this section, the Commissioner of Reclamation, in coordination with the United States Fish and Wildlife Service, National Marine Fisheries Service, and California Department of Fish and Wildlife, shall undertake expanded monitoring programs and other data gathering to improve Central Valley Project and California State Water Project water supplies, to ensure incidental take levels are not exceeded, and to identify potential negative impacts, if any, and actions necessary to mitigate impacts of the temporary operational flexibility to species listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(e) EFFECT OF HIGH OUTFLOWS.—In recognition of the high outflow levels from the Sacramento-San Joaquin River Delta during the days this section is in effect under subsection (b), the Secretary of the Interior and the Secretary of Commerce shall not count such days toward the 5-day and 14-day running averages of tidally filtered daily Old and Middle River flow requirements under the smelt biological opinion and salmonid biological opinion, as long as the Secretaries avoid significant negative impact on the long-term survival of listed fish species over and above the range of impacts authorized under the Endangered Species Act of 1973.

(f) LEVEL OF DETAIL REQUIRED FOR ANALYSIS.—In articulating the determinations required under this section, the Secretary of the Interior and the Secretary of Commerce shall fully satisfy the requirements herein but shall not be expected to provide a greater level of supporting detail for the analysis than feasible to provide within the short timeframe permitted for timely decision making in response to changing conditions in the Sacramento-San Joaquin River Delta.

(g) OMR FLOWS.—The Secretary of the Interior and the Secretary of Commerce shall, through the adaptive management provisions in the salmonid biological opinion, limit OMR reverse flow to -5,000 cubic feet per second based on date-certain triggers in the salmonid biological opinions only if using real-time migration information on salmonids demonstrates that such action is necessary to avoid a significant negative impact on the long-term survival of listed fish species over and above the range of impacts authorized under the Endangered Species Act of 1973.

(h) NO REINITIATION OF CONSULTATION.—In implementing or at the conclusion of actions under this section, the Secretary of the Interior shall not reinitiate consultation on those adjusted operations if there is no immediate significant negative impact on the long-term survival of listed fish species over and above the range of impacts authorized under the Endangered Species Act of 1973. Any action taken under this section that does not create an immediate significant negative impact on the long-term survival of listed fish species over and above the range of impacts authorized under the Endangered Species Act of 1973 will not alter application of the take permitted by the incidental take statement in those biological opinions under section 7(o)(2) of the Endangered Species Act of 1973.

STATE WATER PROJECT OFFSET AND WATER RIGHTS PROTECTIONS

SEC. 206. (a) OFFSET FOR STATE WATER PROJECT.—

(1) IMPLEMENTATION IMPACTS.—The Secretary of the Interior shall confer with the California Department of Fish and Wildlife in connection with the implementation of this section on potential impacts to any consistency determination for operations of the State Water Project issued pursuant to California Fish and Game Code section 2080.1.

(2) ADDITIONAL YIELD.—If, as a result of the application of this section, the California Department of Fish and Wildlife—

(A) determines that operations of the State Water Project are inconsistent with the consistency determinations issued pursuant to California Fish and Game Code section 2080.1 for operations of the State Water Project; or

(B) requires take authorization under California Fish and Game Code section 2081 for operation of the State Water Project in a manner that directly or indirectly results in reduced water supply to the State Water Project as compared with the water supply available under the smelt biological opinion and the salmonid biological opinion; and as a result, Central Valley Project yield is greater than it otherwise would have been, then that additional yield shall be made available to the State Water Project for delivery to State Water Project contractors to offset that reduced water supply.

(3) NOTIFICATION RELATED TO ENVIRONMENTAL PROTECTIONS.—The Secretary of the Interior and Secretary of Commerce shall—

(A) notify the Director of the California Department of Fish and Wildlife regarding any changes in the manner in which the smelt biological opinion or the salmonid biological opinion is implemented; and

(B) confirm that those changes are consistent with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(b) AREA OF ORIGIN AND WATER RIGHTS PROTECTIONS.—

(1) IN GENERAL.—The Secretary of the Interior and the Secretary of Commerce, in carrying out the mandates of this section, shall take no action that—

(A) diminishes, impairs, or otherwise affects in any manner any area of origin, watershed of origin, county of origin, or any other water rights protection, including rights to water appropriated before December 19, 1914, provided under State law;

(B) limits, expands or otherwise affects the application of section 10505, 10505.5, 11128, 11460, 11461, 11462, 11463 or 12200 through 12220 of the California Water Code or any other provision of State water rights law, without respect to whether such a provision is specifically referred to in this section; or

(C) diminishes, impairs, or otherwise affects in any manner any water rights or water rights priorities under applicable law.

(2) SECTION 7 OF THE ENDANGERED SPECIES ACT.—Any action proposed to be undertaken by the Secretary of the Interior and the Secretary of Commerce pursuant to both this section and section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) shall be undertaken in a manner that does not alter water rights or water rights priorities established by California law or it shall not be undertaken at all. Nothing in this subsection affects the obligations of the Secretary of the Interior and the Secretary of Commerce under section 7 of the Endangered Species Act of 1973.

(3) EFFECT OF ACT.—

(A) Nothing in this section affects or modifies any obligation of the Secretary of the Interior under section 8 of the Act of June 17, 1902 (32 Stat. 390, chapter 1093).

(B) Nothing in this section diminishes, impairs, or otherwise affects in any manner any Project purposes or priorities for the allocation, delivery or use of water under applicable law, including the Project purposes and priorities established under section 3402 and section 3406 of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4706).

(c) NO REDIRECTED ADVERSE IMPACTS.—

(1) IN GENERAL.—The Secretary of the Interior and Secretary of Commerce shall not carry out any specific action authorized under this section that will directly or through State agency action indirectly result in the involuntary reduction of water supply to an individual, district, or agency that has in effect a contract for water with the State Water Project or the Central Valley Project, including Settlement and Exchange contracts, refuge contracts, and Friant Division contracts, as compared to the water supply that would be provided in the absence of action under this section, and nothing in this section is intended to modify, amend or affect any of the rights and obligations of the parties to such contracts.

(2) ACTION ON DETERMINATION.—If, after exploring all options, the Secretary of the Interior or the Secretary of Commerce makes a final determination that a proposed action under this section cannot be carried out in accordance with paragraph (1), that Secretary—

(A) shall document that determination in writing for that action, including a statement of the facts relied on, and an explanation of the basis, for the decision;

(B) may exercise the Secretary's existing authority, including authority to undertake the drought-related actions otherwise addressed in this title, or to otherwise comply with other applicable law, including the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(C) shall comply with subsection (a).

(d) ALLOCATIONS FOR SACRAMENTO VALLEY WATER SERVICE CONTRACTORS.—

(1) DEFINITIONS.—In this subsection:

(A) EXISTING CENTRAL VALLEY PROJECT AGRICULTURAL WATER SERVICE CONTRACTOR WITHIN THE SACRAMENTO RIVER WATERSHED.—The term ''existing Central Valley Project agricultural water service contractor within the Sacramento River Watershed'' means any water service contractor within the Shasta, Trinity, or Sacramento River division of the Central Valley Project that has in effect a water service contract on the date of enactment of this section that provides water for irrigation.

(B) YEAR TERMS.—The terms ''Above Normal'', ''Below Normal'', ''Dry'', and ''Wet'', with respect to a year, have the meanings given those terms in the Sacramento Valley Water Year Type (40–30–30) Index.

(2) ALLOCATIONS OF WATER.—

(A) ALLOCATIONS.—Subject to subsection (c), the Secretary of the Interior shall make every reasonable effort in the operation of the Central Valley Project to allocate water provided for irrigation purposes to each existing Central Valley Project agricultural water service contractor within the Sacramento River Watershed in accordance with the following:

(i) Not less than 100 percent of the contract quantity of the existing Central Valley Project agricultural water service contractor within the Sacramento River Watershed in a ''Wet'' year.

(ii) Not less than 100 percent of the contract quantity of the existing Central Valley Project agricultural water service Contractor within the Sacramento River Watershed in an ''Above Normal'' year.

(iii) Not less than 100 percent of the contract quantity of the existing Central Valley Project agricultural water service contractor within the Sacramento River Watershed in a ''Below Normal'' year that is preceded by an ''Above Normal'' or ''Wet'' year.

(iv) Not less than 50 percent of the contract quantity of the existing Central Valley Project agricultural water service contractor within the Sacramento River Watershed in a ''Dry'' year that is preceded by a ''Below Normal'', ''Above Normal'', or ''Wet'' year.

(v) Subject to clause (ii), in any other year not identified in any of clauses (i) through (iv), not less than twice the allocation percentage to south-of-Delta Central Valley Project agricultural water service contractors, up to 100 percent.

(B) EFFECT OF CLAUSE.—Nothing in clause (A)(v) precludes an allocation to an existing Central Valley Project agricultural water service contractor within the Sacramento River Watershed that is greater than twice the allocation percentage to a south-of-Delta Central Valley Project agricultural water service contractor.

(3) PROTECTION OF ENVIRONMENT, MUNICIPAL AND INDUSTRIAL SUPPLIES, AND OTHER CONTRACTORS.—

(A) ENVIRONMENT.—Nothing in paragraph (2) shall adversely affect—

(i) the cold water pool behind Shasta Dam;

(ii) the obligation of the Secretary of the Interior to make water available to managed wetlands pursuant to section 3406(d) of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4722); or

(iii) any obligation—

(I) of the Secretary of the Interior and the Secretary of Commerce under the smelt biological opinion, the salmonid biological opinion, or any other applicable biological opinion; or

(II) under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or any other applicable law (including regulations).

(B) MUNICIPAL AND INDUSTRIAL SUPPLIES.—Nothing in paragraph (2)—

(i) modifies any provision of a water Service contract that addresses municipal or industrial water shortage policies of the Secretary of the Interior and the Secretary of Commerce;

(ii) affects or limits the authority of the Secretary of the Interior and the Secretary of Commerce to adopt or modify municipal and industrial water shortage policies;

(iii) affects or limits the authority of the Secretary of the Interior and the Secretary of Commerce to implement a municipal or industrial water shortage policy;

(iv) constrains, governs, or affects, directly or indirectly, the operations of the American River division of the Central Valley Project or any deliveries from that division or a unit or facility of that division; or

(v) affects any allocation to a Central Valley Project municipal or industrial water service contractor by increasing or decreasing allocations to the contractor, as compared to the allocation the contractor would have received absent paragraph (2).

(C) OTHER CONTRACTORS.—Nothing in subsection (b)—

(i) affects the priority of any individual or entity with Sacramento River water rights, including an individual or entity with a Sacramento River settlement contract, that has priority to the diversion and use of Sacramento River water over water rights held by the United States for operations of the Central Valley Project;

(ii) affects the obligation of the United States to make a substitute supply of water available to the San Joaquin River exchange contractors;

(iii) affects the allocation of water to Friant division contractors of the Central Valley Project;

(iv) results in the involuntary reduction in contract water allocations to individuals or entities with contracts to receive water from the Friant division; or

(v) authorizes any actions inconsistent with State water rights law.

SEC. 207. None of the funds in this Act shall be available to implement the Stipulation of Settlement (Natural Resources Defense Council, et al. v. Kirk Rodgers, et al., Eastern District of California, No. Civ. 9 S–88–1658 LKK/GGH) or subtitle A of title X of Public Law 111–11.

SEC. 208. None of the funds in this Act shall be available for the purchase of water in the State of California to supplement instream flow within a river basin that has suffered a drought within the last two years.

SEC. 209. The Commissioner of Reclamation is directed to work with local water and irrigation districts in the Stanislaus River Basin to ascertain the water storage made available by the Draft Plan of Operations in New Melones Reservoir (DRPO) for water conservation programs, conjunctive use projects, water transfers, rescheduled project water and other projects to maximize water storage and ensure the beneficial use of the water resources in the Stanislaus River Basin. All such programs and projects shall be implemented according to all applicable laws and regulations. The source of water for any such storage program at New Melones Reservoir shall be made available under a valid water right, consistent with the State water transfer guidelines and any other applicable State water law. The Commissioner shall inform the Congress within 18 months setting forth the amount of storage made available by the DRPO that has been put to use under this program, including proposals received by the Commissioner from interested parties for the purpose of this section.

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY EFFICIENCY AND RENEWABLE ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy efficiency and renewable energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,825,000,000, to remain available until expended: *Provided*, That of such amount, $149,500,000 shall be available until September 30, 2018, for program direction.

AMENDMENT OFFERED BY MR. GRIFFITH

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 43, line 24, after the dollar amount, insert ''(reduced by $50,000,000)''.

Page 45, line 16, after the dollar amount, insert ''(increased by $45,000,000)''.

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from Virginia and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. GRIFFITH. Mr. Chairman, this is a fairly simple amendment, and it is a commonsense amendment.

While the technologies could also be used that this amendment will plus up for natural gas or oil, I will focus my attention on coal because that is what happens in my district predominantly.

Over the last several years, as many of us know, there have been numerous burdensome regulations on the coal industry and industries that burn coal.

The very least we can do is to make sure that coal-fired power plants and others dependent on coal, among those most heavily targeted, have the technologies necessary to meet the standards being imposed on them.

In recent months, I have had many conversations and discussions with a number of folks in southwest Virginia, but also folks at the Department of Energy, about ways that we can better do the research necessary to make clean coal technology available.

One thing is very clear. There is a future for coal, and it lies in many ways in the technologies being researched and supported by the Department of Energy's Office of Fossil Energy Research. We would love to get parity. This amendment doesn't bring us to parity, but it gets us a little bit closer.

My amendment would simply add $45 million for fossil energy research and development from the energy efficiency and renewable energy account for the purpose of aiding clean coal technology.

Now, just so you understand, the research money for energy efficiency and renewable energy would still be at $1.775 billion and the research money for fossil fuels, including coal, would only get plussed up to 690.

So you still have a greater amount of money by a little bit more than 2 to 1 going to other energies besides the fossil fuels.

Some of the key power providers in Virginia have made it clear that coal

will continue to be a part of their strategy for a long time to come.

Dominion Power, at a recent conference that we had, indicated that, by 2030, they expect that about 30 percent of their energy production will be from coal. American Electric Power indicated that about half of theirs in 2030 would still be from coal.

Now, what we have to do is we have to make sure that we get our technologies in line to make sure that we can continue to burn coal, but burn it in a cleaner fashion. While there are various clean coal technologies currently in development, they will not be ready for commercial use for years to come unless we change the timeline.

So my amendment would change that timeline. It will shorten that time by putting more money into research for clean coal technologies.

So we have two intersecting interests here. Let's figure out a way we can keep the jobs, particularly in southwest Virginia and central Appalachia, and also burn coal more cleanly.

My amendment gives us a ray of hope, a step forward, to keeping those high-paying coal jobs, at least some of them—we have lost thousands in the last few years—but keeping those jobs while also finding ways to burn the coal more cleanly.

This amendment will support both of these goals by ensuring additional funding for clean coal research. That research can also be used in natural gas. My favorite is chemical looping.

This is a reasonable approach, and I hope that the body will adopt this amendment.

I appreciate that the underlying bill does provide a slight increase in fossil fuel energy research over last year's level. But when you are losing as many jobs as my district has, you have to fight for everything you can get.

I reserve the balance of my time.

Ms. KAPTUR. Mr. Chair, I claim the time in opposition.

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

Ms. KAPTUR. Mr. Chair, I appreciate Congressman GRIFFITH's efforts here, but, unfortunately, I rise in opposition to the amendment.

Let me just say that, in the base bill that we have worked very hard on, there are $645 million in the account for fossil energy. That is about $13 million more over the current fiscal year. In addition, it is $285 million above the budget request.

So I think, if you put it in that frame, we have done quite well with difficult choices inside our bill. The energy efficiency and renewable energy account is already $248 million below this year and more than a billion below the budget request.

So I would say to the gentleman that I don't think the offset you have provided is a very good one.

We know that renewable energy is at the forefront of an energy transformation that is already happening across our country, and we do need a more balanced approach to energy.

While I do support fossil energy research and development and, frankly, transition for communities that have been harmed by the transformation in the energy sector—coal communities and coal-shipping communities across this country—I really can't support this level of disproportionate funding.

So I strongly oppose the amendment and do not agree with its offset. I would urge my colleagues to join me in a ''no'' vote.

I reserve the balance of my time.

Mr. GRIFFITH. Mr. Chairman, may I inquire as to how much time I have remaining?

The Acting CHAIR. The gentleman from Virginia has 1 minute remaining.

Mr. GRIFFITH. Mr. Chair, I appreciate the gentlewoman's comments and recognize that they did plus it up a little bit.

But when you look at the folks that I represent and the thousands of folks who have lost their jobs in the mining industry, we have to do more. We have to do more.

Everybody likes to talk about we are going to help, we are going to transition. But some of my counties, quite frankly, what are you going to transition them to?

There are no great roads. We should work on that as well. Frankly, we have got trees and mountains. Recently, one of my counties had to build a new high school because all of their high schools were in the floodway. We had two pieces of land that were flat enough to build the high school on in the entire county.

So when people say transition, I always say: What are you going to do when you don't have the land to build factories and you don't have the resources to do something else?

They have always done mining. They can continue to do mining. Let's meet and compromise here and put research money in so that they can continue to mine, continue to have jobs, and we can have a cleaner burning fuel, but still use our coal.

I yield back the balance of my time.

Ms. KAPTUR. Mr. Chair, might I inquire how much time I have remaining?

The Acting CHAIR. The gentlewoman from Ohio has 3 minutes remaining.

Ms. KAPTUR. Mr. Chair, I couldn't agree with Congressman GRIFFITH more about the necessity of transitioning communities.

When I look back to the 1990s when something called NAFTA passed—the North American Free Trade Agreement—we were promised that there would be a North American development bank and that any community that was harmed in the South or the North would be helped.

The Federal Government never kept its word. It never kept its word. Go try to find that North American development bank today and we look at hollowed-out communities across this country.

If we look at the coal communities in—and Ohio has a lot of coal. We actually have more Btus under the ground between Virginia, Pennsylvania, Ohio, all the way to Illinois, than the Middle East has oil. It is just a little bit harder. So we look at these communities that have been so devastated, and the Federal Government kind of sat on the side.

Yes, we had the Appalachian Regional Commission terribly underfunded without the kind of bonding and development authority that should exist.

I look at the steel communities that I represent. People in my district are getting pink slips every day at our big steel companies because of imported steel, and the Federal Government sits on its hand here at the Federal level in the International Trade Commission and the National Economic office over at the National Security Council. It upsets me a great deal that we haven't been able to help communities so impacted.

I hope that, for those communities that are suffering because of the transition in the energy sector partly due to the discovery of natural gas, quite frankly, in places like Ohio—and I am not sure about Virginia—we really need the type of transition program that we should have had back in the 1990s for the NAFTA communities and that we should have had for the steel communities. The Federal Government is just too far away from the places where we live to even see it sometimes.

So I share the gentleman's passion on that, but I really don't think that we should take from the accounts that are providing some of the future answers. I hope that regions like yours could move into the new energy economy as well.

Up in the Lake Erie area where I live, we are trying very, very hard to capture the wind. Lake Erie is the Saudi Arabia of wind, and it is part of our new future and part of a new grid. We hope to be very successful there. I hope that some of these new technologies could also burgeon in regions of Virginia. There is no reason that they can't.

I believe the Department of Energy, the Department of Labor, the Department of Commerce, and all of our departments have an obligation to the communities that have been harmed because of policies that happen in the private sector or the public sector, but we haven't been so good at that as the Federal Government.

So I reluctantly oppose the gentleman's amendment, but I understand his motivation. I urge my colleagues to vote ''no'' on the Griffith amendment.

I yield back the balance of my time.

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

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

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

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by

the gentleman from Virginia will be postponed.

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AMENDMENT OFFERED BY MR. MCNERNEY

Mr. MCNERNEY. Mr. Chairman, as the designee of the gentleman from Tennessee (Mr. COHEN), I offer an amendment.

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 43, line 24, after the dollar amount, insert ''(increased by $2,000,000)''.

Page 50, line 21, after the dollar amount, insert ''(reduced by $2,000,000)''.

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from California and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. MCNERNEY. Mr. Chair, I yield myself such time as I may consume.

This amendment would increase funding for the Energy Efficiency and Renewable Energy account by $2 million for the SuperTruck II program. The SuperTruck program was started by the Department of Energy to improve freight and heavy duty vehicle efficiency.

The Committee on Appropriations acknowledged in their committee report the success of the SuperTruck II program but recommended only $20 million of the requested $60 million for the SuperTruck II program to further improve efficiency in these vehicles.

SuperTruck II will continue dramatic improvements in the efficiency of heavy-duty class 8 long-haul and regional-haul vehicles through system-level improvements. These improvements include hybridization, more efficient idling, and high efficiency HVAC technologies. By increasing the funding for the SuperTruck II program by $2 million, it will allow the Department of Energy to better achieve their freight efficiency goals.

This amendment is fully offset by a decrease in the departmental administration account.

I thank my colleague, STEVE COHEN, for his continued work on this important issue. I would also like to thank Chairman SIMPSON and Ranking Member KAPTUR for their hard work on this bill. I urge my colleagues to vote ''yes'' on the amendment.

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

Mr. COHEN. Mr. Chair, I rise in support of an amendment Congressman JERRY MCNERNEY and I are offering today to the Fiscal Year 2017 Energy and Water Appropriations Act.

Our amendment would increase funding for the Energy Efficiency and Renewable Energy account by $2 million for the SuperTruck II program, and it is fully offset.

The SuperTruck program at the Department of Energy (DOE) helps research and develop more fuel efficient long-haul, tractor-trailers, which is important not just for our environment but also for our economy.

The types of improvements we may see as a result of this program include better engine efficiency, aerodynamics, and truck weight.

The Appropriations Committee included $20 million of the requested $60 million for the SuperTruck II program. While I am grateful for the funding, I believe we can do more.

I would like to thank Congressman MCNERNEY for his help on this amendment as well as Chairman SIMPSON and Ranking Member KAPTUR for all their efforts on this bill.

I urge my colleagues to support this amendment.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BUCK

Mr. BUCK. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 43, line 24, after the dollar amount, insert ''(reduced to $0)''.

Page 44, line 1, after the dollar amount, insert ''(reduced to $0)''.

Page 44, line 25, after the dollar amount, insert ''(reduced to $0)''.

Page 45, line 1, after the dollar amount, insert ''(reduced to $0)''.

Page 45, line 16, after the dollar amount, insert ''(reduced to $0)''.

Page 45, line 17, after the dollar amount, insert ''(reduced to $0)''.

Page 80, line 12, after the dollar amount, insert ''(increased by $3,481,616,000)''.

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from Colorado and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. BUCK. Mr. Chairman, I thank you for the opportunity to speak about this amendment to the Energy and Water Development and Related Agencies Appropriations Act of 2017.

This amendment zeroes out several Federal agency programs that have been in the business of picking winners and losers. Federal bureaucrats are not venture capitalists or R&D specialists. They have no business exposing billions of taxpayer dollars to potentially risky investments.

We must continue to invest in renewable, nuclear, and fossil energy technologies; but the investments in these projects should be left to the private sector, where firms can decide whether or not to take on the risk.

Additionally, the discoveries from these projects are owned by the companies themselves, rather than placed into the private domain to benefit our Nation more fully. Moreover, wherever the Federal Government doles out taxpayer dollars, high-paid lobbyists stand at the ready to collect their share.

The success of companies pursuing new energy technologies should depend on those technologies' merits. This amendment eliminates those crony subsidies.

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

Ms. KAPTUR. Mr. Chair, I rise in opposition to the amendment.

The Acting Chair. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. Mr. Chair, it is interesting that a Member from Colorado, which is where the National Renewable Energy Laboratory—I would sure like to have that in Ohio—is headquartered. I have actually visited that site and have been so impressed by the basic research that has been done in so many arenas that has brought new products to market.

When I look at the solar industry, for example, were it not for the photovoltaic research of the U.S. Department of Energy back in the early days, it would not now be employing more people than those who work in many of the other energy sectors put together. It is amazing to me that it is one of the fastest growing segments of our market.

But the basic research that had to be done—the thin film research, the work on silicates, on cadmium tellurides, so many of the ingredients—frankly, there was no company that was able to take that risk in the past. And they certainly couldn't get the funding; I can guarantee you that. Some of this research started back in the 1980s. So I think that the energy efficiency and renewable energy programs are just terribly important.

On the nuclear front, there is no private company that has figured out how to really handle the waste product from nuclear. We have to invest in nuclear energy to build a safer world for the future, and the Department of Energy does that. No private company takes that on.

In fact, we have a lot of waste. There are environmental management projects across this country, hundreds of billions of dollars. We have to handle cleanup from past years and the cold war. No private company is able to do that on its own. That is something that is a legacy of our defense structure.

I am really not quite sure what the gentleman's objective is here, but I don't want to take America backwards. I want her to move forward.

We are now at 91 percent in terms of our ability to fund our energy use here in our country, compared to half that just several years ago. That is a real accomplishment. It is something that the public sector and the private sector are able to work on together.

I really think that the gentleman's efforts are misguided, and I would have to oppose this amendment.

Mr. SIMPSON. Will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Idaho.

Mr. SIMPSON. I thank the gentlewoman for yielding.

Like the ranking member, I would oppose this amendment. It would reduce funds in the following accounts: EERE, nuclear energy, fossil energy, and other accounts throughout this bill.

We spend an awful lot of time making sure that we continue our responsibility to effectively manage government spending, and we have worked

tirelessly to that end. These are targeted funds to provide needed investments and to efficiently and safely utilize our natural resources and invest in the next technological innovations.

It is interesting that years ago, we used to have what were called the Bell Laboratories, and they did a lot of the research and stuff that is now done by government. Because it has gotten too expensive, any individual company can't do a lot of the research that is done.

I will give you an example in the nuclear energy arena. At the Idaho National Lab, we have the advanced test reactors. It is the only one in the United States that does this. Private companies come, as well as government and other organizations, to test new fuels, new designs of fuels, and those types of things. This is not something that can be done by the private sector.

So there are a lot of things that the government does and research that the government does that the private sector, frankly, just doesn't have the resources to do that need to get done. That is what we expect our national laboratories to do. That is what EERE does, what fossil energy research does, and other things.

As I said, some of these programs, like the ATR, some of the funding is paid by the companies that come and use the facility and those types of things, as they have to. And besides that, it is good for our national security.

It is an interesting fact—and I think my numbers are accurate; if they are not exactly accurate, they are pretty close—that when the first nuclear-powered submarine was launched, it was fueled for 6 months and then had to be refueled. But through the research that they have been able to do, the Navy, with the advanced test reactor, we now fuel ships for the life of the ship, which is an incredible advancement. But that is done through government research.

So while it would be nice to say the private sector ought to do all these things, the reality is the private sector can't do all of those things.

I would agree with the gentlewoman and oppose the gentleman's amendment.

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

Mr. BUCK. Mr. Chair, the ranking member asked what the purpose is, and I would be glad to answer that.

We have over $19 trillion of debt. We are running up huge annual deficits in this country. We do not have a major war going on right now, and we do not have a recession going on right now, but we continue to overspend.

This is an area where I contend that the private sector has got to do a lot more than it is doing if we are going to try to balance our budget some day. That may seem like folly to some, but I think the impact of going off the fiscal cliff is far greater than the impact of cutting funds for research in this area.

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

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

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

Mr. BUCK. Mr. Chairman, I demand a recorded vote.

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

VACATING DEMAND FOR RECORDED VOTE ON AMENDMENT OFFERED BY MR. BEYER

Mr. SIMPSON. Mr. Chairman, I ask unanimous consent to withdraw my request for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. BEYER) to the end that the Chair puts the question de novo.

The Acting CHAIR. Is there objection to the request of the gentleman from Idaho?

There was no objection.

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

The amendment was rejected.

AMENDMENT OFFERED BY MS. MICHELLE LUJAN GRISHAM OF NEW MEXICO

Ms. MICHELLE LUJAN GRISHAM of New Mexico. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 43, line 24, after the dollar amount, insert ''(increased by $25,000,000) (reduced by $25,000,000)''.

The Acting CHAIR. Pursuant to House Resolution 743, the gentlewoman from New Mexico and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New Mexico.

Ms. MICHELLE LUJAN GRISHAM of New Mexico. Mr. Chair, New Mexico is, frankly, very fortunate to have many natural resources, including vast amounts of minerals, oil, and natural gas; but water is, by far, New Mexico's most precious commodity.

As a Representative from New Mexico, I have witnessed the devastating impact that long-term severe drought can have on businesses, communities, and the State. Drought conditions threaten the livelihoods of farmers and ranchers who depend on this natural resource to run their operations.

In addition, there are many communities in New Mexico, both in urban and rural areas, that may not survive without an affordable and a sustainable water source. These conditions go beyond New Mexico and extend, in fact, to the entire Southwest.

Based on the most recent available science, experts believe that this region of the country will continue to experience megadroughts in the future.

It is critical that we make investments now not only to protect and conserve this scare resource but to also research and develop alternative, affordable, and sustainable water technologies to ensure that Southwest communities and businesses can continue to thrive in persistent drought conditions.

My amendment would prioritize $25 million for an energy water desalination hub, as proposed by the Department of Energy. The hub will develop the technology to reduce the cost, energy input, and carbon emission levels of water desalination.

Desalination technology has been around for many years, and I have visited several countries that are currently using desalination technology.

New Mexico would greatly benefit from this technology, since the State has large brackish water reserves that could become viable water resources through desalination. Desalination can also help the State's oil and gas industry to address water shortage and wastewater disposal challenges.

Despite the number of benefits and industry advancements, unfortunately water desalination is still cost-prohibitive for small communities and companies. This is why I think it is crucial that we develop this technology to make it as affordable and energy-efficient as possible.

Making important investments in water technologies like water desalination will be critical in determining the future of Southwest communities and businesses.

Now, I am disappointed, of course, that this is not something that is currently included in the bill. I am looking forward to working with the majority on this really important issue.

At this time, Mr. Chairman, I am prepared to withdraw my amendment.

Ms. KAPTUR. Will the gentlewoman yield?

Ms. MICHELLE LUJAN GRISHAM of New Mexico. I yield to the gentlewoman from Ohio.

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Ms. KAPTUR. I thank the gentlewoman for yielding.

I think Congresswoman LUJAN GRISHAM has done such a phenomenal job here, and I appreciate her interest in the necessity of desalinization work and how important the Department of Energy is in finding a solution that is cost effective and the most advanced energy system we can have to desalinate as we move forward. I share her interest in finding funding for this important work, and, hopefully, in a conference situation, we can provide a way to provide some resources.

I really applaud the gentlewoman for her path-breaking efforts on behalf of a very important issue.

Ms. MICHELLE LUJAN GRISHAM of New Mexico. Mr. Chair, I ask unanimous consent to withdraw my amendment.

The Acting CHAIR. Is there objection to the request of the gentlewoman from New Mexico?

There was no objection.

The Acting CHAIR. The amendment is withdrawn.

AMENDMENT OFFERED BY MR. PERRY

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 43, line 24, after the dollar amount, insert ''(increased by $15,000,000)''.

Page 50, line 21, after the dollar amount, insert ''(reduced by $15,000,000)''.

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from Pennsylvania and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. PERRY. Mr. Chair, the current bill cuts hydropower by $15 million, and this amendment seeks to restore it. It offsets it with Department of Energy, or DOE, administrative costs. Actually, the amendment reduces outlays by $8 million because, Mr. Chair, water power programs are vitally important to reducing our dependence on foreign energy sources.

Hydropower is available in every region of the country, every single region. Literally, 2,200 hydropower plants provide America's most abundant source of clean, renewable energy and account for 67 percent of domestic renewable generation, for a total of 7 percent of the total generation across the country.

This amendment stands to create 1.4 million new jobs by 2025, Mr. Chair, and this would be harnessing a truly renewable and green source of energy.

Let me just talk about some of the advantages of hydro as opposed to wind and solar.

Hydro has a predictable, year-round output. Solar and wind require, often, a battery backup or an alternative power source if they are going to be viable. Even routine maintenance on a windmill way up there is problematic and expensive, where hydro is right down on the ground where we are. It is easy to maintain.

Hydropower facilities are quiet and often unobtrusive. Most of the neighbors don't even know they are there. Oftentimes, we hear complaints about wind generation and the noise it also generates along with the power.

Hydropower—I think this is the most important—is baseload. It is a baseload source of energy. It occurs 24 hours a day, 365 days a year. It is actually what backs up the other intermittent sources of alternative energy. So, it is really important in that context.

Now, hydropower faces a comprehensive regulatory approval process, and some folks don't like that. But the important part about that is everybody is involved: FERC, Federal and State resource agencies, local governments, tribes, NGOs, and the public. Everybody gets buy-in before a hydro plant goes on line. Sixty thousand megawatts of preliminary permits and projects await final approval and are pending currently before the Commission in 45 States.

Mr. Chair, this is not parochial.

There are 80,000 nonpowered dams across the U.S. right now that could accept hydropower. There are 600 that have an immediate capability to produce energy right now. That is 80,000 and 600 across the country right now. Pennsylvania, itself, has 678 megawatts of untapped power in the form of hydro.

Mr. Chair, I thank the chairman for the opportunity to offer the amendment. I understand the $15 million concerns some Members, and I, too, am concerned about spending. So this one is bipartisan, but I am hopeful others will follow.

Mr. PERRY. Mr. Chair, I ask unanimous consent to withdraw my amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Acting CHAIR. The amendment is withdrawn.

AMENDMENT OFFERED BY MS. BONAMICI

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 43, line 24, after the dollar amount, insert ''(increased by $9,000,000)''.

Page 50, line 21, after the dollar amount, insert ''(reduced by $9,000,000)''.

The Acting CHAIR. Pursuant to House Resolution 743, the gentlewoman from Oregon and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Oregon.

Ms. BONAMICI. Mr. Chairman, I rise today to offer a bipartisan amendment with my colleague from Pennsylvania, Congressman PERRY, and my colleague from Maine, Congresswoman PINGREE, in support of water power technologies.

Mr. Chairman, our amendment would increase funding to the Department of Energy's Water Power Program by $9 million. This increase is offset by an equal amount by the departmental administration account.

As Congress promotes technologies that can help lower our constituents' energy bills, we must invest in new and innovative solutions, and my colleague just made a case for why hydropower is so important.

The Department of Energy has estimated that our Nation's marine energy resources could, in the future, represent a very good portion of U.S. generation needs.

Oregon State University, the University of Washington, and the University of Alaska Fairbanks are leveraging Federal funding from the Water Power Program to support the testing and research activities of the Northwest National Marine Renewable Energy Center, a center that will provide visionary entrepreneurs with the domestic location to test wave energy devices, along with other technology, instead of traveling to Scotland to use their test center.

Without continued Federal investment, Europe will remain the leader. China is investing heavily in these technologies as well.

Federal partnerships with educational institutions and the private sector are necessary to further the research and development efforts already well underway and close the gap for these technologies on the verge of commercial viability.

The National Hydropower Association, along with its Pumped Storage and Marine Energy Councils have endorsed our bipartisan amendment. Investments in these technologies and this source of energy will spur domestic industry and create good-paying jobs and economic opportunities in our communities.

Mr. Chairman, I urge the adoption of this bipartisan amendment.

I reserve the balance of my time.

Mr. PERRY. Mr. Chair, I seek the time in opposition, though I am not opposed to the amendment.

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

There was no objection.

Mr. PERRY. Mr. Chairman, I want to congratulate my good friend and colleague from Oregon. She has been a champion on this before. She fully understands, as I do, that resources across the country are strained. We don't have a lot of extra money to go around. And for all the reasons that I pointed out and the reasons that she pointed out and the Northwest agreeing with the Northeast, let's work together on what works.

We know this works. It is one of the oldest sources of electric energy in the world. Why are we wasting our time and collective energy in the form of funds and time on these other things that might be nice and they might be great years after the development, but this works right now and doesn't break the bank?

This is a good amendment, and I urge all my colleagues on both sides to support it.

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

Ms. BONAMICI. Mr. Chairman, again, I want to thank my colleague from Pennsylvania and my colleague from Maine for cosponsoring this important amendment. This is a modest increase in the Water Power Program. It supports marine and hydropower energy technology, and I urge all of my colleagues to support this bipartisan amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Oregon (Ms. BONAMICI).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. POLIS

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 43, line 24, after the dollar amount, insert ''(increased by $9,750,000)''.

Page 45, line 16, after the dollar amount, insert ''(reduced by $13,000,000)''.

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from Colorado and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. POLIS. Mr. Chairman, this bill, in its current form, appropriates considerably above the administration's mark for fossil energy research and development. My amendment doesn't take away all of the amount that has been plussed up. It just takes a small amount of that—$13 million out of the $645 million, which is the amount the bill is above last year's appropriations—and directs those funds to the Energy Efficiency and Renewable Energy fund, which is an extremely important fund that funds a lot of important activities across our country.

As an example, the Energy Efficiency and Renewable Energy fund is working with American manufacturers to apply 3–D printing, also called additive manufacturing, to renewable technologies. Blades are one of the most costly components of wind turbines, but additive manufacturing has the promise of reducing costs. There is a lot of important basic research that supports it.

In addition, they are working on—it is funded by EERE—advanced technologies for microgrid projects, coordinated with the Electric Power Research Institute, to have localized grids that are connected to traditional grids—but can also disconnect—to operate autonomously and help mitigate grid disturbances, meaning more security for our national energy system when we can avoid large-scale downtime from large grid outages.

Another example is solar resource maps, leading to solar exports to enhance the quality and accuracy of our research maps across the country, helping to facilitate exports of solar PV products to other countries, like India, by identifying high-quality solar projects in India that are creative and profitable.

Another example of the EERE is the Vehicle Technologies Office to the Clean Cities coalition in support of a project fostering electric vehicle readiness in the Rocky Mountain area to foster State policies to increase the adoption of plug-in electric vehicles.

As we know, plug-in engines powered from the grid are far more efficient at converting energy, whether it comes from a balance of coal and wind and solar, than an internal combustion engine that just runs off gasoline.

So the budget estimate for the fund that we are talking about was $360 million. The plus up recommended was $645 million. This would simply remove $13 million and allocate it to a very important account that I hope we can build bipartisan support for.

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

Mr. SIMPSON. Mr. Chairman, I claim the time in opposition.

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

Mr. SIMPSON. Mr. Chairman, I rise to oppose this amendment. The amendment would cut funding for the Fossil Energy Research and Development program and increase the EERE program by a similar amount.

Fossil fuels, such as coal, oil, and natural gas, provide for 81 percent of the energy used by the Nation's homes and businesses and generates 67 percent of the Nation's electricity. It will continue to provide for the majority of our energy needs for the foreseeable future.

Let me repeat that. They provide for 81 percent of the energy used by the Nation's homes and businesses and generate 67 percent of the Nation's electricity.

The bill rejects the administration's proposed reductions in fossil energy and, instead, funds these programs at $645 million, or $13 million above last year's request.

With this additional funding, the Office of Fossil Energy will research how to capture emissions from our power plants on how water can be more effectively used in power plants and how coal can be used to produce electric power through fuel cells.

This amendment would reduce the funding for a program that ensures we use our Nation's abundant fossil fuel resources as well and as cleanly as possible. In fact, just increasing the efficiency of fossil fuel by 1 percent would power millions of households, all without using a pound of additional fuel from the ground. That is the kind of research this program represents.

Therefore, I must oppose this amendment, and I urge Members to vote ''no'' on this amendment.

I yield back the balance of my time.

Mr. POLIS. I yield 1 minute to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. I thank the gentleman from California for yielding, and I rise in support of the Polis amendment to increase funding for the Office of Energy Efficiency and Renewable Energy. That office is one of the most forward-looking segments within the Department of Energy and the group that is driving the huge surge we are seeing across the country in energy innovation.

The future we all envision is in renewable energy, smart grids, energy storage, and energy efficiency. One hundred and ninety countries made it clear to the world that they support this new future in Paris at the end of the last year, and the funding of EERE is critical to ensuring the U.S. leads the world into that future.

Let me mention the solar energy account, in particular, is yielding serious benefits. The number of workers in this growing renewable sector has doubled over the last 5 years, and its rapid expansion shows no signs of slowing down, with solar projected to add 9.5 gigawatts of new energy this year, more than any other energy source.

□ 2000

It employs more Americans than work on oil rigs and in gas fields, just in the solar sector.

So I support this amendment to expand the Energy Efficiency and Renewable Energy Office and the increase in funding that Congressman POLIS is offering for a clean energy future for all.

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

I am hopeful that this amendment will pass. I have prepared some other amendments that specifically look at the fossil fuel R&D as a wasteful expenditure.

To be clear, this one does not contemplate that. It still increases the level substantially from the budget estimate, which is $360 million for this account. The recommended 2017 level in the chairman's mark is $645 million, so there is a plus-up of $285 million over the President's budget for this line item.

So I think it is entirely appropriate to just take $13 million from that, without prejudice with regard to the rest, put it into the Energy Efficiency Renewable Energy Fund, which I had the opportunity to talk about some of the great advances that it makes for energy security with regard to our grid, for manufacturing, and job creation through 3D printing of wind blades, and many other worthy causes.

I am hopeful that this body chooses to gain from the best of both worlds by adopting this amendment.

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

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

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

Mr. POLIS. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT OFFERED BY MR. POLIS

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

Mr. SIMPSON. Mr. Chairman, I reserve a point of order.

The Acting CHAIR. A point of order is reserved.

The Clerk will report the amendment.

The Clerk read as follows:

Page 43, line 24, after the dollar amount, insert ''(increased by $285,000,000)''.

Page 45, line 16, after the dollar amount, insert ''(decreased by $285,000,000)''.

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from Colorado and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. POLIS. Mr. Chairman, look, now let's get serious here. Fossil fuel research and development is simply the wrong direction for our country. Putting more and more money behind oil and gas, which we need to move away from, over time, is only increasing our sunk costs in an economy that leads to

climate change and long-term ruin. Not only our economy is ruined by the use of oil and gas, but health and safety for communities, our oceans, our air, and our world.

The fact that this bill has appropriated almost $300 million more than the President requested shows how lopsided the priorities in the bill are. This is an enormous subsidy for the oil and gas industry. One of the most profitable industries in the world is more than capable of funding its own research and development without subsidies from the Federal Government using the taxpayer money from hardworking Americans to further fund them.

This bill would simply reduce the fossil fuel account back to the President's recommended level, and the remainder would go to reduce the budget deficit.

I think that this is an important point to point out, that many of the components of the fossil energy R&D expenditure line make our air dirtier, our water dirtier, and, of course, move to destruction of the climate. So, in many ways, the less we can do the better.

At a time of record budget deficits, finding smart savings by reducing handouts to the oil and gas industry is something that can help restore some semblance of fiscal responsibility to our Nation.

There is an example of an account under the Division of Fossil Energy that creates technology that allows oil and gas companies to drill in oil shale formations where there is less than 50,000 barrels per day.

We should be doing less oil shale drilling, not ways to find more. As a district and a State directly affected by oil shale drilling, we deal with all of the economic externalities and costs every day. Oil shale is one of the most dirty extraction methods that exists, and the distillation for oil shale releases toxic pollutants into the air, like sulfur dioxide, lead, and nitrogen oxide.

If companies want to research new extraction technologies, more power to them, as long as they abide by the EPA and other health and safety guidelines. But for taxpayer money and subsidies to go to developing something that has been devastating for my State and for the country is really an abomination, and I am hopeful that, in the name of reducing a budget deficit and finding smart savings, we can reduce this line significantly back to the $360 million that was in the original budget estimate.

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

POINT OF ORDER

Mr. SIMPSON. Mr. Chairman, I must insist on my point of order.

The Acting CHAIR. The gentleman will state his point of order.

Mr. SIMPSON. Mr. Chairman, the amendment proposes to amend portions of the bill not yet read.

The amendment may not be considered en bloc under clause 2(f) of rule XXI because the amendment proposes to increase the level of outlays in the bill.

I ask for a ruling from the Chair.

The Acting CHAIR. Does any other Member seek to be heard on the point of order?

Mr. POLIS. I do, Mr. Chairman.

The Acting CHAIR. The gentleman from Colorado is recognized.

Mr. POLIS. Mr. Chairman, it is simply the deficit savings account, so when the money isn't spent, that is where it goes. The deficit savings account is not an outlay. It is simply not being spent in the first place.

The Acting CHAIR. Does any other Member wish to be heard on the point of order?

If not, the Chair is prepared to rule.

To be considered en bloc pursuant to clause 2(f) of rule XXI, an amendment must not propose to increase the levels of budget authority or outlays in the bill.

Because the amendment offered by the gentleman from Colorado proposes a net increase in the level of outlays in the bill, as argued by the chairman of the Subcommittee on Appropriations, it may not avail itself of clause 2(f) to address portions of the bill not yet read.

The point of order is sustained. The amendment is not in order.

PARLIAMENTARY INQUIRIES

Mr. POLIS. Mr. Chairman, point of parliamentary inquiry.

The Acting CHAIR. The gentleman will state his parliamentary inquiry.

Mr. POLIS. Mr. Chairman, when would it be in order to present the amendment?

The Acting CHAIR. The Chair has ruled on that particular amendment. The gentleman may seek to offer an amendment at the appropriate point in the reading of the bill.

Mr. POLIS. Mr. Chairman, further point of parliamentary inquiry.

If the deficit reduction account is not cited, what happens to the savings that are designated under the bill?

The Acting CHAIR. The Chair will not respond to a hypothetical. The matter can be addressed in debate.

The Clerk will read.

The Clerk read as follows:

ELECTRICITY DELIVERY AND ENERGY RELIABILITY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for electricity delivery and energy reliability activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $225,000,000, to remain available until expended: *Provided*, That of such amount, $28,000,000 shall be available until September 30, 2018, for program direction.

NUCLEAR ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for nuclear energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion and the purchase of no more than three emergency service vehicles for replacement only, $1,011,616,000, to remain available until expended: *Provided*, That of such amount, $80,000,000 shall be available until September 30, 2018, for program direction.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For Department of Energy expenses necessary in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $645,000,000, to remain available until expended: *Provided*, That of such amount $59,475,000 shall be available until September 30, 2018, for program direction.

AMENDMENT OFFERED BY MR. POLIS

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 45, line 16, after the dollar amount, insert ''(reduced by $645,000,000)''.

Page 80, line 12, after the dollar amount, insert ''(increased by $645,000,000)''.

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from Colorado and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. POLIS. Mr. Chairman, I believe that the amendment has been revised, and if I might request that the Clerk report the revised amendment.

The Acting CHAIR. Would the gentleman like to withdraw his earlier amendment?

Mr. POLIS. Mr. Chairman, I ask unanimous consent to withdraw the earlier amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from Colorado?

There was no objection.

AMENDMENT OFFERED BY MR. POLIS

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

Mr. SIMPSON. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

The Clerk will report the amendment.

The Clerk read as follows:

Page 45, line 16, after the dollar amount, insert ''(reduced by $285,000,000)''.

Page 80, line 12, after the dollar amount, insert ''(increased by $285,000,000)''.

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from Colorado and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. POLIS. Mr. Chairman, I believe with this new structure of this amendment we have now addressed the procedural issue around deficit reduction. We are now, again, with this amendment, seeking to reduce the fossil energy subsidies back to the level requested by the President and return the savings to our Federal coffers, namely, by not spending them in the first place.

So, again, in previous amendments, we talked about spending some on renewable energy. In this case, it doesn't increase any of those lines. What it does do is simply decrease the subsidies to the fossil energy industry, including some of the research priorities we talked about, which private companies are welcome to pursue.

But I don't want to go back to Mr. and Mrs. Taxpayer in my district and say, guess what, your hard-earned tax money is going to subsidize these multi-billion dollar international corporations to do their research for them.

This amendment would do that. It would then allow the savings to not be spent and to reduce our deficit.

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

Mr. SIMPSON. Mr. Chairman, I withdraw my reservation of a point of order.

The Acting CHAIR. The reservation of the point of order is withdrawn.

Mr. SIMPSON. Mr. Chairman, I claim the time in opposition to the amendment.

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

Mr. SIMPSON. Mr. Chairman, I rise to oppose the gentleman's amendment. He would cut $285 million out of the fossil energy program.

What is interesting about this is that they say that this is an unbalanced bill because we have increased funding for fossil energy. And if you look at the amount of the electricity in this country and the energy that is produced by fossil energy, the research done in fossil energy by those big companies, as the gentleman suggests, is important, and it is proportional to the amount of energy produced by fossil fuels in this country.

To suggest that let's make sure that we don't do any fossil fuel research or we cut it substantially suggests that we don't do any subsidies to any of the other fuels in this country. We don't do any wind subsidies. We don't do any solar subsidies or any of the other types of things for these big companies. In fact, we do loan guarantees for a lot of them that go out of business.

So I think this is important, and striking the majority of these funds—or at least taking it back to what the President recommended—the problem is that the bill created a balanced, all-of-the-above energy policy.

It is the administration's proposal that was unbalanced, and focused mainly on renewable energies and ignored, to a large degree, the majority of the fuel that we use today, the energy sources we use today, and that is the fuel of fossil fuels.

As I said in the last debate on one of the earlier amendments, 81 percent of the fuel we use today, and if you ask most experts, they don't expect that to go down in the near future or even in the long-term future. It is going to remain a major portion of our energy portfolio for years to come.

So I would oppose this amendment. What we do in the fossil energy research program is very important to developing the clean source of energy that we all want.

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

□ 2015

Mr. POLIS. Mr. Chairman, we have a somewhat ironic situation where the Republicans are saying: President Obama, you don't want to spend enough. President Obama, you have to spend more.

This from the so-called party of fiscal responsibility telling our President's budget: You aren't spending enough, you aren't spending enough on fossil fuels on this case, spend hundreds of billions of dollars more of money we don't have that we are borrowing from China and Saudi Arabia to fund a legacy technology that we are moving away from.

Of course, we still rely on fossil fuels. The gentleman won't have any disagreement, and I am not trying to zero out the account. We are simply reducing it to the level that the President wants to spend at rather than throwing more and more money hand over fist like this Republican tax-and-spend Congress continues to do.

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

Mr. SIMPSON. Mr. Chairman, I have to say that that is just kind of a bogus argument. It is not that we are saying to the President: You have to spend this money in this area.

We are rebalancing the portfolio. We are not spending any more money than the President recommended in the entire bill—well, we are about $285 million, or $259 million, but most of that is in the weapons activities. But we are rebalancing the portfolio. We are spending less than the President wants to spend in other areas. So to say, oh, we are just trying to spend money is not the case. We have different priorities.

We want an all-of-the-above energy strategy, which is what this bill represents. We spend money in solar, we spend money in wind, we spend money in nuclear, and we spend money in fossil energy. Those are all important. So just because the gentleman doesn't like fossil energy doesn't mean that we ought to do away with the research on it.

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

Mr. POLIS. Mr. Chairman, what this amendment would do is reduce the budget deficit by $285 million. It gives Congress an opportunity to say: Let's not spend more than the President of the United States wants; let's make some reasonable cutbacks to levels that are in the budget estimate already; and rather than throw subsidies hand over fist to the most profitable industry on the face of the planet, instead of rebalancing, let's move towards balancing our budget.

I came here to reduce our deficit. I support a constitutional amendment to balance our budget. We haven't been able to have a vote on that in this body this session of Congress. By reducing this $285 million of expenditures where we found an area where Congress actually wants to spend $285 million more than President Obama wants to spend, let's just go back to what President Obama wants to spend, okay, rather than be even more profligate throwing money hand over the fist after a legacy industry and research that should be done by highly profitable private companies, let's simply cut it back to the level in the President's budget and move towards balancing rather than rebalancing.

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

Mr. SIMPSON. Mr. Chairman, I suggest that if that is the case, then I suspect that the gentleman, if that is his desire, then I suspect that the gentleman supports the Republican plan to not spend as much money in the EERE as the President wanted because we are spending less in EERE, and in some other programs within the Department of Energy we are spending less than the administration wanted. So I am glad to hear that he would support the Republican position on that because we are spending less.

Now, there is one thing we both agree on. I would like to see a balanced budget amendment before us. I think it would be important that we would pass one. That is not what we are debating today. What we are debating today is the Energy and Water Development program. What we do is we have a cap on how much we can spend. That cap is within the bipartisan budget that was agreed to last year. I suspect the gentleman probably voted for it. I don't know that for sure, but I suspect he probably did. This is within that budget.

If the gentleman wants to decrease the funding in EERE and all of the other programs that the Republicans have reduced funding in, then, gee, I will go along with him.

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

Mr. POLIS. Mr. Chair, I would and I have supported across the board 1 percent cuts and 3 percent cuts. I am happy to do it on this bill, too. I hope that somebody offers one. I haven't prepared one. Usually Mrs. BLACKBURN prepares those. I usually vote for them as long as they are reasonable.

What we have here is a targeted cut that can reduce the budget deficit by $285 million by simply spending as much as President Obama wants to spend. We shouldn't need a balanced budget amendment. I support it. Let's bring it to the floor. I am glad the gentleman agrees. I hope he tells his conference and the majority leader to work with Democrats on a bipartisan amendment to balance our budget.

But in the meantime, we needn't wait for that. Let's start right now. Let's cut $285 million which will actually make a dent in this bill and move towards balancing the budget rather than simply put it off for tomorrow and tomorrow and tomorrow.

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

Mr. SIMPSON. Mr. Chairman, I would just say that in EERE, the administration requested $2.9 billion. We funded it at 1.8—1.8 something—1.86 or something like that. We saved a billion dollars. So we actually are rebalancing the portfolio in what we think is important. That is what we do.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado.

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

Mr. POLIS. Mr. Chairman, I demand a recorded vote.

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

The Clerk will read.

The Clerk read as follows:

OFFICE OF TECHNOLOGY TRANSITIONS

For Department of Energy expenses necessary for technology transitions and commercialization activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), section 1001 of the Energy Policy Act of 2005 (42 U.S.C. 16391), and the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), $7,000,000, to remain available until September 30, 2018.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For Department of Energy expenses necessary to carry out naval petroleum and oil shale reserve activities, $14,950,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

STRATEGIC PETROLEUM RESERVE

For Department of Energy expenses necessary for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), $257,000,000, to remain available until expended.

NORTHEAST HOME HEATING OIL RESERVE

For Department of Energy expenses necessary for Northeast Home Heating Oil Reserve storage, operation, and management activities pursuant to the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), $6,500,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For Department of Energy expenses necessary in carrying out the activities of the Energy Information Administration, $122,000,000, to remain available until expended.

AMENDMENT OFFERED BY MR. KATKO

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 47, line 1, after the dollar amount, insert ''(reduced by $3,000,000)''.

Page 72, line 9, after the dollar amount, insert ''(increased by $3,000,000)''.

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from New York and a Member opposed each will control 5 minutes.

Mr. SIMPSON. Mr. Chairman, can we get a clarification of what amendment the gentleman is offering?

The Acting CHAIR. The Clerk will rereport the amendment.

The Clerk reread the amendment.

The Acting CHAIR. The Chair recognizes the gentleman from New York.

Mr. KATKO. Mr. Chairman, over the past several years, the Northern Border Regional Commission has provided vital resources to economically distressed communities along the northern border of New England and New York. Each year, the commission selects a number of projects through a competitive process that are aimed at spurring economic development, improving infrastructure, and increasing access to health care among other things.

This region, like many other communities in our country, has experienced severe economic challenges in recent years. Mills and factories have closed, populations of States are static or have declined in some areas, and some industries are particularly hard-hit, like the nuclear industry, and the change in market dynamics related thereto.

For example, the Vermont Yankee Nuclear Power Plant is closed. The FitzPatrick Nuclear Power Plant in my district is closing and putting out of work 600 individuals with very high-paying jobs in an economically distressed community.

This commission provides a smart, efficient, and targeted way of spurring economic development across this region. My amendment would increase the appropriation level in this bill from $5 million to $8 million in order to maintain the vital work of this commission. This increase is fully offset by a decrease in funding for the Energy Information Administration.

This amendment can give displaced workers job training, give them back work, improve infrastructure, and boost the economy across this challenged region.

At this time, however, I will withdraw my amendment, but I hope I can work with the chairman moving forward to ensure that this vital program is maintained to the benefit of the economies in the northern border region.

Mr. SIMPSON. Will the gentleman yield?

Mr. KATKO. I yield to the gentleman from Idaho.

Mr. SIMPSON. Mr. Chairman, I appreciate the gentleman's, my colleague's, passion for the Northern Border Regional Commission, and I will work with him in conference to see if additional funds can be provided because it provides an important function in that area.

So I thank the gentleman.

Mr. KATKO. Mr. Chair, I ask unanimous consent to withdraw my amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from New York?

There was no objection.

The Acting CHAIR. The amendment is withdrawn.

The Clerk will read.

The Clerk read as follows:

NON-DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $226,745,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For Department of Energy expenses necessary in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954 (42 U.S.C. 2297f et seq.) and title A, subtitle X, of the Energy Policy Act of 1992 (42 U.S.C. 2296a et seq.), $698,540,000, to be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, to remain available until expended, of which $32,959,000 shall be available in accordance with title A, subtitle X, of the Energy Policy Act of 1992.

SCIENCE

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not more than 17 passenger motor vehicles for replacement only, including one ambulance and one bus, $5,400,000,000, to remain available until expended: *Provided*, That of such amount, $184,697,000 shall be available until September 30, 2018, for program direction.

NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of the Nuclear Waste Policy Act of 1982 (Public Law 97–425), including the acquisition of real property or facility construction or expansion, $150,000,000, to remain available until expended, and to be derived from the Nuclear Waste Fund: *Provided*, That of the amount provided under this heading, $5,000,000 shall be made available to affected units of local government, as defined in section 2(31) of the

Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(31)), to support the Yucca Mountain geologic repository, as authorized by such Act.

ADVANCED RESEARCH PROJECTS AGENCY—ENERGY

For Department of Energy expenses necessary in carrying out the activities authorized by section 5012 of the America COMPETES Act (42 U.S.C. 16538), $305,889,000, to remain available until expended: *Provided*, That of such amount, $29,250,000 shall be available until September 30, 2018, for program direction.

AMENDMENT OFFERED BY MR. SCHIFF

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 49, line 7, after the dollar amount, insert ''(increased by $19,111,000)''.

Page 50, line 21, after the dollar amount, insert ''(reduced by $19,111,000)''.

The Acting CHAIR (Mr. EMMER of Minnesota). Pursuant to House Resolution 743, the gentleman from California and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. SCHIFF. Mr. Chairman, I rise to offer a bipartisan amendment with Representatives GIBSON, PETERS, DOLD, and SWALWELL of California, to increase funding for the Advanced Research Project Agency-Energy, otherwise known as ARPA-E.

I offered similar bipartisan amendments many times in the past, and they have passed with bipartisan support.

The House bill includes roughly $306 million for ARPA-E this year, which is an improvement over prior years, but it still falls $44 million below the President's request.

This amendment would not make up the full deficit of $44 million, but would increase funding for ARPA-E by $19 million with the offset taken from the administrative account. With this amendment, the House bill would fund ARPA-E at $325 million. That is the same level as the Senate bill, which acted in a bipartisan fashion to increase funding. While passage of the amendment would mean that ARPA-E is still funded well below the President's request, it will reinforce our commitment to supporting high-risk, high-reward, and game-changing research.

ARPA-E is a revolutionary program that advances high-potential, high-impact energy technologies that are simply too early for market investment. ARPA-E projects have the potential to radically improve U.S. economic security, national security, and environmental well-being. ARPA-E empowers America's energy researchers with funding, technical assistance, and market readiness.

ARPA-E is modeled after the highly successful Defense Advanced Research Projects Agency, or DARPA, which has produced groundbreaking inventions for the Department of Defense and the Nation.

Energy is a national security issue. It is an economic imperative. It is a health concern. It is an environmental necessity. Investing wisely in this type of research going on at ARPA-E is exactly the direction we should be going as a nation. We want to lead the energy revolution. We don't want to see this advantage go to China or some other country.

If we are serious about staying in the forefront of the energy revolution, we must continue to fully invest in the kind of cutting-edge work that ARPA-E represents. By providing this additional funding with the offset, we will send a clear signal of the seriousness of our intent to remain the world leader.

I have a couple of my GOP colleagues who wanted to speak, Mr. GIBSON and Mr. DOLD. I don't know if they are present.

Mr. Chairman, I urge support for the bipartisan measure.

I yield back the balance of my time.

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

The amendment was agreed to.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

Such sums as are derived from amounts received from borrowers pursuant to section 1702(b) of the Energy Policy Act of 2005 (42 U.S.C. 16512(b)) under this heading in prior Acts, shall be collected in accordance with section 502(7) of the Congressional Budget Act of 1974: *Provided*, That for necessary administrative expenses to carry out this Loan Guarantee program, $37,000,000 is appropriated, to remain available until September 30, 2018: *Provided further*, That $30,000,000 of the fees collected pursuant to section 1702(h) of the Energy Policy Act of 2005 shall be credited as offsetting collections to this account to cover administrative expenses and shall remain available until expended, so as to result in a final fiscal year 2017 appropriation from the general fund estimated at not more than $7,000,000: *Provided further*, That fees collected under section 1702(h) in excess of the amount appropriated for administrative expenses shall not be available until appropriated: *Provided further*, That the Department of Energy shall not subordinate any loan obligation to other financing in violation of section 1702 of the Energy Policy Act of 2005 or subordinate any Guaranteed Obligation to any loan or other debt obligations in violation of section 609.10 of title 10, Code of Federal Regulations.

AMENDMENT OFFERED BY MR. WEBER OF TEXAS

Mr. WEBER of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 49, line 18, after the dollar amount, insert ''(reduced by $7,000,000)''.

Page 80, line 12, after the dollar amount, insert ''(increased by $7,000,000)''.

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from Texas and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

□ 2030

Mr. WEBER of Texas. Mr. Chairman, I yield myself such time as I may consume.

I rise to offer a commonsense amendment to the Energy and Water Appropriations bill that I would think all Members can support.

First, I want to thank Chairman SIMPSON for his work on this legislation and for continuing to prioritize the needs of the Nation's harbors and waterways.

One of the most important responsibilities of the Science, Space, and Technology Committee is to conduct oversight of the DOE programs under the committee's jurisdiction, Mr. Chairman.

This includes the DOE Loan Programs Office. Our commitment to rigorous oversight has led us to request that this office provide us with their internal watch list, which describes each loan in their current portfolio that DOE has determined to have existing or potential challenges that may impact repayment or to be at risk of default. Can you say ''Solyndra,'' Mr. Chairman? This request was made in December, and, to date, the Department of Energy has refused.

The DOE Loan Guarantee Program has a track record of failed loans. In March, reports surfaced that a solar power company with $1.6 billion in taxpayer loan guarantees could fail to meet its contractual obligations and be shut down. This is the kind of potential failure, Mr. Chairman, that taxpayers can least afford. Full congressional oversight of this program is absolutely necessary. The DOE has no justification for withholding this list from Congress.

My amendment, Mr. Chairman, would reduce the program's administrative budget by $7 million of Treasury funds, but leave in place the $30 million the DOE collects from fees generated by existing loan guarantee recipients. These fees are used to monitor and oversee the existing loan guarantee portfolio.

In the past year, DOE has announced several new loan solicitations. However, the Department's failure to respond to a congressional inquiry leaves us seeing red. That is what is wrong with our budget. Now the deficit is in the red.

This requires us to act to protect taxpayer funds, Mr. Chairman. This amendment would simply prevent the Department from issuing new loans until it has complied with our investigation and provides the requested documents to our committee.

I reserve the balance of my time.

Mr. SIMPSON. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. SIMPSON. Mr. Chairman, while I share my colleague's concern regarding the Loan Guarantee Program and the nonresponse from the Department to the Science, Space, and Technology

Committee that has requested the information—and I will guarantee you that I will do all I can to make sure that they do respond to that—the elimination of the funding would hurt Federal oversight of more than $8 billion in loan guarantees that are already out there.

The committee recommendation only provides costs the program needs to monitor loans and conduct the proper oversight to ensure taxpayer funds are being effectively managed, and you should have access to that information that you have requested.

Let me be clear. The funds provided in this bill support administrative operations only. Further, the bill rejects the President's request for new loan guarantee authority.

The loans already committed will require oversight for many years to come. Eliminating these funds for this administrative function is the wrong approach and effectively removes the government's ability to retrieve billions of dollars in loan fees.

Therefore, I have to oppose this amendment, but I understand why the gentleman is offering it. I would say that I will work with you to make sure that the Department is more responsive to the requests of the committees.

Ms. KAPTUR. Will the gentleman yield?

Mr. SIMPSON. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I thank the chairman very much for yielding and join him in opposing this, I think, well-intentioned amendment. The amendment would actually cut funding for the oversight of existing loans. I don't think, in view of some of the things that have happened in the past, that is the best course.

The program has had a significant beneficial impact on innovative energy projects coast to coast that are generating energy today. Therefore, I would agree with the chairman in opposing the amendment.

I urge my colleagues to support our efforts to vote ''no'' at this time.

Mr. SIMPSON. Mr. Chairman, I yield back the balance of my time.

Mr. WEBER of Texas. Mr. Chairman, may I inquire how much time I have remaining?

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

Mr. WEBER of Texas. Mr. Chairman, in my district on the Gulf Coast of Texas, which is laden with energy—and I agree with Mr. SCHIFF of California that energy is a national security issue—we have to have agencies that are focused on energy, on programs, on loan guarantees, where Americans get the most bang for their buck.

These agencies must be accountable. They have to understand that Congress has to be in the driver's seat and is in the driver's seat. We need to hold them accountable. They need to provide us with that list.

While I appreciate my colleague from Idaho's willingness to work with us to make sure that the agency complies, I appreciate the gentlewoman's comments. We are going to have to get their attention. They have fees to continue to run their program that they collect from those companies that they actually make the loan guarantees to.

I have to insist that we get their attention. My colleagues in the 14th Congressional District of the State of Texas want us to rein in some of these agencies and make them accountable to the elected representatives of the American people. So I have to insist that I push forward with this amendment.

I yield back the balance of my time.

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

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

Mr. WEBER of Texas. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT OFFERED BY MR. WELCH

Mr. WELCH. Mr. Chairman, I have an amendment at the desk, and I ask unanimous consent to offer it at this point in the reading.

The Acting CHAIR. Is there objection to the request of the gentleman from Vermont?

There was no objection.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 46, line 16, after the dollar amount, insert ''(reduced by $2,500,000)''.

Page 72, line 9, after the dollar amount, insert ''(increased by $2,500,000)''.

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from Vermont and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Vermont.

Mr. WELCH. Mr. Chairman, the northern border region, from Maine, to New Hampshire, to Vermont, to New York, is a particularly hard hit economic area. The Northern Border Regional Commission has been a tremendous asset to help folks across that region—by the way, inhabited by Republicans and Democrats—to start reviving their economy.

The Commission is modeled, by the way, after the Appalachian Regional Commission and provides Federal funds for critical economic and community development projects throughout the Northeast. These lead to new jobs and stronger communities.

Importantly, the Northern Border Regional Commission helps orient Federal appropriations toward State-prioritized projects. The State is very much a player in allocating where this money goes.

Through the collective vote of the Governors of these States, they coordinate with the Federal co-chair to rank the funding applications. This ensures accountability and effectiveness. It has worked.

In Vermont, for instance, the Commission has helped fund a number of projects: $226,000 for Lyndon State College to establish a new 4-year degree in hospitality and tourism management, one of the big drivers of our economy in the Northern Border Region; $250,000 to the Northern Community Investment Corporation for telecommunications infrastructure that rural areas have to have; and $250,000 to the Vermont Agency of Transportation to connect with the Washington Railroad network in Barton, Vermont.

The Commission is having a similarly positive effect across the Northeast: New York, New Hampshire, Maine, as well as Vermont. Our amendment recognizes the effective work the Commission is doing and the large need that remains unmet by restoring funding for the program to last year's level of $7.5 million.

We are trying to avoid a cut, and we are trying to maintain level funding. The increase in funding will go a long way in the communities across the northern border to help them revitalize their economy.

I yield back the balance of my time.

Mr. SIMPSON. Mr. Chairman, I claim the time in opposition to the amendment.

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

Mr. SIMPSON. Mr. Chairman, first let me say that I understand the gentleman's concerns for the economic hardships of his region and appreciate his passion on this issue. His amendment would be an increase of 50 percent above the funding in the bill.

Additionally, the amendment would pay for that increase with a cut to the Strategic Petroleum Reserve account. The bill funds the Reserve account at the budget request in order to ensure the continued operability of the Reserve. This funding will provide for the basic annual costs as well as addressing some of the deferred maintenance backlog.

I know it doesn't always sound exciting, but the Strategic Petroleum Reserve is a Federal asset that must be properly maintained. It contributes to our Nation's energy security and economic stability.

For these reasons, I must oppose the amendment.

I urge my colleagues to vote ''no.''

I yield back the balance of my time.

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

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

Mr. WELCH. Mr. Chairman, I demand a recorded vote.

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

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

ADVANCED TECHNOLOGY VEHICLES MANUFACTURING LOAN PROGRAM

For Department of Energy administrative expenses necessary in carrying out the Advanced Technology Vehicles Manufacturing Loan Program, $5,000,000, to remain available until September 30, 2018.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), $233,971,000, to remain available until September 30, 2018, including the hire of passenger motor vehicles and official reception and representation expenses not to exceed $30,000, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total $103,000,000 in fiscal year 2017 may be retained and used for operating expenses within this account, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2017 appropriation from the general fund estimated at not more than $130,971,000: *Provided further*, That of the total amount made available under this heading, $31,000,000 is for Energy Policy and Systems Analysis.

AMENDMENT OFFERED BY MR. ELLISON

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 50, line 21, after the dollar amount, insert ''(reduced by $1,000,000) (increased by $1,000,000)''.

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from Minnesota and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

(Mr. ELLISON asked and was given permission to revise and extend his remarks.)

Mr. ELLISON. Mr. Chairman, we can raise living standards for working families all across the United States if we use the Federal dollars to create good jobs.

My amendment would reprogram funds to create an Office of Good Jobs in the Department of Energy that would help ensure that the Department's procurement grant making and regulatory decisions encourage the creation of decently paid jobs, collective bargaining rights, and responsible employment practices.

Right now the U.S. Government is America's leading low-wage job creator, funding over 2 million poverty jobs through contracts, loans, and grants with corporate America. That is more than the total number of low-wage workers employed by Walmart and McDonald's combined.

This is a fact, Mr. Chairman, and I think it should alarm all of us. The Federal Government should not lead the race to the bottom for poorly paid low-wage jobs.

U.S. contract workers earn so little that nearly 40 percent use public assistance programs, Mr. Chairman, like food stamps and section 8, to feed and shelter their families.

To add insult to injury, many of these low-wage U.S. contract workers are driven deeper into poverty because their employers steal their wages and break other Federal labor laws. Not all. Many Federal contractors are excellent, but some do steal wages, and they tend to get away with it.

Take, for example, the story of Edilicia Banegas. Edilicia is a single mom. Edilicia worked for 7 years at the Ronald Reagan Building food court, a Federal building.

Her employer stole her wages, paid her with cash under the table, used checks from two different establishments in the same food court to avoid paying her overtime, and retaliated against her when she and her coworkers stood up for their rights.

Edilicia has been on strike several times to highlight the plight of low-wage Federal contract workers in Washington, D.C., and across the country.

Well, what about the story of Mayra Tito. Mayra is a Pentagon food court worker who was fired for challenging her managers to comply with labor laws and for going on strike multiple times.

She is a first-generation immigrant struggling to pay her tuition at George Mason University and now works odd jobs to make ends meet. Her experience at the Pentagon has inspired her to go to law school to help workers defend their rights.

Mr. Chairman, research shows that Federal contractors break Federal laws somewhat on a regular basis. A U.S. Senate report, for example, found that over 30 percent of the biggest penalties for lawbreaking were filed against the biggest U.S. contractors, people who the procurement process got money from the U.S. taxpayer.

□ 2045

But workers aren't the only ones who would benefit from this new office. This new office would also benefit law-abiding businesses and high-road employers—employers who play by the rules but who get put at a competitive disadvantage because they obey the law. The Office of Good Jobs would direct taxpayer dollars to American businesses that play by the rules and ensure that cheaters don't get a leg up.

It is unfair to make law-abiding companies compete with contractors who are willing to cut corners. Think about it: you are a law-abiding company that fought hard for that contract, but now the Federal Government is going to give it to your competitors who are willing to steal from their workers?

Plus, we know that contractors who consistently adhere to labor laws are more likely to have greater productivity and an increased likelihood of timely, predictable, and successful delivery of goods and services to the Federal Government. Bad contractors usually not only cheat workers, but they cheat the Federal Government by poor performance.

In conclusion, Mr. Chair, these are tax dollars that should be used to build the middle class, to support high-road employers, and to provide the best possible service to the American public. An Office of Good Jobs would achieve that. Abandon the days when the U.S. Government was the leading funder of low-wage jobs. After all, Mr. Chair, when you and I and all of the other taxpayers have to fund low-wage workers with section 8 and food stamps, that comes out of our pockets. Make these folks pay their workers right. Let's set up an Office of Good Jobs.

I reserve the balance of my time.

Mr. SIMPSON. Mr. Chair, I claim the time in opposition.

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

Mr. SIMPSON. Mr. Chair, this amendment, basically, is duplicative and ignores the existing responsible contractor award system that is already in place. Contracting officers must already consult the System for Award Management to ensure a contractor can be awarded a contract. Businesses on the Excluded Parties List System have been suspended or debarred through a due process system and may not be eligible to receive or renew contracts for such cited offenses.

The best way to ensure the government contracts or provides grants to the best employers is to enforce the existing suspension and debarment system. Bad actors who are in violation of basic worker protections should not be awarded Federal contracts. We all agree with that. That is why the Federal Government already has a system in place to deny Federal contracts to bad actors. If a contractor fails to maintain high standards of integrity and business ethics, agencies already have the authority to suspend or debar the employer from government contracting. In 2014, Federal agencies issued more than 1,000 suspensions and nearly 2,000 debarments to employers who bid on Federal contracts.

The amendment will delay the procurement process with harmful consequences to our Nation's nuclear safety and security. On numerous occasions, the nonpartisan Government Accountability Office has highlighted costly litigation stemming from the complex regulatory rules, including from the Fair Labor Standards Act. This amendment punishes employers who may unknowingly or unwillingly get caught in the Federal Government's maze of bureaucratic rules and reporting requirements.

The procurement process is already plagued by delays and inefficiencies.

This amendment will make these problems worse for the Department of Energy—the second largest contracting agency outside of the Department of Defense—further delaying critical support for national nuclear security operations.

This amendment will work against those who are working hard to protect the Department of Energy and the Army Corps of Engineers assets, which is inconceivable given the safety needs of our Nation.

I urge my colleagues to oppose this amendment.

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

Mr. ELLISON. Mr. Chair, how much time is remaining?

The Acting CHAIR. The gentleman from Minnesota has 15 seconds remaining.

Mr. ELLISON. Mr. Chair, let's have an Office of Good Jobs that makes sure that the Federal Government leads the example in creating good jobs, not encourages a race to the bottom as we are doing now. This is a good amendment, and if we want to restore the American middle class, all Members should vote ''yes.''

Mr. Chair, it is intended that the appropriation for Departmental Administration be used to establish an Office of Good Jobs in the Department aimed at ensuring that the Department's procurement, grant-making, and regulatory decisions encourage the creation of decently paid jobs, collective bargaining rights, and responsible employment practices. The office's structure shall be substantially similar to the Centers for Faith-Based and Neighborhood Partnerships located within the Department of Education, Department of Housing and Urban Development, Department of Homeland Security, Department of Health and Human Services, Department of Labor, Department of Agriculture, Department of Commerce, Department of Veterans Affairs, U.S. Department of State, Small Business Administration, Environmental Protection Agency, Corporation for National and Community Service, and U.S. Agency for International Development.

I yield back the balance of my time.

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

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

Mr. ELLISON. Mr. Chair, I demand a recorded vote.

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

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, $44,424,000, to remain available until September 30, 2018.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

(INCLUDING RESCISSION OF FUNDS)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $9,285,147,000, to remain available until expended: *Provided*, That of such amount, $97,118,000 shall be available until September 30, 2018, for program direction: *Provided further*, That of the unobligated balances from prior year appropriations available under this heading, $42,000,000 is hereby rescinded: *Provided further*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

DEFENSE NUCLEAR NONPROLIFERATION

(INCLUDING RESCISSION OF FUNDS)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,821,916,000, to remain available until expended: *Provided*, That funds provided by this Act for Project 99–D–143, Mixed Oxide Fuel Fabrication Facility, and by prior Acts that remain unobligated for such Project, may be made available only for construction and program support activities for such Project: *Provided further*, That of the unobligated balances from prior year appropriations available under this heading, $14,000,000 is hereby rescinded: *Provided further*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

AMENDMENT OFFERED BY MR. LANGEVIN

Mr. LANGEVIN. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 53, line 11, after the dollar amount, insert ''(reduced by $5,000,000)''.

Page 54, line 14, after the dollar amount, insert ''(increased by $5,000,000)''.

Mr. SIMPSON. Mr. Chair, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

Pursuant to House Resolution 743, the gentleman from Rhode Island and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Rhode Island.

Mr. LANGEVIN. Mr. Chair, I offer this amendment with my good friend and colleague, Congressman LARSEN of Washington, to support the continued assessment of the feasibility of using low-enriched uranium, or LEU, in naval reactor fuel that would meet military requirements for aircraft carriers and submarines.

Using low-enriched uranium in naval reactor fuel brings significant national security benefits related to nuclear nonproliferation; it could lower security costs and support naval reactor research and development at the cutting edge of nuclear science.

As we continue to face the threat of nuclear terrorism and as countries continue to develop naval fuel for military purposes, the imperative to reduce the use of highly enriched uranium, or HEU, will become increasingly important over the next several decades.

Using LEU for naval reactors is not an impossible task. France's nuclear navy already has converted from HEU to LEU fuel. We must evaluate the feasibility for the U.S. Navy as well and take into account the potential benefits to U.S. and international security of setting a norm for using LEU instead of nuclear bomb-grade material. Furthermore, the U.S. Navy will eventually exhaust its supply of highly enriched uranium.

Unless an alternative to using low-enriched uranium fuel is developed in the coming decades, the United States would have to resume its production of bomb-grade uranium for the first time since 1992, ultimately undermining U.S. nonproliferation efforts.

Last year, on a bipartisan basis, Congress authorized and appropriated first-year funding in FY16 for naval LEU fuel R&D. Already, this year, the House Armed Services Committee and the Senate Appropriations Committee have again supported LEU R&D efforts. It is now critical that the full House provide funding for this critical research that is paramount to our national security interests. This $5 million in funding would support the early testing and manufacturing development that is required to advance the LEU technology for use in naval fuel, yielding significant benefits for nuclear nonproliferation as well as security cost savings.

The time has come to invest in new technologies to address this threat and to reduce the reliance on highly enriched uranium. I urge my colleagues to support this amendment, and I hope that the majority will join with me in supporting this.

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

POINT OF ORDER

Mr. SIMPSON. Mr. Chair, I must insist on my point of order.

The Acting CHAIR. The gentleman will state his point of order.

Mr. SIMPSON. The amendment proposes to amend portions of the bill not yet read.

The amendment may not be considered en bloc under clause 2(f) of rule XXI because the amendment proposes to increase the level of outlays in the bill.

I ask for a ruling from the Chair.

Mr. LANGEVIN. Mr. Chair, I ask unanimous consent to withdraw my amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

The Acting CHAIR. The amendment is withdrawn.

AMENDMENT OFFERED BY MR. LANGEVIN

Mr. LANGEVIN. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 53, line 11, after the dollar amount, insert ''(increased by $5,000,000)''.

Page 54, line 14, after the dollar amount, insert ''(reduced by $5,000,000)''.

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from Rhode Island and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Rhode Island.

Mr. LANGEVIN. Mr. Chair, now that the technical correction was made to the amendment, my argument stands as to the previous amendment.

As I said, the goal of the amendment is to allow R&D to take place using LEU, low-enriched uranium, for naval reactor fuel that would meet military requirements for aircraft carriers and submarines. As I said, this is already done by France in their nuclear navy, which has already converted from using HEU to LEU fuel. This is a much more secure and stable fuel than using HEU.

Again, the Navy will exhaust its fuel at some point in the coming decades, and unless we have an alternative fuel that would power our nuclear aircraft carriers and nuclear submarines, we would have to start producing weapons-grade uranium, once again, for fuel in powering our aircraft carriers and submarines. By switching over to LEU, it would, ultimately, reduce costs, be more secure, and provide a long-term fuel for powering our Navy. This is a commonsense approach, as I said with regard to the previous amendment before the technical correction was made.

Last year, the Congress, on a bipartisan basis, authorized and appropriated first-year funding for FY16 for Navy LEU fuel in R&D. Already, this year, the House Armed Services Committee and the Senate Appropriations Committee have again supported LEU R&D efforts.

I believe now the time is critical that the full House provide funding for this critical research that is paramount to our national security interests. It supports R&D, and it gives our Navy options for powering our nuclear carriers and submarines.

I would ask that my colleagues support the amendment.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Rhode Island (Mr. LANGEVIN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GARAMENDI

Mr. GARAMENDI. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 53, lines 11 through 16, strike ''*Provided*'' through ''*Provided further*'' and insert ''*Provided*''.

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from California and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. GARAMENDI. Mr. Chair, I yield myself such time as I may consume.

I just heard the most interesting discussion a few moments ago about highly enriched uranium. In fact, we are in the process of spending several billions of dollars in rebuilding our highly enriched uranium facility so that we can produce more nuclear weapons.

The subject of this amendment is about old nuclear weapons. We have some 30-plus metric tons of unused plutonium that is sitting in various storage facilities around the United States. We have designed, in an agreement with Russia, to dispose of about 30 metric tons of that plutonium, and Russia has agreed to dispose of a little bit more than we are going to dispose of. This was all supposed to be done at the Mixed Oxide Fuel Facility in South Carolina, at the Savannah River facility.

□ 2100

It is going to cost about a billion dollars back in 2001. The estimate in 2014 was $7.7 billion. And in 2015, the estimate is some $30 billion, and most people say it isn't going to work.

So we have sinkholes for money, and we have black holes for money. And this is the ultimate black hole into which perhaps $30 billion will be spent. And, at the end of the day, it will probably create more problems and not solve the problem of the 30-or-so metric tons of plutonium that actually came out of various bombs that have been dismantled over the last several years.

So why are we continuing?

In the appropriation bill, it calls for $340 million to be spent on construction of a facility that the Department of Energy says shouldn't be built. But, hey, we are the Congress and we can throw around $340 million with great aplomb and not even worry about it.

So this is a very simple amendment. It doesn't save us the $340 million, which is what we really ought to do. What this amendment really does is say: don't spend it on further constructing this useless—well, not useless—but totally expensive facility, the MOX facility. Don't waste the money on this boondoggle.

And we can spend the money on maybe what the Department of Energy thinks we ought to do, which is to dilute and dispose or maybe we could build a fast reactor, which we actually have built in the past and which Russia is actually using to dispose of its plutonium. They are generating energy in doing so while disposing of their unused plutonium.

So why don't we just accept this amendment and eliminate the construction clause? Keep the $340 million in South Carolina so that they could be happy and maybe they could spend it on something that might actually work.

I reserve the balance of my time.

Mr. WILSON of South Carolina. Mr. Chair, I claim the time in opposition.

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

Mr. WILSON of South Carolina. Mr. Chair, I thank Chairman MIKE SIMPSON for his leadership.

I rise today in opposition to the amendment and in support of the mixed oxide fuel fabrication facility, or the MOX project, which is located at the Savannah River site in Aiken and Barnwell, South Carolina, adjacent to Augusta, Georgia.

I support the facility for a very simple reason. It is the only viable method of permanently disposing of weapons-grade plutonium and turning it into green fuel for nuclear reactors.

Furthermore, it is the only means of upholding our nuclear nonproliferation agreement with the Russian Federation. I say so with the background of myself having served as the Deputy General Counsel of the Department of Energy and the only person currently serving in Congress who has ever worked at the Savannah River site.

The citizens of South Carolina accepted nuclear waste under the pledge by the Department of Energy that there would be a facility to process and remove the plutonium. After years of empty promises, the actions by this administration to close MOX with no viable alternative makes South Carolina a repository for nuclear waste, putting the people of South Carolina and Georgia at risk.

The facility is nearly 70 percent completed. There has been a shortsighted decision to terminate the MOX project without appropriate considerations. The administration has failed to complete a rebaselining of the MOX project, as required by law.

The administration has failed to consult key partners, including the EPA or the State of New Mexico as a receiving location. The administration cannot definitely state that the Waste Isolation Pilot Plant has the capacity for 34 tons of weapons-grade plutonium or even if it will reopen.

The administration has failed to communicate with Russia about the plan to close MOX, causing Vladimir Putin to not attend the recent nuclear summit in Washington. Putin himself stated:

''This is not what we agreed on.

''But serious issues, especially with regard to nuclear arms, are quite a different matter and one should be able to meet one's obligations.''

MOX is a proven technology. It has worked overseas. It is crucial for our national security, and any decision to halt or alter its mission should only be carried out after a thorough and careful evaluation.

I urge my colleagues to support MOX, to stand up for our national security initiatives, to support the only viable alternative for plutonium disposition, and to reject the amendment.

I am grateful that today the U.S. Chamber of Commerce has issued a letter in support of MOX:

''The Chamber opposes any efforts to reduce funding for National Nuclear Security Administration's mixed-oxide (MOX) fuel facility at the Department of Energy's Savannah River Site. This project is critical to honoring the United States' Plutonium Disposition Protocol and the advancement of domestic nuclear fuel production.''

I yield back the balance of my time.

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

The Acting CHAIR. The gentleman from California has 1¾ minutes remaining.

Mr. GARAMENDI. Mr. Chair, with great respect for my friend from South Carolina, who is a most able advocate for his neighborhood, the MOX facility is the ultimate sinkhole for Federal dollars.

In fact, there is a viable alternative, and there are quite possibly two different viable alternatives. One is the Russian fast reactor. We have our own fast reactor. It clearly is disposing of the plutonium stockpile in Russia and creating energy along the way that they are using. We also have our own fast reactor systems that have been built in the past, and they could be viable and could be located at the Savannah River facility to dispose of the plutonium.

We are going to need to come to some conclusion here. This is a debate that we really must have. The Senate has two different versions, and the House has two different versions about what to do. Maybe the gentleman and I could wrestle and we could decide which one is the version we would actually take on here.

This does not stop the facility. It simply says to stop construction, use the money to look at designs, use the money to look for ongoing solutions, which the gentleman, I believe, is incorrect. But if he is right, it could be the MOX facility.

But we need to solve this problem. It is a very, very serious problem. We are required by a treaty with Russia to dispose of our unused plutonium, which is another amendment that I will take up at the end of the day, but I will talk about that much later tonight.

Mr. WILSON of South Carolina. Will the gentleman yield?

Mr. GARAMENDI. I yield to the gentleman from South Carolina.

Mr. WILSON of South Carolina. Mr. Chair, usually Congressman GARAMENDI and I agree on issues like small monitor reactors.

The Acting CHAIR. The time of the gentleman from California has expired.

Mr. SIMPSON. Mr. Chair, I move to strike the last word.

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

Mr. SIMPSON. Mr. Chair, this debate has been going on for a while. I appreciate what the gentleman is saying.

I have been having this debate with the Secretary of Energy for some time. I understand where the people from South Carolina are coming from. We are talking about jobs and we are talking about the economy.

I don't have a dog in this fight, but what I do have is responsibility as chairman of this committee. Five years from now, we are not sitting up here talking about the same thing, another chairman and another Secretary of Energy and another President.

The Department of Energy is famous for starting programs and getting halfway down and then spending billions of dollars and then walking away from them. Yucca Mountain is the biggest hole in the ground—they spent $14 billion to build—than anything I have ever seen. And it is not the only thing that the Department of Energy has done.

But they come to us now and say: Hey, we have a plan and it is going to be cheaper. We think that MOX is going to cost $30 billion. Other people say: Nah, that is a stretch. We are looking more like 20 or something like that.

Nobody can get the numbers right, so we ask them to rebaseline it. They haven't done that. But they come to us and say: We have a plan. We think that what we ought to do is just dilute this stuff and then dispose of it.

Okay. Great. What is that going to take?

Well, first of all, we have a treaty with Russia.

Have the Russians agreed to this?

Well, no, but we think they will.

Well, you know, there are a lot of things I think that my wife will agree to that she doesn't in the long run.

So we are going to go out and we are going to stop construction of this on the hope that the Russians are going to agree with us. Of course, we have such a good relationship going on with them right now. But the Department says: Oh, I think they will be okay, and they have indicated they are willing to talk.

Okay. We are going to dispose of it.

Where are we going to dispose of it? WIPP?

WIPP is shut down right now, but we are going to get WIPP reopened.

Is that where we are going to put it? Is WIPP large enough to hold this? Are we going to have to do another land withdrawal in New Mexico? Is the State of New Mexico okay with this?

Well, we don't know. We haven't talked to them yet.

So what you want to do is stop this before you have a plan of what you want to do with it, and that is just crazy. And that is my problem.

If the Department would come to us and say that the Russians have agreed to amend the treaty, and New Mexico has agreed that they will take the stuff, then maybe we could have a serious discussion. But right now, it is just all pie in the sky.

I will tell you that if you really don't care about the treaty and you really don't care about where they dispose of it—dispose of it in New Mexico—the cheapest thing to do is just store it, but nobody wants to do that.

So all we are saying is let's be reasonable on this and let's recognize that you have a facility here that is 67 percent complete. I think we ought to go down the same road. Although there are others, I have to admit, that look at $340 million—and probably it will be $500 million when it gets going as we continue, as construction ramps up—but look at that as: Oh, that is taking money out of my programs in my town, and I don't want that to happen. So let's stop MOX, and that means my favorite project will get more money.

I know there is a lot of that going on, too. So I understand where the gentleman is coming from. There are other people that agree with him.

There are people on my side of the aisle that come up and ask why are we spending money on that boondoggle?

It is not a boondoggle. The fact is it is supposed to create MOX fuel.

While the Department says there are no energy companies that want the MOX fuel, that is not true. There are some who would sign long-term agreements. The problem is they see this debate and are wondering whether we are going to have any or not. But the problem is the Department won't come to us with a solid proposal that we can rely on that is an alternative that we could weigh one against the other.

I don't want 5 years or 10 years from now a chairman of the Subcommittee on Energy and Water Development, and Related Agencies at that time and a Secretary of Energy to be down on the street corner arguing about: Well, gee, we stopped MOX. We got that big cement pile out there. We stopped construction on that. We have a problem with New Mexico, and the Russians are on our back. They won't do anything about the treaty. What are we going to do? Let's think of something else.

So until somebody has a reasonable alternative that they could compare it to and the cost to, we need to continue with this MOX project. And that is why the funding is in there for this bill and that is why we will fight for it in conference, even though the Senate, I know, wants to stop it and do other things.

So, anyway, that is why that is there. I appreciate what the gentleman is doing. I understand his concerns. Other people have those concerns, but the right path for us to follow is to continue the project that currently exists.

I yield back the balance of my time.

Ms. KAPTUR. Mr. Chair, I move to strike the last word.

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

Ms. KAPTUR. Mr. Chair, I have great respect for Congressman GARAMENDI. I know how thoughtful he is, and normally I do support his efforts.

I have to say that, in this instance, I think the priority has to be on completing construction of MOX. I think there was a reference made tonight that 67 percent of the construction is already completed. 90 percent of the equipment has been procured. 50 percent of the equipment is onsite. 1,800 people are directly employed. 4,000 American contractors and suppliers are being utilized in 43 States. And MOX is the only proven pathway we have for disposing of the 34 metric tons of U.S. weapons-grade plutonium in a pragmatic way.

I have to say that one of my goals in supporting this effort—having worked now with the Department of Energy on a number of programs, my goodness, it seems never to be able to finish anything. So we talk about Yucca Mountain—the chairman of the subcommittee made significant reference to that—billions of dollars and a hole sits in the ground unused.

Back when Jimmy Carter was President, he had a goal of putting solar panels on the Department of Energy. It didn't happen until recently. I mean, it has been three decades, four decades, before they could even finish something like that.

□ 2115

We look at Hanford and the cleanup that is necessary there. I mean, how many more centuries is it going to take? The one thing we can say about MOX, yes, it is treaty required and we are trying to meet our treaty obligations, but it is moving toward completion.

I mean, this is a miracle for the Department of Energy. Perhaps fast reactor might be better. But how do we know it won't cost an equal amount or more? We know South Carolina wants this. The Congressman from the region is here.

If we talk about WIPP, how do we know they even want the material? We have all these problems like Yucca Mountain. We have material we want to bury in the ground, and then the people say in the State that you build the facility: Well, now we don't want it.

So, frankly, of all the subcommittees I have served on or full committee—I have served on a majority of them—I have never seen a department that can't get its act together and get the work done.

So as much as I respect you, Congressman GARAMENDI, and you are right on so many efforts, I think to stop this project now with more than two-thirds of it constructed and hundreds of contracts let with vendors in 43 States—canceling those would expose our government to major liability and court costs from lawsuits and so forth.

The House bill prioritizes funds for national security to allow the United States to uphold its worthy nonproliferation and disarmament goals, which we share, and focuses on completing the MOX facility at the Savannah River site in the most cost-effective manner that the Department is capable of doing. I really think that we need to get it done. We are close to doing that.

We don't need another disaster sitting out there that is unused or this delay and stop and delay and hesitation and uncertainty and so forth. We need to complete this. We need to take care of the spent plutonium in a very responsible manner.

I share the chairman's perspective on this and continue to hold the author of the amendment—Congressman GARAMENDI—in the highest regard. I share your desire for nonproliferation. I think one of the best things we can do is get this material processed and leave the world a safer place in our time and generation.

I do oppose the amendment.

I yield back the balance of my time.

Mr. JODY B. HICE of Georgia. Mr. Chair, I rise in opposition to the gentleman's amendment.

The MOX facility at the Savannah River Site is absolutely crucial to our environmental clean-up missions, which produces green fuel, and national security.

The MOX facility is already over 70% completed, and is the best way to uphold the Plutonium Management and Disposition Agreement, our nuclear non-proliferation agreement with Russia.

The Waste Isolation Pilot Plant facility has been absolutely riddled with problems and shutdowns in recent years.

Not only would we be unable to fulfill our international obligations, but eliminating the MOX facility would make the Savannah River Site a de facto permanent repository for nuclear waste.

This is absurd—we need to deposit our nuclear waste at a geographically stable site in a largely uninhabited area. We have already identified the best location for permanent storage—Yucca Mountain in Nevada.

Until we restart the process for storing our nuclear waste at the Yucca Mountain site, it would be incredibly irresponsible to allow the nuclear waste to build up at a less safe and less stable site when we could be processing this material at the MOX facility and convert our plutonium into fuel that can be used at our commercial nuclear reactors.

Unfortunately, this amendment to eliminate funding to the MOX facility is counterproductive and short-sighted.

I urge my colleagues to vote against this amendment.

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

The amendment was rejected.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, $1,420,120,000, to remain available until expended: *Provided*, That of such amount, $44,100,000 shall be available until September 30, 2018, for program direction.

FEDERAL SALARIES AND EXPENSES

For expenses necessary for Federal Salaries and Expenses in the National Nuclear Security Administration, $382,387,000, to remain available until September 30, 2018, including official reception and representation expenses not to exceed $12,000.

AMENDMENT OFFERED BY MR. POLIS

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 54, line 14, after the dollar amount, insert ''(reduced by $1,000,000)''.

Page 56, line 1, after the dollar amount, insert ''(increased by $500,000)''.

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from Colorado and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. POLIS. Mr. Chairman, the $500,000 in funds will be for sites where remediation is currently being conducted by the Office of Legacy Management at DOE in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act, called CERCLA—these are called CERCLA sites—and/or the Resource Conservation and Recovery Act, RCRA.

So it is CERCLA sites and RCRA sites. There are eight of them in seven different States. There are two in Ohio, one in California, one in Kentucky, one in Utah, one in Florida, one in Colorado, and one in Mississippi.

In Colorado, Rocky Flats, which is a now-shuttered nuclear weapons plant, has oversight by DOE. They do some water testing, but downwind and downstream communities have concerns about potential contamination.

These funds will help complete testing, which is vital for scientific knowledge, for public confidence, and for public health. We need them as we move forward with various uses of the land and properties in the area, including, in the case of Rocky Flats, opening to extensive public visitation.

Several municipalities and communities in my district have voted to ask for more soil samples. The portion they have asked for this regarding is both on Fish and Wildlife- and DOE-managed areas.

I personally have heard from many scientists, residents, even somebody who investigated the former Rocky Flats plant 30 years ago, who feel that it is very important that we make sure that the downstream areas and the site are not still contaminated and not hazardous for human visitors.

We need to have the proper science by testing the air, water and soil, relatively low-cost propositions that

would be funded by this small change from administrative accounts. These funds, to be clear, would be applied to all CERCLA lands, such as Rocky Flats and the others.

Mr. Chairman, to conclude, I am very grateful to work with the committee and their staff on this important testing for CERCLA and RCRA lands like those at Rocky Flats and in the other seven States.

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

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

The amendment was agreed to.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed one fire apparatus pumper truck, one aerial lift truck, one refuse truck, and one semi-truck for replacement only, $5,226,950,000, to remain available until expended: *Provided*, That of such amount, $290,050,000 shall be available until September 30, 2018, for program direction: *Provided further*, That of such amount, $26,800,000 shall be available for the purpose of a payment by the Secretary of Energy to the State of New Mexico for road improvements in accordance with section 15(b) of the Waste Isolation Pilot Plant Land Withdrawal Act (Public Law 102–579): *Provided further*, That the amount made available by the previous proviso shall be separate from any appropriations of funds for the Waste Isolation Pilot Plant.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $776,425,000, to remain available until expended: *Provided*, That of such amount, $254,230,000 shall be available until September 30, 2018, for program direction.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for official reception and representation expenses in an amount not to exceed $5,000: *Provided*, That during fiscal year 2017, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For expenses necessary for operation and maintenance of power transmission facilities and for marketing electric power and energy, including transmission wheeling and ancillary services, pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $1,000,000, including official reception and representation expenses in an amount not to exceed $1,500, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944, up to $1,000,000 collected by the Southeastern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the Southeastern Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2017 appropriation estimated at not more than $0: *Provided further*, That notwithstanding 31 U.S.C. 3302, up to $60,760,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For expenses necessary for operation and maintenance of power transmission facilities and for marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the Southwestern Power Administration, $45,643,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), up to $34,586,000 collected by the Southwestern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Southwestern Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2017 appropriation estimated at not more than $11,057,000: *Provided further*, That notwithstanding 31 U.S.C. 3302, up to $73,000,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, $307,144,000, including official reception and representation expenses in an amount not to exceed $1,500, to remain available until expended, of which $299,742,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That notwithstanding 31 U.S.C. 3302, section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), and section 1 of the Interior Department Appropriation Act, 1939 (43 U.S.C. 392a), up to $211,563,000 collected by the Western Area Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Western Area Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2017 appropriation estimated at not more than $95,581,000, of which $88,179,000 is derived from the Reclamation Fund: *Provided further*, That notwithstanding 31 U.S.C. 3302, up to $367,009,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $4,070,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 2 of the Act of June 18, 1954 (68 Stat. 255): *Provided*, That notwithstanding the provisions of that Act and of 31 U.S.C. 3302, up to $3,838,000 collected by the Western Area Power Administration from the sale of power and related services from the Falcon and Amistad Dams shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the hydroelectric facilities of these Dams and associated Western Area Power Administration activities: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2017 appropriation estimated at not more than $232,000: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred: *Provided further*, That for fiscal year 2017, the Administrator of the Western Area Power Administration may accept up to $323,000 in funds contributed by United States power customers of the Falcon and Amistad Dams for deposit into the Falcon and Amistad Operating and Maintenance Fund, and such funds shall be available for the purpose for which contributed in like manner as if said sums had been specifically appropriated for such purpose: *Provided further*, That any such funds shall be available without further appropriation and without fiscal year limitation for use by the Commissioner of the United States Section of the International Boundary and Water Commission for the sole purpose of operating, maintaining, repairing, rehabilitating, replacing,

or upgrading the hydroelectric facilities at these Dams in accordance with agreements reached between the Administrator, Commissioner, and the power customers.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, official reception and representation expenses not to exceed $3,000, and the hire of passenger motor vehicles, $346,800,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed $346,800,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2017 shall be retained and used for expenses necessary in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as revenues are received during fiscal year 2017 so as to result in a final fiscal year 2017 appropriation from the general fund estimated at not more than $0.

GENERAL PROVISIONS—DEPARTMENT OF ENERGY

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

SEC. 301. (a) No appropriation, funds, or authority made available by this title for the Department of Energy shall be used to initiate or resume any program, project, or activity or to prepare or initiate Requests For Proposals or similar arrangements (including Requests for Quotations, Requests for Information, and Funding Opportunity Announcements) for a program, project, or activity if the program, project, or activity has not been funded by Congress.

(b)(1) Unless the Secretary of Energy notifies the Committees on Appropriations of both Houses of Congress at least 3 full business days in advance, none of the funds made available in this title may be used to—

(A) make a grant allocation or discretionary grant award totaling $1,000,000 or more;

(B) make a discretionary contract award or Other Transaction Agreement totaling $1,000,000 or more, including a contract covered by the Federal Acquisition Regulation;

(C) issue a letter of intent to make an allocation, award, or Agreement in excess of the limits in subparagraph (A) or (B); or

(D) announce publicly the intention to make an allocation, award, or Agreement in excess of the limits in subparagraph (A) or (B).

(2) The Secretary of Energy shall submit to the Committees on Appropriations of both Houses of Congress within 15 days of the conclusion of each quarter a report detailing each grant allocation or discretionary grant award totaling less than $1,000,000 provided during the previous quarter.

(3) The notification required by paragraph (1) and the report required by paragraph (2) shall include the recipient of the award, the amount of the award, the fiscal year for which the funds for the award were appropriated, the account and program, project, or activity from which the funds are being drawn, the title of the award, and a brief description of the activity for which the award is made.

(c) The Department of Energy may not, with respect to any program, project, or activity that uses budget authority made available in this title under the heading ''Department of Energy—Energy Programs'', enter into a multiyear contract, award a multiyear grant, or enter into a multiyear cooperative agreement unless—

(1) the contract, grant, or cooperative agreement is funded for the full period of performance as anticipated at the time of award; or

(2) the contract, grant, or cooperative agreement includes a clause conditioning the Federal Government's obligation on the availability of future year budget authority and the Secretary notifies the Committees on Appropriations of both Houses of Congress at least 3 days in advance.

(d) Except as provided in subsections (e), (f), and (g), the amounts made available by this title shall be expended as authorized by law for the programs, projects, and activities specified in the ''Bill'' column in the ''Department of Energy'' table included under the heading ''Title III—Department of Energy'' in the report of the Committee on Appropriations accompanying this Act.

(e) The amounts made available by this title may be reprogrammed for any program, project, or activity, and the Department shall notify the Committees on Appropriations of both Houses of Congress at least 30 days prior to the use of any proposed reprogramming that would cause any program, project, or activity funding level to increase or decrease by more than $5,000,000 or 10 percent, whichever is less, during the time period covered by this Act.

(f) None of the funds provided in this title shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates, initiates, or eliminates a program, project, or activity;

(2) increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act; or

(3) reduces funds that are directed to be used for a specific program, project, or activity by this Act.

(g)(1) The Secretary of Energy may waive any requirement or restriction in this section that applies to the use of funds made available for the Department of Energy if compliance with such requirement or restriction would pose a substantial risk to human health, the environment, welfare, or national security.

(2) The Secretary of Energy shall notify the Committees on Appropriations of both Houses of Congress of any waiver under paragraph (1) as soon as practicable, but not later than 3 days after the date of the activity to which a requirement or restriction would otherwise have applied. Such notice shall include an explanation of the substantial risk under paragraph (1) that permitted such waiver.

SEC. 302. The unexpended balances of prior appropriations provided for activities in this Act may be available to the same appropriation accounts for such activities established pursuant to this title. Available balances may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 303. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 3094) during fiscal year 2017 until the enactment of the Intelligence Authorization Act for fiscal year 2017.

SEC. 304. None of the funds made available in this title shall be used for the construction of facilities classified as high-hazard nuclear facilities under 10 CFR Part 830 unless independent oversight is conducted by the Office of Enterprise Assessments to ensure the project is in compliance with nuclear safety requirements.

SEC. 305. None of the funds made available in this title may be used to approve critical decision-2 or critical decision-3 under Department of Energy Order 413.3B, or any successive departmental guidance, for construction projects where the total project cost exceeds $100,000,000, until a separate independent cost estimate has been developed for the project for that critical decision.

SEC. 306. (a) None of the funds made available in this or any prior Act under the heading ''Defense Nuclear Nonproliferation'' may be made available to enter into new contracts with, or new agreements for Federal assistance to, the Russian Federation.

(b) The Secretary of Energy may waive the prohibition in subsection (a) if the Secretary determines that such activity is in the national security interests of the United States. This waiver authority may not be delegated.

(c) A waiver under subsection (b) shall not be effective until 15 days after the date on which the Secretary submits to the Committees on Appropriations of both Houses of Congress, in classified form if necessary, a report on the justification for the waiver.

SEC. 307. (a) NEW REGIONAL RESERVES.—The Secretary of Energy may not establish any new regional petroleum product reserve unless funding for the proposed regional petroleum product reserve is explicitly requested in advance in an annual budget submission and approved by the Congress in an appropriations Act.

(b) The budget request or notification shall include—

(1) the justification for the new reserve;

(2) a cost estimate for the establishment, operation, and maintenance of the reserve, including funding sources;

(3) a detailed plan for operation of the reserve, including the conditions upon which the products may be released;

(4) the location of the reserve; and

(5) the estimate of the total inventory of the reserve.

SEC. 308. (a) Any unobligated balances available from amounts appropriated in prior fiscal years for the following accounts that were apportioned in Category C (as defined in section 120 of Office of Management and Budget Circular No A–11), are hereby rescinded in the specified amounts:

(1)''Atomic Energy Defense Activities—National Nuclear Security Administration—Weapons Activities'', $64,126,393.

(2) ''Atomic Energy Defense Activities—National Nuclear Security Administration—Defense Nuclear Nonproliferation'', $19,127,803.

(3) ''Atomic Energy Defense Activities—National Nuclear Security Administration—Naval Reactors'', $307,262.

(b) No amounts may be rescinded under subsection (a) from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 309. Not to exceed $2,000,000, in aggregate, of the amounts made available by this title may be made available for project engineering and design of the Consolidated Emergency Operations Center.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, notwithstanding 40 U.S.C. 14704, and for expenses necessary for the Federal Co-Chairman and the Alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $146,000,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For expenses necessary for the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $31,000,000, to remain available until September 30, 2018.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For expenses necessary for the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, notwithstanding sections 382C(b)(2), 382F(d), 382M, and 382N of said Act, $15,000,000, to remain available until expended.

DENALI COMMISSION

For expenses necessary for the Denali Commission including the purchase, construction, and acquisition of plant and capital equipment as necessary and other expenses, $11,000,000, to remain available until expended, notwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998: *Provided*, That funds shall be available for construction projects in an amount not to exceed 80 percent of total project cost for distressed communities, as defined by section 307 of the Denali Commission Act of 1998 (division C, title III, Public Law 105–277), as amended by section 701 of appendix D, title VII, Public Law 106–113 (113 Stat. 1501A–280), and an amount not to exceed 50 percent for non-distressed communities.

NORTHERN BORDER REGIONAL COMMISSION

For expenses necessary for the Northern Border Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, $5,000,000, to remain available until expended: *Provided*, That such amounts shall be available for administrative expenses, notwithstanding section 15751(b) of title 40, United States Code.

SOUTHEAST CRESCENT REGIONAL COMMISSION

For expenses necessary for the Southeast Crescent Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, $250,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Commission in carrying out the purposes of the Energy Reorganization Act of 1974 and the Atomic Energy Act of 1954, $936,121,000, including official representation expenses not to exceed $25,000, to remain available until expended, of which $20,000,000 shall be derived from the Nuclear Waste Fund: *Provided*, That of the amount appropriated herein, not more than $7,500,000 may be made available for salaries, travel, and other support costs for the Office of the Commission, to remain available until September 30, 2018, of which, notwithstanding section 201(a)(2)(c) of the Energy Reorganization Act of 1974 (42 U.S.C. 5841(a)(2)(c)), the use and expenditure shall only be approved by a majority vote of the Commission: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at $786,853,000 in fiscal year 2017 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That of the amounts appropriated under this heading, not less than $5,000,000 shall be for activities related to the development of regulatory infrastructure for advanced nuclear technologies, and $18,000,000 shall be for international activities, except that the amounts provided under this proviso shall not be derived from fee revenues, notwithstanding 42 U.S.C. 2214: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2017 so as to result in a final fiscal year 2017 appropriation estimated at not more than $149,268,000: *Provided further*, That of the amounts appropriated under this heading, $10,000,000 shall be for university research and development in areas relevant to the Commission's mission, and $5,000,000 shall be for a Nuclear Science and Engineering Grant Program that will support multiyear projects that do not align with programmatic missions but are critical to maintaining the discipline of nuclear science and engineering.

AMENDMENT OFFERED BY MR. KEATING

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 72, line 24, after the dollar amount, insert ''(reduced by $1,000,000) (increased by $1,000,000)''.

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from Massachusetts and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. KEATING. Mr. Chairman, I rise today to offer an amendment with the gentleman from Vermont (Mr. WELCH), a champion of these issues.

Our amendment is simple and straightforward. It seeks to provide adequate resources for the Nuclear Regulatory Commission in order to ensure the safe and effective decommissioning of nuclear power plants.

Last year Entergy Corporation, the owner and operator of the Pilgrim Nuclear Power Plant in Plymouth, Massachusetts, after facing severe losses in revenue and plagued by serious safety concerns, announced that the plant would be decommissioned by 2019.

Since coming to Congress, I have been concerned about the safety of Pilgrim's day-to-day operations as well as the security of its spent fuel storage.

Following Entergy's announcement, I have worked with State and local representatives from southeastern Massachusetts to prioritize the safety of the decommissioning process, security of the plant's spent fuel, and displacement of over 600 workers employed at this site.

Just this week, attention has focused on the NRC's recent report that revealed that the Pilgrim Nuclear Power Station came up short yet again during an investigation of their follow-through on critical systems maintenance.

While this infraction ultimately falls on the responsibility of Entergy, it is equally important that the NRC has the necessary resources to address concerns as they arise, including through cooperation with local communities.

As we have often cited, decommissioning of nuclear power plants has an enormous economic and financial impact on host communities. We have urged that decommissioning funds be used strictly for removal of spent fuel from wet storage to dry cask storage, restoration and remediation of the site, and maintenance of emergency preparedness and security resources throughout the entire process.

Finally, it is my hope that the NRC prioritizes workforce development opportunities. As the number of decommissioned plants increases, so, too, will thousands of high-skilled, well-paying jobs.

I thank my colleagues for their consideration of this amendment and urge their support.

I yield such time as he may consume to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. Mr. Chairman, I thank the gentleman. We have a lot of merchant nuclear plants that are now starting to get decommissioned. The first one that got decommissioned was in Vernon, Vermont. We have now got Pilgrim.

The communities there face enormous challenges. One, we lose a lot of good jobs. Number two, there is the question: How do you get that asset back in production? That is where the local community, like select boards, citizen groups, are enormously concerned, and rightly so. It is their community, and they want to get it back operational.

The purpose of this amendment is to try to get the NRC the resources it needs and, also, the process it needs for citizen community involvement to be accepted. They are in a new era.

Generally, the NRC has been about regulating the safety of the plant. Now we are moving into the era where they have to deal with the decommissioning of the plant.

Safety issues continue to be of paramount concern, but economic vitality in the future is an urgent concern. Our goal here is to make certain that those folks who are in the community and their elected representatives have the capacity for significant input.

□ 2130

We are very pleased that the NRC is starting a rulemaking process to try to open it up a bit. We want to encourage them to do so. This legislation is a big step towards that.

Mr. KEATING. I also want to thank Chairman SIMPSON and Ranking Member KAPTUR for their consideration of the amendment.

I yield back the balance of my time.

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

The amendment was agreed to.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $12,129,000, to remain available until September 30, 2018: *Provided*, That revenues from

licensing fees, inspection services, and other services and collections estimated at $10,044,000 in fiscal year 2017 shall be retained and be available until September 30, 2018, for necessary salaries and expenses in this account, notwithstanding section 3302 of title 31, United States Code: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2017 so as to result in a final fiscal year 2017 appropriation estimated at not more than $2,085,000: *Provided further*, That of the amounts appropriated under this heading, $969,000 shall be for Inspector General services for the Defense Nuclear Facilities Safety Board, which shall not be available from fee revenues.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For expenses necessary for the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $3,600,000, to be derived from the Nuclear Waste Fund, to remain available until September 30, 2018.

GENERAL PROVISIONS—INDEPENDENT AGENCIES

SEC. 401. The Nuclear Regulatory Commission shall comply with the July 5, 2011, version of Chapter VI of its Internal Commission Procedures when responding to Congressional requests for information.

SEC. 402. (a) The amounts made available by this title for the Nuclear Regulatory Commission may be reprogrammed for any program, project, or activity, and the Commission shall notify the Committees on Appropriations of both Houses of Congress at least 30 days prior to the use of any proposed reprogramming that would cause any program funding level to increase or decrease by more than $500,000 or 10 percent, whichever is less, during the time period covered by this Act.

(b)(1) The Nuclear Regulatory Commission may waive the notification requirement in subsection (a) if compliance with such requirement would pose a substantial risk to human health, the environment, welfare, or national security.

(2) The Nuclear Regulatory Commission shall notify the Committees on Appropriations of both Houses of Congress of any waiver under paragraph (1) as soon as practicable, but not later than 3 days after the date of the activity to which a requirement or restriction would otherwise have applied. Such notice shall include an explanation of the substantial risk under paragraph (1) that permitted such waiver and shall provide a detailed report to the Committees of such waiver and changes to funding levels to programs, projects, or activities.

(c) Except as provided in subsections (a), (b), and (d), the amounts made available by this title for ''Nuclear Regulatory Commission—Salaries and Expenses'' shall be expended as directed in the report of the Committee on Appropriations accompanying this Act.

(d) None of the funds provided for the Nuclear Regulatory Commission shall be available for obligation or expenditure through a reprogramming of funds that increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act.

(e) The Commission shall provide a monthly report to the Committees on Appropriations of both Houses of Congress, which includes the following for each program, project, or activity, including any prior year appropriations—

(1) total budget authority;

(2) total unobligated balances; and

(3) total unliquidated obligations.

TITLE V

GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 502. (a) None of the funds made available in title III of this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by or transfer authority provided in this Act or any other appropriations Act for any fiscal year, transfer authority referenced in the report of the Committee on Appropriations accompanying this Act, or any authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality.

(b) None of the funds made available for any department, agency, or instrumentality of the United States Government may be transferred to accounts funded in title III of this Act, except pursuant to a transfer made by or transfer authority provided in this Act or any other appropriations Act for any fiscal year, transfer authority referenced in the report of the Committee on Appropriations accompanying this Act, or any authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality.

(c) The head of any relevant department or agency funded in this Act utilizing any transfer authority shall submit to the Committees on Appropriations of both Houses of Congress a semiannual report detailing the transfer authorities, except for any authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality, used in the previous 6 months and in the year-to-date. This report shall include the amounts transferred and the purposes for which they were transferred, and shall not replace or modify existing notification requirements for each authority.

SEC. 503. None of the funds made available by this Act may be used in contravention of Executive Order No. 12898 of February 11, 1994 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations).

SEC. 504. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

SEC. 505. None of the funds made available by this Act may be used to conduct closure of adjudicatory functions, technical review, or support activities associated with Yucca Mountain geologic repository license application, or for actions that irrevocably remove the possibility that Yucca Mountain may be a repository option in the future.

SEC. 506. None of the funds made available by this Act may be used to further implementation of the coastal and marine spatial planning and ecosystem-based management components of the National Ocean Policy developed under Executive Order No. 13547 of July 19, 2010.

AMENDMENT NO. 1 OFFERED BY MR. FARR

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 79, beginning on line 24, strike section 506.

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from California and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. FARR. Mr. Chair, I rise once again because every year we face this amendment and it does get knocked out in conference. But I rise with concern that it keeps coming back, because I think it is based on a lot of misunderstanding, and it really can cause serious problems.

For many years, Congress has been struggling with all these sorts of conflicts at the sea. Different Federal entities have different responsibilities—some for mineral management, some for fishing, some for coastal zone protection, Coast Guard for buoys. And when we were in the State legislature, State after State complained that there was a conflict of seas.

Congress actually appointed a commission to review these, a bipartisan commission. The membership was appointed by President Bush. The commission came back with an oceans report indicating that we had to avoid these conflicts among agencies. What we would do is create a National Ocean Policy, which required all the Federal agencies to look at their responsibilities and to make sure that they were all coordinated so that they carry out the functions that they have been responsible for, but carry them out in a timely fashion.

What this language in this bill says is you can't carry out these responsibilities under the National Ocean Policy. It is really stupid to knock it out, because what it will do is cost the people who want permits from the Federal Government a lot more time and money. And in fact, what it really does is jeopardize our national security because, believe it or not, one of the ways that people are sneaking into our exclusive economic zone is through fishing boats. And fishing boats are the responsibility more of National Marine Fisheries and the Coast Guard, and they have to be able to communicate with each other on issues.

So it is just one thing after another. I am really saying let's knock this language out.

The other thing I would like to say is that I hate to make this thing partisan, but I was just at a huge Oceans conference in Monterey, in the district I represent, with a lot of national scientists and NGOs.

The one thing that they pointed out time after time is how the Republicans are just attacking issues on the oceans, on marine fisheries, on oil and gas development, and so on.

And a policy like this is not something that is not actually beneficial to

try to get bureaucracy to work in knocking it out so that it goes back to the old bureaucracy. It is harmful for the government, it is harmful for users of ocean resources, and it is more harmful for people that are trying to get a handle on what is killing our oceans and killing our fish.

So we spend absolutely no money on oceans planning. The National Ocean Policy does not supersede any local or State regulations or create any new Federal regulations. It just creates a mechanism by which 41 numerous ocean agencies, departments, working groups, and committees can coordinate and communicate to manage effectively. It is a bottom-up, not top-down project.

National Ocean Policy leverages taxpayer dollars by reducing duplication between Federal, State, and local agencies, by streamlining data collection, by strengthening public involvement, by actually resulting in better decisionmaking and more decisionmaking, less costly decisionmaking.

National Ocean Policy is a tool for planning, not a mandate to strip local and stakeholder control from our oceans' resource. It was supported by President Bush. It has been supported by President Obama. It is bipartisan, bicameral, bi-everything, and this language just makes it impossible to carry on the responsibilities that we have in using our natural resources in a responsible fashion.

I ask that the amendment be adopted.

I reserve the balance of my time.

Mr. SIMPSON. Mr. Chairman, I claim time in opposition to the amendment.

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

Mr. SIMPSON. Mr. Chair, I rise in opposition to the amendment.

While there may be instances in which the greater coordination would be helpful to ensure our ocean and coastal resources are available to future generations, any such coordination must be done carefully to protect against Federal overreach.

As we have seen recently with the proposed rule to redefine waters of the United States, strong congressional oversight is needed to ensure that we protect private property rights.

Unfortunately, the way this administration developed its National Ocean Policy increases the opportunities for overreach. The implementation plan is so broad and so sweeping that it may allow the Federal Government to affect agricultural practices, mining, energy producers, fishermen, and anyone else whose actions may have an impact directly or indirectly on the oceans.

The fact is the administration did not work with Congress to develop this plan and has even refused to provide relevant information to Congress, so we can't be sure how sweeping it actually will be. That is why I support the language in the underlying bill and, therefore, oppose the amendment and suggest that the Committee on Natural Resources is the one that should be taking this up if they want to develop a National Ocean Policy.

Mr. FARR. Will the gentleman yield?

Mr. SIMPSON. I yield to the gentleman from California.

Mr. FARR. First, whoever wrote your statement is wrong on the facts. I was here. This report that was done by the Bush administration was brought to the United States Congress, to the Natural Resources Committee. I was a member. Mr. Pombo was the chairman. He would not allow Admiral Watkins, who was chair of the committee, to testify on it. He would not allow a bill, carried by Republican members—Mr. Greenwood, Mr. Saxton, and others—to be heard. Every attempt was made to bring that report to Congress to enact as a bill, and the Natural Resources Committee rejected it, just slammed the door.

What President Obama does, there was more in the recommendations because there was actually a way of governing regional areas, much like the National Marine Fisheries does with their regional fishery boards. None of that was allowed. He only uses executive order to get all the Federal agencies together so they can come up with a National Ocean Policy, and not a thing in that policy mentions any of that.

Mr. SIMPSON. Reclaiming my time, in fact, we were not wrong. Congress did not approve a national ocean plan.

Now, we can argue about it whether they should have or whether they shouldn't have or whether Chairman Pombo should have brought it up or shouldn't have brought it up, or whatever, but that is way the process works around here. There are things that aren't brought up that I think ought to be brought up.

I have got a wildfire funding bill that hasn't been brought up. I think it ought to be brought up. That doesn't mean the administration can go out and say: Hey, that is the right thing to do. We are going to do it by executive order.

That is the problem with this administration, that they have got a phone and they have got a pen if they don't get what they want out of Congress and Congress decides not to act for whatever reason. We didn't act on immigration. I think that was wrong. I think we should have. But guess what. We didn't. That doesn't free the President to say: Well, if you won't do it, I am going to do it.

That is kind of what he did with the National Ocean Policy, and that is the problem we have here. That is why I oppose the amendment, even though it might be the right thing for us to do in the long run.

I urge a ''no'' vote on this amendment.

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

Mr. FARR. Mr. Chair, I yield 1 minute to the gentleman from Rhode Island (Mr. CICILLINE).

Mr. CICILLINE. I thank the gentleman for yielding go.

Mr. Chair, I rise in strong support of the amendment offered by my colleague from California, which would strike this misguided provision to prohibit funding of the National Ocean Policy, which permits better coordination among Federal agencies responsible for coastal planning.

This provision in particular would undermine the National Oceanic and Atmospheric Administration's participation in planning; would hurt States, communities, and businesses; and would keep States like Rhode Island from managing resources in a way that best fits their needs and priorities.

The administration has made it clear that the National Ocean Policy does not create new regulations, supercede current regulations, or modify any agency's established mission, jurisdiction, or authority. Rather, it helps coordinate the implementation of existing regulations by Federal agencies to establish a more efficient and effective decisionmaking process.

In the Northeast, our Regional Ocean Council has allowed our States to pool resources and businesses to have a voice in decisionmaking and has coordinated with Federal partners to ensure all stakeholders have a voice in the process, and it was the first in the Nation to release a draft regional ocean plan.

It is astounding to me that, since 2012, more than 15 riders undermining ocean planning have been introduced to House bills, including riders on several previous appropriations bills.

I urge my colleagues to support this amendment.

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

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

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

Mr. FARR. Mr. Chair, I demand a recorded vote.

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

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 507. None of the funds made available by this Act may be used for the removal of any federally owned or operated dam.

SPENDING REDUCTION ACCOUNT

SEC. 508. The amount by which the applicable allocation of new budget authority made by the Committee on Appropriations of the House of Representatives under section 302(b) of the Congressional Budget Act of 1974 exceeds the amount of proposed new budget authority is $0.

AMENDMENT OFFERED BY MS. BROWNLEY OF CALIFORNIA

Ms. BROWNLEY of California. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. _____. None of the funds made available by this Act may be used in contravention of section 2102 of the Water Resources Reform and Development Act of 2014 or section 210 of the Water Resources Development Act of 1986.

The Acting CHAIR. Pursuant to House Resolution 743, the gentlewoman from California and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. BROWNLEY of California. Mr. Chairman, I rise to offer a very brief amendment to the bill. I offer this amendment on behalf of myself and my good friend from California (Mrs. NAPOLITANO).

Many of my colleagues, especially those who are members of the Congressional Ports Caucus, have worked very hard in recent years to ensure that the Army Corps of Engineers has the funding necessary for operations and maintenance of our waterways. We achieved a great victory in WRRDA 2014, which set annual targets for the harbor maintenance trust fund usage.

□ 2145

It is vitally important that we not only hit the WRRDA targets, but that we also ensure that the Army Corps and the White House Office of Management and Budget allocate harbor maintenance trust fund resources properly, according to the authorizing statute.

The Brownley-Napolitano amendment simply directs that none of the funds in the bill can be spent contrary to existing law.

Our amendment is supported by the American Association of Port Authorities. I urge my colleagues to support this commonsense amendment to ensure that the Army Corps and the OMB follow the direction provided by Congress in the 2014 law which passed the House in a vote of 412–4.

Mr. Chairman, again, it is critically important for Congress to ensure that the administration follows the law.

This amendment is intended to ensure that the Corps and the administration and the OMB implement the law as directed by Congress.

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

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. BROWNLEY).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BURGESS

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill, before the short title, insert the following new section:

SEC. ____. None of the funds made available in this Act may be used—

(1) to implement or enforce section 430.32(x) of title 10, Code of Federal Regulations; or

(2) to implement or enforce the standards established by the tables contained in section 325(i)(1)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6295(i)(1)(B)), or to implement or enforce section 430.32(n) of title 10, Code of Federal Regulations, with respect to BPAR incandescent reflector lamps, BR incandescent reflector lamps, and ER incandescent reflector lamps.

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from Texas and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. BURGESS. Mr. Chairman, I rise today to offer an amendment that will actually maintain current law.

Since its passage in 2007, I have heard from tens of thousands of constituents about how the language of the 2007 Energy Independence Security Act takes away consumer choice when deciding what type of light bulb to use in their homes.

Mr. Chairman, they are right. While the government has passed energy efficiency standards in other realms over the years, they never moved so far and lowered standards so drastically.

It is to a point where technology is still years away from making bulbs that are compliant with the law at a price point that the average American can afford.

Opponents to my amendment will claim that the 2007 language did not ban the incandescent bulb. That is true. It bans the sale of the 100-watt, the 60-watt and then the 45-watt bulb.

The replacement bulbs are far from economically efficient even if they may be regarded as energy efficient. A family living paycheck to paycheck simply cannot afford the replacement cost of these bulbs.

But the economics of the light bulb mandate are only part of the story. With the extreme expansion of Federal powers undertaken by the Obama administration during the first 2 years of the Obama administration, Americans woke up to just how far the Constitution's Commerce Clause has been manipulated from its original intent. The light bulb mandate is the perfect example of this.

The Commerce Clause was intended by our Founding Fathers to be a limitation to Federal authority, not a catch-all nod to allow for any topic to be regulated by Washington.

Indeed, it is clear that the Founding Fathers never intended this clause to be used to allow the Federal Government to regulate and pass mandates on consumer products that do not pose a risk to either human health or safety.

This exact amendment has been accepted for the past 4 years by the House. The first 3 years it was accepted by a voice vote. It has been included in the annual appropriations legislation signed into law by President Obama every year since its first inclusion in 2011.

It allows consumers to continue to have a choice and to have a say about what they put in their homes. It is just common sense.

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

Ms. KAPTUR. Mr. Chairman, I rise to claim the time in opposition to the amendment.

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

Ms. KAPTUR. Mr. Chairman, I strongly oppose this damaging rider which would block the Department of Energy from implementing or enforcing commonsense energy efficiency standards for light bulbs. I have the highest respect for Dr. BURGESS, but not on this particular topic.

This rider was a bad idea when it was first offered 5 years ago, and it is even more unsupportable now. Every claim made by proponents of this rider has been proven wrong.

Dr. BURGESS told us that the energy efficiency standards would ban incandescent light bulbs. That is simply false. You can go to any store today and see shelves of modern, energy-efficient, incandescent light bulbs that meet the standard. I have bought them myself.

They are the same as the old bulbs except that they last longer, they use less electricity, and they save consumers money.

We have heard for years that the energy efficiency standards restrict consumer choice. But if you have shopped for light bulbs lately, you know that simply isn't true.

Modern incandescent bulbs, compact fluorescent light bulbs, and LEDs of every shape, size, and color are now available. Consumers have never had more choice. The efficiency standards spurred innovation that dramatically expanded options for consumers.

Critics of the efficiency standards claimed that they would cost consumers money. In fact, the opposite is true. When the standards are in full effect, the average American family will save about $100 every year. That comes to $13 billion in savings nationwide every year. But this rider threatens those savings, and that is why consumer groups have consistently opposed this rider.

Here is the reality. The 2007 consensus energy efficiency standards for light bulbs were enacted with bipartisan support and continue to receive overwhelming industry support.

U.S. manufacturers are already meeting the efficiency standards. The effect of the rider is to allow foreign manufacturers to sell old, inefficient light bulbs in the United States that violate the efficiency standards.

That is unfair to domestic manufacturers who have invested millions of dollars in the United States in those plants to make efficient bulbs here that meet the standards.

Why on earth would we want to pass a rider that favors foreign manufacturers who ignore our laws and penalizes U.S. manufacturers who are following our laws?

But it even gets worse. The rider now poses an additional threat to U.S. manufacturing. The bipartisan 2007 energy

bill requires the Department of Energy to establish updated light bulb efficiency standards by January 1 of next year.

It also provided that, if final updated standards are not issued by then, a more stringent standard of 45 lumens per watt automatically takes effect. Incandescent light bulbs currently cannot meet this backstop standard.

This rider blocks DOE from issuing the required efficiency standards and ensures that the backstop will kick in. Ironically, it is this rider that could effectively ban the incandescent light bulb.

The Burgess rider directly threatens existing light bulb manufacturing jobs in Pennsylvania, Ohio, Illinois, across our region. It would stifle innovation and punish companies that have invested in domestic manufacturing.

This rider aims to reverse years of technological progress only to kill jobs, increase electricity bills for our constituents, and worsen pollution.

It is time to choose common sense over rigid ideology, and it is time to listen to the manufacturing companies, consumer groups, and efficiency advocates, who all agree that that rider is harmful.

I urge all Members to vote ''no'' on the Burgess light bulb rider, no matter how well intended.

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

Mr. BURGESS. Mr. Chairman, I would merely observe that, in calendar year 2007, the political analyst George Will opined at the end of that year that the American Congress essentially had two mandates, to deliver the mail and defend the borders, that it had failed miserably at both jobs.

Instead of performing either of those jobs, it banned the incandescent bulb, probably the single greatest invention to have occurred in America in the 1800s.

This is a commonsense bill. Our constituents have asked for this. The Congress has supported it. The amendment, in fact, maintains current law.

I urge all Members to support it.

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

Ms. KAPTUR. Mr. Chairman, I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GARAMENDI

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. ____. None of the funds made available by this Act may be used to expand plutonium pit production capacity at the PF–4 facility at Los Alamos National Laboratory.

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from California and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. GARAMENDI. Mr. Chairman, about an hour and a half ago we had a very important debate on this floor concerning some 30-plus metric tons of unused surplus plutonium to be disposed of in South Carolina at the mixed oxide fuel facility. The debate went on.

I want to thank my colleagues on the majority side for elucidating the issue and bringing to our attention, as did I, that we have some 34 metric tons of plutonium lying around in various depositories around the United States. And from our discussion earlier, it is pretty clear it is not going to be disposed of any time soon.

Now, this bill would set about the United States putting together facilities that would create even more plutonium somewhere in the range of 80 nuclear bomb pits. This is the essential element in a nuclear bomb. For what purpose?

Well, we really probably can't talk about it here in this public setting, but it appears to be a rather unclear purpose as to why we would need to build a new facility at a multibillion dollar cost for the production of more plutonium pits when we have 34 metric tons of them sitting in various repositories.

So I guess I just kind of ask: Why are we doing that?

Well, this amendment would simply limit the PF–4 facility in Los Alamos, New Mexico, to no more than 10 pits a year, which they can produce. Probably a little bit of refurbishing will be necessary as the years progress, but we really do not need to spend a few billion dollars on a brand-new facility to make brand-new atomic bomb plutonium pits.

Why would we do that? Well, I don't think we do need to do that. We can get by with 10 a year. And I suppose, if we really got into a situation where we need to build more, we could run 2 shifts a day, maybe even 3 shifts a day, and get production up to some 20.

Nobody has really bothered to explain in detail why we need more than 10, and certainly nobody has explained in detail why we need 80.

So that is what this amendment does. It simply says: Let's save our money. Let's not put it into a facility that we don't need and go about our business of making just 9 or 10 new nuclear plutonium pits a year.

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

Mr. SIMPSON. Mr. Chairman, I claim the time in opposition to the amendment.

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

Mr. SIMPSON. Mr. Chairman, I oppose this amendment because I am concerned that the amendment would limit the activities that may be necessary to maintain our nuclear weapons stockpile. That is basically it.

We need to be modernizing the legacy facilities of the National Nuclear Security Administration. And these are old facilities, if we are going to have a credible nuclear deterrent.

That is what this is all about, is keeping our nuclear deterrent and making sure that we have the facilities to produce those things that are necessary. It is as simple as that.

I urge Members to vote ''no'' on this amendment.

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

□ 2200

The Acting CHAIR. The gentleman from California has 2 minutes remaining.

Mr. GARAMENDI. Mr. Chairman, 2 minutes is probably insufficient to persuade my colleagues on the majority side that my argument is worthy of support; but nonetheless, I will take a shot at it.

We can build 9 or 10 pits a year now. If we go to two shifts, we could build 20. The only reason we would need 80 has to do with a revamped, refurbished nuclear bomb, which I will talk about tomorrow morning, because at the request of the majority, I was asked to put it off until tomorrow morning.

In any case, where are we today?

We have enough nuclear weapons to pretty much destroy the entire world or any enemy that would like to take us on.

Do we need to have 80 new nuclear pits a year?

In all the testimony I have heard in the various classified sessions, the answer is: We would like to have it. We would like to have that capability because sometime maybe somehow we may have a nuclear war, and we will expend all of our existing bombs and we will need to somehow make more.

I am not exactly sure why we would be making more after a nuclear war, but there are some who would argue that would be necessary.

I don't get it. I really don't understand when we have the capability to build sufficient nuclear bomb components, the pit, the plutonium pit, why we would want to spend a few billion dollars—an unknown number, by the way, not unlike the MOX facility, it is likely to rapidly escalate.

But our Los Alamos scientists would like to have something new and fancy when something old is quite necessary. My wife always said that there is a choice between nice and necessary. I have yet to hear the argument for necessary, why we should set our path on spending several billion dollars on a new pit production facility. I am sure there is some argument to be made. In any case, I have a sense that I might lose this vote on the floor when I will ask for a vote.

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

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

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

Mr. GARAMENDI. Mr. Chairman, I demand a recorded vote.

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

Mr. SIMPSON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WILSON of South Carolina) having assumed the chair, Mr. EMMER of Minnesota, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5055) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2017, and for other purposes, had come to no resolution thereon.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PAYNE (at the request of Ms. PELOSI) for the first series of votes today on account of medical appointments.

Ms. MAXINE WATERS of California (at the request of Ms. PELOSI) for May 23.

Ms. MAXINE WATERS of California (at the request of Ms. PELOSI) for today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2613. An act to reauthorize certain programs established by the Adam Walsh Child Protection and Safety Act of 2006; to the Committee on the Judiciary.

ADJOURNMENT

Mr. EMMER of Minnesota. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 5 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, May 25, 2016, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

5473. A letter from the Board Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule — Regulatory Capital Rules: Regulatory Capital, Implementation of Tier 1/Tier 2 Framework (RIN: 3052-AC81) received May 19, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Agriculture.

5474. A letter from the Acting Director, Office of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the Commission's final rule — Genetic Information Nondiscrimination Act (RIN: 3046-AB02) received May 17, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Education and the Workforce.

5475. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting the Department's final rule — Energy Conservation Program: Test Procedure for Battery Chargers [Docket No.: EERE-2014-BT-TP-0044] (RIN: 1904-AD45) received May 20, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

5476. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's direct final rule — Air Plan Approval; Connecticut; Sulfur Content of Fuel Oil Burned in Stationary Sources [EPA-R01-OAR-2014-0364; A-1-FRL-9939-63-Region 1] received May 20, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

5477. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's direct final rule — Air Plan Approval; New Hampshire; Ozone Maintenance Plan [EPA-R01-OAR-2012-0289; FRL-9946-69-Region 1] received May 20, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

5478. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Air Plan Approval; North Carolina; Regional Haze [EPA-R04-OAR-2015-0518; FRL-9946-76-Reigon 4] received May 20, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

5479. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Air Plan Disapprovals; MS; Prong 4-2008 Ozone, 2010 NO2, SO2, and 2012 PM2.5 [EPA-R04-OAR-2015-0798; FRL-9946-77-Region 4] received May 20, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

5480. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Air Quality Plan Approval; South Carolina; Infrastructure Requirements for the 2010 Sulfur Dioxide National Ambient Air Quality Standard [EPA-R04-OAR-2015-0151; FRL-9946-82-Region 4] received May 20, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

5481. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Connecticut; Infrastructure Requirements for Lead, Ozone, Nitrogen Dioxide, Sulfur Dioxide, and Fine Particulate Matter [EPA-R01-OAR-2015-0198; FRL-9940-14-Region 1] received May 20, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

5482. A letter from the Director, Office of Regulatory Affairs and Collaborative Action, Bureau of Indian Affairs, Department of the Interior, transmitting the Department's final rule — Title Evidence for Trust Land Acquisitions [167A2100DD/AAKC001030/A0A501010.999 900 253G] (RIN: 1076-AF28) received May 19, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

5483. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Federal Implementation Plan for True Minor Sources in Indian Country in the Oil and Natural Gas Production and Natural Gas Processing Segments of the Oil and Natural Gas Sector; Amendments to the Federal Minor New Source Review Program in Indian Country to Address Requirements for True Minor Sources in the Oil and Natural Gas Sector [EPA- HQ-OAR-2014-0606; FRL-9946-56-OAR] (RIN: 2060-AS27) received May 20, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

5484. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's Major final rule — Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources [EPA-HQ-OAR-2010-0505; FRL-9944-75-OAR] (RIN: 2060-AS30) received May 20, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

5485. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Comprehensive Ecosystem-Based Amendment 1; Amendments to the Fishery Management Plans for Coastal Pelagic Species, Pacific Coast Groundfish, U.S. West Coast Highly Migratory Species, and Pacific Coast Salmon [Docket No.: 150629565-6224-02] (RIN: 0648-BF15) received May 19, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

5486. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Groundfish Fishery; Fishing Year 2016; Recreational Management Measures [Docket No.: 160120042-6337-02] (RIN: 0648-BF69) received May 19, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

5487. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — International Fisheries; Pacific Tuna Fisheries; Fishing Restrictions for the Area of Overlap Between the Convention Areas of the Inter-American Tropical Tuna Commission and the Western and Central Pacific Fisheries Commission [Docket No.: 150924885-6324-02] (RIN: 0648-BF38) received May 19, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

5488. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Halibut Fisheries; Catch Sharing Plan [Docket No.: 160127057-6280-02] (RIN: 0648-BF60) received May 19, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec.

251; (110 Stat. 868); to the Committee on Natural Resources.

5489. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Herring Fishery; Framework Adjustment 4 [Docket No.: 150304214-6231-02] (RIN: 0648-BE94) received May 19, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

5490. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's IRB only rule — Beginning of Construction for Sections 45 and 48 [Notice 2016-31] received May 20, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

5491. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's IRB only rule — Applicable Federal Rates — June 2016 (Rev. Rul. 2016-13) received May 20, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

5492. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final regulations — Removal of Allocation Rule for Disbursements from Designated Roth Accounts to Multiple Destinations [TD 9769] (RIN: 1545-BK08) received May 20, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLER of Florida: Committee on Veterans' Affairs. H.R. 1769. A bill to establish in the Department of Veterans Affairs a national center for research on the diagnosis and treatment of health conditions of the descendants of veterans exposed to toxic substances during service in the Armed Forces that are related to that expose, to establish an advisory board on such health conditions, and for other purposes; with an amendment (Rept. 114–592, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. BURGESS: Committee on Rules. House Resolution 744. Resolution providing for consideration of the bill (S. 2012) to provide for the modernization of the energy policy of the United States, and for other purposes; providing for consideration of the bill (H.R. 5233) to repeal the Local Budget Autonomy Amendment Act of 2012, to amend the District of Columbia Home Rule Act to clarify the respective roles of the District government and Congress in the local budget process of the District government, and for other purposes; and providing for proceedings during the period from May 27, 2016, through June 6, 2016 (Rept. 114–593). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committee on Armed Services discharged from further consideration. H.R. 1769 referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. DUFFY (for himself and Mr. CARNEY):

H.R. 5311. A bill to improve the quality of proxy advisory firms for the protection of investors and the U.S. economy, and in the public interest, by fostering accountability, transparency, responsiveness, and competition in the proxy advisory firm industry; to the Committee on Financial Services.

By Mr. LAHOOD (for himself, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SMITH of Texas, Mr. LIPINSKI, Mr. LUCAS, Mrs. COMSTOCK, Mr. MOOLENAAR, and Mr. ABRAHAM):

H.R. 5312. A bill to amend the High-Performance Computing Act of 1991 to authorize activities for support of networking and information technology research, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. CONYERS (for himself, Mrs. LAWRENCE, Ms. MOORE, Mrs. BUSTOS, Mr. GRIJALVA, Mr. JOHNSON of Georgia, Mr. POCAN, and Ms. SCHAKOWSKY):

H.R. 5313. A bill to establish a trust fund to provide for adequate funding for water and sewer infrastructure; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DESAULNIER (for himself and Mr. CARTER of Georgia):

H.R. 5314. A bill to provide for the development and dissemination of programs and materials for training pharmacists, health care providers, and patients on the circumstances under which a pharmacist may decline to fill a prescription for a controlled substance because the pharmacist suspects the prescription is fraudulent, forged, or otherwise indicative of abuse or diversion, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GUTHRIE (for himself, Mr. BURGESS, and Mrs. MIMI WALTERS of California):

H.R. 5315. A bill to amend the Federal Trade Commission Act to require annual reports to Congress regarding the status of investigations of unfair or deceptive acts or practices, and of unfair methods of competition, in or affecting commerce; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HUFFMAN:

H.R. 5316. A bill to establish a carbon sequestration pilot program under which the Secretary of the Interior may make grants for projects to evaluate methods to increase the amount of carbon captured on qualified public lands in order to achieve a wide range of benefits, including reductions in greenhouse gases, increased water retention and water quality in watersheds, nutrient cycling, reduced erosion, and forage quality; to the Committee on Natural Resources.

By Mr. KELLY of Pennsylvania (for himself, Mr. BRADY of Pennsylvania, Mr. FATTAH, Mr. PERRY, Mr. THOMPSON of Pennsylvania, Mr. COSTELLO of Pennsylvania, Mr. MEEHAN, Mr. FITZPATRICK, Mr. SHUSTER, Mr. MARINO, Mr. BARLETTA, Mr. ROTHFUS, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. DENT, Mr. PITTS, Mr. CARTWRIGHT, and Mr. MURPHY of Pennsylvania):

H.R. 5317. A bill to designate the Department of Veterans Affairs health care center in Center Township, Butler County, Pennsylvania, as the ''Abie Abraham VA Clinic''; to the Committee on Veterans' Affairs.

By Mr. POMPEO (for himself, Mr. BURGESS, Mr. BISHOP of Michigan, Mr. MULLIN, Mr. HARPER, Mrs. BLACKBURN, and Mr. LANCE):

H.R. 5318. A bill to amend the Federal Trade Commission Act to specify certain effects of guidelines, general statements of policy, and similar guidance issued by the Federal Trade Commission; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALKER (for himself, Mr. RATCLIFFE, Mrs. LOVE, Mr. HENSARLING, Mr. LOUDERMILK, and Mr. BRAT):

H.R. 5319. A bill to amend the Congressional Budget Act of 1974 to establish a Federal regulatory budget and to impose cost controls on that budget, and for other purposes; to the Committee on the Budget, and in addition to the Committees on Rules, the Judiciary, Oversight and Government Reform, and Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MILLER of Florida:

H. Con. Res. 133. Concurrent resolution honoring the members of the United States Air Force who were casualties of the June 25, 1996, terrorist bombing of the United States Sector Khobar Towers military housing complex on Dhahran Air Base; to the Committee on Armed Services.

By Mr. BRADY of Pennsylvania (for himself, Mr. FATTAH, Mr. PAYNE, Mr. FITZPATRICK, Mr. MEEHAN, Mr. MACARTHUR, Mr. PASCRELL, Mr. NORCROSS, Mr. COSTELLO of Pennsylvania, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. LOBIONDO, Mr. MURPHY of Pennsylvania, and Mr. BRENDAN F. BOYLE of Pennsylvania):

H. Res. 745. A resolution congratulating Einstein Healthcare Network on their 150th anniversary; to the Committee on Energy and Commerce.

By Ms. DELAURO (for herself, Ms. JUDY CHU of California, Mr. NADLER, Ms. KAPTUR, Ms. SPEIER, Mr. LANGEVIN, Mr. PASCRELL, Ms. CLARK of Massachusetts, Mrs. DINGELL, Ms. LEE, Ms. NORTON, Mr. NORCROSS, Mr. HASTINGS, Mrs. WATSON COLEMAN, Mr. BLUMENAUER, Ms. EDWARDS, Mr. HINOJOSA, Ms. PINGREE, Mr. TED LIEU of California, Mr. CÁRDENAS, Mrs. NAPOLITANO, Mr. MURPHY of Florida, Ms. WASSERMAN SCHULTZ, Ms. SLAUGHTER, Mr. HONDA, Mr. PALLONE, Mrs. LOWEY, Ms. MATSUI, Mr. JOHNSON of Georgia, Mr. VAN HOLLEN, Mr. LOWENTHAL, Ms. DELBENE, Mr. BEYER, Ms. SCHAKOWSKY, and Mr. SABLAN):

H. Res. 746. A resolution urging the United States Soccer Federation to immediately eliminate gender pay inequity and treat all athletes with the same respect and dignity; to the Committee on Education and the Workforce.

By Ms. DELAURO (for herself, Mr. DEUTCH, Mr. CONYERS, and Mr. MCGOVERN):

H. Res. 747. A resolution supporting the goals and ideals of May 23 as the ''International Day to End Obstetric Fistula'' to significantly raise awareness and intensify actions towards ending obstetric fistula; to the Committee on Oversight and Government Reform.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

223. The SPEAKER presented a memorial of the Legislature of the State of Arizona, relative to Senate Concurrent Memorial 1017, urging the Congress of the United States to enact the Diné College Act of 2015; to the Committee on Education and the Workforce.

224. Also, a memorial of the Legislature of the State of Arizona, relative to Senate Concurrent Memorial 1007, urging the United States Environmental Protection Agency to reinstate the previous ozone concentration standard of 75 parts per billion; to the Committee on Energy and Commerce.

225. Also, a memorial of the Legislature of the State of Arizona, relative to Senate Concurrent Memorial 1016, urging the United States Congress to oppose the implementation of certain rules for existing electric utility generating units; to the Committee on Energy and Commerce.

226. Also, a memorial of the Legislature of the State of Arizona, relative to House Concurrent Memorial 2010, urging the President, Secretary of State and Congress of the United States to secure the safe release of Robert Levinson from Iran; to the Committee on Foreign Affairs.

227. Also, a memorial of the Legislature of the State of Arizona, relative to Senate Concurrent Memorial 1013, urging the United States Congress to continue to take action to prevent the United States from entering into the United Nations Arms Trade Treaty or other similar treaties; to the Committee on Foreign Affairs.

228. Also, a memorial of the Legislature of the State of Arizona, relative to Senate Memorial 1001, urging the members of the United States Congress from the state of Arizona to officially recognize the persecution of Christians and other religious minorities in the Middle East as genocide; to the Committee on Foreign Affairs.

229. Also, a memorial of the Legislature of the State of Arizona, relative to Senate Concurrent Memorial 1009, urging the United States Congress to protest and take action to fully restore the Tucson postal processing and distribution center; to the Committee on Oversight and Government Reform.

230. Also, a memorial of the Legislature of the State of Arizona, relative to Senate Concurrent Memorial 1014, urging the Congress of the United States to act to prohibit federal agencies from recommending and identifying Arizona's public lands as wilderness areas without express congressional consent; to the Committee on Natural Resources.

231. Also, a memorial of the Legislature of the State of Arizona, relative to House Concurrent Memorial 2009, urging the United States Congress to direct the American Legion to expand its membership eligibility; to the Committee on the Judiciary.

232. Also, a memorial of the Legislature of the State of Arizona, relative to Senate Concurrent Memorial 1008, urging the Congress of the United States to enact the Regulatory Integrity Protection Act; to the Committee on Transportation and Infrastructure.

233. Also, a memorial of the Legislature of the State of Arizona, relative to Senate Concurrent Memorial 1006, urging the United States Congress to act to increase the number of United States customs and border protection personnel at the ports of entry in Arizona; to the Committee on Homeland Security.

234. Also, a memorial of the Legislature of the State of Arizona, relative to Senate Concurrent Memorial 1011, urging the Congress of United States to enact the Resilient Federal Forests Act; jointly to the Committees on Agriculture and Natural Resources.

235. Also, a memorial of the Legislature of the State of Arizona, relative to House Concurrent Memorial 2006, urging the United States Congress to adopt legislation similar to the Toxic Exposure Research Act of 2015; jointly to the Committees on Armed Services and Veterans' Affairs.

236. Also, a memorial of the Legislature of the State of Arizona, relative to Senate Concurrent Memorial 1012, urging the United States Congress to direct the appropriate federal agencies to secure the borders of the United States; jointly to the Committees on the Judiciary and Homeland Security.

237. Also, a memorial of the Legislature of the State of Arizona, relative to Senate Concurrent Memorial 1015, urging the United States Congress to enact the Stopping EPA Overreach Act; jointly to the Committees on Energy and Commerce, Natural Resources, Transportation and Infrastructure, and Agriculture.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. DUFFY:

H.R. 5311.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. LAHOOD:

H.R. 5312.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18:

The Congress shall have power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department of Officer thereof.

By Mr. CONYERS:

H.R. 5313.

Congress has the power to enact this legislation pursuant to the following:

The principal constitutional authority for this legislation is clause 7 of section 9 of Article I of the Constitution of the United States which states, ''No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law . . .'' and clause 3 of section 8 of Article I, which provides that, Congress shall have power to ''regulate Commerce with foreign Nations, and among several States, and with the Indian Tribes.'' In addition, clause 1 of section 8 of Article I provides that ''Congress shall have the Power . . . to pay the Debts and provide for the common Defense and general Welfare of the United States . . .'' and clause 18 of section 8 of Article I that states that Congress shall have power to ''make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States . . .'' Together, these specific constitutional provisions establish the congressional power to establish and appropriate funds, to determine its purpose, amount, period of availability, means of access, and to set forth terms and conditions governing its use.

By Mr. DESAULNIER:

H.R. 5314.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3

By Mr. GUTHRIE:

H.R. 5315.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 3 of the United States Constitution, in that the legislation exercises legislative power granted to Congress by that clause ''to regulate Commerce with foreign Nations, and among the several States, and with Indian tribes.''

By Mr. HUFFMAN:

H.R. 5316.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2 of the United States Constitution: The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be son construed as to Prejudice any Claims of the United States, or of any particular State.

By Mr. KELLY of Pennsylvania:

H.R. 5317.

Congress has the power to enact this legislation pursuant to the following:

the United States Constitution Article I, Section 8.

By Mr. POMPEO:

H.R. 5318.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 3 of the United States Constitution, in that the legislation exercises legislative power granted to Congress by that clause ''to regulate Commerce with foreign Nations, and among the several States, and with Indian tribes.''

By Mr. WALKER:

H.R. 5319.

Congress has the power to enact this legislation pursuant to the following:

Pursuant to clause 3(d)(1) of Rule XIII of the Rules of the House of Representatives, the Committee finds the Constitutional authority for this legislation in Article I, Section 1, Clause 1 and Article 1, Section 9, Clause 7.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 27: Mr. SMITH of Missouri.

H.R. 183: Mr. MCCAUL.

H.R. 266: Mr. KELLY of Pennsylvania and Mr. MULVANEY.

H.R. 446: Ms. DUCKWORTH.

H.R. 589: Mr. GRAYSON.

H.R. 592: Mr. ROKITA.

H.R. 664: Mr. HECK of Washington.

H.R. 703: Mr. GARRETT.

H.R. 704: Mr. SCHWEIKERT.

H.R. 711: Mr. COLLINS of New York, Mr. BEYER, Mr. LOBIONDO, and Mr. WILLIAMS.

H.R. 713: Mrs. ELLMERS of North Carolina.

H.R. 835: Mr. POLIS.

H.R. 836: Mr. MCCAUL.

H.R. 921: Ms. LOFGREN, Mr. DONOVAN, Mr. BURGESS, Mr. HARPER, Mr. SMITH of Texas, and Ms. JACKSON LEE.

H.R. 923: Mr. JODY B. HICE of Georgia.
H.R. 969: Mr. GARRETT.
H.R. 1062: Mr. LATTA.
H.R. 1101: Mr. KENNEDY.
H.R. 1130: Mr. CASTRO of Texas.
H.R. 1188: Mr. HUIZENGA of Michigan.
H.R. 1197: Mr. CASTRO of Texas and Mr. DONOVAN.
H.R. 1198: Mrs. BEATTY.
H.R. 1220: Mr. GUTIÉRREZ.
H.R. 1221: Mr. ROKITA.
H.R. 1233: Mr. RIGELL.
H.R. 1247: Mr. CASTRO of Texas.
H.R. 1309: Mr. CRAMER.
H.R. 1427: Mr. BOUSTANY.
H.R. 1459: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1559: Mr. DUNCAN of South Carolina.
H.R. 1571: Mr. DAVID SCOTT of Georgia.
H.R. 1748: Mr. MACARTHUR.
H.R. 1859: Ms. CLARKE of New York and Mr. FOSTER.
H.R. 1877: Mrs. NAPOLITANO.
H.R. 2132: Mr. CONNOLLY.
H.R. 2144: Mr. ROGERS of Kentucky.
H.R. 2173: Ms. PINGREE and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 2218: Mr. SWALWELL of California.
H.R. 2254: Mrs. BEATTY.
H.R. 2296: Mr. SCOTT of Virginia and Ms. PINGREE.
H.R. 2315: Mrs. WALORSKI and Mr. SAM JOHNSON of Texas.
H.R. 2461: Mr. BISHOP of Utah.
H.R. 2631: Mr. BRIDENSTINE.
H.R. 2694: Ms. EDDIE BERNICE JOHNSON of Texas and Ms. PINGREE.
H.R. 2737: Mr. CARSON of Indiana, Mrs. CAROLYN B. MALONEY of New York, Mr. CONYERS, Mr. RYAN of Ohio, and Mr. CASTRO of Texas.
H.R. 2739: Mr. FORBES and Mr. MCGOVERN.
H.R. 2846: Ms. PINGREE.
H.R. 2849: Mrs. DAVIS of California and Ms. KAPTUR.
H.R. 2903: Mr. ROUZER, Mr. COURTNEY, and Mr. FLEMING.
H.R. 2980: Mr. LOEBSACK.
H.R. 2992: Mr. MCHENRY, Mr. ABRAHAM, Mr. BILIRAKIS, Mr. POSEY, Mr. WESTMORELAND, Mr. NUGENT, Mr. SHUSTER, and Mr. TURNER.
H.R. 2999: Mr. COHEN.
H.R. 3012: Mr. GRAVES of Georgia.
H.R. 3029: Mr. FARR.
H.R. 3099: Ms. CLARKE of New York.
H.R. 3119: Mr. BENISHEK, Ms. BROWNLEY of California, and Mr. FORTENBERRY.
H.R. 3222: Mr. TROTT.
H.R. 3229: Mr. BOUSTANY and Mr. JONES.
H.R. 3235: Mr. MOULTON, Mr. BEYER, Ms. SCHAKOWSKY, Mrs. ELLMERS of North Carolina, and Mr. MCGOVERN.
H.R. 3299: Mr. SHIMKUS.
H.R. 3323: Mr. SMITH of New Jersey.
H.R. 3355: Ms. LOFGREN and Mrs. WALORSKI.
H.R. 3365: Mr. MCGOVERN.
H.R. 3397: Mr. LUETKEMEYER and Mr. CARTWRIGHT.
H.R. 3516: Mr. DESJARLAIS, Mr. MESSER, and Mr. MEADOWS.
H.R. 3643: Mr. PETERSON.
H.R. 3687: Mr. THOMPSON of Pennsylvania and Mr. MEADOWS.
H.R. 3720: Mr. GRIJALVA.
H.R. 3815: Mr. SMITH of Texas and Ms. ROS-LEHTINEN.
H.R. 3870: Ms. DUCKWORTH and Mr. MEEKS.
H.R. 3957: Mr. FRANKS of Arizona.
H.R. 4019: Mr. CICILLINE.
H.R. 4177: Mr. NOLAN and Mr. VARGAS.
H.R. 4219: Mr. KELLY of Mississippi.
H.R. 4223: Mrs. DINGELL.
H.R. 4247: Mr. GIBSON, Mr. MACARTHUR, Mrs. RADEWAGEN, Mrs. COMSTOCK, and Mr. ASHFORD.
H.R. 4262: Mr. GUTHRIE.
H.R. 4352: Ms. TSONGAS, Mr. MCHENRY, and Mr. FINCHER.
H.R. 4365: Mrs. WALORSKI, Ms. DELBENE, Mr. WALBERG, and Mr. MCCAUL.
H.R. 4381: Mr. RENACCI, Mr. OLSON, Mr. ROUZER, and Mr. MARCHANT.
H.R. 4400: Mr. COHEN.
H.R. 4435: Mrs. CAPPS.
H.R. 4445: Mr. TED LIEU of California.
H.R. 4448: Mr. RATCLIFFE.
H.R. 4461: Mr. SAM JOHNSON of Texas.
H.R. 4479: Ms. DUCKWORTH and Ms. WILSON of Florida.
H.R. 4514: Mr. ROKITA, Mr. MCKINLEY, Mr. HUELSKAMP, and Mr. ROGERS of Alabama.
H.R. 4553: Mrs. KIRKPATRICK.
H.R. 4575: Mr. STIVERS.
H.R. 4592: Mr. Mr. COHEN, Ms. JENKINS of Kansas, Mr. MOOLENAAR, Mr. SCHRADER, Mr. GRAYSON, Mr. LIPINSKI, Ms. BONAMICI, Ms. JUDY CHU of California, Ms. DUCKWORTH, Mr. ELLISON, Mr. HONDA, Mr. HUFFMAN, and Ms. MOORE.
H.R. 4606: Mr. SERRANO.
H.R. 4614: Mr. GUTHRIE.
H.R. 4622: Mr. KING of New York.
H.R. 4625: Mrs. WALORSKI.
H.R. 4626: Mrs. BEATTY.
H.R. 4632: Mr. JENKINS of West Virginia, Mr. RIBBLE, Mr. RUPPERSBERGER, Mr. ASHFORD, and Mr. POMPEO.
H.R. 4640: Mr. SMITH of New Jersey and Mr. RATCLIFFE.
H.R. 4677: Mr. CASTRO of Texas.
H.R. 4683: Mr. ABRAHAM.
H.R. 4684: Mr. ASHFORD.
H.R. 4696: Mr. LARSON of Connecticut.
H.R. 4731: Mr. RATCLIFFE.
H.R. 4740: Mr. ENGEL.
H.R. 4764: Mr. DOLD, Mr. RYAN of Ohio, and Mr. GOWDY.
H.R. 4775: Mr. TROTT.
H.R. 4828: Mr. ROKITA and Ms. FOXX.
H.R. 4893: Mr. HUFFMAN.
H.R. 4907: Ms. JENKINS of Kansas and Mrs. BEATTY.
H.R. 4924: Mr. EMMER of Minnesota.
H.R. 4928: Mr. LATTA, Mr. POMPEO, Mr. HARRIS, Mr. DUNCAN of South Carolina, Mr. LAMALFA, Mr. BENISHEK, and Mr. YOUNG of Alaska.
H.R. 4956: Mr. LATTA, Mr. JENKINS of West Virginia, Mr. HUIZENGA of Michigan, Mr. GROTHMAN, Mr. DUNCAN of Tennessee, and Mr. NEUGEBAUER.
H.R. 4989: Mr. LANGEVIN and Mr. ASHFORD.
H.R. 5008: Mr. ASHFORD and Ms. MCCOLLUM.
H.R. 5025: Ms. SEWELL of Alabama.
H.R. 5053: Mr. GROTHMAN, Mr. HENSARLING, Mr. BARLETTA, and Mr. CHAFFETZ.
H.R. 5073: Ms. JUDY CHU of California, Mr. RIGELL, Mr. PETERSON, and Mr. DOLD.
H.R. 5121: Ms. NORTON.
H.R. 5133: Mrs. Radewagen.
H.R. 5166: Mr. KING of Iowa, Mr. SIRES, Mr. FLORES, Mr. DENHAM, and Mr. REED.
H.R. 5170: Mr. FITZPATRICK.
H.R. 5180: Mr. MCKINLEY, Mr. CARTER of Texas, Mr. JONES, Mr. POMPEO, Mr. BRIDENSTINE, Mr. WEBER of Texas, Mr. HARRIS, Mr. POSEY, Mr. OLSON, Mr. DESJARLAIS, Mr. SCHRADER, Mr. SENSENBRENNER, Mr. SCHWEIKERT, Mr. LONG, and Mr. FARENTHOLD.
H.R. 5183: Ms. PINGREE, Mr. SWALWELL of California, Mr. POCAN, Mr. ENGEL, and Mr. JONES.
H.R. 5185: Mr. LAMBORN.
H.R. 5191: Mr. HURD of Texas.
H.R. 5199: Mr. GROTHMAN.
H.R. 5203: Mr. RATCLIFFE.
H.R. 5207: Mrs. BEATTY.
H.R. 5210: Mr. ROKITA and Mr. RIGELL.
H.R. 5215: Ms. LEE and Mr. HINOJOSA.
H.R. 5254: Ms. BROWN of Florida and Ms. NORTON.
H.R. 5259: Mr. MCCLINTOCK and Mr. SMITH of Missouri.
H.R. 5275: Mr. FORTENBERRY, Mrs. BLACKBURN, Mr. SHIMKUS, Mr. OLSON, Mr. POSEY, and Mr. BRAT.
H.R. 5283: Mr. NADLER.
H.R. 5285: Ms. BASS and Mr. SENSENBRENNER.
H.R. 5287: Ms. JUDY CHU of California and Mr. PETERSON.
H.R. 5288: Mr. RYAN of Ohio.
H.R. 5292: Mr. HASTINGS, Mr. YOUNG of Alaska, Mr. KNIGHT, Mr. PETERSON, Mr. SESSIONS, Mr. NOLAN, Mr. DENHAM, Mr. COSTELLO of Pennsylvania, Mr. GRAYSON, Mr. CUELLAR, Mr. KING of New York, Mr. SCHRADER, Mr. GENE GREEN of Texas, Mr. HANNA, Mr. PAULSEN, Ms. SPEIER, and Mr. GALLEGO.
H.R. 5307: Mr. PITTENGER and Mr. BABIN.
H.J. Res. 9: Mr. SMITH of New Jersey.
H.J. Res. 90: Mr. JOHNSON of Georgia, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. GARAMENDI, and Mr. GRIJALVA.
H. Con. Res. 33: Mr. GRIFFITH.
H. Con. Res. 40: Mrs. RADEWAGEN.
H. Con. Res. 100: Mr. PAULSEN.
H. Con. Res. 122: Mr. GOSAR and Mr. COOK.
H. Con. Res. 128: Mrs. COMSTOCK and Ms. MCSALLY.
H. Con. Res. 132: Mr. MOULTON and Mr. GRIJALVA.
H. Res. 14: Mr. CICILLINE and Ms. ROS-LEHTINEN.
H. Res. 393: Mr. AGUILAR.
H. Res. 464: Mr. MACARTHUR.
H. Res. 590: Mr. GOODLATTE, Mr. TIPTON, Ms. DELAURO, and Mr. SCOTT of Virginia.
H. Res. 660: Mr. MCCLINTOCK, Mr. DEUTCH, Mr. GARAMENDI, Mr. MEADOWS, Mr. COHEN, Mr. PITTS, and Mr. MARINO.
H. Res. 717: Mr. VAN HOLLEN and Mr. ROKITA.
H. Res. 726: Mr. TAKANO, Mr. GRIJALVA, and Mr. HINOJOSA.
H. Res. 729: Mr. COFFMAN, Mrs. NOEM, Mr. GIBBS, Mr. KATKO, Mr. MCHENRY, Mr. DOLD, Ms. MCSALLY, Mr. SCHWEIKERT, Mr. MCKINLEY, Mr. SEAN PATRICK MALONEY of New York, Mr. ISRAEL, Mr. ROKITA, Mr. SARBANES, Ms. SINEMA, Mr. BRAT, Ms. KUSTER, Mr. FARENTHOLD, and Mr. GRAVES of Missouri.
H. Res. 739: Mr. DOLD.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. K. MICHAEL CONAWAY

The provisions that warranted a referral to the Committee on Agriculture in H.R. 897 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the Rules of the House of Representatives.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions, as follows:

H.R. 3765: Mr. JOLLY.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 5055

OFFERED BY: MR. GOSAR

AMENDMENT NO. 8: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to prepare, propose, or promulgate any regulation or guidance that references, relies on, or otherwise considers the analysis contained in—

(1) ''Technical Support Document: Social Cost of Carbon for Regulatory Impact Analysis Under Executive Order 12866'', published by the Interagency Working Group on Social Cost of Carbon, United States Government, in February 2010;

(2) ''Technical Support Document: Technical Update of the Social Cost of Carbon for Regulatory Impact Analysis Under Executive Order 12866'', published by the Interagency Working Group on Social Cost of Carbon, United States Government, in May 2013 and revised in November 2013; or

(3) ''Revised Draft Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in NEPA Reviews'', published by the Council on Environmental Quality on December 24, 2014 (79 Fed. Reg. 77801).

H.R. 5055

OFFERED BY: MR. GOSAR

AMENDMENT NO. 9: At the end of title III, add the following new section:

SEC. 310. (a) Not later than 30 days after the date of enactment of this Act, the Administrator of the Western Area Power Administration shall submit to the appropriate committees of Congress a report that—

(1) examines the use of a provision described in subsection (b) in any power contracts of the Western Area Power Administration that were executed before or on the date of enactment of this Act; and

(2) explains the circumstances for not including a provision described in subsection (b) in power contracts of the Western Area Power Administration executed before or on the date of enactment of this Act.

(b) A provision referred to in subsection (a) is a termination clause described in section 11 of the general power contract provisions of the Western Area Power Administration, effective September 1, 2007.

H.R. 5055

OFFERED BY: MR. GOSAR

AMENDMENT NO. 10: At the end of title II, insert the following:

SEC. ____. (a) The Secretary of the Interior, in coordination with the Secretary of the Army and the Secretary of Agriculture, may enter into an agreement with the National Academy of Sciences under which the National Academy of Sciences shall conduct a comprehensive study, to be completed not later than 1 year after the date of enactment of this Act, on the effectiveness and environmental impact of salt cedar control efforts (including biological control) in increasing water supplies, restoring riparian habitat, and improving flood management.

(b) Not later than 1 year after the date of completion of the study under subsection (a), the Secretary of the Interior, in coordination with the Secretary of Agriculture, may prepare a plan for the removal of salt cedar from all Federal land in the Lower Colorado River basin based on the findings and recommendations of the study conducted by the National Academy of Sciences that includes—

(1) provisions for revegetating Federal land with native vegetation;

(2) provisions for adapting to the increasing presence of biological control in the Lower Colorado River basin;

(3) provisions for removing salt cedar from Federal land during post-wildfire recovery activities;

(4) strategies for developing partnerships with State, tribal, and local governmental entities in the eradication of salt cedar; and

(5) budget estimates and completion timelines for the implementation of plan elements.

H.R. 5055

OFFERED BY: MS. CASTOR OF FLORIDA

AMENDMENT NO. 11: Page 43, line 24, after the dollar amount, insert ''(increased by $44,600,000)''.

Page 45, line 16, after the dollar amount, insert ''(reduced by $59,500,000)''.

H.R. 5055

OFFERED BY: MR. PETERS

AMENDMENT NO. 12: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used in contravention of Executive Order No. 13693 of March 19, 2015.

H.R. 5055

OFFERED BY: MR. PETERS

AMENDMENT NO. 13: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to prevent the use of estimates of the social cost of carbon under Executive Order No. 12866 of September 30, 1993.

H.R. 5055

OFFERED BY: MRS. BLACKBURN

AMENDMENT NO. 14: At the end of the bill (before the short title), insert the following:

SEC. ____. Each amount made available by this Act is hereby reduced by 1 percent.

H.R. 5055

OFFERED BY: MR. CLAWSON OF FLORIDA

AMENDMENT NO. 15: Page 4, line 3, after the dollar amount, insert ''(increased by $50,000,000)''.

Page 46, line 16, after the dollar amount, insert ''(reduced by $50,000,000)''.

H.R. 5055

OFFERED BY: MR. CONNOLLY

AMENDMENT NO. 16: Page 43, line 24, after the dollar amount, insert ''(increased by $5,000,000)''.

Page 45, line 16, after the dollar amount, insert ''(reduced by $7,000,000)''.

H.R. 5055

OFFERED BY: MR. DESAULNIER

AMENDMENT NO. 17: Page 14, strike lines 7 through 19.

H.R. 5055

OFFERED BY: MR. ENGEL

AMENDMENT NO. 18: Page 43, line 24, after the dollar amount, insert ''(increased by $5,450,000)''.

Page 45, line 16, after the dollar amount, insert ''(reduced by $5,450,000)''.

H.R. 5055

OFFERED BY: MR. FRANKS OF ARIZONA

AMENDMENT NO. 19: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to purchase heavy water produced in Iran.

H.R. 5055

OFFERED BY: MR. LOEBSACK

AMENDMENT NO. 20: Page 43, line 24, after the dollar amount, insert ''(increased by $5,450,000)''.

Page 45, line 16, after the dollar amount, insert ''(reduced by $7,270,000)''.

H.R. 5055

OFFERED BY: MR. BEYER

AMENDMENT NO. 21: Page 13, beginning on line 3, strike section 108.

H.R. 5055

OFFERED BY: MR. BEYER

AMENDMENT NO. 22: Page 13, beginning on line 20, strike section 110.

H.R. 5055

OFFERED BY: MS. BONAMICI

AMENDMENT NO. 23: Page 43, line 24, after the dollar amount, insert ''(increased by $9,000,000)''.

Page 50, line 21, after the dollar amount, insert ''(reduced by $9,000,000)''.

H.R. 5055

OFFERED BY: MR. AL GREEN OF TEXAS

AMENDMENT NO. 24: At the end of the bill (before the short title), insert the following:

SEC. ____. In addition to the amounts otherwise provided under the heading ''Department of the Army—Corps of Engineers-Civil—Construction'', there is appropriated $311,000,000 for fiscal year 2017, to remain available through fiscal year 2026, for an additional amount for flood control projects and storm damage reduction projects to save lives and protect property in areas affected by flooding on April 19th, 2016, that have received a major disaster declaration pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act: *Provided*, That such amount is designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

H.R. 5055

OFFERED BY: MR. GRIFFITH

AMENDMENT NO. 25: Page 43, line 24, after the dollar amount, insert ''(reduced by $50,000,000)''.

Page 45, line 16, after the dollar amount, insert ''(increased by $45,000,000)''.

H.R. 5055

OFFERED BY: MR. ELLISON

AMENDMENT NO. 26: Page 50, line 21, after the dollar amount, insert ''(reduced by $1,000,000) (increased by $1,000,000)''.

H.R. 5055

OFFERED BY: MR. GARAMENDI

AMENDMENT NO. 27: Page 53, lines 11 through 16, strike ''*Provided*'' through ''*Provided further*'' and insert ''*Provided*''.

H.R. 5055

OFFERED BY: MR. GARAMENDI

AMENDMENT NO. 28: At the end of the bill (before the short title), insert the following:

SEC. ____. (a) For an additional amount for ''Bureau of Reclamation—Water and Related Resources'' for an additional amount for WaterSMART programs, as authorized by subtitle F of title IX of the Omnibus Public Land Management Act of 2009 (42 U.S.C. ch. 109B), section 6002 of such Act (16 U.S.C. 1015a), title XVI of the Reclamation Projects Authorization and Adjustment Act of 1992 (42 U.S.C. 390h et seq.), and the Reclamation States Emergency Drought Relief Act (43 U.S.C. ch. 40), there is hereby appropriated, and the amount otherwise made available by this Act for ''National Nuclear Security Administration—Defense Nuclear Nonproliferation'' is hereby reduced by, $70,000,000.

(b) None of the funds made available by this Act for ''National Nuclear Security Administration—Defense Nuclear Nonproliferation'' in excess of $270,000,000 may be used for the Mixed Oxide Fuel Fabrication Facility project.

H.R. 5055

OFFERED BY: MR. GARAMENDI

AMENDMENT NO. 29: At the end of the bill (before the short title), insert the following:

SEC. ____. (a) For an additional amount for ''Bureau of Reclamation—Water and Related Resources'' for an additional amount for WaterSMART programs, as authorized by subtitle F of title IX of the Omnibus Public Land Management Act of 2009 (42 U.S.C. ch. 109B), section 6002 of such Act (16 U.S.C. 1015a), title XVI of the Reclamation Projects

Authorization and Adjustment Act of 1992 (42 U.S.C. 390h et seq.), and the Reclamation States Emergency Drought Relief Act (43 U.S.C. ch. 40), there is hereby appropriated, and the amount otherwise made available by this Act for ''National Nuclear Security Administration—Weapons Activities'' is hereby reduced by, $100,000,000.

(b) None of the funds made available by this Act for ''National Nuclear Security Administration—Weapons Activities'' in excess of $120,253,000 may be used for the W80–4 Life Extension Program.

H.R. 5055

OFFERED BY: MR. PERRY

AMENDMENT NO. 30: Page 43, line 24, after the dollar amount, insert ''(increased by $15,000,000)''.

Page 50, line 21, after the dollar amount, insert ''(reduced by $15,000,000)''.

H.R. 5055

OFFERED BY: MR. PITTENGER

AMENDMENT NO. 31: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to withhold or revoke funding previously awarded, or prevent funding under this Act from being awarded, to or within the State of North Carolina.

H.R. 5055

OFFERED BY: MR. GARAMENDI

AMENDMENT NO. 32: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to expand plutonium pit production capacity at the PF–4 facility at Los Alamos National Laboratory.

H.R. 5055

OFFERED BY: MR. BURGESS

AMENDMENT NO. 33: At the end of the bill, before the short title, insert the following new section:

SEC. ____. None of the funds made available in this Act may be used—

(1) to implement or enforce section 430.32(x) of title 10, Code of Federal Regulations; or

(2) to implement or enforce the standards established by the tables contained in section 325(i)(1)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6295(i)(1)(B)), or to implement or enforce section 430.32(n) of title 10, Code of Federal Regulations, with respect to BPAR incandescent reflector lamps, BR incandescent reflector lamps, and ER incandescent reflector lamps.

H.R. 5055

OFFERED BY: MR. PITTENGER

AMENDMENT NO. 34: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to revoke funding previously awarded, to or within the State of North Carolina.