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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. ROTHFUS).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC
May 25, 2016.

I hereby appoint the Honorable KEITH J. ROTHFUS to act as Speaker pro tempore on this day.

PAUL D. RYAN,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. 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.

ASSAULT ON LEGAL IMMIGRATION

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

Mr. GUTIÉRREZ. Mr. Speaker, as it turns out, deporting 11 million undocumented immigrants and banning Muslims from entering the country might not be the most radical anti-immigration ideas that the Republicans have come up with. There seems to be a sinister, anti-immigration arms race breaking out in the Party of Trump.

Last week, a Federal judge—Judge Andrew Hanen of Texas, pictured here—the same one whose judgment on immigration executive actions is being deliberated by the Supreme Court, ordered the punishment of every single lawyer in the Justice Department in 26 States. His claim is that some DOJ lawyers misrepresented to him whether they were complying with his injunction suspending the immigration executive actions announced by President Obama in November of 2014.

After his injunction, they were only supposed to issue 2-year work permits under the old rules to immigrants who applied for and received, after an extensive criminal background check, the ability to be treated as the lowest priority for deportation. But the remedial ethics classes are for every single Department of Justice lawyer in 26 States.

You say you weren't in any way associated with the case before the judge?

Too bad.

Never practiced law that is remotely related to immigrants or immigration?

Sorry, the judge is ordering your punishment.

Never been to the State of Texas in your life?

Tough cookies, the Texas judge knows best, and is ordering you around as if you had argued cases yourself before his court.

Overreach much?

The newspaper La Opinion called Judge Hanen's plan ''onerous and absurd.'' I think that is an understatement.

Judge Hanen is also using some good old-fashioned scare tactics to see if he can compete with Sheriff Joe Arpaio and the GOP Presidential nominee for the title of who is so shamelessly anti-immigrant. Judge Hanen has called for the Department of Justice to turn over the names of 100,000 people who were possibly granted the 3-year, not the 2-year, work permits.

So if you come forward, pay hundreds of dollars, submit your paperwork and fingerprints, then 2 years later a judge says, Though you have made no mistake and have zero—I want to repeat—zero—responsibility for the controversy, you, the applicant, before the American government, could have your name and address published for every two-bit vigilante and Twitter troll to read.

I thought Republicans were the ones who didn't like activist judges. I thought they wanted as little government as possible and to leave the legislating and, I suppose, the intimidating to the politicians here in Washington, D.C.

So when the Republicans up the ante in one area, they have to up the ante in another. Nowhere is this crass political opportunism more apparent than right here.

This morning we are having a little hearing in the Judiciary Committee aimed at—get this—shutting down legal immigration as much as possible. Your son's fiancee, your mom's doctor, your neighbor's nanny, your grocery store's janitorial crew, if they are coming legally to the United States, Republicans want to stop it, slow it down, and make it cost a lot more.

The party obsessed with illegal immigration now has legal immigration firmly in its sight. And if you are from certain countries or are of a certain religion, you must have a special security review.

I thought the campaign promise to bar Muslims from traveling here to the USA was a campaign promise that would never be realized unless your leader actually won the campaign.

Don't get me wrong. If I thought Republicans were proposing a process to make things more secure and give the U.S. a better immigration system, I would support it. And I think we could pass something that was on a bipartisan basis in Congress today.

But come on, guys. Do you really believe that the House of Representatives is trying to craft a sensible bill related

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to immigration in an election year? Do you think the American people are that gullible?

No. The Party of Trump has launched an all-out radical assault on legal immigration, and hopes everyone is so scared of the ''rapey'' Mexicans, the sex-crazed Italians, and the Vietnamese immigrants with Ebola on the one hand and ''ziki flies'' on the other. Lock down the whole system, they say. Lady Liberty, lower your lamp, cover up your poem, and take a seat because terrorists got in once, which is enough reason to keep everyone out of America—from the computer programmer to the ski instructor, to the refugee fleeing systematic violence.

If you ask me, maybe it is not the hundreds of Justice Department lawyers who have nothing to do with Judge Hanen's courtroom who need onerous remedial ethics training classes; maybe it is Judge Hanen's allies here in the House and throughout the Republican Party who could use a mandatory lesson on right and wrong.

CONGRESSIONAL YOUTH SHADOW DAY

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to welcome Donald Robinson to Capitol Hill as part of the Congressional Foster Youth Shadow Program.

This program is a part of Foster Care Month across the Nation. This recognition was created more than 25 years ago to bring the issue of foster care to the forefront, highlighting the importance of permanency for every child. Having a brother who joined my family through foster care 46 years ago, foster care is important to me.

As for Donald, he entered foster care in Pennsylvania at the age of 14, experiencing six placements. Despite attending multiple schools, he was able to complete his education and enroll in college after aging out of foster care.

I am proud to say that Donald recently graduated with his master's degree in exercise science from the University of Texas. He plans to create an international sport performance training and consultancy business, and would eventually like to open a charter school.

Mr. Speaker, I am so happy to see someone with Donald's background working to give back to our Nation's children. I look forward to spending time with him today and to learn more about his story.

RECOGNIZING THE RETIREMENT OF RAYMOND GRAECA

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to salute Raymond Graeca, who will retire next month as CEO of Penn Highlands Healthcare, which includes several hospitals in Pennsylvania's Fifth Congressional District, including in DuBois, Brookville, Clearfield, and St. Marys.

Raymond is a native of Erie and graduated with a degree in accounting from Gannon University. He is also a veteran and completed a tour of duty with the United States Army before earning a master's degree in health service administration from Tulane University in New Orleans in 1973.

After graduation, Raymond entered the field of health care and did not look back. He worked at hospitals in Alabama, Louisiana, and Texas before returning to Pennsylvania in 1979 to become president of the Corry Memorial Hospital in Corry, Pennsylvania, also located in Pennsylvania's Fifth Congressional District.

Ray came to DuBois in 1990 as president of the DuBois Regional Medical Center. He is credited as being part of a group which started the Free Medical Clinic of DuBois in 1998, and has served on a number of statewide boards, including the Hospital Council of Western Pennsylvania, The Hospital & Healthsystem Association of Pennsylvania, and the Pennsylvania chapter of the VHA. In 1998, he was named the Distinguished Citizen of the Year in DuBois.

In 2011, he was instrumental in the creation of Penn Highlands Healthcare, bringing together hospitals across the DuBois region, including the DuBois Regional Medical Center, Clearfield Hospital, Brookville Hospital, and later, the Elk Regional Medical Center. The system covers eight counties, employs more than 3,600 people, including 360 physicians.

Raymond Graeca's retirement caps a more than 40-year career in healthcare services and hospital administration. I congratulate him on all of his hard work, and wish him the best of luck in retirement.

ENERGY AND WATER

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

Mr. BLUMENAUER. Mr. Speaker, the House is considering this week the appropriations for energy and water. These are important decisions, vital programs that seriously touch all of us across the country, and have important decisions on resource allocation.

There were two elements in the accompanying report that I would like to highlight for a moment. First is that I am pleased that the committee has included language encouraging the Army Corps of Engineers to continue efforts to construct new tribal housing at The Dalles Dam on the Columbia River between Oregon and Washington.

The Columbia River is the cultural artery that ties together the Northwest. It is an engine for agriculture and for industry. But long before we started changing that river into a machine with the construction of dams in the 1930s, the artery was the core of the civilization for thousands of years for Native Americans.

The river looked very different. It was faster-moving and steeper. It produced salmon in such abundance that it was rumored you could walk across their backs as they swam upstream to spawn. And it provided food, trade, and a cultural identity for Native American tribes for years. These tribes—now known as the Nez Perce, Umatilla, Warm Springs, and Yakama Nation—were never fully compensated for the disruption to their native ways of life, despite promises to the contrary.

We have found that the Army Corps of Engineers now understands that it has the authority to begin the process of building another housing village at The Dalles Dam. It is important that we encourage and support this work, and continue to expand it through congressional action. It is the least we can do to keep faith with Native Americans, who have had their lives dramatically disrupted with that construction.

Second, the report also continues an unfortunate rider, which blocks the Army Corps of Engineers from modernizing how it develops water resource projects. This has been an interest of mine since I first started serving on the Water Resources Subcommittee 20 years ago in Congress.

The Corps operates on an antiquated methodology that are known as 1983 principles and guidelines for water infrastructure projects. It directs the Corps to focus on maximizing national economic development benefits when planning projects, not looking comprehensively at the benefits and the problems attained for everybody. It severely limits the Corps' ability to select projects which minimize environmental impacts, or contribute to the national interest in ways other than a narrowly defined economic development.

I worked for years with the Corps back when General Flowers was in charge, and there was great interest on the part of the Corps to be able to update the ways that they operate to incorporate modern science, engineering, and environmental awareness. Those principles and guidelines were drafted back in the Carter administration.

398 months have elapsed since they were enacted into law. In that period of time, a lot has happened with food, fashion, technology, and science. It is time for the Army Corps of Engineers to be able to base its planning and activities on the best science and the best engineering, for the needs that we have today.

I sincerely hope that we can come together and recognize that it is a need to finally remove that rider. It was frustrating for me, having worked for years, to finally achieve authorization in 2007 for the principles and guidelines to be updated. Yet, the Corps, having done that job, cannot use the updated principles and guidelines because of shortsighted action on the part of Congress.

I strongly urge that my friends and colleagues in Congress take a look at

this restrictive language. Think about the opportunities available to us to allow the Corps of Engineers to do its job right based on the latest information available to us. This does not speak well of the ability of Congress to prepare for the future. It makes the job of the Army Corps of Engineers much harder, and it makes it less likely that we are going to give people the benefit that they need from the various things that the Corps constructs and plans.

□ 1015

TSGT VIRGIL POE, UNITED STATES ARMY: CHARTER MEMBER OF THE GREATEST GENERATION

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

Mr. POE of Texas. Mr. Speaker, born in the 1920s, he grew up in the Depression of the 1930s, poor, like more most rural American children. Fresh vegetables were grown in the family garden behind the small frame house. His mother made sandwiches for school out of homemade bread. Store-bought bread was for the rich.

He grew up belonging to the Boy Scouts, playing the trumpet in the high school band, and he went to church on almost all Sundays. In 1944, this 18-year-old country boy, who had never been more than 50 miles from home, quickly found himself going through basic training at the United States Army at Camp Wolters in Camp Wolters, Texas.

After that, he rode a train with hundreds of other young teenagers—American males—to New York City for the ocean trip on a cramped Liberty ship to fight in the great World War II. While crossing the Atlantic, he witnessed another Liberty ship next to his that was sunk by a German U-boat.

As a soldier in the Seventh Army, he went from France to survive the Battle of the Bulge and through the cities of Aachen, Stuttgart, Cologne, and Bonn. As a teenager, he saw the brutal concentration camps of the Nazis and saw the victims. He saw incredible numbers of other teenage Americans buried in graves throughout Europe. A solemn monument to those soldiers is at Normandy.

After Germany surrendered, he was ordered back to Fort Hood, Texas. He was being reequipped for the invasion of Japan. Then Japan surrendered. It was there he met Mom at a Wednesday night prayer meeting service. My mom was a Red Cross volunteer in WWII.

Until a few years ago, this GI—my dad—would never talk about World War II. He still won't say much, but he does say frequently that the heroes are the ones who are buried today in Europe.

After the war was over, he opened a DX service station, where he pumped gas, sold tires, fixed cars, and began a family. Deciding he wanted to go to college, he moved to west Texas and enrolled in a small Christian college named Abilene Christian College.

He and his wife and two small children lived in an old, converted Army barracks with other such families. He supported us by working nights at the KRBC radio station and by climbing telephone poles for Ma Bell, which was later called Southwestern Bell.

He finished college, became an engineer, and worked 40-plus years for Southwestern Bell Telephone Company in Houston, Texas. He turned down a promotion and a transfer to New York City because it was not Texas and he didn't want to raise his family in New York.

Dad instilled in my sister and me the values of being a neighbor to everybody, of loving the USA, of loving our heritage, and of always doing the right thing to all people.

He still gets mad at the media. He flies Old Glory on holidays. He goes to church on Sunday, and he takes Mom out to eat on Friday nights. He stands in the front yard and talks to his neighbors, and he can still fix anything.

He can still mow his own grass even though he is 90 years of age. He has a strong opinion on politics and world events. He gives plenty of advice to everybody, including a lot of advice to me. He has two computers in his home office. He sends emails to hundreds of his buddies all over the world.

Dad and Mom still live in Houston, Texas, where I grew up.

So today, Mr. Speaker, as we approach Memorial Day and honor the fallen warriors of all wars, we also honor all who fought in the great World War II and who got to come home. We honor my dad, but also other American warriors.

My dad was one of those individuals of the Greatest Generation. He is the best man I ever met, and he certainly is a charter member of the Greatest Generation. So I hope I turn out like him, Tech Sergeant Virgil Poe, United States Army, good man, good father. That is enough for one life.

And that is just the way it is.

TOP TEN ABUSES OF THE ''SELECT INVESTIGATIVE PANEL'' REPUBLICANS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Illinois (Ms. SCHAKOWSKY) for 5 minutes.

Ms. SCHAKOWSKY. Mr. Speaker, yesterday 181 Democrats wrote to Speaker RYAN to ask the Republican Select Panel to Attack Women's Health—that is what we call it—to be shut down.

From the outset, this investigation has been a political weapon to punish women, doctors, and scientific researchers, not an objective, fair-minded, or fact-based search for the truth.

Here are the top 10 reasons to shut down this partisan panel immediately:

One: The select panel is a waste of taxpayer money.

Republicans are wasting taxpayer dollars in their chasing of inflammatory allegations of anti-abortion extremists.

Three Republican-led House committees, 12 States, and one grand jury have already investigated charges that Planned Parenthood was selling fetal tissue for a profit. None found any evidence of wrongdoing.

Two: The select panel is an attack on women's rights.

Republicans are using the panel as part of their campaign to deny women access to legal reproductive health services, including abortions—the panel comes at a time when Republicans have voted repeatedly to defund Planned Parenthood, which provides health services to over 3 million American women and men each year—to eliminate family planning services, and to restrict access to abortion.

Three: The select panel is harming scientific research.

Republicans are using the panel to intimidate scientists into stopping legal fetal tissue research on treatment for cures for diseases and conditions that afflict millions of Americans, including multiple sclerosis, Alzheimer's, diabetes, and spinal cord injuries. Some medical research outfits have already been canceled.

Four: The select panel is just partisan politics.

Republicans are conducting an unfair, one-sided, and partisan campaign. They refuse to put indicted video maker David Daleiden under oath, who made those highly edited tapes against Planned Parenthood, while issuing subpoenas and demanding sworn testimony from law-abiding researchers and doctors.

Republicans have suppressed facts that contradict their preferred partisan narratives. For example, they refused to hear directly from tissue procurement companies while they publicly accused them of misconduct based on misleading and inaccurate staff-created exhibits that lacked any sourcing or foundational information.

Five: The select panel is a McCarthy-like witch hunt:

Mirroring the bullying behavior of Senator Joe McCarthy, Republicans are demanding that universities and clinics name names of their researchers, graduate students, lab technicians, clinic personnel, and doctors. When Democrat JERRY NADLER asked Chair BLACKBURN to explain why she needs to amass this database of names, she responded: No, sir. I am not going to do that.

Six: The select panel threatens innocent lives.

Republicans are putting researchers and doctors at risk by publicly naming them as targets of their investigation and creating a database of names.

On May 11, Republicans issued a press release that publicly named a physician who had already been the

target and the subject of violence by anti-abortion extremists. That physician was never contacted to voluntarily provide information before he received a subpoena.

Seven: The select panel is dangerous.

Republicans are refusing to protect confidentiality despite known risks and tragedies, such as the murders of three people at the Colorado Springs Planned Parenthood women's health clinic. That murderer echoed the words of our Republican chairman of the select committee.

The killer used words like ''no more baby body parts.'' Even after they promised to protect confidentiality, the committee said: We will not assure that witnesses' names or any of the other names used in the deposition will remain private.

Eight: The select panel is an abuse of power.

Republicans are abusing congressional subpoena power. The overwhelming majority of their unilateral subpoenas—30 of 36—have been sent without any effort to obtain voluntary compliance.

We should provide physicians, medical researchers, and others with an opportunity for them to provide information voluntarily. A subpoena should not be the first contact they have with Congress.

Nine: The select panel excludes Democrats.

Republicans have consistently refused to work with Democratic panel members. They have refused to discuss or to even give Democrats copies of their unilateral subpoenas until after they have been served, which is in violation of the House.

Ten: The select panel bullies witnesses they don't like.

It is time, Mr. Speaker, to end this panel right now.

THANK YOU, SENATOR BROWN

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

Mr. EMMER of Minnesota. Mr. Speaker, I rise to thank Senator Dave Brown for serving in the Minnesota State Senate.

Senator Brown represents an area located in Minnesota's Sixth District, and I have enjoyed working with him on a variety of issues that are important to our constituents.

Senator Brown has worked on policy solutions in the fields related to commerce, education, and finance. However, his main area of expertise has been in promoting Minnesota energy.

Our district is home to the Sherco coal-fired power plant, which is responsible for hundreds of jobs as well as the abundance of energy it provides. During a time when Sherco's future was unclear and unstable, Senator Brown was a voice of reason that helped many to keep the plant open, allowing many Minnesotans to keep their jobs.

Thank you, Dave, for the work you have done for our community and for Minnesota. I will miss working with you, but we wish you the best of luck in your next endeavor.

THANK YOU, SENATOR PEDERSON

Mr. EMMER of Minnesota. Mr. Speaker, I rise to thank Senator John Pederson for his dedicated service to the St. Cloud area residents over the past 6 years.

John Pederson was born and raised in Minnesota's Sixth Congressional District and first served on the St. Cloud City Council in 2007. After 4 years on the City Council, John ran and won his seat in the Minnesota State Senate.

Throughout his time in the Minnesota legislature, Senator Pederson has shown his expertise in a variety of areas, but none more than in transportation. Like me, Senator Pederson understands that an intense focus on transportation in Minnesota's Sixth is crucial to relieving congestion, improving safety, increasing mobility, and fostering economic development in our State.

John, thank you for your time in serving the people of our great State.

THANK YOU, SENATOR ORTMAN

Mr. EMMER of Minnesota. Mr. Speaker, I rise to thank Senator Julianne Ortman for her years of dedicated service in the Minnesota Senate.

Following her time in practicing law and as a county commissioner, Julianne Ortman was first elected to the Minnesota Senate in 2002. Her talent quickly became apparent as she rose to various leadership positions.

Senator Ortman served as an assistant minority leader during the 2007–2008 legislative session. During the 2011–2012 session, she served as deputy majority leader and as chairwoman of the Senate Tax Committee.

Of the many issues Senator Ortman championed, taxes, transportation, judiciary, and public safety were among her highest priorities. During her time as chairwoman of the Senate Tax Committee, the State government had a $5 billion deficit, which it eventually managed to eliminate without raising taxes on hardworking Minnesotans, evidence of Senator Ortman's strong leadership.

Thank you, Julianne, for your service and for all that you have done for Minnesota. Thank you for your leadership.

THANK YOU, SENATOR JOHNSON

Mr. EMMER of Minnesota. Mr. Speaker, I rise to thank Senator Alice Johnson for her dedication and service to the people of Minnesota.

Alice Johnson began her career as a public servant in the Minnesota House of Representatives in 1986. She served for 14 years before taking a brief break from the Minnesota legislature.

Alice again ran for office in 2012 and has served in the Minnesota Senate for the past 4 years, where she has served as vice chair for both the Education Finance and Policy Committees. After an incredible 18 years in public service, Senator JOHNSON deserves her well-earned retirement.

Thank you, Alice, for the time you have spent in working tirelessly on behalf of Minnesotans and in working to end the gridlock in politics. It is greatly appreciated.

THANK YOU, REPRESENTATIVE SANDERS

Mr. EMMER of Minnesota. Mr. Speaker, I rise to thank my friend, Representative Tim Sanders, for the incredible work that he has done while serving in the Minnesota House of Representatives.

Representative Sanders has served in the legislature for four terms, during which he has held various leadership positions. In the 2014 election, he was nominated to the position of assistant majority leader and has also served as chair of the Government Operations and Elections Committee.

I got to know Tim personally during my own time in the State legislature and have an enormous amount of respect for him. He has been a successful and passionate legislator, proven by the fact that a substantial number of his bills have actually been signed into law.

Thank you, Tim, for your service to our community and to our State. I know that you will continue to accomplish great things. I wish you nothing but happiness as you spend more time with Farrah and the kids.

□ 1030

TAMMY LAMBERT'S STORY

The SPEAKER pro tempore. The Chair recognizes the gentleman from West Virginia (Mr. JENKINS) for 5 minutes.

Mr. JENKINS of West Virginia. Mr. Speaker, West Virginians are struggling right now. Our State's unemployment rate is one of the highest in the Nation. Our coal mines are closing, and so are our schools and mom-and-pop businesses throughout our State.

There is a lot of uncertainty. Families are wondering how they will make ends meet without our coal jobs.

Tammy Lambert is from Raleigh County, and her family is one of those who are worried about her family's future. Her son-in-law is considering moving out of the State just to find work; her daughter doesn't know if she will have the money to finish college; and her husband's mine has gone through periods of being idled. She is a West Virginia coal voice. Here is what she said:

''My daughter has worked hard to get this far and was just beginning to see the light at the end of the tunnel. Now, she may not be able to ever get that degree.

''It is a shame when young people who try can't get ahead. It is even sadder when a man who has worked as a coal miner for 36 years can't feel secure in his job.''

What our families need is not just hope; they need jobs that give them a good paycheck.

We can make that happen in several ways. We can diversify our State's

economy to attract new employers. We can expand retraining programs to help prepare the workforce. But most of all, we can get Washington off the backs of our miners.

Let West Virginia miners get back to work, put food on their tables, and mine the coal that has powered our Nation.

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 31 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. JOLLY) at noon.

PRAYER

Reverend Joshua Beckley, Ecclesia Christian Fellowship, San Bernardino, California, offered the following prayer:

Our Father and our God, we pray for this session of Congress, in light of all that is going on in our world and the threats that face us as a Nation, that You would give clarity and thought and discernment as they follow their agenda today.

I pray that You would endow them with wisdom and knowledge, with empathy, and compassion to determine the best course of action that would affect the greatest good for all who would be affected by their decisions today.

I pray that they would be mindful of our Pledge of Allegiance that declares that we are one nation under God and that You are the ultimate leader of this Nation.

The Scriptures remind us that righteousness exalts a nation, but sin is a reproach to any people.

Bless this 114th session of the House of Representatives. In the mighty Name of Jesus, we pray.

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 Michigan (Mr. KILDEE) come forward and lead the House in the Pledge of Allegiance.

Mr. KILDEE 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.

WELCOMING REVEREND JOSHUA BECKLEY

The SPEAKER pro tempore. Without objection, the gentleman from California (Mr. AGUILAR) is recognized for 1 minute.

There was no objection.

Mr. AGUILAR. Mr. Speaker, I rise to honor Pastor Joshua Beckley of the Ecclesia Christian Fellowship in San Bernardino, California, who just graced us with the opening prayer.

Pastor Beckley has served as senior pastor at Ecclesia for the past 25 years and has presided over a congregation of 4,000 Inland Empire residents.

In addition to helping Ecclesia grow and flourish, Pastor Beckley cofounded the Inland Empire Concerned African American Churches, received numerous accolades for his ministry and service to our region, and today serves as the chair of the Community Action Partnership of San Bernardino County, which is a local organization that seeks to empower and lift low-income families throughout San Bernardino County.

In the aftermath of the horrific tragedy at the Inland Regional Center in San Bernardino last December, Pastor Beckley was a resounding voice of comfort and an unwavering leader for thousands in our darkest hours. He provided solace to the families of the victims, compassion to their coworkers, and strength to the community as we recovered. His leadership was and continues to be an integral part of our efforts to heal and rebuild.

We are so grateful for his dedication to the thousands of Inland Empire families who look to him for guidance, and we thank him for his continued service to the region. He is joined by his wife, Lynda, and his sister, Tammie Watson.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

INVASIVE SPECIES SUMMIT

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

Ms. STEFANIK. Mr. Speaker, my district is home to many ecological wonders, from the mighty Adirondacks to the Saint Lawrence River. The environment is truly our lifeblood in the North Country. Sadly, invasive species threaten the health and beauty of these natural ecosystems.

Given our unique position as both the gateway to the Great Lakes and as the center of international shipping trade, our State has the unfortunate distinction of being a principal point of entry for many invasive species.

Today I am introducing two pieces of bipartisan legislation to help combat and raise awareness about the threat that invasive species pose to our ecosystems. Nationwide, an estimated 50,000 nonnative invasive animal and plant species have been introduced, resulting in more than $100 billion in economic losses annually.

Every State and U.S. territory has at least some form of invasive species. Therefore, I hope my colleagues will cosponsor these vital bills so we may prevent the spread and introduction of these harmful invasive species.

ROSWELL PARK CANCER INSTITUTE AWARDED NEW RESEARCH GRANTS

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

Mr. HIGGINS. Mr. Speaker, today Buffalo's Roswell Park Cancer Institute was awarded $33 million in new research grants from the National Institutes of Health.

This funding will support research to develop new therapies for prostate cancer, for head and neck cancer, and to advance the great promise of immunotherapy, which is research to unleash the cancer-killing potential from the body's own immune system.

Under the leadership of Dr. Candace Johnson, Roswell Park scientists are providing hope and the potential for healing to millions here and throughout the world. In Buffalo, the Roswell Park Cancer Institute is helping to fuel an economic renaissance that has captured the attention of the Nation.

Nationally, the National Institutes of Health's funding supports over 400,000 good-paying American jobs. Congress needs to fully fund cancer research for the National Institutes of Health because, on this issue, if American leadership is not there, there is no leadership.

REMEMBERING WHEELOCK WHITNEY

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

Mr. PAULSEN. Mr. Speaker, I rise to remember Wheelock Whitney, a Minnesota legend, civic leader, and a friend. Last week Minnesota was saddened to learn that Wheelock Whitney had passed away.

Wheelock was a successful businessman who gave so much back to our State. He was an impactful leader, principled, generous, and compassionate. When he retired, he passed his knowledge on to future generations by teaching at the Carlson School of Management at the University of Minnesota.

Wheelock's civic leadership included playing a large role in local sports

franchises, like the Twins, the Vikings, and the North Stars. He also helped save and improve lives in his founding of the Johnson Institute in 1966, one of the Nation's very first drug and alcohol abuse treatment centers.

Mr. Speaker, it is really hard to put into words the respect that Minnesotans have for Wheelock Whitney and his stature as a leader. He simply was one of a kind and was somebody who made Minnesota a better place. We will miss him.

FOSTER YOUTH SHADOW DAY

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

Mr. KILDEE. Mr. Speaker, today is Foster Youth Shadow Day. It is a day that gives Members of Congress a chance to spend time with young adults from our districts who have grown up in the foster care system.

I always enjoy this day because it gives me a chance to understand the experience of foster youth and to talk about policies that would help support those children and young adults in that system.

I have learned a lot today from Justin and Jameshia, who are here with me. They are two young adults with whom I am spending time. Both have spent years in the foster care system and have grown to be really remarkable young adults.

Justin is studying international relations at Michigan State University, and Jameshia just graduated from the University of Michigan-Flint, one of my alma maters, with a degree in social work.

Along with their interest in school, they both have dedicated themselves to bettering the lives of other children in Michigan and around the world. Their commitment to raise up kids in my hometown and their hometown of Flint is really inspiring. I am just happy that I am able to get to know them better and to see the passion that they bring to their communities. That passion will take them far.

It is important that we hear from people like Justin and Jameshia in order to shape the policies that we make right here in this Congress. I am just glad I could hear what they had to say, and I am glad they could be with us today. I am honored to spend part of Foster Youth Shadow Day with them.

KOSKINEN AVOIDS ACCOUNTABILITY

(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, yesterday Internal Revenue Service Commissioner John Koskinen refused to testify before the House Judiciary Committee to answer allegations that he failed to comply with a congressional subpoena, which resulted in the destruction of key evidence, that he provided false statements during his sworn testimony, and that he did not notify Congress that the disgraced Lois Lerner's emails were strangely missing.

Sadly, this is not what Americans deserve from the professionals of the IRS. The IRS should be accountable to answer questions about the corruption of its duties. This comes at a time when Congress and the American people have real concerns about bias by the IRS' targeting of conservative organizations and by cybersecurity vulnerabilities.

I am grateful for House Judiciary Committee Chairman BOB GOODLATTE's and House Committee on Oversight and Government Reform Chairman JASON CHAFFETZ' advocacy in their standing up for American taxpayers.

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

ZIKA VIRUS

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

Mr. VARGAS. Mr. Speaker, I rise to express my deep concerns about the danger the Zika virus continues to represent to expectant mothers all around the world.

As a Member of Congress who represents the whole California-Mexico border, I strongly urge my colleagues to provide adequate resources to avoid potentially tragic consequences for families and communities like mine. More than 275 pregnant women are confirmed Zika cases in America, including 10 in California, and the number only continues to grow.

I believe we have a unique opportunity to work in a bipartisan and bicameral manner in order to prevent, detect, and respond to the spread of the Zika virus. This means fully funding the President's $1.9 billion request for emergency spending on the development of vaccines and diagnostic testing and on vector controls to manage the mosquito population.

The American people deserve a Congress that will respond to this urgent crisis with smart action.

RECOGNIZING THE MICHAEL-ANN RUSSELL JEWISH COMMUNITY CENTER

(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, I rise to recognize the Michael-Ann Russell Jewish Community Center as it holds its Prom-Night Tribute-Dinner on Thursday, June 2.

During this joyous celebration, leaders of the Michael-Ann Russell JCC will be recognized for their contributions to improving the lives of the Jewish community in south Florida.

The honorees are: Gary Bomzer, who serves as the president and CEO of this wonderful organization; Paul Kruss, who serves as the chair of the board of directors; and Ariel Bentata and Jeffrey Scheck, who were past chairs.

Founded in 1987, the Michael-Ann Russell JCC has been committed to not only strengthening Jewish values in south Florida, but it has also dedicated time and resources to educating our future leaders and fostering a strong relationship with our ally, the democratic Jewish State of Israel.

I am thankful to witness the growth of the Jewish American community in our area as its members continue to strive for a better and more prosperous tomorrow.

Mazel tov to the Michael-Ann Russell Jewish Community Center on a job well done.

WEAR SOMETHING RED WEDNESDAY TO BRING BACK OUR GIRLS

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

Ms. WILSON of Florida. Mr. Speaker, today is Wear Something Red Wednesday to bring back our girls.

My heart is overflowing with joy. I am very happy to report that one of the Chibok schoolgirls who had been abducted by the Nigerian terrorist group Boko Haram has been found. She was found last week by a vigilante group in the Sambisa Forest, close to the border of Cameroon.

The young girl has been reunited with her family after having spent 2 years in captivity, an experience that will haunt her for the rest of her life. Sadly, according to several media accounts, the young girl reported that six of the 219 have died since being held by Boko Haram and that the rest are alive and are being held in the forest.

Last week we celebrated the return of this precious young girl, but we cannot stop working until the 212 who are still being held hostage are safely returned to their families, away from these evil, Islamic insurgents.

Mr. Speaker, time is of the essence, and the governments of the Multinational Joint Task Force, alongside our government, must fight as hard as possible to find these girls. We cannot stop until we find them all.

I urge my colleagues to join me today in wearing red on Wednesday until Boko Haram is defeated and all of the kidnapped girls have rejoined their families. Please continue to wear something red on Wednesday. Please continue to tweet, tweet, tweet #BringBackOurGirls and to tweet, tweet, tweet #JoinRepWilson.

CONGRATULATING SLCC BASKETBALL

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

Mrs. LOVE. Mr. Speaker, I rise to recognize the outstanding achievement of the Salt Lake Community College men's basketball team, this year's National Junior College Men's Basketball champions.

These 12 extraordinary student athletes, with the unwavering support of their four dedicated coaches, dominated the 2016 NJCAA Men's Basketball tournament, beating their opponents by an average of 18.8 points over five games in 6 days.

Conner Toolson was named the tournament's Most Valuable Player. Head coach Todd Phillips was named Coach of the Tournament.

These young men, who hail not only from Utah, but from as far away as Australia, exhibited more than just exceptional athleticism and skill. They were singled out for their good sportsmanship and kindness off court. Tad Dufelmeier was honored with the tournament's Sportsmanship Award.

I congratulate the team on their championship win and for representing their school, their community, and the State in such an exceptional way.

Go Bruins.

□ 1215

HONORING EDUCATOR JOYCE TOAN

(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 commend Joyce Toan, who has taught the children of Joseph Sears School as a kindergarten teacher for nearly two decades. First arriving at Sears in 1997, Mrs. Toan has positively shaped the lives of hundreds of students.

Personally, she has had an undeniably positive impact on my family, teaching my three children, Harper, Bobby, and Honor. Each is better off because of her guidance and teaching.

Our family and community will be forever indebted to her for the kindness she has shown all of our children. Mrs. Toan always went out of her way to recognize what makes each of her students unique. She taught her students not what to think, but how to think, a skill that will be useful for the rest of their lives.

Despite her career at Sears coming to an end, the lessons and memories that she has imparted upon Harper, Bobby, Honor, and all of her students will last a lifetime.

Mr. Speaker, I offer my personal thanks to Mrs. Toan for all that she has done and wish her well in her retirement. She will be deeply missed.

PROTECTING RELIGIOUS FREEDOM

(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, in contrast to the religious persecutions in Europe between the 16th and 19th centuries, America increasingly became a safe space for people to exercise their faith in accordance with their conscience. Religious freedom was woven into the fabric and constitution of our country from the beginning, and faith has played a big role in forming the character of our Nation.

From efforts to abolish slavery, secure civil rights, and protect human life, to providing health care, food, shelter, and hope to countless millions, religious organizations have been indispensable to the progress we have made. Indeed, the Civil Rights Act of 1964 recognized the extraordinary contributions of religious organizations when it preserved their right to hire individuals who shared their beliefs.

Today we see clouds encroaching upon the sunshine of religious freedom and the freedom of conscience. These attempts to crush conscience must be resisted. It is conscience that convicts us of our own shortcomings, and it is that conviction that allows us to correct course and to seek what is good, beautiful, and true. That is why protecting religious freedom is vital.

Mr. Speaker, let us together join forces against the growing intolerance that threatens it.

STOP GIVING GUANTANAMO PRISONERS EXPENSIVE SPECIAL TREATMENT

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

Mr. DUNCAN of Tennessee. Mr. Speaker, yesterday I had 43 students and chaperones from Washburn High School in east Tennessee as my guests at the Capitol.

Among other things, I told them I was next going to a hearing about the prison in Guantanamo and that one group had estimated it was now costing us over $4 million per prisoner to keep that prison open. One of the students said, ''How can I get in?''

There are now only 80 prisoners there, and we spent $445 million to run the facility in 2015. The Washington Times reported in 2013 that we were giving these prisoners classes on computers, horticulture, art, and calligraphy as well as library services, special food, and recreational facilities. We sometimes hear of country club prisons. Apparently, this should be called a resort prison.

I know the Federal Government cannot do anything in a fiscally conservative way, but spending $4 million per prisoner in Guantanamo is ridiculous. It costs an average of $34,000 per year per prisoner in most Federal prisons and $78,000 per year in the supermax prison.

Mr. Speaker, we should stop giving these terrorists such ridiculously expensive special treatment and send all 80 to the worst, most dangerous prison in the U.S.

COMMUNICATION FROM THE HONORABLE TED S. YOHO, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable TED S. YOHO, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 25, 2016.

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

DEAR MR. SPEAKER: This is to notify you formally pursuant to Rule VIII of the Rules of the House of Representatives that I have been served with a subpoena, issued by the Circuit Court in and for Dixie County, Florida, Criminal Division, for testimony in a criminal case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is not consistent with the privileges and rights of the House.

Sincerely,

TED S. YOHO,
Member of Congress.

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. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 744 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 744

Resolved, That upon adoption of this resolution it shall be in order to consider in the House the bill (S. 2012) to provide for the modernization of the energy policy of the United States, 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 114-55 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 among and controlled by the chair and ranking minority member of the Committee on Energy and Commerce and the chair and ranking minority member of the Committee on Natural Resources; and (2) one motion to commit with or without instructions.

SEC. 2. If S. 2012, as amended, is passed, then it shall be in order for the chair of the Committee on Energy and Commerce or his designee to move that the House insist on its amendment to S. 2012 and request a conference with the Senate thereon.

SEC. 3. Upon adoption of this resolution it shall be in order to consider in the House 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. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill and on any 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 Oversight and Government Reform; and (2) one motion to recommit.

SEC. 4. On any legislative day during the period from May 27, 2016, through June 6, 2016—

(a) the Journal of the proceedings of the previous day shall be considered as approved; and

(b) the Chair may at any time declare the House adjourned to meet at a date and time, within the limits of clause 4, section 5, article I of the Constitution, to be announced by the Chair in declaring the adjournment.

SEC. 5. The Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by section 4 of this resolution as though under clause 8(a) of rule I.

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

Mr. BURGESS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), 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. BURGESS. 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 Texas?

There was no objection.

Mr. BURGESS. Mr. Speaker, House Resolution 744 provides for the consideration of S. 2012, the Energy Policy Modernization Act of 2016, and H.R. 5233, Clarifying Congressional Intent in Providing for DC Home Rule Act of 2016.

The rule provides 1 hour of debate, equally divided amongst the majority and minority members of the Committees on Energy and Commerce and Natural Resources for S. 2012. As S. 2012, as amended, is a comprehensive compilation of energy legislation that has already passed the House, the Committee on Rules made no further amendments in order. However, the rule affords the minority the customary motion to recommit, a final opportunity to amend the legislation should the minority choose to exercise that option.

The rule further provides for 1 hour of debate, equally divided between the majority and minority of the Committee on Oversight and Government Reform on H.R. 5233. No amendments were made in order as the bill is a targeted response to what Members of the House have perceived as an unlawful action taken by the District of Columbia in contravention of the Federal Home Rule Act. The minority is, however, afforded the customary motion to recommit, a final chance to amend the legislation.

Finally, the rule contains the standard tools to allow the orderly management of the floor of the House of Representatives during an upcoming district work period.

The House amendment to S. 2012, the Energy Policy Modernization Act of 2016, builds on the work of the House. The House has done this work over the past year and a half to update the Nation's energy laws and move the country forward on energy policy. The bills included in this package include work from the Committee on Energy and Commerce, the Agriculture Committee, Committee on Natural Resources, and the Committee on Science, Space, and Technology.

While many House committees have had input on this package, Members can feel comfortable that a wide array of opinions and positions are represented in the legislation. This is how the House works its will most effectively, by combining various pieces of legislation into one package.

In amending S. 2012, the Senate passed energy legislation. Following passage of S. 2012 in the House, both bodies will be able to begin to conference the differences in the two bills, a further step in the regular order of this bill becoming a law.

The legislation will benefit Americans across the country: modernizing our energy infrastructure; expediting and improving forest management; providing for greater opportunities on Federal lands for hunting, fishing, and shooting; and prioritizing science research using Federal taxpayer dollars.

S. 2012, as amended, includes various pieces of legislation considered and passed by the House not only in the current 114th Congress, but it also includes many pieces of bipartisan legislation from the 112th and 113th Congresses.

A major win for the American people in this package is the provisions allowing for expanded access by sportsmen, fishermen, and recreational shooters to Federal lands, lands that should have always been accessible to all Americans for various legal and constitutional activities.

Further, the legislation before us focuses on protecting American interests in a world where uncertainty due to terrorism and unfriendly and unstable regimes in the Middle East threaten American access to reliable sources of energy. We have long believed that America should focus less on relying on foreign energy sources, given the abundance of resources below our very feet across this Nation. Only if Federal policies are aligned with this view, which the House will do with this package, can our country fully focus on becoming energy secure.

The second piece of legislation contained in today's rule addresses the House concerns with recent actions taken by the District of Columbia's Mayor and City Council. H.R. 5233, Clarifying Congressional Intent in Providing for DC Home Rule Act of 2016, repeals the Local Budget Autonomy Amendment Act of 2012, a referendum passed in the District of Columbia, which many believe violates both the U.S. Constitution and the Federal Home Rule Act.

When the Founding Fathers crafted our Constitution, they acknowledged the special status that the Nation's Capital held and created a special relationship between it and the Federal Government not enjoyed by other States and other localities.

While some argue that the District of Columbia should be entirely self-governed, that is not how our Constitution treats the Federal city. Article I, section 8, clause 17 states that the Congress of the United States shall have the power—I am quoting from the Constitution here—''to exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards and other needful Buildings.''

□ 1230

The District of Columbia, falling squarely within the parameters of this clause, is, therefore, subject to Congress' exclusive exercise over its laws.

I have no doubt that a strong debate will surround the consideration of H.R. 5233, as we heard in the Committee on Rules last night, but Congress would be relinquishing its duty under the United States Constitution to oversee the governance of the Nation's Capital.

Today's rule will allow the House to complete the final two pieces of legislation for the month of May, a month where the House of Representatives has passed legislation to provide funding for our military bases, funding for our veterans, funding for energy and water policies; to provide new authorities and funding to combat the growing threat of the Zika virus; to update our Nation's chemical laws; to provide help to those in this country facing opioid addictions; and to provide tools to our Nation's armed services necessary to keep our citizens safe from the growing threat of terrorism. It has been one of the most productive months of the year for the House of Representatives.

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

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman for yielding me the time. I yield myself such time as I may consume.

Mr. Speaker, I rise today to oppose the rule which joins two disparate

issues. The first, District of Columbia budget autonomy. The second, pursuing an energy bill that prioritizes an outdated energy policy.

First, D.C. budget autonomy. Mr. Speaker, Congress sits in the District of Columbia, and our presence looms far beyond the footprint of the buildings. Congress has mandated that the government of the District of Columbia pass every budget plan—every spending plan down to the penny of their own money that they raise—through Congress.

But in 2012, the District of Columbia exerted its own authority and passed the Local Budget Autonomy Amendment Act of 2012 and essentially said: We will allocate our own local funds ourselves unless Congress overrides our plan, and we will only ask permission beforehand when we spend money that comes from the Federal Treasury.

The bill before us, H.R. 5233, would repeal the District's local law, keep the District of Columbia from spending its own money on local services, and prohibit the District from granting itself budget autonomy in the future.

For far too long, the residents of the District have paid their fair share of taxes and have not had full representation in Congress. The District sends young people off to war, but doesn't have an equal voice in either going to war or how the country is governed. In fact, it reminds me a lot of a plantation.

Subjecting the District to the lengthy and uncertain congressional appropriations process for its own use of their local tax collection imposes operational and financial hardships for the District, burdens not borne by any other local government in the country. In addition to that, it is more expensive to them.

It defies reason that the House majority would continue this overreach, and I urge each considerate Republican to rethink their position. In fact, there are some key Republicans who do support the District's budget autonomy. The Oversight and Government Reform Committee's last four chairmen—including Republicans Tom Davis and DARRELL ISSA—worked to give D.C. budget autonomy. I urge my Republican colleagues to follow suit.

Second, the rule would allow the House to replace the text of the Senate's bipartisan energy reform legislation with the House's partisan energy bill. Time and again, we have seen the Senate come to a reasonable, bipartisan compromise, but the House chases a partisan agenda and derails the legislative process every time.

The House proposal encourages an outdated energy policy that favors fossil fuels above the clean and renewable energy sources, and it seeks to roll back important environmental protections. The majority's insistence on negating environmental protections and doubling down on their attacks on environmental laws is a troubling waste of time. Nevertheless, Democrats will fight to protect the environment and precious natural resources.

The bill locks in fossil fuel consumption for years to come by repealing current law aimed at reducing the government's carbon footprint. It also puts up barriers to the integration of clean, renewable energy technologies, all while rolling back the energy efficiency standards. In the past, efficiency standards were an area of bipartisan compromise. Not anymore.

Americans cannot afford the Republican majority's head-in-the-sand approach to climate change and energy consumption. In fact, I understand that the presumed Presidential candidate of the Republican Party had applied to build a wall on one of his foreign golf courses, blaming climate change for the erosion. So if he believes it in a foreign country, I certainly hope he will think about believing it here.

I urge my colleagues to work toward an all-of-the-above strategy that will modernize our Nation's energy infrastructure in a way that addresses climate change, promotes clean energy, drives innovation, and ensures a cleaner, more stable environment for future generations.

Mr. Speaker, I urge a ''no'' vote on the rule.

I reserve the balance of my time.

Mr. BURGESS. Mr. Speaker, I yield myself 30 seconds.

I would remind the House that this energy legislation has worked its way through the House for the last 18 months; and, indeed, the two previous Congresses, multiple committees have had input on this. It has been one of the most thoroughly vetted pieces of legislation. I cannot tell you the number of hearings, the number of markups that I have sat through in the Committee on Energy and Commerce. It has had similar treatment over in the Senate. The concept of getting this bill through the House, going to conference with the Senate, this is a good product and is worthy of the support of this body.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 10 minutes to the gentlewoman from the District of Columbia (Ms. NORTON), a hardworking Member who represents 700,000 people who have no say because this body decides everything that they do. As I pointed out before, they pay their taxes and they send their children off to war, but she cannot vote in this House in any way to affect anything.

Ms. NORTON. Mr. Speaker, first I want to thank my good friend from New York State for the way she has always understood and championed with respect to the District of Columbia, which also happens to be the capital of the United States. But, as she said, it is more than the Capitol and this building. It is where almost 700,000 Americans live.

Mr. Speaker, I must strongly oppose that portion of the bill providing for consideration of H.R. 5233. Understand the spectacle we have ongoing here. A strong Republican House is actively sponsoring a bill that repeals a local law, a local law that in this case authorizes the District of Columbia government to spend its own local funds without congressional approval.

Who do the Republicans think they are, that the people I represent should ask for their approval to spend, and to process funds that they had nothing to do with raising?

Understand, no Federal funds are involved, not one penny, but those pennies, over $7 billion—and I want people who come to the floor to tell me if their State raises $7 billion on its own. Over $7 billion. These are our pennies. Not a cent of Federal money is even implicated.

Let's go back to Republican principles to understand what is happening on this floor today because it is going to happen twice. My Republican friends propose in this rule—these are the same friends who despise the Federal reach, despise it so much that every year they try to give back what have long been Federal matters to the States, like the Department of Education. Need I go through the laundry list? The one thing they stand for in this Congress and have stood for throughout human time is that they prefer that power over the people be exercised at the State and local level. That is what they stand for. There are not many things that you can say a particular party stands for. Local control is certainly their cardinal principle.

But look what they are doing this afternoon. They are doubling down. That is not just a matter of emphasis. That means double bills. They are doubling down to use the awesome power of the Federal Government against a local district. If you will excuse me, I regard that as very un-Republican.

We are talking about two provisions—not just the rule before us—that use identical language, as if to say, you know, we really mean it, District of Columbia, because we are going to do it twice. We want to be doubly sure that we keep this local district from enforcing its own local budget.

So what is the point of this bill if they are doing it twice?

This bill is a pretense. It is solely designed to lay the predicate for another action that has occurred this very morning in the Committee on Appropriations. How coincidental. I sat through a Committee on Appropriations markup where a rider, using the very same language that is proposed through this rule, and that rider was indeed passed by the House appropriations subcommittee.

Heavens. I wonder if in the history of the House of Representatives we have ever had this Congress or the Congress of the United States to be so threatened by what a local jurisdiction would do that it proposes not one bill, but two, to keep that local jurisdiction

from proceeding. We are not seceding from the United States. We are simply trying to spend our own money.

So here we have a bill twice over because the—appropriations bill contains the same language, understand, despite another of their rules that prohibits legislating on an appropriations bill. The Republican leadership included the text of H.R. 5233 in the appropriations bill for what appears to be a very good reason. They recognize that that is the only chance they have of enacting the text of the rule before you, and that is to do so in an appropriations bill. So they are doing it twice for good measure, but the only way it is going to pass is attaching it to some must-pass bill.

The Senate—and I say this on this floor—does not have the votes to pass H.R. 5233 itself. And even if it did, the President of the United States, who has long supported budget autonomy, put it in his own budgets, has said he would veto it. The Executive Statement of Administration Policy that came out yesterday indicated so.

This may be news to some Members of this body, but I am the only Member of Congress who was elected by the almost 700,000 American citizens who live in the District of Columbia, and my constituents are the only American citizens who are affected by this bill.

You might be able to understand the anger of my constituents if you knew these numbers. The people I represent pay more taxes than 22 States pay.

Or you want another one that would make you understand the anger of my constituents?

They are number one per capita in the Federal taxes paid to support their homeland, highest taxes per capita in the United States. And yet this very day, twice—first with respect to this rule, then with respect to the bill—every single Member of Congress will get a vote on this bill solely concerning the District of Columbia except the Member of Congress who represents the District of Columbia and is elected to represent them.

□ 1245

If you have never felt like a despot before, I hope that side of the aisle understands how it feels and what it looks like.

The Republican leadership has claimed that it is committed to letting the House work its will on legislation. However, yesterday, the Rules Committee, on a party-line vote, prevented me from offering my amendment to this bill to the House floor. What are you afraid of, if my amendment comes to the House floor that says, ''Congress, you do it; you grant D.C. budget autonomy''? Are you afraid you can't do it? Sure you can do it. Or, at least let us do it. Give D.C. some respect.

My amendment was the only chance for D.C. residents to have a say on the bill during floor consideration. So even though you could have, obviously, and would have defeated my amendment to say, ''You do it, you grant us budget autonomy,'' what in the world kept you from allowing us the respect of bringing that amendment to counter what you are doing today, particularly knowing that we can't counter what you are doing today?

My amendment, of course, would have called the question on whether Members support or oppose local control of local jurisdictions over their own budget. Do Members oppose budget autonomy because the District initiated it? Or do they actually want to toss their own local control principles out of the Capitol window through a vote requiring Federal approval of local funds?

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Ms. SLAUGHTER. I yield the gentlewoman an additional 3 minutes.

Ms. NORTON. My amendment would have made the text of D.C.'s Local Budget Autonomy Act Federal law. It would have simply said, look, if you don't like what the District did, you do it. We would have lost. But you would at least have given to us the respect that we are entitled to as American citizens—afraid even to do that.

The Local Budget Autonomy Act is already law. The District government has begun to implement it, and I applaud them for doing so. When you are up against a despotic House of Representatives, the only way to proceed in a democracy is to move on your own, or else they will say: See, we waited them out and there is nothing they can do. There is only one of them against all of us.

Only one court opinion has, in fact, upheld the Budget Autonomy Act, though the good Member on the other side implied that this was a lawless act. Well, let me tell you what the court said, without going through all of it:

> Forthwith, enforce all provisions of the Local Budget Autonomy Act of 2012.

That is the law. Who is being lawless, who is being unprincipled is any majority that would want to be involved with the local funds of any American jurisdiction.

When Members cast their vote today on the bill, they will be voting on a bill to require Congress to approve a local budget. How un-Republican. And worse, undemocratic.

Mr. BURGESS. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, the Founders recognized that, within the District of Columbia, this was a unique entity. But Congress, in its benevolence, granted the District of Columbia limited autonomy in the Home Rule Act of 1973. That autonomy did not extend as far as what the current Mayor and city council envisioned it to.

The Home Rule Act maintained the role of the Federal Government in the District's budget process; and, indeed, the Federal Government has had to step in as late as the 1990s because the District had so mismanaged its finances.

Then, the District of Columbia Financial Control Board had to be instituted in order to correct the many financial disasters that the District of Columbia government had created for itself. Congress gave the board the power to override the D.C. government where it saw fit.

Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. MEADOWS), from the Oversight and Government Reform Committee, where this bill originated.

Mr. MEADOWS. Mr. Speaker, I thank the gentleman from Texas for his eloquent words.

As we look at this particular bill, there is a lot that has been said about what home rule is and what it is not. There is a lot that has been said about what the law is and what it is not, and yet it is undeniable that the Constitution actually reserved for this esteemed body the power to legislate over all affairs within the District, going back to Article I, section 8 of our Constitution.

And yet in 1973, Mr. Speaker, this body took on a law, debated it in both the House and the Senate, to actually take some of those authorities granted by the Constitution and allow the District to actually put forth laws with regard to local issues.

Now, specifically reserved in that 1973 law was the whole issue of the budget and appropriations. As we started to look at this particular function—my good friend, the Delegate from the District, obviously has talked very seriously about the law.

Well, the law was very clear in 1973 on what we passed. Actually, Charles Diggs—Chairman Diggs—had what they called the Diggs Compromise that specifically was spelled out in a dear colleague letter on the fact that budgetary control would remain with this body and, indeed, with the appropriators. Yet somehow we see a decision by a superior court as having the effect of law?

Well, we know from our civics class that it is this body that is putting forth Federal law. It cannot be a local jurisdiction that comes in and usurps the power of the Federal law with its local mandates.

So, Mr. Speaker, while my good friend and I will disagree perhaps on a number of issues, what we should agree on is the fact that the Constitution reserved this right for Congress. The Constitution and, indeed, those relegated and delegated powers in 1973 were specific in keeping the appropriations and budgetary process within this body. To ignore that would be, honestly, ignoring the debate that happened then, debate that happens now, and sworn testimony in hearings that, indeed, those who crafted this particular law are all in agreement that this was the intent of Congress.

So, Mr. Speaker, I rise today to ask my colleagues to not only support this, but reaffirm the role that Congress has and make sure that we keep it within this body.

Ms. SLAUGHTER. Mr. Speaker, may I inquire how much time remains on both sides?

The SPEAKER pro tempore. The gentlewoman from New York has 13 minutes remaining. The gentleman from Texas has 18½ minutes remaining.

Ms. SLAUGHTER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. My good friend Mr. MEADOWS speaks as if he didn't speak up for the Congress of the United States with its awesome power, then Congress would be stripped of its power by the District of Columbia—please.

If there is any concern here about this bill, the one thing my good friend should not do is to base it on what lawyers say. The latest and most definitive, on what lawyers say is a court of law.

I want to indicate what happened, because the matter was first in the Federal district court, then appealed to the Federal court of appeals. The Federal court of appeals heard oral argument and received briefs. It looked at this—and we don't know why—but they sent it to a local D.C. court.

That court heard at every single argument Mr. MEADOWS has raised and found for the District of Columbia. And that is the definitive word on the law, unless what he is saying is: Je suis the law, or, I am the law. Well, maybe you are, but you are the kind of law that led the Framers to rebel against England. No respect for local law.

You speak of the Diggs Compromise. What you didn't say is that some compromise had to be reached because the Senate, in its home rule bill, gave the district control over its local budget.

So what we say, what our lawyers say, is that compromise did leave some room in the charter—which does not specifically say that budget autonomy is denied to the District; and they could have said it, but they didn't—and the compromise was to leave some room at such point as it became relevant to step up and claim the right to process and enforce their own local budget.

My good friend managing the bill on that side dares reach back to the 1990s. Yes, the District got into trouble. My congratulations to the District of Columbia as the only city which, for 200 years, carried State functions. And yes, in the 1990s, it became too much; and yes, the city had a serious financial crisis.

So if you want to go back two decades, also come forward, because at this time, the District has perhaps the strongest economy in the United States of America. How many of you have surpluses? How many of you have anything to brag about in terms of the economy of your district?

Have you looked at what is happening in the District of Columbia? You can see the building going on. You can see the increase in our population. So yes, we have had hard times, and I am sure you have, but I am sure that there was a whole lot less reason for your hard times than for ours.

I am asking you to think about your own principles of local control and try to justify taking local control from the District, but particularly to justify taking local control over our own money. That is what the Framers went to war about. Somebody somewhere was trying to tell them about taxes having to do with their own local funds.

I don't know if that spirit still lives on that side of the aisle, but it still lives in the District of Columbia. This is our money. We are going to keep going at it until you have nothing to say about funds raised in a jurisdiction not your own. My constituents cannot hold you accountable because they cannot vote for you.

Well, sir, they have voted for me; and what I say today represents what they believe and what they will never give up, and that is the right to control their own local laws and, and above all, their own local funds raised from their own local taxpayers.

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

□ 1300

Mr. BURGESS. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. MEADOWS).

Mr. MEADOWS. I thank the gentleman for yielding.

Mr. Speaker, indeed, the delegate opposite is my friend. She serves her constituency well. Her impassioned plea on behalf of her constituents is not only recognized this day, but each and every day in this body.

This particular debate is not over what is believed to be right or wrong. It is over the rule of law. Indeed, the argument was made by the gentleman from Georgia yesterday that this is a matter of law, not on the merits of what is right or what is wrong from a standpoint of budget autonomy.

But I would also refer, Mr. Speaker, to the argument that would suggest that everything is great here in Washington, D.C., in terms of the budget. If that indeed is the case that is being argued here today, you can't have it both ways, because the status quo today has been one that truly has the authority rested and vested here in this esteemed body.

So to suggest that things are less than perfect, I am not here to do that. But if indeed everything is turning up roses today, it is the status quo that has indeed preserved that.

So I would suggest that, as we start to look at this, it is a fundamental question: Are we going to uphold the rule of law?

The rule of law here is very clear. In fact, the debates back in 1973 talked about that all we wanted was some of the local control over our local government. And as that debate went on, there was indeed, as my good friend mentioned, in the Senate the desire to give budget autonomy to the district.

Yet, as we know from our civics class, it takes both the Senate and the House and the President to sign it into law. I would say that we need to continue to support the rule of law.

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

Mr. Speaker, if we defeat the previous question, I will offer an amendment to the rule to bring up two desperately needed pieces of legislation.

The first would shed light on secret money in politics by requiring groups to disclose the source of the contributions they are using to fund their campaign-related activities. The second would provide $600 million in funding to combat the growing opioid epidemic.

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 would like to take a personal privilege and rise today with a really sad heart and take a moment to mark what is the end of an era for the Rules Committee family.

This is Miles Lackey's last week as the staff director for the committee's minority, and we are sad about it indeed. The Rules Committee is a family, and the loss is personal.

The Rules Committee, in my opinion, has the highest regarded staff of anybody that is on the Hill. In both the House and Senate, Miles has proved to be the gold standard for any staff wishing to make a contribution to the Congress.

He has been a mentor and a colleague to anyone who asked for it. His counsel will be missed not just for the four of us on the Democratic side of the Rules Committee, but I think both staff members and all other Members alike on both sides of the aisle.

Miles is a graduate of the University of North Carolina and of Yale Divinity School, and he brings a grounded, holistic vision of his work as a staff member, and the example has been a guiding force.

He has the patience of Job and takes every dramatic turn of events in stride. From government shutdowns to national emergencies, Miles has always known exactly what to do.

As the staff director of the Rules Committee or as Senator Dodd's chief of staff in the Senate, he made incredible contributions to legislation that has passed out of Congress during his tenure in both Chambers.

From Dodd-Frank to the Affordable Care Act, it is clear that he dedicated his career to benefiting the American people with skill, intellect, and patience.

There is always one more story to tell, one more hug to linger over, but

there sure is no good way to say goodbye to a trusted and cherished adviser, a colleague, and a friend. There is only the deep gratitude that we feel and the legacy of the excellence that Miles leaves.

Thank you, dear friend, for everything.

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

Mr. BURGESS. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. WOODALL).

Mr. WOODALL. Mr. Speaker, when you serve on the Rules Committee, you spend a lot of time dealing in acrimony at least here on the floor.

When you serve on the Rules Committee and your job is to get the business of the House accomplished, when we are not on the House floor, it isn't acrimony. It may be impassioned. It may be, at times, divisive.

But it is all focused on a single goal, and that is making sure that this institution fulfills not just the expectations of our constituents back home, but the expectations of our framers who established it to begin with.

Members of Congress come and go, Mr. Speaker, and, inevitably, what makes a Member of Congress successful is being surrounded by a team of excellence, a team of excellence back home in terms of bosses and constituents and a team of excellence here in Washington to help make sure that all the i's are dotted and all the t's are crossed and that the big things get done.

When Miles Lackey leaves this institution, Mr. Speaker, it is going to be harder to get the big things done. It is going to be harder because the biggest commodity we have in this town is not a Member pin, is not a Member representational allowance, is not how much mail goes out the door.

The most precious commodity in this town is trust, and not everybody has it. Sadly, not everybody wants it. But to do anything that is worth doing in this town, it has to be built on a foundation of trust.

If you don't have people like Miles Lackey on the other side of the aisle—I sit on this side of the aisle. He is physically sitting on that side of the aisle today not just emotionally, not just intellectually, but physically. If you don't have folks that you can trust, you can't begin the conversations about how to make things happen.

There is no committee that brings more measures to the floor than the Rules Committee. That doesn't happen by accident. It happens intentionally. It happens with good folks like Miles Lackey.

There is no committee that has to deal with more contentious issues than the Rules Committee. The committees of jurisdiction have dealt with as many as they can. The hardest ones, the worst ones, end up on the Rules Committee's plate. We don't deal with those issues successfully without the trust built by folks like Miles Lackey.

Mr. Speaker, we can read the resolution that the Rules Committee put out for Miles, but it is only a page long. Truthfully, it doesn't do justice. When you lose folks who have built that trust, it takes years to find folks to rebuild it.

I want you to look at the folks who come to speak on Miles' behalf today, Mr. Speaker. I want you to look at the folks who sit in Miles' chain of command.

He is certainly not leaving the ranking member high and dry. He has trained a tremendous team of folks who are going to step up and try to fill those shoes.

I came to this institution to make a difference, Mr. Speaker. I didn't come just to make a point. Because Miles Lackey has served in this institution not for a day, not for a week, not for a month, but for decade upon decade. We have been able to make a difference.

I don't want to date Miles. He dates back not just before I got here, but before my predecessor got here. He dates back before Republicans took over this institution, Mr. Speaker, and has seen the control change time and time again.

Watch folks when power changes, Mr. Speaker. Watch folks when power changes in this institution. Watch whether they behave the same once they have it as they did yesterday when they didn't.

We are all in the minority at some point, Mr. Speaker. We are all in the minority at some point. The rules exist to protect the minority.

Watch the folks who have the ability to use the rules. See if they treat you the same when they have the power as when they don't.

There is not going to be a man or woman who stands in this Chamber who will tell you that Miles treats you any differently when he is in as when he is out.

He is an advocate for his position, but he is an institutionalist who believes in all of us collectively. I thank him for his service.

Ms. SLAUGHTER. Mr. Speaker, I include in the RECORD the Rules resolution.

Expressing the gratitude of the Committee on Rules to Mr. Miles M. Lackey, the Committee's Democratic staff director, for his service to the Committee, the House, and the Nation on the occasion of his retirement from the House of Representatives.

Whereas Mr. Miles M. Lackey has served the Nation in both the legislative and executive branches over the course of nearly three decades;

Whereas he has served the Committee on Rules for most of his career, first as an associate of the Rules Committee staff, then later as senior advisor to the Chair and both majority and minority staff director;

Whereas during his career, he has brought competence and dignity to each office he has held;

Whereas his advice and counsel are sought by both Members and staff alike;

Whereas he has always endeavored to ensure the effective operation of the Committee, even when the majority and minority differed on policy or process;

Whereas his good humor and steady demeanor will be missed: Now, therefore, be it

Resolved, That—

(1) the Committee on Rules expresses its profound gratitude to Mr. Miles M. Lackey for his exemplary service; and

(2) the clerk of the Committee is hereby directed to prepare this resolution in a manner suitable for presentation to Mr. Lackey.

Ms. SLAUGHTER. Mr. Speaker, I yield 2½ minutes to the gentleman from Massachusetts (Mr. MCGOVERN), a member of the Rules Committee.

Mr. MCGOVERN. Mr. Speaker, I thank the distinguished ranking member of the Rules Committee for yielding me the time, and I join with her in expressing my admiration and my respect for Miles Lackey.

I have known Miles for many, many years. We both served as staff members up here when I first came to the Hill. I have known him in his capacity when he worked with Tony Beilinson and Ted Weiss and Chris Dodd and John Edwards in the Rules Committee and I guess a thousand other things he did up here. I always admired his intellect and his dedication.

Mr. Speaker, Miles Lackey is a good man. He is a very, very good man. That is an important quality for people who serve up here, whether as Members of Congress or as staff members, that they are good people.

Miles always put the interests of the people of this country first, and always the most vulnerable were at the top of his list. No matter what we talk about in the Rules Committee, he always talks about how it is going to impact people who are struggling in this country.

I just want to say that I have admired Miles' dedication to this country. I have admired his intellect. I have admired his compassion. We are going to miss him greatly.

He has taught me a lot. I know he has taught a lot of people on the Rules Committee and other staffers and Members a lot as well. But he is a unique individual in that everybody loves him.

I joked last night in the Rules Committee that I appreciated the fact that Miles was the inspiration for a resolution in the Rules Committee that Democrats and Republicans could support because very rarely do we have resolutions that we support in a bipartisan way.

So I am grateful to Miles, and I join with everybody here when I say we are going to miss him.

I will just conclude with this. I have had the privilege of serving with some great Members of the House and great Members who have served as staffers up here.

Miles is at the top of that list. He is a great human being and a great public servant. We are all here, in a bipartisan way, to express our admiration, our deep affection, and our respect for him. We wish him well.

And, Miles, we will be calling you often, so be prepared.

I thank the gentlewoman for yielding me the time.

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

Ms. SLAUGHTER. Mr. Speaker, I urge my colleagues to vote ''no'' on the previous question and ''no'' on the rule that joins two unrelated measures, first, to continue the House majority's overreach into the District of Columbia's local budgetary affairs; second, to double down on an outdated energy policy and pursue a partisan path instead of the bipartisan Senate plan.

Mr. Speaker, I yield back the balance of my time.

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

Mr. Speaker, as I pointed out in the statement I gave at the beginning of this hour, just reflecting back on the month of May, a month where the House of Representatives passed legislation funding our military bases, funding our veterans, funding energy and water policies, providing new authorities to combat the growing threat of the Zika virus, we updated our Nation's chemical laws for the first time in 40 years, we provided help to people in this country facing opiate addictions, we provided pay and benefits to our military, we provided the tools to our armed services necessary to keep our citizens safe from the growing threat of terrorism, it has been a significant month in the United States House of Representatives. Oftentimes we don't reflect back on what has been accomplished. So this is a good opportunity to do that.

□ 1315

Mr. Speaker, today's rule provides for consideration of two important bills to update our Nation's energy policies and address the constitutional deficiencies in recent District of Columbia Council actions.

I want to thank the many Members of the House on both sides who contributed to the underlying pieces of legislation, which will be considered today following the passage of today's rule.

Finally, I do want to join my colleagues—I am probably the most recent addition to the House Rules Committee, but I certainly have been there long enough to appreciate the wise counsel and guidance of Miles Lackey and certainly wish him well in his future endeavors and pray for his successor.

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

AN AMENDMENT TO H. RES. 744 OFFERED BY MS. SLAUGHTER

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

SEC. 6. 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. 430) to amend the Federal Election Campaign Act of 1971 to provide for additional disclosure requirements for corporations, labor organizations, and other entities, 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 among and controlled by the respective chairs and ranking minority members of the Committees on House Administration, the Judiciary, and Ways and Means. 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. 7. Clause 1(c) of rule XIX shall not apply to the consideration of H. R. 430.

SEC 8. Immediately after the disposition of H.R. 430 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. 5189) to address the opioid abuse crisis. 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 respective chairs and ranking minority members of the Committees on Energy and Commerce and the Judiciary. 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. 9. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 5189.

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. BURGESS. 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 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 239, nays 176, not voting 18, as follows:

[Roll No. 239]

YEAS—239

Abraham
Aderholt
Allen
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
Crenshaw
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
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
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
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (MI)
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 (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
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
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NAYS—176

Adams
Aguilar
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
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
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
Jackson Lee
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
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
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)
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)

NOT VOTING—18

Cárdenas
Castro (TX)
Collins (GA)
Fattah
Fincher
Granger
Hanna
Herrera Beutler
Miller (FL)
Norcross
O'Rourke
Rice (NY)
Rogers (AL)
Sanchez, Loretta
Speier
Takai
Whitfield
Yarmuth

□ 1336

Mr. POE of Texas changed his vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. MILLER of Florida. Mr. Speaker, due to being unavoidably detained, I missed the following rollcall Vote: No. 239 on May 25, 2016. If present, I would have voted:

Rollcall Vote No. 239—On Ordering the Previous Question, "aye"

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 242, nays 171, not voting 20, as follows:

[Roll No. 240]

YEAS—242

Abraham
Aderholt
Allen
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 (GA)
Collins (NY)
Comstock
Conaway
Cook
Costa
Costello (PA)
Crawford
Crenshaw
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
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
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
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
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
Scott, Austin
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
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
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
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson

Green, Al
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
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
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Pallone
Pascrell
Payne
Perlmutter
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
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
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)

NOT VOTING—20

Cárdenas
Castro (TX)
Cramer
DeGette
Fattah
Fincher
Granger
Green, Gene
Hanna
Herrera Beutler
Hinojosa
Johnson (GA)
Norcross
O'Rourke
Pelosi
Peters
Rice (NY)
Sanchez, Loretta
Takai
Yarmuth

□ 1342

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.

Stated against:

Mr. GENE GREEN of Texas. Mr. Chair, I was unavoidably detained. Had I been present, I would have voted:

Rollcall No. 240, "nay."

Mr. HINOJOSA. Mr. Chair, I was unavoidably detained. Had I been present, I would have voted:

Rollcall No. 240, "no."

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

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 further consideration of the bill, H.R. 5055.

Will the gentleman from Illinois (Mr. HULTGREN) kindly take the chair.

□ 1344

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 further 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 Mr. HULTGREN (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Tuesday, May 24, 2016, a request for a recorded vote on an amendment offered by the gentleman from California (Mr. GARAMENDI), had been postponed and the bill had been read through page 80, line 12.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment by Mr. CLAWSON of Florida.

Amendment by Mr. MCNERNEY of California.

Amendment by Mr. GRIFFITH of Virginia.

Amendment by Mr. BUCK of Colorado.

Amendment by Mr. POLIS of Colorado.

Amendment by Mr. POLIS of Colorado.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. CLAWSON OF FLORIDA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. CLAWSON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 143, noes 275, not voting 15, as follows:

[Roll No. 241]

AYES—143

Amash
Amodei
Ashford
Barletta
Benishek
Bera
Beyer
Bilirakis
Blum
Bonamici
Boyle, Brendan F.
Brady (PA)
Brady (TX)
Brat
Brown (FL)
Brownley (CA)
Buchanan
Burgess
Bustos
Byrne
Capuano
Carney
Carter (GA)
Castor (FL)
Chabot
Clawson (FL)
Cohen
Collins (GA)
Courtney
Crawford
Crenshaw
Curbelo (FL)
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
DelBene
Denham
DeSantis
DeSaulnier
Deutch
Diaz-Balart
Doyle, Michael F.
Duncan (SC)
Duncan (TN)
Esty
Farenthold
Frankel (FL)
Gabbard
Garamendi
Gibson
Graham
Graves (GA)
Grayson
Griffith
Harris
Hastings
Heck (WA)
Himes
Huizenga (MI)
Hunter
Hurt (VA)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Jolly
Jones
Jordan
Katko
Kildee
Kilmer
King (IA)
Kirkpatrick
LaHood
Larsen (WA)
Larson (CT)
Lieu, Ted
Lipinski
Loebsack
Lofgren
Loudermilk
Love
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Maloney, Sean
McDermott
Meadows
Meehan
Mica
Miller (FL)
Miller (MI)
Murphy (FL)
Murphy (PA)
Nadler
Napolitano
Newhouse
Nugent
Pascrell
Perry
Peterson
Poliquin
Polis
Posey
Reed
Rice (SC)
Richmond
Roby
Rogers (AL)
Rogers (KY)
Rokita
Rooney (FL)
Ros-Lehtinen
Ross
Rothfus
Royce
Russell
Ryan (OH)
Sánchez, Linda T.
Schakowsky
Schweikert
Sessions
Sinema
Sires
Smith (NJ)
Smith (WA)
Stefanik
Stutzman
Swalwell (CA)
Takano
Thompson (MS)
Thompson (PA)
Vargas
Walker
Walorski
Wasserman Schultz
Webster (FL)
Wenstrup
Williams
Wilson (SC)
Yoho
Young (AK)
Zinke

NOES—275

Abraham
Adams
Aderholt
Aguilar
Allen
Babin
Barr
Barton
Bass
Beatty
Becerra
Bishop (GA)
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blumenauer
Bost
Boustany
Bridenstine
Brooks (AL)
Brooks (IN)
Buck
Bucshon
Butterfield
Calvert
Capps
Carson (IN)
Carter (TX)
Cartwright
Chaffetz
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman
Cole
Collins (NY)
Comstock
Conaway
Connolly
Conyers
Cook
Cooper
Costa
Costello (PA)
Cramer
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis, Danny
Dent
DesJarlais
Dingell
Doggett
Dold
Donovan
Duckworth
Duffy
Edwards
Ellison
Ellmers (NC)
Emmer (MN)
Engel
Eshoo
Farr
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallego
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Graves (LA)
Graves (MO)
Green, Al
Green, Gene
Grijalva
Grothman
Guinta
Guthrie
Gutiérrez
Hahn
Hardy
Harper
Hartzler
Heck (NV)
Hensarling
Hice, Jody B.
Higgins
Hill
Hinojosa
Holding
Honda
Hoyer
Hudson
Huelskamp
Huffman
Hultgren
Hurd (TX)
Israel
Issa
Jackson Lee
Jeffries
Jenkins (KS)
Jenkins (WV)
Johnson, Sam
Joyce
Kaptur
Keating
Kelly (IL)
Kelly (MS)
Kelly (PA)
Kennedy
Kind
King (NY)
Kline
Knight
Kuster
Labrador
LaMalfa
Lamborn
Lance
Langevin
Latta
Lawrence
Lee
Levin
Lewis
LoBiondo
Long
Lowenthal
Lowey
Lucas
Luetkemeyer
Lummis
Lynch
MacArthur
Maloney, Carolyn
Marchant
Marino
Massie
Matsui
McCarthy
McCaul
McClintock
McCollum
McGovern
McHenry
McKinley
McMorris Rodgers
McNerney
McSally
Meeks
Meng
Messer
Moolenaar
Mooney (WV)
Moore
Moulton
Mullin
Mulvaney
Neal
Neugebauer
Noem
Nolan
Nunes
Olson
Palazzo
Pallone
Palmer
Paulsen
Payne
Pearce
Perlmutter
Peters
Pingree
Pittenger
Pitts
Pocan
Poe (TX)
Pompeo
Price (NC)
Price, Tom
Quigley
Rangel
Ratcliffe
Reichert
Renacci
Ribble
Rigell
Roe (TN)
Rohrabacher
Roskam
Rouzer
Roybal-Allard
Ruiz
Ruppersberger
Rush
Salmon
Sanford
Sarbanes
Scalise
Schiff
Schrader
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sewell (AL)
Sherman
Shimkus

Shuster
Simpson
Slaughter
Smith (MO)
Smith (NE)
Smith (TX)
Speier
Stewart
Stivers
Thompson (CA)
Thornberry
Tiberi
Tipton
Titus
Tonko
Torres
Trott
Tsongas
Turner
Upton
Valadao
Van Hollen
Veasey
Vela
Velázquez
Visclosky
Wagner
Walberg
Walden
Walters, Mimi
Walz
Waters, Maxine
Watson Coleman
Weber (TX)
Welch
Westerman
Westmoreland
Whitfield
Wilson (FL)
Wittman
Womack
Woodall
Yoder
Young (IA)
Young (IN)
Zeldin

NOT VOTING—15

Cárdenas
Castro (TX)
Fattah
Fincher
Granger
Hanna
Herrera Beutler
Kinzinger (IL)
Norcross
O'Rourke
Pelosi
Rice (NY)
Sanchez, Loretta
Takai
Yarmuth

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1348

Messrs. GARRETT and BARR changed their vote from ''aye'' to ''no.''

Ms. MICHELLE LUJAN GRISHAM of New Mexico changed her vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. MCNERNEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. MCNERNEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 169, noes 247, not voting 17, as follows:

[Roll No. 242]

AYES—169

Adams
Aguilar
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
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
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Duckworth
Edwards
Engel
Eshoo
Esty
Farr
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Green, Gene
Hahn
Hastings
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
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
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Pallone
Pascrell
Payne
Perlmutter
Peters
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
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
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)

NOES—247

Abraham
Aderholt
Allen
Amash
Amodei
Ashford
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
Carney
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Costa
Costello (PA)
Cramer
Crawford
Crenshaw
Cuellar
Culberson
Curbelo (FL)
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Ellison
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 (MO)
Griffith
Grothman
Guinta
Guthrie
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
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
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
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
Scott, Austin
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
Vela
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—17

Cárdenas
Castro (TX)
Fattah
Fincher
Granger
Graves (LA)
Grijalva
Gutiérrez
Hanna
Herrera Beutler
Norcross
O'Rourke
Pelosi
Rice (NY)
Sanchez, Loretta
Takai
Yarmuth

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1352

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. GRIFFITH

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. GRIFFITH) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 182, noes 236, not voting 15, as follows:

[Roll No. 243]

AYES—182

Abraham
Aderholt
Allen
Amash
Amodei
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Cramer
Crawford
Crenshaw
Davis, Rodney
Dent
DeSantis
DesJarlais
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Farenthold
Fleming
Flores
Forbes
Franks (AZ)
Frelinghuysen
Gibbs
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Hardy
Harper
Harris
Hartzler
Hensarling
Hice, Jody B.
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jordan
Kelly (MS)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Latta
Loudermilk
Lucas
Luetkemeyer
Lummis
Marchant
Marino

Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
Meadows
Meehan
Messer
Miller (FL)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Pearce
Perry
Pittenger
Poe (TX)
Posey
Price, Tom
Ratcliffe
Renacci
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rokita
Rooney (FL)
Roskam
Ross
Rothfus
Rouzer
Russell
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Simpson
Smith (MO)
Smith (NE)
Smith (TX)
Stewart
Stivers
Stutzman
Thornberry
Tiberi
Tipton
Trott
Turner
Wagner
Walberg
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoho
Young (AK)
Young (IN)
Zinke

NOES—236

Adams
Aguilar
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blum
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brooks (IN)
Brown (FL)
Brownley (CA)
Buchanan
Bustos
Butterfield
Capps
Capuano
Carney
Carson (IN)
Cartwright
Castor (FL)
Chaffetz
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clawson (FL)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Costello (PA)
Courtney
Crowley
Cuellar
Culberson
Cummings
Curbelo (FL)
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Denham
DeSaulnier
Deutch
Diaz-Balart
Dingell
Doggett
Dold
Doyle, Michael F.
Duckworth
Edwards
Emmer (MN)
Engel
Eshoo
Esty
Farr
Fitzpatrick
Fleischmann
Fortenberry
Foster
Foxx
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Garrett
Gibson
Gohmert
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Guinta
Gutiérrez
Hahn
Hastings
Heck (NV)
Heck (WA)
Higgins
Hill
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Jenkins (KS)
Johnson (GA)
Johnson, E. B.
Jolly
Jones
Joyce
Kaptur
Katko
Keating
Kelly (IL)
Kelly (PA)
Kennedy
Kildee
Kilmer
Kind
King (IA)
Kirkpatrick
Kuster
Lance
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Lofgren
Long
Love
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
MacArthur
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
McSally
Meeks
Meng
Mica
Miller (MI)
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Pallone
Pascrell
Paulsen
Payne
Perlmutter
Peters
Peterson
Pingree
Pitts
Pocan
Poliquin
Polis
Pompeo
Price (NC)
Quigley
Rangel
Reed
Reichert
Ribble
Richmond
Rohrabacher
Ros-Lehtinen
Roybal-Allard
Royce
Ruiz
Ruppersberger
Rush
Ryan (OH)
Salmon
Sánchez, Linda T.
Sanford
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Shuster
Sinema
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stefanik
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Thompson (PA)
Titus
Tonko
Torres
Tsongas
Upton
Valadao
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yoder
Young (IA)
Zeldin

NOT VOTING—15

Cárdenas
Castro (TX)
Ellison
Fattah
Fincher
Granger
Hanna
Herrera Beutler
Norcross
O'Rourke
Pelosi
Rice (NY)
Sanchez, Loretta
Takai
Yarmuth

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1357

Mr. BEN RAY LUJÁN of New Mexico changed his vote from ''aye'' to ''no.''

Mr. COLE changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BUCK

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. BUCK) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 80, noes 339, not voting 14, as follows:

[Roll No. 244]

AYES—80

Amash
Bishop (UT)
Black
Blackburn
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Buck
Burgess
Chabot
Chaffetz
Clawson (FL)
DeSantis
DesJarlais
Duncan (TN)
Farenthold
Fleming
Flores
Foxx
Franks (AZ)
Garrett
Gohmert
Gosar
Gowdy
Graves (LA)
Grothman
Harris
Hensarling
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Jenkins (KS)
Johnson, Sam
Jones
Jordan
Knight
LaMalfa
Love
Massie
McClintock
McHenry
Meadows
Messer
Miller (FL)
Mullin
Mulvaney
Neugebauer
Olson
Perry
Pittenger
Pitts
Pompeo
Posey
Price, Tom
Ratcliffe
Ribble
Rice (SC)
Roe (TN)
Rohrabacher
Rokita
Ross
Rouzer
Royce
Sanford
Scalise
Schweikert
Sensenbrenner
Sessions
Stewart
Stutzman
Walberg
Walker
Webster (FL)
Wenstrup
Woodall
Yoho
Young (IN)

NOES—339

Abraham
Adams
Aderholt
Aguilar
Allen
Amodei
Ashford
Babin
Barletta
Barr
Barton
Bass
Beatty
Becerra
Benishek
Bera
Beyer
Bilirakis
Bishop (GA)
Bishop (MI)
Blum
Blumenauer
Bonamici
Bost
Boustany
Boyle, Brendan F.
Brady (PA)
Brooks (IN)
Brown (FL)
Brownley (CA)
Buchanan
Bucshon
Bustos
Butterfield
Byrne
Calvert
Capps
Capuano
Carney
Carson (IN)
Carter (GA)
Carter (TX)
Cartwright
Castor (FL)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman
Cohen
Cole
Collins (GA)
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
DeSaulnier
Deutch
Diaz-Balart
Dingell
Doggett
Dold
Donovan
Doyle, Michael F.
Duckworth
Duffy
Duncan (SC)
Edwards
Ellison
Ellmers (NC)
Emmer (MN)
Engel
Eshoo
Esty
Farr
Fitzpatrick
Fleischmann
Forbes
Fortenberry
Foster
Frankel (FL)
Frelinghuysen
Fudge
Gabbard
Gallego
Garamendi
Gibbs
Gibson
Goodlatte
Graham
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guinta
Guthrie
Gutiérrez
Hahn
Hardy
Harper
Hartzler
Hastings
Heck (NV)
Heck (WA)
Hice, Jody B.
Higgins
Hill
Himes
Hinojosa
Honda
Hoyer
Huffman
Hunter
Hurd (TX)
Hurt (VA)
Israel
Issa
Jackson Lee
Jeffries
Jenkins (WV)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Jolly
Joyce
Kaptur
Katko
Keating
Kelly (IL)
Kelly (MS)
Kelly (PA)
Kennedy
Kildee
Kilmer
Kind
King (IA)
King (NY)
Kinzinger (IL)
Kirkpatrick
Kline
Kuster
Labrador
LaHood
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latta
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Lofgren
Long
Loudermilk
Lowenthal
Lowey
Lucas
Luetkemeyer
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lummis
Lynch
MacArthur
Maloney, Carolyn
Maloney, Sean
Marchant
Marino
Matsui
McCarthy
McCaul
McCollum
McDermott
McGovern
McKinley
McMorris Rodgers
McNerney
McSally
Meehan
Meeks
Meng
Mica
Miller (MI)
Moolenaar
Mooney (WV)
Moore
Moulton
Murphy (FL)
Murphy (PA)
Nadler
Napolitano
Neal
Newhouse
Noem
Nolan
Nugent
Nunes
Palazzo
Pallone
Palmer
Pascrell
Paulsen
Payne
Pearce
Perlmutter
Peters
Peterson
Pingree
Pocan
Poe (TX)
Poliquin
Polis
Price (NC)
Quigley
Rangel
Reed
Reichert
Renacci
Richmond
Rigell
Roby
Rogers (AL)
Rogers (KY)
Rooney (FL)
Ros-Lehtinen
Roskam
Rothfus
Roybal-Allard
Ruiz
Ruppersberger
Rush
Russell
Ryan (OH)
Salmon
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, Austin
Scott, David
Serrano
Sewell (AL)
Sherman
Shimkus
Shuster
Simpson
Sinema
Sires
Slaughter
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stefanik
Stivers
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton

Titus
Tonko
Torres
Trott
Tsongas
Turner
Upton
Valadao
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Wagner
Walden
Walorski
Walters, Mimi
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Weber (TX)
Welch
Westerman
Westmoreland
Whitfield
Williams
Wilson (FL)
Wilson (SC)
Wittman
Womack
Yoder
Young (AK)
Young (IA)
Zeldin
Zinke

NOT VOTING—14

Cárdenas
Castro (TX)
Fattah
Fincher
Granger
Hanna
Herrera Beutler
Norcross
O'Rourke
Pelosi
Rice (NY)
Sanchez, Loretta
Takai
Yarmuth

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1401

Messrs. FORBES and WITTMAN changed their vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. POLIS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. POLIS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 167, noes 251, not voting 15, as follows:

[Roll No. 245]

AYES—167

Adams
Aguilar
Bass
Beatty
Becerra
Bera
Beyer
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brooks (AL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Carney
Carson (IN)
Cartwright
Castor (FL)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Cohen
Conyers
Cooper
Courtney
Crowley
Cummings
Curbelo (FL)
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Dold
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fortenberry
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gibson
Graham
Grayson
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Honda
Hoyer
Huffman
Israel
Jeffries
Johnson (GA)
Jones
Kaptur
Katko
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
LoBiondo
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
Pallone
Pascrell
Payne
Perlmutter
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Reichert
Ros-Lehtinen
Roybal-Allard
Ruiz
Ruppersberger
Rush
Sánchez, Linda T.
Sanford
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sherman
Smith (WA)
Speier
Stefanik
Swalwell (CA)
Takano
Thompson (CA)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)

NOES—251

Abraham
Aderholt
Allen
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 (IN)
Brown (FL)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Clyburn
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Connolly
Cook
Costa
Costello (PA)
Cramer
Crawford
Crenshaw
Cuellar
Culberson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
Doyle, Michael F.
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (LA)
Graves (MO)
Green, Al
Green, Gene
Griffith
Grothman
Guinta
Guthrie
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Hice, Jody B.
Hill
Hinojosa
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jackson Lee
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jolly
Jordan
Joyce
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Peters
Peterson
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Renacci
Ribble
Rice (SC)
Richmond
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Ryan (OH)
Salmon
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Sewell (AL)
Shimkus
Shuster
Simpson
Sinema
Sires
Slaughter
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stewart
Stivers
Stutzman
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Vela
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NOT VOTING—15

Cárdenas
Castro (TX)
Fattah
Fincher
Granger
Hanna
Herrera Beutler
Norcross
O'Rourke
Pelosi
Rice (NY)
Sanchez, Loretta
Takai
Webster (FL)
Yarmuth

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1405

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. POLIS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. POLIS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 144, noes 275, not voting 14, as follows:

[Roll No. 246]

AYES—144

Adams
Aguilar
Amash
Becerra
Bera
Beyer
Blackburn
Blumenauer
Bonamici
Brooks (AL)
Brownley (CA)
Buck
Burgess
Capps
Chabot
Chaffetz
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clawson (FL)
Cohen
Connolly
Crowley
Culberson
Cummings
Delaney
DeSantis
DesJarlais
Deutch
Ellison
Engel
Eshoo
Farr
Foxx
Frankel (FL)
Gabbard
Gallego
Garamendi
Garrett
Gohmert
Gosar
Graham
Grayson
Grijalva
Grothman
Gutiérrez
Hahn
Hastings
Hensarling
Hice, Jody B.
Higgins
Himes
Holding
Honda
Huelskamp
Huffman
Huizenga (MI)
Israel
Jeffries
Johnson (GA)
Jones
Jordan
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Knight
Kuster
Labrador
Lance
Langevin
Lawrence
Lee
Lewis
Lieu, Ted
Loebsack
Lofgren
Lowenthal
Lujan Grisham (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Massie
Matsui
McClintock
McDermott
McGovern
Meadows
Meng
Moore
Moulton
Mulvaney
Murphy (FL)
Nadler
Napolitano
Neal
Pallone
Palmer
Peters
Pingree
Pitts
Pocan
Polis
Pompeo
Price, Tom
Quigley
Ribble
Rice (SC)
Rohrabacher
Rokita
Rouzer
Royce
Ruiz
Ruppersberger
Rush

Sánchez, Linda T.
Sanford
Sarbanes
Scalise
Schakowsky
Schiff
Schweikert
Serrano
Sherman
Slaughter
Smith (WA)
Speier
Stutzman
Swalwell (CA)
Takano
Titus
Tonko
Van Hollen
Veasey
Velázquez
Walker
Walz
Wasserman Schultz
Watson Coleman
Welch
Woodall
Young (IN)

NOES—275

Abraham
Aderholt
Allen
Amodei
Ashford
Babin
Barletta
Barr
Barton
Bass
Beatty
Benishek
Bilirakis
Bishop (GA)
Bishop (MI)
Bishop (UT)
Black
Blum
Bost
Boustany
Boyle, Brendan F.
Brady (PA)
Brady (TX)
Brat
Bridenstine
Brooks (IN)
Brown (FL)
Buchanan
Bucshon
Bustos
Butterfield
Byrne
Calvert
Capuano
Carney
Carson (IN)
Carter (GA)
Carter (TX)
Cartwright
Castor (FL)
Clay
Cleaver
Clyburn
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Conyers
Cook
Cooper
Costa
Costello (PA)
Courtney
Cramer
Crawford
Crenshaw
Cuellar
Curbelo (FL)
Davis (CA)
Davis, Danny
Davis, Rodney
DeFazio
DeGette
DeLauro
DelBene
Denham
Dent
DeSaulnier
Diaz-Balart
Dingell
Doggett
Dold
Donovan
Doyle, Michael F.
Duckworth
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellmers (NC)
Emmer (MN)
Esty
Farenthold
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foster
Franks (AZ)
Frelinghuysen
Fudge
Gibbs
Gibson
Goodlatte
Gowdy
Graves (GA)
Graves (LA)
Graves (MO)
Green, Al
Green, Gene
Griffith
Guinta
Guthrie
Hardy
Harper
Harris
Hartzler
Heck (NV)
Heck (WA)
Hill
Hinojosa
Hoyer
Hudson
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jackson Lee
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jolly
Joyce
Katko
Kelly (MS)
Kelly (PA)
Kilmer
Kind
King (IA)
King (NY)
Kinzinger (IL)
Kirkpatrick
Kline
LaHood
LaMalfa
Lamborn
Larsen (WA)
Larson (CT)
Latta
Levin
Lipinski
LoBiondo
Long
Loudermilk
Love
Lowey
Lucas
Luetkemeyer
Luján, Ben Ray (NM)
Lummis
MacArthur
Marchant
Marino
McCarthy
McCaul
McCollum
McHenry
McKinley
McMorris Rodgers
McNerney
McSally
Meehan
Meeks
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Murphy (PA)
Neugebauer
Newhouse
Noem
Nolan
Nugent
Nunes
Olson
Palazzo
Pascrell
Paulsen
Payne
Pearce
Perlmutter
Perry
Peterson
Pittenger
Poe (TX)
Poliquin
Posey
Price (NC)
Rangel
Ratcliffe
Reed
Reichert
Renacci
Richmond
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Roybal-Allard
Russell
Ryan (OH)
Salmon
Schrader
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Sessions
Sewell (AL)
Shimkus
Shuster
Simpson
Sinema
Sires
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Torres
Trott
Tsongas
Turner
Upton
Valadao
Vargas
Vela
Visclosky
Wagner
Walberg
Walden
Walorski
Walters, Mimi
Waters, Maxine
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (FL)
Wilson (SC)
Wittman
Womack
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin
Zinke

NOT VOTING—14

Cárdenas
Castro (TX)
Fattah
Fincher
Granger
Hanna
Herrera Beutler
Norcross
O'Rourke
Pelosi
Rice (NY)
Sanchez, Loretta
Takai
Yarmuth

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1410

Mr. LEVIN changed his vote from ''aye'' to ''no.''

Messrs. BECERRA, JODY B. HICE of Georgia, Ms. KELLY of Illinois, Mr. NEAL, Ms. CLARKE of New York, and Mr. BLUMENAUER changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. MILLER of Florida. Mr. Chair, on rollcall vote: No. 246, Second Polis of Colorado Amendment, on May 25, 2016. I inadvertently voted "nay," when I intended to vote "aye."

PERSONAL EXPLANATION

Mr. PETERS. Mr. Chair, I intended to vote the following ways on the measures listed below on Wednesday, May 25, 2016.

1. "Yes" on Agreeing to the First Polis of Colorado Amendment to H.R. 5055.

2. "No" on Agreeing to the Second Polis of Colorado Amendment to H.R. 5055.

Mr. SIMPSON. Mr. Chair, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. POE of Texas) having assumed the chair, Mr. HULTGREN, 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.

PERMISSION TO POSTPONE PROCEEDINGS ON MOTION TO COMMIT ON S. 2012, ENERGY POLICY MODERNIZATION ACT OF 2016

Mr. WHITFIELD. Mr. Speaker, I ask unanimous consent that the question of adopting a motion to commit on S. 2012 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 Kentucky?

There was no objection.

□ 1415

ENERGY POLICY MODERNIZATION ACT OF 2016

Mr. WHITFIELD. Mr. Speaker, pursuant to House Resolution 744, I call up the bill (S. 2012) to provide for the modernization of the energy policy of the United States, 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 744, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 114–55 is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

S. 2012

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''North American Energy Security and Infrastructure Act of 2016''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

DIVISION A—NORTH AMERICAN ENERGY SECURITY AND INFRASTRUCTURE

Sec. 1. Short title.

TITLE I—MODERNIZING AND PROTECTING INFRASTRUCTURE

Subtitle A—Energy Delivery, Reliability, and Security

Sec. 1101. FERC process coordination.
Sec. 1102. Resolving environmental and grid reliability conflicts.
Sec. 1103. Emergency preparedness for energy supply disruptions.
Sec. 1104. Critical electric infrastructure security.
Sec. 1105. Strategic Transformer Reserve.
Sec. 1106. Cyber Sense.
Sec. 1107. State coverage and consideration of PURPA standards for electric utilities.
Sec. 1108. Reliability analysis for certain rules that affect electric generating facilities.
Sec. 1109. Increased accountability with respect to carbon capture, utilization, and sequestration projects.
Sec. 1110. Reliability and performance assurance in Regional Transmission Organizations.
Sec. 1111. Ethane storage study.
Sec. 1112. Statement of policy on grid modernization.
Sec. 1113. Grid resilience report.
Sec. 1114. GAO report on improving National Response Center.
Sec. 1115. Designation of National Energy Security Corridors on Federal lands.
Sec. 1116. Vegetation management, facility inspection, and operation and maintenance on Federal lands containing electric transmission and distribution facilities.

Subtitle B—Hydropower Regulatory Modernization

Sec. 1201. Protection of private property rights in hydropower licensing.
Sec. 1202. Extension of time for FERC project involving W. Kerr Scott Dam.
Sec. 1203. Hydropower licensing and process improvements.
Sec. 1204. Judicial review of delayed Federal authorizations.
Sec. 1205. Licensing study improvements.
Sec. 1206. Closed-loop pumped storage projects.
Sec. 1207. License amendment improvements.
Sec. 1208. Promoting hydropower development at existing nonpowered dams.

TITLE II—ENERGY SECURITY AND DIPLOMACY

Sec. 2001. Sense of Congress.

Sec. 2002. Energy security valuation.
Sec. 2003. North American energy security plan.
Sec. 2004. Collective energy security.
Sec. 2005. Authorization to export natural gas.
Sec. 2006. Environmental review for energy export facilities.
Sec. 2007. Authorization of cross-border infrastructure projects.
Sec. 2008. Report on smart meter security concerns.

TITLE III—ENERGY EFFICIENCY AND ACCOUNTABILITY

Subtitle A—Energy Efficiency

CHAPTER 1—FEDERAL AGENCY ENERGY EFFICIENCY

Sec. 3111. Energy-efficient and energy-saving information technologies.
Sec. 3112. Energy efficient data centers.
Sec. 3113. Report on energy and water savings potential from thermal insulation.
Sec. 3114. Battery storage report.
Sec. 3115. Federal purchase requirement.
Sec. 3116. Energy performance requirement for Federal buildings.
Sec. 3117. Federal building energy efficiency performance standards; certification system and level for Federal buildings.
Sec. 3118. Operation of battery recharging stations in parking areas used by Federal employees.
Sec. 3119. Report on energy savings and greenhouse gas emissions reduction from conversion of captured methane to energy.

CHAPTER 2—ENERGY EFFICIENT TECHNOLOGY AND MANUFACTURING

Sec. 3121. Inclusion of Smart Grid capability on Energy Guide labels.
Sec. 3122. Voluntary verification programs for air conditioning, furnace, boiler, heat pump, and water heater products.
Sec. 3123. Facilitating consensus furnace standards.
Sec. 3124. No warranty for certain certified Energy Star products.
Sec. 3125. Clarification to effective date for regional standards.
Sec. 3126. Internet of Things report.
Sec. 3127. Energy savings from lubricating oil.
Sec. 3128. Definition of external power supply.
Sec. 3129. Standards for power supply circuits connected to LEDs or OLEDs.

CHAPTER 3—SCHOOL BUILDINGS

Sec. 3131. Coordination of energy retrofitting assistance for schools.

CHAPTER 4—BUILDING ENERGY CODES

Sec. 3141. Greater energy efficiency in building codes.
Sec. 3142. Voluntary nature of building asset rating program.

CHAPTER 5—EPCA TECHNICAL CORRECTIONS AND CLARIFICATIONS

Sec. 3151. Modifying product definitions.
Sec. 3152. Clarifying rulemaking procedures.

CHAPTER 6—ENERGY AND WATER EFFICIENCY

Sec. 3161. Smart energy and water efficiency pilot program.
Sec. 3162. WaterSense.

Subtitle B—Accountability

CHAPTER 1—MARKET MANIPULATION, ENFORCEMENT, AND COMPLIANCE

Sec. 3211. FERC Office of Compliance Assistance and Public Participation.

CHAPTER 2—MARKET REFORMS

Sec. 3221. GAO study on wholesale electricity markets.
Sec. 3222. Clarification of facility merger authorization.

CHAPTER 3—CODE MAINTENANCE

Sec. 3231. Repeal of off-highway motor vehicles study.
Sec. 3232. Repeal of methanol study.
Sec. 3233. Repeal of residential energy efficiency standards study.
Sec. 3234. Repeal of weatherization study.
Sec. 3235. Repeal of report to Congress.
Sec. 3236. Repeal of report by General Services Administration.
Sec. 3237. Repeal of intergovernmental energy management planning and coordination workshops.
Sec. 3238. Repeal of Inspector General audit survey and President's Council on Integrity and Efficiency report to Congress.
Sec. 3239. Repeal of procurement and identification of energy efficient products program.
Sec. 3240. Repeal of national action plan for demand response.
Sec. 3241. Repeal of national coal policy study.
Sec. 3242. Repeal of study on compliance problem of small electric utility systems.
Sec. 3243. Repeal of study of socioeconomic impacts of increased coal production and other energy development.
Sec. 3244. Repeal of study of the use of petroleum and natural gas in combustors.
Sec. 3245. Repeal of submission of reports.
Sec. 3246. Repeal of electric utility conservation plan.
Sec. 3247. Technical amendment to Powerplant and Industrial Fuel Use Act of 1978.
Sec. 3248. Emergency energy conservation repeals.
Sec. 3249. Repeal of State utility regulatory assistance.
Sec. 3250. Repeal of survey of energy saving potential.
Sec. 3251. Repeal of photovoltaic energy program.
Sec. 3252. Repeal of energy auditor training and certification.

CHAPTER 4—AUTHORIZATION

Sec. 3261 Authorization.

TITLE IV—CHANGING CRUDE OIL MARKET CONDITIONS

Sec. 4001. Findings.
Sec. 4002. Repeal.
Sec. 4003. National policy on oil export restrictions.
Sec. 4004. Studies.
Sec. 4005. Savings clause.
Sec. 4006. Partnerships with minority serving institutions.
Sec. 4007. Report.
Sec. 4008. Report to Congress.
Sec. 4009. Prohibition on exports of crude oil, refined petroleum products, and petrochemical products to the Islamic Republic of Iran.

TITLE V—OTHER MATTERS

Sec. 5001. Assessment of regulatory requirements.
Sec. 5002. Definitions.
Sec. 5003. Exclusive venue for certain civil actions relating to covered energy projects.
Sec. 5004. Timely filing.
Sec. 5005. Expedition in hearing and determining the action.
Sec. 5006. Limitation on injunction and prospective relief.
Sec. 5007. Legal standing.
Sec. 5008. Study to identify legal and regulatory barriers that delay, prohibit, or impede the export of natural energy resources.
Sec. 5009. Study of volatility of crude oil.
Sec. 5010. Smart meter privacy rights.
Sec. 5011. Youth energy enterprise competition.
Sec. 5012. Modernization of terms relating to minorities.
Sec. 5013. Voluntary vegetation management outside rights-of-way.
Sec. 5014. Repeal of rule for new residential wood heaters.

TITLE VI—PROMOTING RENEWABLE ENERGY WITH SHARED SOLAR

Sec. 6001. Short title.
Sec. 6002. Provision of interconnection service and net billing service for community solar facilities.

TITLE VII—MARINE HYDROKINETIC

Sec. 7001. Definition of marine and hydrokinetic renewable energy.
Sec. 7002. Marine and hydrokinetic renewable energy research and development.
Sec. 7003. National Marine Renewable Energy Research, Development, and Demonstration Centers.
Sec. 7004. Authorization of appropriations.

TITLE VIII—EXTENSIONS OF TIME FOR VARIOUS FEDERAL ENERGY REGULATORY COMMISSION PROJECTS

Sec. 8001. Extension of time for Federal Energy Regulatory Commission project involving Clark Canyon Dam.
Sec. 8002. Extension of time for Federal Energy Regulatory Commission project involving Gibson Dam.
Sec. 8003. Extension of time for Federal Energy Regulatory Commission project involving Jennings Randolph Dam.
Sec. 8004. Extension of time for Federal Energy Regulatory Commission project involving Cannonsville Dam.
Sec. 8005. Extension of time for Federal Energy Regulatory Commission project involving Gathright Dam.
Sec. 8006. Extension of time for Federal Energy Regulatory Commission project involving Flannagan Dam.

TITLE IX—ENERGY AND MANUFACTURING WORKFORCE DEVELOPMENT

Sec. 9001. Energy and manufacturing workforce development.
Sec. 9002. Report.
Sec. 9003. Use of existing funds.

DIVISION B—RESILIENT FEDERAL FORESTS

Sec. 1. Short title.
Sec. 2. Definitions.

TITLE I—EXPEDITED ENVIRONMENTAL ANALYSIS AND AVAILABILITY OF CATEGORICAL EXCLUSIONS TO EXPEDITE FOREST MANAGEMENT ACTIVITIES

Sec. 101. Analysis of only two alternatives (action versus no action) in proposed collaborative forest management activities.
Sec. 102. Categorical exclusion to expedite certain critical response actions.
Sec. 103. Categorical exclusion to expedite salvage operations in response to catastrophic events.
Sec. 104. Categorical exclusion to meet forest plan goals for early successional forests.
Sec. 105. Clarification of existing categorical exclusion authority related to insect and disease infestation.
Sec. 106. Categorical exclusion to improve, restore, and reduce the risk of wildfire.
Sec. 107. Compliance with forest plan.

TITLE II—SALVAGE AND REFORESTATION IN RESPONSE TO CATASTROPHIC EVENTS

Sec. 201. Expedited salvage operations and reforestation activities following large-scale catastrophic events.
Sec. 202. Compliance with forest plan.
Sec. 203. Prohibition on restraining orders, preliminary injunctions, and injunctions pending appeal.
Sec. 204. Exclusion of certain lands.

TITLE III—COLLABORATIVE PROJECT LITIGATION REQUIREMENT

Sec. 301. Definitions.

Sec. 302. Bond requirement as part of legal challenge of certain forest management activities.

TITLE IV—SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT AMENDMENTS

Sec. 401. Use of reserved funds for title II projects on Federal land and certain non-Federal land.
Sec. 402. Resource advisory committees.
Sec. 403. Program for title II self-sustaining resource advisory committee projects.
Sec. 404. Additional authorized use of reserved funds for title III county projects.
Sec. 405. Treatment as supplemental funding.

TITLE V—STEWARDSHIP END RESULT CONTRACTING

Sec. 501. Cancellation ceilings for stewardship end result contracting projects.
Sec. 502. Excess offset value.
Sec. 503. Payment of portion of stewardship project revenues to county in which stewardship project occurs.
Sec. 504. Submission of existing annual report.
Sec. 505. Fire liability provision.

TITLE VI—ADDITIONAL FUNDING SOURCES FOR FOREST MANAGEMENT ACTIVITIES

Sec. 601. Definitions.
Sec. 602. Availability of stewardship project revenues and Collaborative Forest Landscape Restoration Fund to cover forest management activity planning costs.
Sec. 603. State-supported planning of forest management activities.

TITLE VII—TRIBAL FORESTRY PARTICIPATION AND PROTECTION

Sec. 701. Protection of tribal forest assets through use of stewardship end result contracting and other authorities.
Sec. 702. Management of Indian forest land authorized to include related National Forest System lands and public lands.
Sec. 703. Tribal forest management demonstration project.

TITLE VIII—MISCELLANEOUS FOREST MANAGEMENT PROVISIONS

Sec. 801. Balancing short- and long-term effects of forest management activities in considering injunctive relief.
Sec. 802. Conditions on Forest Service road decommissioning.
Sec. 803. Prohibition on application of Eastside Screens requirements on National Forest System lands.
Sec. 804. Use of site-specific forest plan amendments for certain projects and activities.
Sec. 805. Knutson-Vandenberg Act modifications.
Sec. 806. Exclusion of certain National Forest System lands and public lands.
Sec. 807. Application of Northwest Forest Plan Survey and Manage Mitigation Measure Standard and Guidelines.
Sec. 808. Management of Bureau of Land Management lands in western Oregon.
Sec. 809. Bureau of Land Management resource management plans.
Sec. 810. Landscape-scale forest restoration project.

TITLE IX—MAJOR DISASTER FOR WILDFIRE ON FEDERAL LAND

Sec. 901. Wildfire on Federal lands.
Sec. 902. Declaration of a major disaster for wildfire on Federal lands.
Sec. 903. Prohibition on transfers.

DIVISION C—NATURAL RESOURCES

TITLE I—WESTERN WATER AND AMERICAN FOOD SECURITY ACT

Sec. 1001. Short title.
Sec. 1002. Findings.
Sec. 1003. Definitions.

Subtitle A—ADJUSTING DELTA SMELT MANAGEMENT BASED ON INCREASED REAL-TIME MONITORING AND UPDATED SCIENCE

Sec. 1011. Definitions.
Sec. 1012. Revise incidental take level calculation for delta smelt to reflect new science.
Sec. 1013. Factoring increased real-time monitoring and updated science into Delta smelt management.

Subtitle B—ENSURING SALMONID MANAGEMENT IS RESPONSIVE TO NEW SCIENCE

Sec. 1021. Definitions.
Sec. 1022. Process for ensuring salmonid management is responsive to new science.
Sec. 1023. Non-Federal program to protect native anadromous fish in the Stanislaus River.
Sec. 1024. Pilot projects to implement CALFED invasive species program.

Subtitle C—OPERATIONAL FLEXIBILITY AND DROUGHT RELIEF

Sec. 1031. Definitions.
Sec. 1032. Operational flexibility in times of drought.
Sec. 1033. Operation of cross-channel gates.
Sec. 1034. Flexibility for export/inflow ratio.
Sec. 1035. Emergency environmental reviews.
Sec. 1036. Increased flexibility for regular project operations.
Sec. 1037. Temporary operational flexibility for first few storms of the water year.
Sec. 1038. Expediting water transfers.
Sec. 1039. Additional emergency consultation.
Sec. 1040. Additional storage at New Melones.
Sec. 1041. Regarding the operation of Folsom Reservoir.
Sec. 1042. Applicants.
Sec. 1043. San Joaquin River settlement.
Sec. 1044. Program for water rescheduling.

Subtitle D—CALFED STORAGE FEASIBILITY STUDIES

Sec. 1051. Studies.
Sec. 1052. Temperance Flat.
Sec. 1053. CALFED storage accountability.
Sec. 1054. Water storage project construction.

Subtitle E—WATER RIGHTS PROTECTIONS

Sec. 1061. Offset for State Water Project.
Sec. 1062. Area of origin protections.
Sec. 1063. No redirected adverse impacts.
Sec. 1064. Allocations for Sacramento Valley contractors.
Sec. 1065. Effect on existing obligations.

Subtitle F—MISCELLANEOUS

Sec. 1071. Authorized service area.
Sec. 1072. Oversight board for Restoration Fund.
Sec. 1073. Water supply accounting.
Sec. 1074. Implementation of water replacement plan.
Sec. 1075. Natural and artificially spawned species.
Sec. 1076. Transfer the New Melones Unit, Central Valley Project to interested providers.
Sec. 1077. Basin studies.
Sec. 1078. Operations of the Trinity River Division.
Sec. 1079. Amendment to purposes.
Sec. 1080. Amendment to definition.
Sec. 1081. Report on results of water usage.
Sec. 1082. Klamath project consultation applicants.

Subtitle G—Water Supply Permitting Act

Sec. 1091. Short title.
Sec. 1092. Definitions.
Sec. 1093. Establishment of lead agency and cooperating agencies.
Sec. 1094. Bureau responsibilities.
Sec. 1095. Cooperating agency responsibilities.
Sec. 1096. Funding to process permits.

Subtitle H—Bureau of Reclamation Project Streamlining

Sec. 1101. Short title.
Sec. 1102. Definitions.
Sec. 1103. Acceleration of studies.
Sec. 1104. Expedited completion of reports.
Sec. 1105. Project acceleration.
Sec. 1106. Annual report to Congress.

Subtitle I—Accelerated Revenue, Repayment, and Surface Water Storage Enhancement

Sec. 1111. Short title.
Sec. 1112. Prepayment of certain repayment contracts between the United States and contractors of federally developed water supplies.

Subtitle J—Safety of Dams

Sec. 1121. Authorization of additional project benefits.

Subtitle K—Water Rights Protection

Sec. 1131. Short title.
Sec. 1132. Definition of water right.
Sec. 1133. Treatment of water rights.
Sec. 1134. Recognition of State authority.
Sec. 1135. Effect of title.

TITLE II—SPORTSMEN'S HERITAGE AND RECREATIONAL ENHANCEMENT ACT

Sec. 2001. Short title.
Sec. 2002. Report on economic impact.

Subtitle A—Hunting, Fishing and Recreational Shooting Protection Act

Sec. 2011. Short title.
Sec. 2012. Modification of definition.
Sec. 2013. Limitation on authority to regulate ammunition and fishing tackle.

Subtitle B—Target Practice and Marksmanship Training Support Act

Sec. 2021. Short title.
Sec. 2022. Findings; purpose.
Sec. 2023. Definition of public target range.
Sec. 2024. Amendments to Pittman-Robertson Wildlife Restoration Act.
Sec. 2025. Limits on liability.
Sec. 2026. Sense of Congress regarding cooperation.

Subtitle C—Polar Bear Conservation and Fairness Act

Sec. 2031. Short title.
Sec. 2032. Permits for importation of polar bear trophies taken in sport hunts in Canada.

Subtitle D—Recreational Lands Self-Defense Act

Sec. 2041. Short title.
Sec. 2042. Protecting Americans from violent crime.

Subtitle E—Wildlife and Hunting Heritage Conservation Council Advisory Committee

Sec. 2051. Wildlife and Hunting Heritage Conservation Council Advisory Committee.

Subtitle F—Recreational Fishing and Hunting Heritage Opportunities Act

Sec. 2061. Short title.
Sec. 2062. Findings.
Sec. 2063. Fishing, hunting, and recreational shooting.
Sec. 2064. Volunteer Hunters; Reports; Closures and Restrictions.

Subtitle G—Farmer and Hunter Protection Act

Sec. 2071. Short title.
Sec. 2072. Baiting of migratory game birds.

Subtitle H—Transporting Bows Across National Park Service Lands

Sec. 2081. Short title.
Sec. 2082. Bowhunting opportunity and wildlife stewardship.

Subtitle I—Federal Land Transaction Facilitation Act Reauthorization (FLTFA)

Sec. 2091. Short title.
Sec. 2092. Federal Land Transaction Facilitation Act.

Subtitle J—African Elephant Conservation and Legal Ivory Possession Act

Sec. 2101. Short title.
Sec. 2102. References.
Sec. 2103. Placement of United States Fish and Wildlife Service law enforcement officers in each African elephant range country.
Sec. 2104. Treatment of elephant ivory.
Sec. 2105. African Elephant Conservation Act financial assistance priority and reauthorization.
Sec. 2106. Government Accountability Office study.

Subtitle K—Respect for Treaties and Rights

Sec. 2111. Respect for Treaties and Rights.

Subtitle L—State Approval of Fishing Restriction

Sec. 2131. State or Territorial Approval of Restriction of Recreational or Commercial Fishing Access to Certain State or Territorial Waters.

Subtitle M—Hunting and Recreational Fishing Within Certain National Forests

Sec. 2141. Definitions.
Sec. 2142. Hunting and recreational fishing within the national forest system.
Sec. 2143. Publication of Closure of Roads in Forests.

Subtitle N—Grand Canyon Bison Management Act

Sec. 2151. Short title.
Sec. 2152. Definitions.
Sec. 2153. Bison management plan for Grand Canyon National Park.

Subtitle O—Open Book on Equal Access to Justice

Sec. 2161. Short title.
Sec. 2162. Modification of equal access to justice provisions.

Subtitle P—Utility Terrain Vehicles

Sec. 2171. Utility terrain vehicles in Kisatchie National Forest.

Subtitle Q—Good Samaritan Search and Recovery

Sec. 2181. Short title.
Sec. 2182. Expedited access to certain Federal land.

Subtitle R—Interstate Transportation of Firearms or Ammunition

Sec. 2191. Interstate transportation of firearms or ammunition.

Subtitle S—Gray Wolves

Sec. 2201. Reissuance of final rule regarding gray wolves in the Western Great Lakes.
Sec. 2202. Reissuance of final rule regarding gray wolves in Wyoming.

Subtitle T—Miscellaneous Provisions

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DIVISION A—NORTH AMERICAN ENERGY SECURITY AND INFRASTRUCTURE

SEC. 1. SHORT TITLE.

This division may be cited as the ''North American Energy Security and Infrastructure Act of 2016''.

TITLE I—MODERNIZING AND PROTECTING INFRASTRUCTURE

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SEC. 1101. FERC PROCESS COORDINATION.

Section 15 of the Natural Gas Act (15 U.S.C. 717n) is amended—

(1) by amending subsection (b)(2) to read as follows:

''(2) OTHER AGENCIES.—

''(A) IN GENERAL.—Each Federal and State agency considering an aspect of an application for Federal authorization shall cooperate with the Commission and comply with the deadlines established by the Commission.

''(B) IDENTIFICATION.—The Commission shall identify, as early as practicable after it is notified by a prospective applicant of a potential project requiring Commission authorization, any Federal or State agency, local government, or Indian tribe that may consider an aspect of an application for that Federal authorization.

''(C) NOTIFICATION.—

''(i) IN GENERAL.—The Commission shall notify any agency identified under subparagraph (B) of the opportunity to cooperate or participate in the review process.

''(ii) DEADLINE.—A notification issued under clause (i) shall establish a deadline by which a response to the notification shall be submitted, which may be extended by the Commission for good cause.'';

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''and'' at the end of subparagraph (A);

(ii) by redesignating subparagraph (B) as subparagraph (C); and

(iii) by inserting after subparagraph (A) the following new subparagraph:

''(B) set deadlines for all such Federal authorizations; and'';

(B) by striking paragraph (2); and

(C) by adding at the end the following new paragraphs:

''(2) DEADLINE FOR FEDERAL AUTHORIZATIONS.—A final decision on a Federal authorization is due no later than 90 days after the Commission issues its final environmental document, unless a schedule is otherwise established by Federal law.

''(3) CONCURRENT REVIEWS.—Each Federal and State agency considering an aspect of an application for a Federal authorization shall—

''(A) carry out the obligations of that agency under applicable law concurrently, and in conjunction, with the review required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), unless doing so would impair the ability of the agency to conduct needed analysis or otherwise carry out those obligations;

''(B) formulate and implement administrative, policy, and procedural mechanisms to enable the agency to ensure completion of required Federal authorizations no later than 90 days after the Commission issues its final environmental document; and

''(C) transmit to the Commission a statement—

''(i) acknowledging receipt of the schedule established under paragraph (1); and

''(ii) setting forth the plan formulated under subparagraph (B) of this paragraph.

''(4) ISSUE IDENTIFICATION AND RESOLUTION.—

''(A) IDENTIFICATION.—Federal and State agencies that may consider an aspect of an application for Federal authorization shall identify, as early as possible, any issues of concern that may delay or prevent an agency from working with the Commission to resolve such issues and granting such authorization.

''(B) ISSUE RESOLUTION.—The Commission may forward any issue of concern identified under subparagraph (A) to the heads of the relevant agencies (including, in the case of a failure by the State agency, the Federal agency overseeing the delegated authority) for resolution.

''(5) FAILURE TO MEET SCHEDULE.—If a Federal or State agency does not complete a proceeding for an approval that is required for a Federal authorization in accordance with the schedule established by the Commission under paragraph (1)—

''(A) the applicant may pursue remedies under section 19(d); and

''(B) the head of the relevant Federal agency (including, in the case of a failure by a State agency, the Federal agency overseeing the delegated authority) shall notify Congress and the Commission of such failure and set forth a recommended implementation plan to ensure completion of the proceeding for an approval.'';

(3) by redesignating subsections (d) through (f) as subsections (g) through (i), respectively; and

(4) by inserting after subsection (c) the following new subsections:

''(d) REMOTE SURVEYS.—If a Federal or State agency considering an aspect of an application for Federal authorization requires the applicant to submit environmental data, the agency shall consider any such data gathered by aerial or other remote means that the applicant submits. The agency may grant a conditional approval for Federal authorization, conditioned on the verification of such data by subsequent onsite inspection.

''(e) APPLICATION PROCESSING.—The Commission, and Federal and State agencies, may allow an applicant seeking Federal authorization to fund a third-party contractor to assist in reviewing the application.

''(f) ACCOUNTABILITY, TRANSPARENCY, EFFICIENCY.—For applications requiring multiple Federal authorizations, the Commission, with input from any Federal or State agency considering an aspect of an application, shall track

and make available to the public on the Commission's website information related to the actions required to complete permitting, reviews, and other actions required. Such information shall include the following:

''(1) The schedule established by the Commission under subsection (c)(1).

''(2) A list of all the actions required by each applicable agency to complete permitting, reviews, and other actions necessary to obtain a final decision on the Federal authorization.

''(3) The expected completion date for each such action.

''(4) A point of contact at the agency accountable for each such action.

''(5) In the event that an action is still pending as of the expected date of completion, a brief explanation of the reasons for the delay.''.

SEC. 1102. RESOLVING ENVIRONMENTAL AND GRID RELIABILITY CONFLICTS.

(a) COMPLIANCE WITH OR VIOLATION OF ENVIRONMENTAL LAWS WHILE UNDER EMERGENCY ORDER.—Section 202(c) of the Federal Power Act (16 U.S.C. 824a(c)) is amended—

(1) by inserting ''(1)'' after ''(c)''; and

(2) by adding at the end the following:

''(2) With respect to an order issued under this subsection that may result in a conflict with a requirement of any Federal, State, or local environmental law or regulation, the Commission shall ensure that such order requires generation, delivery, interchange, or transmission of electric energy only during hours necessary to meet the emergency and serve the public interest, and, to the maximum extent practicable, is consistent with any applicable Federal, State, or local environmental law or regulation and minimizes any adverse environmental impacts.

''(3) To the extent any omission or action taken by a party, that is necessary to comply with an order issued under this subsection, including any omission or action taken to voluntarily comply with such order, results in noncompliance with, or causes such party to not comply with, any Federal, State, or local environmental law or regulation, such omission or action shall not be considered a violation of such environmental law or regulation, or subject such party to any requirement, civil or criminal liability, or a citizen suit under such environmental law or regulation.

''(4)(A) An order issued under this subsection that may result in a conflict with a requirement of any Federal, State, or local environmental law or regulation shall expire not later than 90 days after it is issued. The Commission may renew or reissue such order pursuant to paragraphs (1) and (2) for subsequent periods, not to exceed 90 days for each period, as the Commission determines necessary to meet the emergency and serve the public interest.

''(B) In renewing or reissuing an order under subparagraph (A), the Commission shall consult with the primary Federal agency with expertise in the environmental interest protected by such law or regulation, and shall include in any such renewed or reissued order such conditions as such Federal agency determines necessary to minimize any adverse environmental impacts to the extent practicable. The conditions, if any, submitted by such Federal agency shall be made available to the public. The Commission may exclude such a condition from the renewed or reissued order if it determines that such condition would prevent the order from adequately addressing the emergency necessitating such order and provides in the order, or otherwise makes publicly available, an explanation of such determination.

''(5) If an order issued under this subsection is subsequently stayed, modified, or set aside by a court pursuant to section 313 or any other provision of law, any omission or action previously taken by a party that was necessary to comply with the order while the order was in effect, including any omission or action taken to voluntarily comply with the order, shall remain subject to paragraph (3).''.

(b) TEMPORARY CONNECTION OR CONSTRUCTION BY MUNICIPALITIES.—Section 202(d) of the Federal Power Act (16 U.S.C. 824a(d)) is amended by inserting ''or municipality'' before ''engaged in the transmission or sale of electric energy''.

SEC. 1103. EMERGENCY PREPAREDNESS FOR ENERGY SUPPLY DISRUPTIONS.

(a) FINDING.—Congress finds that recent natural disasters have underscored the importance of having resilient oil and natural gas infrastructure and energy storage and effective ways for industry and government to communicate to address energy supply disruptions.

(b) AUTHORIZATION FOR ACTIVITIES TO ENHANCE EMERGENCY PREPAREDNESS FOR NATURAL DISASTERS.—The Secretary of Energy shall develop and adopt procedures to—

(1) improve communication and coordination between the Department of Energy's energy response team, Federal partners, and industry;

(2) leverage the Energy Information Administration's subject matter expertise within the Department's energy response team to improve supply chain situation assessments;

(3) establish company liaisons and direct communication with the Department's energy response team to improve situation assessments;

(4) streamline and enhance processes for obtaining temporary regulatory relief to speed up emergency response and recovery;

(5) facilitate and increase engagement among States, the oil and natural gas industry, the energy storage industry, and the Department in developing State and local energy assurance plans;

(6) establish routine education and training programs for key government emergency response positions with the Department and States; and

(7) involve States, the energy storage industry, and the oil and natural gas industry in comprehensive drill and exercise programs.

(c) COOPERATION.—The activities carried out under subsection (b) shall include collaborative efforts with State and local government officials and the private sector.

(d) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy shall submit to Congress a report describing the effectiveness of the activities authorized under this section.

SEC. 1104. CRITICAL ELECTRIC INFRASTRUCTURE SECURITY.

(a) CRITICAL ELECTRIC INFRASTRUCTURE SECURITY.—Part II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by adding after section 215 the following new section:

''SEC. 215A. CRITICAL ELECTRIC INFRASTRUCTURE SECURITY.

''(a) DEFINITIONS.—For purposes of this section:

''(1) BULK-POWER SYSTEM; ELECTRIC RELIABILITY ORGANIZATION; REGIONAL ENTITY.—The terms 'bulk-power system', 'Electric Reliability Organization', and 'regional entity' have the meanings given such terms in paragraphs (1), (2), and (7) of section 215(a), respectively.

''(2) CRITICAL ELECTRIC INFRASTRUCTURE.—The term 'critical electric infrastructure' means a system or asset of the bulk-power system, whether physical or virtual, the incapacity or destruction of which would negatively affect national security, economic security, public health or safety, or any combination of such matters.

''(3) CRITICAL ELECTRIC INFRASTRUCTURE INFORMATION.—The term 'critical electric infrastructure information' means information related to critical electric infrastructure, or proposed critical electrical infrastructure, generated by or provided to the Commission or other Federal agency, other than classified national security information, that is designated as critical electric infrastructure information by the Commission under subsection (d)(2). Such term includes information that qualifies as critical energy infrastructure information under the Commission's regulations.

''(4) DEFENSE CRITICAL ELECTRIC INFRASTRUCTURE.—The term 'defense critical electric infrastructure' means any electric infrastructure located in the United States (including the territories) that serves a facility designated by the Secretary pursuant to subsection (c), but is not owned or operated by the owner or operator of such facility.

''(5) ELECTROMAGNETIC PULSE.—The term 'electromagnetic pulse' means 1 or more pulses of electromagnetic energy emitted by a device capable of disabling or disrupting operation of, or destroying, electronic devices or communications networks, including hardware, software, and data, by means of such a pulse.

''(6) GEOMAGNETIC STORM.—The term 'geomagnetic storm' means a temporary disturbance of the Earth's magnetic field resulting from solar activity.

''(7) GRID SECURITY EMERGENCY.—The term 'grid security emergency' means the occurrence or imminent danger of—

''(A)(i) a malicious act using electronic communication or an electromagnetic pulse, or a geomagnetic storm event, that could disrupt the operation of those electronic devices or communications networks, including hardware, software, and data, that are essential to the reliability of critical electric infrastructure or of defense critical electric infrastructure; and

''(ii) disruption of the operation of such devices or networks, with significant adverse effects on the reliability of critical electric infrastructure or of defense critical electric infrastructure, as a result of such act or event; or

''(B)(i) a direct physical attack on critical electric infrastructure or on defense critical electric infrastructure; and

''(ii) significant adverse effects on the reliability of critical electric infrastructure or of defense critical electric infrastructure as a result of such physical attack.

''(8) GRID SECURITY VULNERABILITY.—The term 'grid security vulnerability' means a weakness that, in the event of a malicious act using an electromagnetic pulse, would pose a substantial risk of disruption to the operation of those electrical or electronic devices or communications networks, including hardware, software, and data, that are essential to the reliability of the bulk-power system.

''(9) SECRETARY.—The term 'Secretary' means the Secretary of Energy.

''(b) AUTHORITY TO ADDRESS GRID SECURITY EMERGENCY.—

''(1) AUTHORITY.—Whenever the President issues and provides to the Secretary a written directive or determination identifying a grid security emergency, the Secretary may, with or without notice, hearing, or report, issue such orders for emergency measures as are necessary in the judgment of the Secretary to protect or restore the reliability of critical electric infrastructure or of defense critical electric infrastructure during such emergency. As soon as practicable but not later than 180 days after the date of enactment of this section, the Secretary shall, after notice and opportunity for comment, establish rules of procedure that ensure that such authority can be exercised expeditiously.

''(2) NOTIFICATION OF CONGRESS.—Whenever the President issues and provides to the Secretary a written directive or determination under paragraph (1), the President shall promptly notify congressional committees of relevant jurisdiction, including the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, of the contents of, and justification for, such directive or determination.

''(3) CONSULTATION.—Before issuing an order for emergency measures under paragraph (1), the Secretary shall, to the extent practicable in light of the nature of the grid security emergency and the urgency of the need for action,

consult with appropriate governmental authorities in Canada and Mexico, entities described in paragraph (4), the Electricity Sub-sector Coordinating Council, the Commission, and other appropriate Federal agencies regarding implementation of such emergency measures.

''(4) APPLICATION.—An order for emergency measures under this subsection may apply to—

''(A) the Electric Reliability Organization;

''(B) a regional entity; or

''(C) any owner, user, or operator of critical electric infrastructure or of defense critical electric infrastructure within the United States.

''(5) EXPIRATION AND REISSUANCE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an order for emergency measures issued under paragraph (1) shall expire no later than 15 days after its issuance.

''(B) EXTENSIONS.—The Secretary may reissue an order for emergency measures issued under paragraph (1) for subsequent periods, not to exceed 15 days for each such period, provided that the President, for each such period, issues and provides to the Secretary a written directive or determination that the grid security emergency identified under paragraph (1) continues to exist or that the emergency measure continues to be required.

''(6) COST RECOVERY.—

''(A) CRITICAL ELECTRIC INFRASTRUCTURE.—If the Commission determines that owners, operators, or users of critical electric infrastructure have incurred substantial costs to comply with an order for emergency measures issued under this subsection and that such costs were prudently incurred and cannot reasonably be recovered through regulated rates or market prices for the electric energy or services sold by such owners, operators, or users, the Commission shall, consistent with the requirements of section 205, after notice and an opportunity for comment, establish a mechanism that permits such owners, operators, or users to recover such costs.

''(B) DEFENSE CRITICAL ELECTRIC INFRASTRUCTURE.—To the extent the owner or operator of defense critical electric infrastructure is required to take emergency measures pursuant to an order issued under this subsection, the owners or operators of a critical defense facility or facilities designated by the Secretary pursuant to subsection (c) that rely upon such infrastructure shall bear the full incremental costs of the measures.

''(7) TEMPORARY ACCESS TO CLASSIFIED INFORMATION.—The Secretary, and other appropriate Federal agencies, shall, to the extent practicable and consistent with their obligations to protect classified information, provide temporary access to classified information related to a grid security emergency for which emergency measures are issued under paragraph (1) to key personnel of any entity subject to such emergency measures to enable optimum communication between the entity and the Secretary and other appropriate Federal agencies regarding the grid security emergency.

''(c) DESIGNATION OF CRITICAL DEFENSE FACILITIES.—Not later than 180 days after the date of enactment of this section, the Secretary, in consultation with other appropriate Federal agencies and appropriate owners, users, or operators of infrastructure that may be defense critical electric infrastructure, shall identify and designate facilities located in the United States (including the territories) that are—

''(1) critical to the defense of the United States; and

''(2) vulnerable to a disruption of the supply of electric energy provided to such facility by an external provider.

The Secretary may, in consultation with appropriate Federal agencies and appropriate owners, users, or operators of defense critical electric infrastructure, periodically revise the list of designated facilities as necessary.

''(d) PROTECTION AND SHARING OF CRITICAL ELECTRIC INFRASTRUCTURE INFORMATION.—

''(1) PROTECTION OF CRITICAL ELECTRIC INFRASTRUCTURE INFORMATION.—Critical electric infrastructure information—

''(A) shall be exempt from disclosure under section 552(b)(3) of title 5, United States Code; and

''(B) shall not be made available by any Federal, State, political subdivision or tribal authority pursuant to any Federal, State, political subdivision or tribal law requiring public disclosure of information or records.

''(2) DESIGNATION AND SHARING OF CRITICAL ELECTRIC INFRASTRUCTURE INFORMATION.—Not later than one year after the date of enactment of this section, the Commission, in consultation with the Secretary of Energy, shall promulgate such regulations and issue such orders as necessary to—

''(A) designate information as critical electric infrastructure information;

''(B) prohibit the unauthorized disclosure of critical electric infrastructure information;

''(C) ensure there are appropriate sanctions in place for Commissioners, officers, employees, or agents of the Commission who knowingly and willfully disclose critical electric infrastructure information in a manner that is not authorized under this section; and

''(D) taking into account standards of the Electric Reliability Organization, facilitate voluntary sharing of critical electric infrastructure information with, between, and by—

''(i) Federal, State, political subdivision, and tribal authorities;

''(ii) the Electric Reliability Organization;

''(iii) regional entities;

''(iv) information sharing and analysis centers established pursuant to Presidential Decision Directive 63;

''(v) owners, operators, and users of critical electric infrastructure in the United States; and

''(vi) other entities determined appropriate by the Commission.

''(3) CONSIDERATIONS.—In promulgating regulations and issuing orders under paragraph (2), the Commission shall take into consideration the role of State commissions in reviewing the prudence and cost of investments, determining the rates and terms of conditions for electric services, and ensuring the safety and reliability of the bulk-power system and distribution facilities within their respective jurisdictions.

''(4) PROTOCOLS.—The Commission shall, in consultation with Canadian and Mexican authorities, develop protocols for the voluntary sharing of critical electric infrastructure information with Canadian and Mexican authorities and owners, operators, and users of the bulk-power system outside the United States.

''(5) NO REQUIRED SHARING OF INFORMATION.—Nothing in this section shall require a person or entity in possession of critical electric infrastructure information to share such information with Federal, State, political subdivision, or tribal authorities, or any other person or entity.

''(6) SUBMISSION OF INFORMATION TO CONGRESS.—Nothing in this section shall permit or authorize the withholding of information from Congress, any committee or subcommittee thereof, or the Comptroller General.

''(7) DISCLOSURE OF PROTECTED INFORMATION.—In implementing this section, the Commission shall segregate critical electric infrastructure information or information that reasonably could be expected to lead to the disclosure of the critical electric infrastructure information within documents and electronic communications, wherever feasible, to facilitate disclosure of information that is not designated as critical electric infrastructure information.

''(8) DURATION OF DESIGNATION.—Information may not be designated as critical electric infrastructure information for longer than 5 years, unless specifically re-designated by the Commission.

''(9) REMOVAL OF DESIGNATION.—The Commission shall remove the designation of critical electric infrastructure information, in whole or in part, from a document or electronic communication if the Commission determines that the unauthorized disclosure of such information could no longer be used to impair the security or reliability of the bulk-power system or distribution facilities.

''(10) JUDICIAL REVIEW OF DESIGNATIONS.—Notwithstanding section 313(b), any determination by the Commission concerning the designation of critical electric infrastructure information under this subsection shall be subject to review under chapter 7 of title 5, United States Code, except that such review shall be brought in the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in the District of Columbia. In such a case the court shall examine in camera the contents of documents or electronic communications that are the subject of the determination under review to determine whether such documents or any part thereof were improperly designated or not designated as critical electric infrastructure information.

''(e) MEASURES TO ADDRESS GRID SECURITY VULNERABILITIES.—

''(1) COMMISSION AUTHORITY.—

''(A) RELIABILITY STANDARDS.—If the Commission, in consultation with appropriate Federal agencies, identifies a grid security vulnerability that the Commission determines has not adequately been addressed through a reliability standard developed and approved under section 215, the Commission shall, after notice and opportunity for comment and after consultation with the Secretary, other appropriate Federal agencies, and appropriate governmental authorities in Canada and Mexico, issue an order directing the Electric Reliability Organization to submit to the Commission for approval under section 215, not later than 30 days after the issuance of such order, a reliability standard requiring implementation, by any owner, operator, or user of the bulk-power system in the United States, of measures to protect the bulk-power system against such vulnerability. Any such standard shall include a protection plan, including automated hardware-based solutions. The Commission shall approve a reliability standard submitted pursuant to this subparagraph, unless the Commission determines that such reliability standard does not adequately protect against such vulnerability or otherwise does not satisfy the requirements of section 215.

''(B) MEASURES TO ADDRESS GRID SECURITY VULNERABILITIES.—If the Commission, after notice and opportunity for comment and after consultation with the Secretary, other appropriate Federal agencies, and appropriate governmental authorities in Canada and Mexico, determines that the reliability standard submitted by the Electric Reliability Organization to address a grid security vulnerability identified under subparagraph (A) does not adequately protect the bulk-power system against such vulnerability, the Commission shall promulgate a rule or issue an order requiring implementation, by any owner, operator, or user of the bulk-power system in the United States, of measures to protect the bulk-power system against such vulnerability. Any such rule or order shall include a protection plan, including automated hardware-based solutions. Before promulgating a rule or issuing an order under this subparagraph, the Commission shall, to the extent practicable in light of the urgency of the need for action to address the grid security vulnerability, request and consider recommendations from the Electric Reliability Organization regarding such rule or order. The Commission may establish an appropriate deadline for the submission of such recommendations.

''(2) RESCISSION.—The Commission shall approve a reliability standard developed under section 215 that addresses a grid security vulnerability that is the subject of a rule or order under paragraph (1)(B), unless the Commission determines that such reliability standard does

not adequately protect against such vulnerability or otherwise does not satisfy the requirements of section 215. Upon such approval, the Commission shall rescind the rule promulgated or order issued under paragraph (1)(B) addressing such vulnerability, effective upon the effective date of the newly approved reliability standard.

''(3) GEOMAGNETIC STORMS AND ELECTROMAGNETIC PULSE.—Not later than 6 months after the date of enactment of this section, the Commission shall, after notice and an opportunity for comment and after consultation with the Secretary and other appropriate Federal agencies, issue an order directing the Electric Reliability Organization to submit to the Commission for approval under section 215, not later than 6 months after the issuance of such order, reliability standards adequate to protect the bulk-power system from any reasonably foreseeable geomagnetic storm or electromagnetic pulse event. The Commission's order shall specify the nature and magnitude of the reasonably foreseeable events against which such standards must protect. Such standards shall appropriately balance the risks to the bulk-power system associated with such events, including any regional variation in such risks, the costs of mitigating such risks, and the priorities and timing associated with implementation. If the Commission determines that the reliability standards submitted by the Electric Reliability Organization pursuant to this paragraph are inadequate, the Commission shall promulgate a rule or issue an order adequate to protect the bulk-power system from geomagnetic storms or electromagnetic pulse as required under paragraph (1)(B).

''(4) LARGE TRANSFORMER AVAILABILITY.—Not later than 1 year after the date of enactment of this section, the Commission shall, after notice and an opportunity for comment and after consultation with the Secretary and other appropriate Federal agencies, issue an order directing the Electric Reliability Organization to submit to the Commission for approval under section 215, not later than 1 year after the issuance of such order, reliability standards addressing availability of large transformers. Such standards shall require entities that own or operate large transformers to ensure, individually or jointly, adequate availability of large transformers to promptly restore the reliable operation of the bulk-power system in the event that any such transformer is destroyed or disabled as a result of a geomagnetic storm event or electromagnetic pulse event. The Commission's order shall specify the nature and magnitude of the reasonably foreseeable events that shall provide the basis for such standards. Such standards shall—

''(A) provide entities subject to the standards with the option of meeting such standards individually or jointly; and

''(B) appropriately balance the risks associated with a reasonably foreseeable event, including any regional variation in such risks, and the costs of ensuring adequate availability of spare transformers.

''(5) CERTAIN FEDERAL ENTITIES.—For the 11-year period commencing on the date of enactment of this section, the Tennessee Valley Authority and the Bonneville Power Administration shall be exempt from any requirement under this subsection.

''(f) SECURITY CLEARANCES.—The Secretary shall facilitate and, to the extent practicable, expedite the acquisition of adequate security clearances by key personnel of any entity subject to the requirements of this section, to enable optimum communication with Federal agencies regarding threats to the security of the critical electric infrastructure. The Secretary, the Commission, and other appropriate Federal agencies shall, to the extent practicable and consistent with their obligations to protect classified and critical electric infrastructure information, share timely actionable information regarding grid security with appropriate key personnel of owners, operators, and users of the critical electric infrastructure.

''(g) CLARIFICATIONS OF LIABILITY.—

''(1) COMPLIANCE WITH OR VIOLATION OF THIS ACT.—Except as provided in paragraph (4), to the extent any action or omission taken by an entity that is necessary to comply with an order for emergency measures issued under subsection (b)(1), including any action or omission taken to voluntarily comply with such order, results in noncompliance with, or causes such entity not to comply with any rule, order, regulation, or provision of this Act, including any reliability standard approved by the Commission pursuant to section 215, such action or omission shall not be considered a violation of such rule, order, regulation, or provision.

''(2) RELATION TO SECTION 202(c).—Except as provided in paragraph (4), an action or omission taken by an owner, operator, or user of critical electric infrastructure or of defense critical electric infrastructure to comply with an order for emergency measures issued under subsection (b)(1) shall be treated as an action or omission taken to comply with an order issued under section 202(c) for purposes of such section.

''(3) SHARING OR RECEIPT OF INFORMATION.—No cause of action shall lie or be maintained in any Federal or State court for the sharing or receipt of information under, and that is conducted in accordance with, subsection (d).

''(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to require dismissal of a cause of action against an entity that, in the course of complying with an order for emergency measures issued under subsection (b)(1) by taking an action or omission for which they would be liable but for paragraph (1) or (2), takes such action or omission in a grossly negligent manner.''.

(b) CONFORMING AMENDMENTS.—

(1) JURISDICTION.—Section 201(b)(2) of the Federal Power Act (16 U.S.C. 824(b)(2)) is amended by inserting ''215A,'' after ''215,'' each place it appears.

(2) PUBLIC UTILITY.—Section 201(e) of the Federal Power Act (16 U.S.C. 824(e)) is amended by inserting ''215A,'' after ''215,''.

SEC. 1105. STRATEGIC TRANSFORMER RESERVE.

(a) FINDING.—Congress finds that the storage of strategically located spare large power transformers and emergency mobile substations will reduce the vulnerability of the United States to multiple risks facing electric grid reliability, including physical attack, cyber attack, electromagnetic pulse, geomagnetic disturbances, severe weather, and seismic events.

(b) DEFINITIONS.—In this section:

(1) BULK-POWER SYSTEM.—The term ''bulk-power system'' has the meaning given such term in section 215(a) of the Federal Power Act (16 U.S.C. 824o(a)).

(2) CRITICALLY DAMAGED LARGE POWER TRANSFORMER.—The term ''critically damaged large power transformer'' means a large power transformer that—

(A) has sustained extensive damage such that—

(i) repair or refurbishment is not economically viable; or

(ii) the extensive time to repair or refurbish the large power transformer would create an extended period of instability in the bulk-power system; and

(B) prior to sustaining such damage, was part of the bulk-power system.

(3) CRITICAL ELECTRIC INFRASTRUCTURE.—The term ''critical electric infrastructure'' has the meaning given that term in section 215A of the Federal Power Act.

(4) ELECTRIC RELIABILITY ORGANIZATION.—The term ''Electric Reliability Organization'' has the meaning given such term in section 215(a) of the Federal Power Act (16 U.S.C. 824o(a)).

(5) EMERGENCY MOBILE SUBSTATION.—The term ''emergency mobile substation'' means a mobile substation or mobile transformer that is—

(A) assembled and permanently mounted on a trailer that is capable of highway travel and meets relevant Department of Transportation regulations; and

(B) intended for express deployment and capable of being rapidly placed into service.

(6) LARGE POWER TRANSFORMER.—The term ''large power transformer'' means a power transformer with a maximum nameplate rating of 100 megavolt-amperes or higher, including related critical equipment, that is, or is intended to be, a part of the bulk-power system.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(8) SPARE LARGE POWER TRANSFORMER.—The term ''spare large power transformer'' means a large power transformer that is stored within the Strategic Transformer Reserve to be available to temporarily replace a critically damaged large power transformer.

(c) STRATEGIC TRANSFORMER RESERVE PLAN.—

(1) PLAN.—Not later than 1 year after the date of enactment of this Act, the Secretary, acting through the Office of Electricity Delivery and Energy Reliability, shall, in consultation with the Federal Energy Regulatory Commission, the Electricity Sub-sector Coordinating Council, the Electric Reliability Organization, and owners and operators of critical electric infrastructure and defense and military installations, prepare and submit to Congress a plan to establish a Strategic Transformer Reserve for the storage, in strategically located facilities, of spare large power transformers and emergency mobile substations in sufficient numbers to temporarily replace critically damaged large power transformers and substations that are critical electric infrastructure or serve defense and military installations.

(2) INCLUSIONS.—The Strategic Transformer Reserve plan shall include a description of—

(A) the appropriate number and type of spare large power transformers necessary to provide or restore sufficient resiliency to the bulk-power system, critical electric infrastructure, and defense and military installations to mitigate significant impacts to the electric grid resulting from—

(i) physical attack;

(ii) cyber attack;

(iii) electromagnetic pulse attack;

(iv) geomagnetic disturbances;

(v) severe weather; or

(vi) seismic events;

(B) other critical electric grid equipment for which an inventory of spare equipment, including emergency mobile substations, is necessary to provide or restore sufficient resiliency to the bulk-power system, critical electric infrastructure, and defense and military installations;

(C) the degree to which utility sector actions or initiatives, including individual utility ownership of spare equipment, joint ownership of spare equipment inventory, sharing agreements, or other spare equipment reserves or arrangements, satisfy the needs identified under subparagraphs (A) and (B);

(D) the potential locations for, and feasibility and appropriate number of, strategic storage locations for reserve equipment, including consideration of—

(i) the physical security of such locations;

(ii) the protection of the confidentiality of such locations; and

(iii) the proximity of such locations to sites of potentially critically damaged large power transformers and substations that are critical electric infrastructure or serve defense and military installations, so as to enable efficient delivery of equipment to such sites;

(E) the necessary degree of flexibility of spare large power transformers to be included in the Strategic Transformer Reserve to conform to different substation configurations, including consideration of transformer—

(i) power and voltage rating for each winding;

(ii) overload requirements;

(iii) impedance between windings;

(iv) configuration of windings; and

(v) tap requirements;

(F) an estimate of the direct cost of the Strategic Transformer Reserve, as proposed, including—

(i) the cost of storage facilities;

(ii) the cost of the equipment; and

(iii) management, maintenance, and operation costs;

(G) the funding options available to establish, stock, manage, and maintain the Strategic Transformer Reserve, including consideration of fees on owners and operators of bulk-power system facilities, critical electric infrastructure, and defense and military installations relying on the Strategic Transformer Reserve, use of Federal appropriations, and public-private cost-sharing options;

(H) the ease and speed of transportation, installation, and energization of spare large power transformers to be included in the Strategic Transformer Reserve, including consideration of factors such as—

(i) transformer transportation weight;

(ii) transformer size;

(iii) topology of critical substations;

(iv) availability of appropriate transformer mounting pads;

(v) flexibility of the spare large power transformers as described in subparagraph (E); and

(vi) ability to rapidly transition a spare large power transformer from storage to energization;

(I) eligibility criteria for withdrawal of equipment from the Strategic Transformer Reserve;

(J) the process by which owners or operators of critically damaged large power transformers or substations that are critical electric infrastructure or serve defense and military installations may apply for a withdrawal from the Strategic Transformer Reserve;

(K) the process by which equipment withdrawn from the Strategic Transformer Reserve is returned to the Strategic Transformer Reserve or is replaced;

(L) possible fees to be paid by users of equipment withdrawn from the Strategic Transformer Reserve;

(M) possible fees to be paid by owners and operators of large power transformers and substations that are critical electric infrastructure or serve defense and military installations to cover operating costs of the Strategic Transformer Reserve;

(N) the domestic and international large power transformer supply chain;

(O) the potential reliability, cost, and operational benefits of including emergency mobile substations in any Strategic Transformer Reserve established under this section; and

(P) other considerations for designing, constructing, stocking, funding, and managing the Strategic Transformer Reserve.

(d) ESTABLISHMENT.—The Secretary may establish a Strategic Transformer Reserve in accordance with the plan prepared pursuant to subsection (c) after the date that is 6 months after the date on which such plan is submitted to Congress.

(e) DISCLOSURE OF INFORMATION.—Any information included in the Strategic Transformer Reserve plan, or shared in the preparation and development of such plan, the disclosure of which the agency reasonably foresees would cause harm to critical electric infrastructure, shall be deemed to be critical electric infrastructure information for purposes of section 215A(d) of the Federal Power Act.

SEC. 1106. CYBER SENSE.

(a) IN GENERAL.—The Secretary of Energy shall establish a voluntary Cyber Sense program to identify and promote cyber-secure products intended for use in the bulk-power system, as defined in section 215(a) of the Federal Power Act (16 U.S.C. 824o(a)).

(b) PROGRAM REQUIREMENTS.—In carrying out subsection (a), the Secretary of Energy shall—

(1) establish a Cyber Sense testing process to identify products and technologies intended for use in the bulk-power system, including products relating to industrial control systems, such as supervisory control and data acquisition systems;

(2) for products tested and identified under the Cyber Sense program, establish and maintain cybersecurity vulnerability reporting processes and a related database;

(3) promulgate regulations regarding vulnerability reporting processes for products tested and identified under the Cyber Sense program;

(4) provide technical assistance to utilities, product manufacturers, and other electric sector stakeholders to develop solutions to mitigate identified vulnerabilities in products tested and identified under the Cyber Sense program;

(5) biennially review products tested and identified under the Cyber Sense program for vulnerabilities and provide analysis with respect to how such products respond to and mitigate cyber threats;

(6) develop procurement guidance for utilities for products tested and identified under the Cyber Sense program;

(7) provide reasonable notice to the public, and solicit comments from the public, prior to establishing or revising the Cyber Sense testing process;

(8) oversee Cyber Sense testing carried out by third parties; and

(9) consider incentives to encourage the use in the bulk-power system of products tested and identified under the Cyber Sense program.

(c) DISCLOSURE OF INFORMATION.—Any vulnerability reported pursuant to regulations promulgated under subsection (b)(3), the disclosure of which the agency reasonably foresees would cause harm to critical electric infrastructure (as defined in section 215A of the Federal Power Act), shall be deemed to be critical electric infrastructure information for purposes of section 215A(d) of the Federal Power Act.

(d) FEDERAL GOVERNMENT LIABILITY.—Consistent with other voluntary Federal Government certification programs, nothing in this section shall be construed to authorize the commencement of an action against the United States Government with respect to the testing and identification of a product under the Cyber Sense program.

SEC. 1107. STATE COVERAGE AND CONSIDERATION OF PURPA STANDARDS FOR ELECTRIC UTILITIES.

(a) STATE CONSIDERATION OF RESILIENCY AND ADVANCED ENERGY ANALYTICS TECHNOLOGIES AND RELIABLE GENERATION.—

(1) CONSIDERATION.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding the following at the end:

''(20) IMPROVING THE RESILIENCE OF ELECTRIC INFRASTRUCTURE.—

''(A) IN GENERAL.—Each electric utility shall develop a plan to use resiliency-related technologies, upgrades, measures, and other approaches designed to improve the resilience of electric infrastructure, mitigate power outages, continue delivery of vital services, and maintain the flow of power to facilities critical to public health, safety, and welfare, to the extent practicable using the most current data, metrics, and frameworks related to current and future threats, including physical and cyber attacks, electromagnetic pulse attacks, geomagnetic disturbances, seismic events, and severe weather and other environmental stressors.

''(B) RESILIENCY-RELATED TECHNOLOGIES.—For purposes of this paragraph, examples of resiliency-related technologies, upgrades, measures, and other approaches include—

''(i) hardening, or other enhanced protection, of utility poles, wiring, cabling, and other distribution components, facilities, or structures;

''(ii) advanced grid technologies capable of isolating or repairing problems remotely, such as advanced metering infrastructure, high-tech sensors, grid monitoring and control systems, and remote reconfiguration and redundancy systems;

''(iii) cybersecurity products and components;

''(iv) distributed generation, including back-up generation to power critical facilities and essential services, and related integration components, such as advanced inverter technology;

''(v) microgrid systems, including hybrid microgrid systems for isolated communities;

''(vi) combined heat and power;

''(vii) waste heat resources;

''(viii) non-grid-scale energy storage technologies;

''(ix) wiring, cabling, and other distribution components, including submersible distribution components, and enclosures;

''(x) electronically controlled reclosers and similar technologies for power restoration, including emergency mobile substations, as defined in section 1105 of the North American Energy Security and Infrastructure Act of 2016;

''(xi) advanced energy analytics technology, such as Internet-based and cloud-based computing solutions and subscription licensing models;

''(xii) measures that enhance resilience through planning, preparation, response, and recovery activities;

''(xiii) operational capabilities to enhance resilience through rapid response recovery; and

''(xiv) measures to ensure availability of key critical components through contracts, cooperative agreements, stockpiling and prepositioning, or other measures.

''(C) RATE RECOVERY.—Each State regulatory authority (with respect to each electric utility for which it has ratemaking authority) shall consider authorizing each such electric utility to recover any capital, operating expenditure, or other costs of the electric utility related to the procurement, deployment, or use of resiliency-related technologies, including a reasonable rate of return on the capital expenditures of the electric utility for the procurement, deployment, or use of resiliency-related technologies.

''(21) PROMOTING INVESTMENTS IN ADVANCED ENERGY ANALYTICS TECHNOLOGY.—

''(A) IN GENERAL.—Each electric utility shall develop and implement a plan for deploying advanced energy analytics technology.

''(B) RATE RECOVERY.—Each State regulatory authority (with respect to each electric utility for which it has ratemaking authority) shall consider confirming and clarifying, if necessary, that each such electric utility is authorized to recover the costs of the electric utility relating to the procurement, deployment, or use of advanced energy analytics technology, including a reasonable rate of return on all such costs incurred by the electric utility for the procurement, deployment, or use of advanced energy analytics technology, provided such technology is used by the electric utility for purposes of realizing operational efficiencies, cost savings, enhanced energy management and customer engagement, improvements in system reliability, safety, and cybersecurity, or other benefits to ratepayers.

''(C) ADVANCED ENERGY ANALYTICS TECHNOLOGY.—For purposes of this paragraph, examples of advanced energy analytics technology include Internet-based and cloud-based computing solutions and subscription licensing models, including software as a service that uses cyber-physical systems to allow the correlation of data aggregated from appropriate data sources and smart grid sensor networks, employs analytics and machine learning, or employs other advanced computing solutions and models.

''(22) ASSURING ELECTRIC RELIABILITY WITH RELIABLE GENERATION.—

''(A) ASSURANCE OF ELECTRIC RELIABILITY.—Each electric utility shall adopt or modify policies to ensure that such electric utility incorporates reliable generation into its integrated resource plan to assure the availability of electric energy over a 10-year planning period.

''(B) RELIABLE GENERATION.—For purposes of this paragraph, 'reliable generation' means electric generation facilities with reliability attributes that include—

''(i)(I) possession of adequate fuel on-site to enable operation for an extended period of time;

''(II) the operational ability to generate electric energy from more than one source; or

''(III) fuel certainty, through firm contractual obligations (which may not be required to be for a period longer than one year), that ensures adequate fuel supply to enable operation, for an extended period of time, for the duration of an emergency or severe weather conditions;

''(ii) operational characteristics that enable the generation of electric energy for the duration of an emergency or severe weather conditions; and

''(iii) unless procured through other procurement mechanisms, essential reliability services, including frequency support and regulation services.

''(23) SUBSIDIZATION OF CUSTOMER-SIDE TECHNOLOGY.—

''(A) CONSIDERATION.—To the extent that a State regulatory authority may require or allow rates charged by any electric utility for which it has ratemaking authority to electric consumers that do not use a customer-side technology to include any cost, fee, or charge that directly or indirectly cross-subsidizes the deployment, construction, maintenance, or operation of that customer-side technology, such authority shall evaluate whether subsidizing the deployment, construction, maintenance, or operation of a customer-side technology would—

''(i) result in benefits predominately enjoyed by only the users of that customer-side technology;

''(ii) shift costs of a customer-side technology to electricity consumers that do not use that customer-side technology, particularly where disparate economic or resource conditions exist among the electricity consumers cross-subsidizing the costumer-side technology;

''(iii) negatively affect resource utilization, fuel diversity, or grid security;

''(iv) provide any unfair competitive advantage to market the customer-side technology; and

''(v) be necessary to fulfill an obligation to serve electric consumers.

''(B) PUBLIC NOTICE.—Each State regulatory authority shall make available to the public the evaluation completed under subparagraph (A) at least 90 days prior to any proceedings in which such authority considers the cross-subsidization of a customer-side technology.

''(C) CUSTOMER-SIDE TECHNOLOGY.—For purposes of this paragraph, the term 'customer-side technology' means a device connected to the electricity distribution system—

''(i) at, or on the customer side of, the meter; or

''(ii) that, if owned or operated by or on behalf of an electric utility, would otherwise be at, or on the customer side of, the meter.''.

(2) COMPLIANCE.—

(A) TIME LIMITATIONS.—Section 112(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(b)) is amended by adding at the end the following:

''(7)(A) Not later than 1 year after the date of enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which it has ratemaking authority) and each nonregulated electric utility, as applicable, shall commence the consideration referred to in section 111, or set a hearing date for consideration, with respect to the standards established by paragraphs (20), (22), and (23) of section 111(d).

''(B) Not later than 2 years after the date of the enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which it has ratemaking authority) and each nonregulated electric utility, as applicable, shall complete the consideration, and shall make the determination, referred to in section 111 with respect to each standard established by paragraphs (20), (22), and (23) of section 111(d).

''(8)(A) Not later than 6 months after the date of enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which it has ratemaking authority) and each nonregulated electric utility shall commence the consideration referred to in section 111, or set a hearing date for consideration, with respect to the standard established by paragraph (21) of section 111(d).

''(B) Not later than 1 year after the date of enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which it has ratemaking authority) and each nonregulated electric utility shall complete the consideration, and shall make the determination, referred to in section 111 with respect to the standard established by paragraph (21) of section 111(d).''.

(B) FAILURE TO COMPLY.—Section 112(c) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(c)) is amended by adding the following at the end: ''In the case of the standards established by paragraphs (20) through (23) of section 111(d), the reference contained in this subsection to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of such paragraphs.''.

(C) PRIOR STATE ACTIONS.—Section 112 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622) is amended by adding at the end the following new subsection:

''(g) PRIOR STATE ACTIONS.—Subsections (b) and (c) of this section shall not apply to a standard established by paragraph (20), (21), (22), or (23) of section 111(d) in the case of any electric utility in a State if—

''(1) before the date of enactment of this subsection, the State has implemented for such utility the standard concerned (or a comparable standard);

''(2) the State regulatory authority for such State or relevant nonregulated electric utility has conducted a proceeding to consider implementation of the standard concerned (or a comparable standard) for such utility during the 3-year period ending on the date of enactment of this subsection; or

''(3) the State legislature has voted on the implementation of the standard concerned (or a comparable standard) for such utility during the 3-year period ending on the date of enactment of this subsection.''.

(b) COVERAGE FOR COMPETITIVE MARKETS.—Section 102 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2612) is amended by adding at the end the following:

''(d) COVERAGE FOR COMPETITIVE MARKETS.—The requirements of this title do not apply to the operations of an electric utility, or to proceedings respecting such operations, to the extent that such operations or proceedings, or any portion thereof, relate to the competitive sale of retail electric energy that is unbundled or separated from the regulated provision or sale of distribution service.''.

SEC. 1108. RELIABILITY ANALYSIS FOR CERTAIN RULES THAT AFFECT ELECTRIC GENERATING FACILITIES.

(a) APPLICABILITY.—This section shall apply with respect to any proposed or final covered rule issued by a Federal agency for which compliance with the rule may impact an electric utility generating unit or units, including by resulting in closure or interruption to operations of such a unit or units.

(b) RELIABILITY ANALYSIS.—

(1) ANALYSIS OF RULES.—The Federal Energy Regulatory Commission, in consultation with the Electric Reliability Organization, shall conduct an independent reliability analysis of a proposed or final covered rule under this section to evaluate the anticipated effects of implementation and enforcement of the rule on—

(A) electric reliability and resource adequacy;

(B) the electricity generation portfolio of the United States;

(C) the operation of wholesale electricity markets; and

(D) energy delivery and infrastructure, including electric transmission facilities and natural gas pipelines.

(2) RELEVANT INFORMATION.—

(A) MATERIALS FROM FEDERAL AGENCIES.—A Federal agency shall provide to the Commission materials and information relevant to the analysis required under paragraph (1) for a rule, including relevant data, modeling, and resource adequacy and reliability assessments, prepared or relied upon by such agency in developing the rule.

(B) ANALYSES FROM OTHER ENTITIES.—The Electric Reliability Organization, regional entities, regional transmission organizations, independent system operators, and other reliability coordinators and planning authorities shall timely conduct analyses and provide such information as may be reasonably requested by the Commission.

(3) NOTICE.—A Federal agency shall provide to the Commission notice of the issuance of any proposed or final covered rule not later than 15 days after the date of such issuance.

(c) PROPOSED RULES.—Not later than 150 days after the date of publication in the Federal Register of a proposed rule described in subsection (a), the Federal Energy Regulatory Commission shall make available to the public an analysis of the proposed rule conducted in accordance with subsection (b), and any relevant special assessment or seasonal or long-term reliability assessment completed by the Electric Reliability Organization.

(d) FINAL RULES.—

(1) INCLUSION.—A final rule described in subsection (a) shall include, if available at the time of issuance, a copy of the analysis conducted pursuant to subsection (c) of the rule as proposed.

(2) ANALYSIS.—Not later than 120 days after the date of publication in the Federal Register of a final rule described in subsection (a), the Federal Energy Regulatory Commission shall make available to the public an analysis of the final rule conducted in accordance with subsection (b), and any relevant special assessment or seasonal or long-term reliability assessment completed by the Electric Reliability Organization.

(e) DEFINITIONS.—In this section:

(1) ELECTRIC RELIABILITY ORGANIZATION.—The term ''Electric Reliability Organization'' has the meaning given to such term in section 215(a) of the Federal Power Act (16 U.S.C. 824o(a)).

(2) FEDERAL AGENCY.—The term ''Federal agency'' means an agency, as that term is defined in section 551 of title 5, United States Code.

(3) COVERED RULE.—The term ''covered rule'' means a proposed or final rule that is estimated by the Federal agency issuing the rule, or the Director of the Office of Management and Budget, to result in an annual effect on the economy of $1,000,000,000 or more.

SEC. 1109. INCREASED ACCOUNTABILITY WITH RESPECT TO CARBON CAPTURE, UTILIZATION, AND SEQUESTRATION PROJECTS.

(a) DOE EVALUATION.—

(1) IN GENERAL.—The Secretary of Energy (in this section referred to as the ''Secretary'') shall, in accordance with this section, annually conduct an evaluation, and make recommendations, with respect to each project conducted by the Secretary for research, development, demonstration, or deployment of carbon capture, utilization, and sequestration technologies (also known as carbon capture and storage and utilization technologies).

(2) SCOPE.—For purposes of this section, a project includes any contract, lease, cooperative agreement, or other similar transaction with a public agency or private organization or person, entered into or performed, or any payment made, by the Secretary for research, development, demonstration, or deployment of carbon capture, utilization, and sequestration technologies.

(b) REQUIREMENTS FOR EVALUATION.—In conducting an evaluation of a project under this section, the Secretary shall—

(1) examine if the project has made advancements toward achieving any specific goal of the project with respect to a carbon capture, utilization, and sequestration technology; and

(2) evaluate and determine if the project has made significant progress in advancing a carbon capture, utilization, and sequestration technology.

(c) RECOMMENDATIONS.—For each evaluation of a project conducted under this section, if the Secretary determines that—

(1) significant progress in advancing a carbon capture, utilization, and sequestration technology has been made, the Secretary shall assess the funding of the project and make a recommendation as to whether increased funding is necessary to advance the project; or

(2) significant progress in advancing a carbon capture, utilization, and sequestration technology has not been made, the Secretary shall—

(A) assess the funding of the project and make a recommendation as to whether increased funding is necessary to advance the project;

(B) assess and determine if the project has reached its full potential; and

(C) make a recommendation as to whether the project should continue.

(d) REPORTS.—

(1) REPORT ON EVALUATIONS AND RECOMMENDATIONS.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Secretary shall—

(A) issue a report on the evaluations conducted and recommendations made during the previous year pursuant to this section; and

(B) make each such report available on the Internet website of the Department of Energy.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, and every 3 years thereafter, the Secretary shall submit to the Subcommittee on Energy and Power of the Committee on Energy and Commerce and the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Commerce, Science, and Transportation of the Senate a report on—

(A) the evaluations conducted and recommendations made during the previous 3 years pursuant to this section; and

(B) the progress of the Department of Energy in advancing carbon capture, utilization, and sequestration technologies, including progress in achieving the Department of Energy's goal of having an array of advanced carbon capture and sequestration technologies ready by 2020 for large-scale demonstration.

SEC. 1110. RELIABILITY AND PERFORMANCE ASSURANCE IN REGIONAL TRANSMISSION ORGANIZATIONS.

Part II of the Federal Power Act (16 U.S.C. 824 et seq.), as amended by section 1104, is further amended by adding after section 215A the following new section:

"SEC. 215B. RELIABILITY AND PERFORMANCE ASSURANCE IN REGIONAL TRANSMISSION ORGANIZATIONS.

''(a) EXISTING CAPACITY MARKETS.—

''(1) ANALYSIS CONCERNING CAPACITY MARKET DESIGN.—Not later than 180 days after the date of enactment of this section, each Regional Transmission Organization, and each Independent System Operator, that operates a capacity market, or a comparable market intended to ensure the procurement and availability of sufficient future electric energy resources, that is subject to the jurisdiction of the Commission, shall provide to the Commission an analysis of how the structure of such market meets the following criteria:

''(A) The structure of such market utilizes competitive market forces to the extent practicable in procuring capacity resources.

''(B) Consistent with subparagraph (A), the structure of such market includes resource-neutral performance criteria that ensure the procurement of sufficient capacity from physical generation facilities that have reliability attributes that include—

''(i)(I) possession of adequate fuel on-site to enable operation for an extended period of time;

''(II) the operational ability to generate electric energy from more than one fuel source; or

''(III) fuel certainty, through firm contractual obligations, that ensures adequate fuel supply to enable operation, for an extended period of time, for the duration of an emergency or severe weather conditions;

''(ii) operational characteristics that enable the generation of electric energy for the duration of an emergency or severe weather conditions; and

''(iii) unless procured through other markets or procurement mechanisms, essential reliability services, including frequency support and regulation services.

''(2) COMMISSION EVALUATION AND REPORT.—Not later than 1 year after the date of enactment of this section, the Commission shall make publicly available, and submit to the Committee on Energy and Commerce in the House of Representatives and the Committee on Energy and Natural Resources in the Senate, a report containing—

''(A) evaluation of whether the structure of each market addressed in an analysis submitted pursuant to paragraph (1) meets the criteria under such paragraph, based on the analysis; and

''(B) to the extent a market so addressed does not meet such criteria, any recommendations with respect to the procurement of sufficient capacity, as described in paragraph (1)(B).

''(b) COMMISSION EVALUATION AND REPORT FOR NEW SCHEDULES.—

''(1) INCLUSION OF ANALYSIS IN FILING.—Except as provided in subsection (a)(2), whenever a Regional Transmission Organization or Independent System Operator files a new schedule under section 205 to establish a market described in subsection (a)(1), or that substantially modifies the capacity market design of a market described in subsection (a)(1), the Regional Transmission Organization or Independent System Operator shall include in any such filing the analysis required by subsection (a)(1).

''(2) EVALUATION AND REPORT.—Not later than 180 days of receiving an analysis under paragraph (1), the Commission shall make publicly available, and submit to the Committee on Energy and Commerce in the House of Representatives and the Committee on Energy and Natural Resources in the Senate, a report containing—

''(A) an evaluation of whether the structure of the market addressed in the analysis meets the criteria under subsection (a)(1), based on the analysis; and

''(B) to the extent the market does not meet such criteria, any recommendations with respect to the procurement of sufficient capacity, as described in subsection (a)(1)(B).

''(c) EFFECT ON EXISTING APPROVALS.—Nothing in this section shall be considered to—

''(1) require a modification of the Commission's approval of the capacity market design approved pursuant to docket numbers ER15–623–000, EL15–29–000, EL14–52–000, and ER14–2419–000; or

''(2) provide grounds for the Commission to grant rehearing or otherwise modify orders issued in those dockets.''.

SEC. 1111. ETHANE STORAGE STUDY.

(a) IN GENERAL.—The Secretary of Energy and the Secretary of Commerce, in consultation with other relevant agencies and stakeholders, shall conduct a study on the feasibility of establishing an ethane storage and distribution hub in the United States.

(b) CONTENTS.—The study conducted under subsection (a) shall include—

(1) an examination of—

(A) potential locations;

(B) economic feasibility;

(C) economic benefits;

(D) geological storage capacity capabilities;

(E) above ground storage capabilities;

(F) infrastructure needs; and

(G) other markets and trading hubs, particularly related to ethane; and

(2) identification of potential additional benefits to energy security.

(c) PUBLICATION OF RESULTS.—Not later than 2 years after the date of enactment of this Act, the Secretaries of Energy and Commerce shall publish the results of the study conducted under subsection (a) on the websites of the Departments of Energy and Commerce, respectively, and shall submit such results to the Committee on Energy and Commerce of the House of Representatives and the Committees on Energy and Natural Resources and Commerce, Science, and Transportation of the Senate.

SEC. 1112. STATEMENT OF POLICY ON GRID MODERNIZATION.

It is the policy of the United States to promote and advance—

(1) the modernization of the energy delivery infrastructure of the United States, and bolster the reliability, affordability, diversity, efficiency, security, and resiliency of domestic energy supplies, through advanced grid technologies;

(2) the modernization of the electric grid to enable a robust multi-directional power flow that leverages centralized energy resources and distributed energy resources, enables robust retail transactions, and facilitates the alignment of business and regulatory models to achieve a grid that optimizes the entire electric delivery system;

(3) relevant research and development in advanced grid technologies, including—

(A) energy storage;

(B) predictive tools and requisite real-time data to enable the dynamic optimization of grid operations;

(C) power electronics, including smart inverters, that ease the challenge of intermittent renewable resources and distributed generation;

(D) real-time data and situational awareness tools and systems; and

(E) tools to increase data security, physical security, and cybersecurity awareness and protection;

(4) the leadership of the United States in basic and applied sciences to develop a systems approach to innovation and development of cybersecure advanced grid technologies, architectures, and control paradigms capable of managing diverse supplies and loads;

(5) the safeguarding of the critical energy delivery infrastructure of the United States and the enhanced resilience of the infrastructure to all hazards, including—

(A) severe weather events;

(B) cyber and physical threats; and

(C) other factors that affect energy delivery;

(6) the coordination of goals, investments to optimize the grid, and other measures for energy efficiency, advanced grid technologies, interoperability, and demand response-side management resources;

(7) partnerships with States and the private sector—

(A) to facilitate advanced grid capabilities and strategies; and

(B) to provide technical assistance, tools, or other related information necessary to enhance grid integration, particularly in connection with the development at the State and local levels of strategic energy, energy surety and assurance, and emergency preparedness, response, and restoration planning;

(8) the deployment of information and communications technologies at all levels of the electric system;

(9) opportunities to provide consumers with timely information and advanced control options;

(10) sophisticated or advanced control options to integrate distributed energy resources and associated ancillary services;

(11) open-source communications, database architectures, and common information model standards, guidelines, and protocols that enable interoperability to maximize efficiency gains and associated benefits among—

(A) the grid;

(B) energy and building management systems; and

(C) residential, commercial, and industrial equipment;

(12) private sector investment in the energy delivery infrastructure of the United States through targeted demonstration and validation of advanced grid technologies; and

(13) establishment of common valuation methods and tools for cost-benefit analysis of grid integration paradigms.

SEC. 1113. GRID RESILIENCE REPORT.

Not later than 120 days after the date of enactment of this Act, the Secretary of Energy shall submit to the Congress a report on methods to increase electric grid resilience with respect to all threats, including cyber attacks, vandalism, terrorism, and severe weather.

SEC. 1114. GAO REPORT ON IMPROVING NATIONAL RESPONSE CENTER.

The Comptroller General of the United States shall conduct a study of ways in which the capabilities of the National Response Center could be improved.

SEC. 1115. DESIGNATION OF NATIONAL ENERGY SECURITY CORRIDORS ON FEDERAL LANDS.

(a) IN GENERAL.—Section 28 of the Mineral Leasing Act (30 U.S.C. 185) is amended as follows:

(1) In subsection (b)—

(A) by striking ''(b)(1) For the purposes of this section 'Federal lands' means'' and inserting the following:

''(b)(1) For the purposes of this section 'Federal lands'—

''(A) except as provided in subparagraph (B), means'';

(B) by striking the period at the end of paragraph (1) and inserting ''; and'' and by adding at the end of paragraph (1) the following:

''(B) for purposes of granting an application for a natural gas pipeline right-of-way, means all lands owned by the United States except—

''(i) such lands held in trust for an Indian or Indian tribe; and

''(ii) lands on the Outer Continental Shelf.''.

(2) By redesignating subsection (b), as so amended, as subsection (z), and transferring such subsection to appear after subsection (y) of that section.

(3) By inserting after subsection (a) the following:

''(b) NATIONAL ENERGY SECURITY CORRIDORS.—

''(1) DESIGNATION.—In addition to other authorities under this section, the Secretary shall—

''(A) identify and designate suitable Federal lands as National Energy Security Corridors (in this subsection referred to as a 'Corridor'), which shall be used for construction, operation, and maintenance of natural gas transmission facilities; and

''(B) incorporate such Corridors upon designation into the relevant agency land use and resource management plans or equivalent plans.

''(2) CONSIDERATIONS.—In evaluating Federal lands for designation as a National Energy Security Corridor, the Secretary shall—

''(A) employ the principle of multiple use to ensure route decisions balance national energy security needs with existing land use principles;

''(B) seek input from other Federal counterparts, State, local, and tribal governments, and affected utility and pipeline industries to determine the best suitable, most cost-effective, and commercially viable acreage for natural gas transmission facilities;

''(C) focus on transmission routes that improve domestic energy security through increasing reliability, relieving congestion, reducing natural gas prices, and meeting growing demand for natural gas; and

''(D) take into account technological innovations that reduce the need for surface disturbance.

''(3) PROCEDURES.—The Secretary shall establish procedures to expedite and approve applications for rights-of-way for natural gas pipelines across National Energy Security Corridors, that—

''(A) ensure a transparent process for review of applications for rights-of-way on such corridors;

''(B) require an approval time of not more than 1 year after the date of receipt of an application for a right-of-way; and

''(C) require, upon receipt of such an application, notice to the applicant of a predictable timeline for consideration of the application, that clearly delineates important milestones in the process of such consideration.

''(4) STATE INPUT.—

''(A) REQUESTS AUTHORIZED.—The Governor of a State may submit requests to the Secretary of the Interior to designate Corridors on Federal land in that State.

''(B) CONSIDERATION OF REQUESTS.—After receiving such a request, the Secretary shall respond in writing, within 30 days—

''(i) acknowledging receipt of the request; and

''(ii) setting forth a timeline in which the Secretary shall grant, deny, or modify such request and state the reasons for doing so.

''(5) SPATIAL DISTRIBUTION OF CORRIDORS.—In implementing this subsection, the Secretary shall coordinate with other Federal Departments to—

''(A) minimize the proliferation of duplicative natural gas pipeline rights-of-way on Federal lands where feasible;

''(B) ensure Corridors can connect effectively across Federal lands; and

''(C) utilize input from utility and pipeline industries submitting applications for rights-of-way to site corridors in economically feasible areas that reduce impacts, to the extent practicable, on local communities.

''(6) NOT A MAJOR FEDERAL ACTION.—Designation of a Corridor under this subsection, and incorporation of Corridors into agency plans under paragraph (1)(B), shall not be treated as a major Federal action for purpose of section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

''(7) NO LIMIT ON NUMBER OR LENGTH OF CORRIDORS.—Nothing in this subsection limits the number or physical dimensions of Corridors that the Secretary may designate under this subsection.

''(8) OTHER AUTHORITY NOT AFFECTED.—Nothing in this subsection affects the authority of the Secretary to issue rights-of-way on Federal land that is not located in a Corridor designated under this subsection.

''(9) NEPA CLARIFICATION.—All applications for rights-of-way for natural gas transmission facilities across Corridors designated under this subsection shall be subject to the environmental protections outlined in subsection (h).''.

(b) APPLICATIONS RECEIVED BEFORE DESIGNATION OF CORRIDORS.—Any application for a right-of-way under section 28 of the Mineral Leasing Act (30 U.S.C. 185) that is received by the Secretary of the Interior before designation of National Energy Security Corridors under the amendment made by subsection (a) of this section shall be reviewed and acted upon independently by the Secretary without regard to the process for such designation.

(c) DEADLINE.—Within 2 years after the date of the enactment of this Act, the Secretary of the Interior shall designate at least 10 National Energy Security Corridors under the amendment made by subsection (a) in States referred to in section 368(b) of the Energy Policy Act of 2005 (42 U.S.C. 15926(b)).

SEC. 1116. VEGETATION MANAGEMENT, FACILITY INSPECTION, AND OPERATION AND MAINTENANCE ON FEDERAL LANDS CONTAINING ELECTRIC TRANSMISSION AND DISTRIBUTION FACILITIES.

(a) IN GENERAL.—Title V of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761 et seq.) is amended by adding at the end the following new section:

''SEC. 512. VEGETATION MANAGEMENT, FACILITY INSPECTION, AND OPERATION AND MAINTENANCE RELATING TO ELECTRIC TRANSMISSION AND DISTRIBUTION FACILITY RIGHTS-OF-WAY.

''(a) GENERAL DIRECTION.—In order to enhance the reliability of the electric grid and reduce the threat of wildfires to and from electric transmission and distribution rights-of-way and related facilities and adjacent property, the Secretary, with respect to public lands and other lands under the jurisdiction of the Secretary, and the Secretary of Agriculture, with respect to National Forest System lands, shall provide direction to ensure that all existing and future rights-of-way, however established (including by grant, special use authorization, and easement), for electric transmission and distribution facilities on such lands include provisions for utility vegetation management, facility inspection, and operation and maintenance activities that, while consistent with applicable law—

''(1) are developed in consultation with the holder of the right-of-way;

''(2) enable the owner or operator of an electric transmission and distribution facility to operate and maintain the facility in good working order and to comply with Federal, State, and local electric system reliability and fire safety requirements, including reliability standards established by the North American Electric Reliability Corporation and plans to meet such reliability standards;

''(3) minimize the need for case-by-case or annual approvals for—

''(A) routine vegetation management, facility inspection, and operation and maintenance activities within existing electric transmission and distribution rights-of-way; and

''(B) utility vegetation management activities that are necessary to control hazard trees within or adjacent to electric transmission and distribution rights-of-way; and

''(4) when review is required, provide for expedited review and approval of utility vegetation management, facility inspection, and operation and maintenance activities, especially activities requiring prompt action to avoid an adverse impact on human safety or electric reliability to avoid fire hazards.

''(b) VEGETATION MANAGEMENT, FACILITY INSPECTION, AND OPERATION AND MAINTENANCE PLANS.—

''(1) DEVELOPMENT AND SUBMISSION.—Consistent with subsection (a), the Secretary and the Secretary of Agriculture shall provide owners and operators of electric transmission and distribution facilities located on lands described in such subsection with the option to develop and submit a vegetation management, facility inspection, and operation and maintenance plan, that at each owner or operator's discretion may cover some or all of the owner or operator's electric transmission and distribution rights-of-way on Federal lands, for approval to the Secretary with jurisdiction over the lands. A plan under this paragraph shall enable the owner or operator of an electric transmission and distribution facility, at a minimum, to comply with applicable Federal, State, and local electric system reliability and fire safety requirements, as provided in subsection (a)(2). The Secretaries shall not have the authority to modify those requirements.

''(2) REVIEW AND APPROVAL PROCESS.—The Secretary and the Secretary of Agriculture shall jointly develop a consolidated and coordinated process for review and approval of—

''(A) vegetation management, facility inspection, and operation and maintenance plans submitted under paragraph (1) that—

''(i) assures prompt review and approval not to exceed 90 days;

''(ii) includes timelines and benchmarks for agency comments on submitted plans and final approval of such plans;

''(iii) is consistent with applicable law; and

''(iv) minimizes the costs of the process to the reviewing agency and the entity submitting the plans; and

''(B) amendments to the plans in a prompt manner if changed conditions necessitate a modification to a plan.

''(3) NOTIFICATION.—The review and approval process under paragraph (2) shall—

''(A) include notification by the agency of any changed conditions that warrant a modification to a plan;

''(B) provide an opportunity for the owner or operator to submit a proposed plan amendment to address directly the changed condition; and

''(C) allow the owner or operator to continue to implement those elements of the approved plan that do not directly and adversely affect the condition precipitating the need for modification.

''(4) CATEGORICAL EXCLUSION PROCESS.—The Secretary and the Secretary of Agriculture shall apply his or her categorical exclusion process under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to plans developed under this subsection on existing electric transmission and distribution rights-of-way under this subsection.

''(5) IMPLEMENTATION.—A plan approved under this subsection shall become part of the authorization governing the covered right-of-way and hazard trees adjacent to the right-of-way. If a vegetation management plan is proposed for an existing electric transmission and distribution facility concurrent with the siting of a new electric transmission or distribution facility, necessary reviews shall be completed as part of the siting process or sooner. Once the plan is approved, the owner or operator shall provide the agency with only a notification of activities anticipated to be undertaken in the coming year, a description of those activities, and certification that the activities are in accordance with the plan.

''(c) RESPONSE TO EMERGENCY CONDITIONS.—If vegetation on Federal lands within, or hazard trees on Federal lands adjacent to, an electric transmission or distribution right-of-way granted by the Secretary or the Secretary of Agriculture has contacted or is in imminent danger of contacting one or more electric transmission or distribution lines, the owner or operator of the electric transmission or distribution lines—

''(1) may prune or remove the vegetation to avoid the disruption of electric service and risk of fire; and

''(2) shall notify the appropriate local agent of the relevant Secretary not later than 24 hours after such removal.

''(d) COMPLIANCE WITH APPLICABLE RELIABILITY AND SAFETY STANDARDS.—If vegetation on Federal lands within or adjacent to an electric transmission or distribution right-of-way under the jurisdiction of each Secretary does not meet clearance requirements under standards established by the North American Electric Reliability Corporation, or by State and local authorities, and the Secretary having jurisdiction over the lands has failed to act to allow an electric transmission or distribution facility owner or operator to conduct vegetation management activities within 3 business days after receiving a request to allow such activities, the owner or operator may, after notifying the Secretary, conduct such vegetation management activities to meet those clearance requirements.

''(e) REPORTING REQUIREMENT.—The Secretary or Secretary of Agriculture shall report requests and actions made under subsections (c) and (d) annually on each Secretary's website.

''(f) LIABILITY.—An owner or operator of an electric transmission or distribution facility shall not be held liable for wildfire damage, loss, or injury, including the cost of fire suppression, if—

''(1) the Secretary or the Secretary of Agriculture fails to allow the owner or operator to operate consistently with an approved vegetation management, facility inspection, and operation and maintenance plan on Federal lands under the relevant Secretary's jurisdiction within or adjacent to a right-of-way to comply with Federal, State, or local electric system reliability and fire safety standards, including standards established by the North American Electric Reliability Corporation; or

''(2) the Secretary or the Secretary of Agriculture fails to allow the owner or operator of the electric transmission or distribution facility to perform appropriate vegetation management activities in response to an identified hazard tree, or a tree in imminent danger of contacting the owner's or operator's electric transmission or distribution facility.

''(g) TRAINING AND GUIDANCE.—In consultation with the electric utility industry, the Secretary and the Secretary of Agriculture are encouraged to develop a program to train personnel of the Department of the Interior and the Forest Service involved in vegetation management decisions relating to electric transmission and distribution facilities to ensure that such personnel—

''(1) understand electric system reliability and fire safety requirements, including reliability standards established by the North American Electric Reliability Corporation;

''(2) assist owners and operators of electric transmission and distribution facilities to comply with applicable electric reliability and fire safety requirements; and

''(3) encourage and assist willing owners and operators of electric transmission and distribution facilities to incorporate on a voluntary basis vegetation management practices to enhance habitats and forage for pollinators and for other wildlife so long as the practices are compatible with the integrated vegetation management practices necessary for reliability and safety.

''(h) IMPLEMENTATION.—The Secretary and the Secretary of Agriculture shall—

''(1) not later than one year after the date of the enactment of this section, propose regulations, or amended existing regulations, to implement this section; and

''(2) not later than two years after the date of the enactment of this section, finalize regulations, or amended existing regulations, to implement this section.

''(i) EXISTING VEGETATION MANAGEMENT, FACILITY INSPECTION, AND OPERATION AND MAINTENANCE PLANS.—Nothing in this section requires an owner or operator to develop and submit a vegetation management, facility inspection, and operation and maintenance plan if one has already been approved by the Secretary or Secretary of Agriculture before the date of the enactment of this section.

''(j) DEFINITIONS.—In this section:

''(1) HAZARD TREE.—The term 'hazard tree' means any tree inside the right-of-way or located outside the right-of-way that has been found by the either the owner or operator of an electric transmission or distribution facility, or the Secretary or the Secretary of Agriculture, to be likely to fail and cause a high risk of injury, damage, or disruption within 10 feet of an electric power line or related structure if it fell.

''(2) OWNER OR OPERATOR.—The terms 'owner' and 'operator' include contractors or other agents engaged by the owner or operator of an electric transmission and distribution facility.

''(3) VEGETATION MANAGEMENT, FACILITY INSPECTION, AND OPERATION AND MAINTENANCE PLAN.—The term 'vegetation management, facility inspection, and operation and maintenance plan' means a plan that—

''(A) is prepared by the owner or operator of one or more electric transmission or distribution facilities to cover one or more electric transmission and distribution rights-of-way; and

''(B) provides for the long-term, cost-effective, efficient, and timely management of facilities and vegetation within the width of the right-of-way and adjacent Federal lands to enhance electric reliability, promote public safety, and avoid fire hazards.''.

(b) CLERICAL AMENDMENT.—The table of sections for the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761 et seq.), is amended by inserting after the item relating to section 511 the following new item:

''Sec. 512. Vegetation management, facility inspection, and operation and maintenance relating to electric transmission and distribution facility rights-of-way.''.

Subtitle B—Hydropower Regulatory Modernization

SEC. 1201. PROTECTION OF PRIVATE PROPERTY RIGHTS IN HYDROPOWER LICENSING.

(a) LICENCES.—Section 4(e) of the Federal Power Act (16 U.S.C. 797(e)) is amended—

(1) by striking ''and'' after ''recreational opportunities,''; and

(2) by inserting '', and minimizing infringement on the useful exercise and enjoyment of property rights held by nonlicensees'' after ''aspects of environmental quality''.

(b) PRIVATE LANDOWNERSHIP.—Section 10 of the Federal Power Act (16 U.S.C. 803) is amended—

(1) in subsection (a)(1), by inserting '', including minimizing infringement on the useful exercise and enjoyment of property rights held by nonlicensees'' after ''section 4(e)''; and

(2) by adding at the end the following:

''(k) PRIVATE LANDOWNERSHIP.—In developing any recreational resource within the project boundary, the licensee shall consider private landownership as a means to encourage and facilitate—

''(1) private investment; and

''(2) increased tourism and recreational use.''.

SEC. 1202. EXTENSION OF TIME FOR FERC PROJECT INVOLVING W. KERR SCOTT DAM.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 12642, the Commission may, at the request of the licensee for the project, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend the time period during which the licensee is required to commence the construction of the project for up to 3 consecutive 2-year periods from the date of the expiration of the extension originally issued by the Commission.

(b) REINSTATEMENT OF EXPIRED LICENSE.—If the period required for commencement of construction of the project described in subsection (a) has expired prior to the date of the enactment of this Act, the Commission may reinstate the license effective as of the date of its expiration and the first extension authorized under subsection (a) shall take effect on the date of such expiration.

SEC. 1203. HYDROPOWER LICENSING AND PROCESS IMPROVEMENTS.

Part I of the Federal Power Act (16 U.S.C. 792 et seq.) is amended by adding at the end the following:

''SEC. 34. HYDROPOWER LICENSING AND PROCESS IMPROVEMENTS.

''(a) DEFINITION.—In this section, the term 'Federal authorization'—

''(1) means any authorization required under Federal law with respect to an application for a license, license amendment, or exemption under this part; and

''(2) includes any permits, special use authorizations, certifications, opinions, or other approvals as may be required under Federal law to approve or implement the license, license amendment, or exemption under this part.

''(b) DESIGNATION AS LEAD AGENCY.—

''(1) IN GENERAL.—The Commission shall act as the lead agency for the purposes of coordinating all applicable Federal authorizations and for the purposes of complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(2) OTHER AGENCIES AND INDIAN TRIBES.—

''(A) IN GENERAL.—Each Federal, State, and local government agency and Indian tribe considering an aspect of an application for Federal authorization shall coordinate with the Commission and comply with the deadline established in the schedule developed for the project in accordance with the rule issued by the Commission under subsection (c).

''(B) IDENTIFICATION.—The Commission shall identify, as early as practicable after it is notified by the applicant of a project or facility requiring Commission action under this part, any Federal or State agency, local government, or Indian tribe that may consider an aspect of an application for a Federal authorization.

''(C) NOTIFICATION.—

''(i) IN GENERAL.—The Commission shall notify any agency and Indian tribe identified under subparagraph (B) of the opportunity to participate in the process of reviewing an aspect of an application for a Federal authorization.

''(ii) DEADLINE.—Each agency and Indian tribe receiving a notice under clause (i) shall submit a response acknowledging receipt of the notice to the Commission within 30 days of receipt of such notice and request.

''(D) ISSUE IDENTIFICATION AND RESOLUTION.—

''(i) IDENTIFICATION OF ISSUES.—Federal, State, and local government agencies and Indian tribes that may consider an aspect of an application for Federal authorization shall identify, as early as possible, and share with the Commission and the applicant, any issues of concern identified during the pendency of the Commission's action under this part relating to any Federal authorization that may delay or prevent the granting of such authorization, including any issues that may prevent the agency or Indian tribe from meeting the schedule established for the project in accordance with the rule issued by the Commission under subsection (c).

''(ii) ISSUE RESOLUTION.—The Commission may forward any issue of concern identified under clause (i) to the heads of the relevant State and Federal agencies (including, in the case of scheduling concerns identified by a State or local government agency or Indian tribe, the Federal agency overseeing the delegated authority, or the Secretary of the Interior with regard to scheduling concerns identified by an Indian tribe) for resolution. The Commission and any relevant agency shall enter into a memorandum of understanding to facilitate interagency coordination and resolution of such issues of concern, as appropriate.

''(c) SCHEDULE.—

''(1) COMMISSION RULEMAKING TO ESTABLISH PROCESS TO SET SCHEDULE.—Within 180 days of the date of enactment of this section the Commission shall, in consultation with the appropriate Federal agencies, issue a rule, after providing for notice and public comment, establishing a process for setting a schedule following the filing of an application under this part for the review and disposition of each Federal authorization.

''(2) ELEMENTS OF SCHEDULING RULE.—In issuing a rule under this subsection, the Commission shall ensure that the schedule for each Federal authorization—

''(A) includes deadlines for actions by—

''(i) any Federal or State agency, local government, or Indian tribe that may consider an aspect of an application for the Federal authorization;

''(ii) the applicant;

''(iii) the Commission; and

''(iv) other participants in a proceeding;

''(B) is developed in consultation with the applicant and any agency and Indian tribe that submits a response under subsection (b)(2)(C)(ii);

''(C) provides an opportunity for any Federal or State agency, local government, or Indian tribe that may consider an aspect of an application for the applicable Federal authorization to identify and resolve issues of concern, as provided in subsection (b)(2)(D);

''(D) complies with applicable schedules established under Federal and State law;

''(E) ensures expeditious completion of all proceedings required under Federal and State law, to the extent practicable; and

''(F) facilitates completion of Federal and State agency studies, reviews, and any other procedures required prior to, or concurrent with, the preparation of the Commission's environmental document required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(d) TRANSMISSION OF FINAL SCHEDULE.—

''(1) IN GENERAL.—For each application for a license, license amendment, or exemption under this part, the Commission shall establish a schedule in accordance with the rule issued by the Commission under subsection (c). The Commission shall publicly notice and transmit the final schedule to the applicant and each agency and Indian tribe identified under subsection (b)(2)(B).

''(2) RESPONSE.—Each agency and Indian tribe receiving a schedule under this subsection shall acknowledge receipt of such schedule in writing to the Commission within 30 days.

''(e) ADHERENCE TO SCHEDULE.—All applicants, other licensing participants, and agencies and tribes considering an aspect of an application for a Federal authorization shall meet the deadlines set forth in the schedule established pursuant to subsection (d)(1).

''(f) APPLICATION PROCESSING.—The Commission, Federal, State, and local government agencies, and Indian tribes may allow an applicant seeking a Federal authorization to fund a third-party contractor selected by such agency or tribe to assist in reviewing the application. All costs of an agency or tribe incurred pursuant to direct funding by the applicant, including all costs associated with the third party contractor, shall not be considered costs of the United States for the administration of this part under section 10(e).

''(g) COMMISSION RECOMMENDATION ON SCOPE OF ENVIRONMENTAL REVIEW.—For the purposes of coordinating Federal authorizations for each project, the Commission shall consult with and make a recommendation to agencies and Indian tribes receiving a schedule under subsection (d) on the scope of the environmental review for all Federal authorizations for such project. Each Federal and State agency and Indian tribe shall give due consideration and may give deference to the Commission's recommendations, to the extent appropriate under Federal law.

''(h) FAILURE TO MEET SCHEDULE.—A Federal, State, or local government agency or Indian tribe that anticipates that it will be unable to complete its disposition of a Federal authorization by the deadline set forth in the schedule established under subsection (d)(1) may file for an extension as provided under section 313(b)(2).

''(i) CONSOLIDATED RECORD.—The Commission shall, with the cooperation of Federal, State, and local government agencies and Indian tribes, maintain a complete consolidated record of all decisions made or actions taken by the Commission or by a Federal administrative agency or officer (or State or local government agency or officer or Indian tribe acting under delegated Federal authority) with respect to any Federal authorization. Such record shall constitute the record for judicial review under section 313(b).''.

SEC. 1204. JUDICIAL REVIEW OF DELAYED FEDERAL AUTHORIZATIONS.

Section 313(b) of the Federal Power Act (16 U.S.C. 825l(b)) is amended—

(1) by striking ''(b) Any party'' and inserting the following:

''(b) JUDICIAL REVIEW.—

''(1) IN GENERAL.—Any party''; and

(2) by adding at the end the following:

''(2) DELAY OF A FEDERAL AUTHORIZATION.—Any Federal, State, or local government agency or Indian tribe that will not complete its disposition of a Federal authorization by the deadline set forth in the schedule by the Commission under section 34 may file for an extension in the United States court of appeals for any circuit wherein the project or proposed project is located, or in the United States Court of Appeals for the District of Columbia. Such petition shall be filed not later than 30 days prior to such deadline. The court shall only grant an extension if the agency or tribe demonstrates, based on the record maintained under section 34, that it otherwise complied with the requirements of section 34 and that complying with the schedule set by the Commission would have prevented the agency or tribe from complying with applicable Federal or State law. If the court grants the extension, the court shall set a reasonable schedule and deadline, not to exceed 90 days, for the agency to act on remand. If the court denies the extension, or if an agency or tribe does not file for an extension as provided in this subsection and does not complete its disposition of a Federal authorization by the applicable deadline, the Commission and applicant may move forward with the proposed action.''.

SEC. 1205. LICENSING STUDY IMPROVEMENTS.

Part I of the Federal Power Act (16 U.S.C. 792 et seq.), as amended by section 1203, is further amended by adding at the end the following:

''SEC. 35. LICENSING STUDY IMPROVEMENTS.

''(a) IN GENERAL.—To facilitate the timely and efficient completion of the license proceedings under this part, the Commission shall, in consultation with applicable Federal and State agencies and interested members of the public—

''(1) compile current and accepted best practices in performing studies required in such license proceedings, including methodologies and the design of studies to assess the full range of environmental impacts of a project that reflect the most recent peer-reviewed science;

''(2) compile a comprehensive collection of studies and data accessible to the public that could be used to inform license proceedings under this part; and

''(3) encourage license applicants, agencies, and Indian tribes to develop and use, for the purpose of fostering timely and efficient consideration of license applications, a limited number of open-source methodologies and tools applicable across a wide array of projects, including water balance models and streamflow analyses.

''(b) USE OF STUDIES.—To the extent practicable, the Commission and other Federal, State, and local government agencies and Indian tribes considering an aspect of an application for Federal authorization shall use current, accepted science toward studies and data in support of their actions. Any participant in a proceeding with respect to a Federal authorization shall demonstrate a study requested by the party is not duplicative of current, existing studies that are applicable to the project.

''(c) BASIN-WIDE OR REGIONAL REVIEW.—The Commission shall establish a program to develop comprehensive plans, at the request of project applicants, on a regional or basin-wide scale, in consultation with the applicants, appropriate Federal agencies, and affected States, local governments, and Indian tribes, in basins or regions with respect to which there are more than one project or application for a project. Upon such a request, the Commission, in consultation with the applicants, such Federal agencies, and affected States, local governments, and Indian

tribes, may conduct or commission regional or basin-wide environmental studies, with the participation of at least 2 applicants. Any study conducted under this subsection shall apply only to a project with respect to which the applicant participates.''.

SEC. 1206. CLOSED-LOOP PUMPED STORAGE PROJECTS.

Part I of the Federal Power Act (16 U.S.C. 792 et seq.), as amended by section 1205, is further amended by adding at the end the following:

''SEC. 36. CLOSED-LOOP PUMPED STORAGE PROJECTS.

''(a) DEFINITION.—For purposes of this section, a closed-loop pumped storage project is a project—

''(1) in which the upper and lower reservoirs do not impound or directly withdraw water from navigable waters; or

''(2) that is not continuously connected to a naturally flowing water feature.

''(b) IN GENERAL.—As provided in this section, the Commission may issue and amend licenses and preliminary permits, as appropriate, for closed-loop pumped storage projects.

''(c) DAM SAFETY.—Before issuing any license for a closed-loop pumped storage project, the Commission shall assess the safety of existing dams and other structures related to the project (including possible consequences associated with failure of such structures).

''(d) LICENSE CONDITIONS.—With respect to a closed-loop pumped storage project, the authority of the Commission to impose conditions on a license under sections 4(e), 10(a), 10(g), and 10(j) shall not apply, and any condition included in or applicable to a closed-loop pumped storage project licensed under this section, including any condition or other requirement of a Federal authorization, shall be limited to those that are—

''(1) necessary to protect public safety; or

''(2) reasonable, economically feasible, and essential to prevent loss of or damage to, or to mitigate adverse effects on, fish and wildlife resources directly caused by the construction and operation of the project, as compared to the environmental baseline existing at the time the Commission completes its environmental review.

''(e) TRANSFERS.—Notwithstanding section 5, and regardless of whether the holder of a preliminary permit for a closed-loop pumped storage project claimed municipal preference under section 7(a) when obtaining the permit, the Commission may, to facilitate development of a closed-loop pumped storage project—

''(1) add entities as joint permittees following issuance of a preliminary permit; and

''(2) transfer a license in part to one or more nonmunicipal entities as co-licensees with a municipality.''.

SEC. 1207. LICENSE AMENDMENT IMPROVEMENTS.

Part I of the Federal Power Act (16 U.S.C. 792 et seq.), as amended by section 1206, is further amended by adding at the end the following:

''SEC. 37. LICENSE AMENDMENT IMPROVEMENTS.

''(a) QUALIFYING PROJECT UPGRADES.—

''(1) IN GENERAL.—As provided in this section, the Commission may approve an application for an amendment to a license issued under this part for a qualifying project upgrade.

''(2) APPLICATION.—A licensee filing an application for an amendment to a project license under this section shall include in such application information sufficient to demonstrate that the proposed change to the project described in the application is a qualifying project upgrade.

''(3) INITIAL DETERMINATION.—Not later than 15 days after receipt of an application under paragraph (2), the Commission shall make an initial determination as to whether the proposed change to the project described in the application for a license amendment is a qualifying project upgrade. The Commission shall publish its initial determination and issue notice of the application filed under paragraph (2). Such notice shall solicit public comment on the initial determination within 45 days.

''(4) PUBLIC COMMENT ON QUALIFYING CRITERIA.—The Commission shall accept public comment regarding whether a proposed license amendment is for a qualifying project upgrade for a period of 45 days beginning on the date of publication of a public notice described in paragraph (3), and shall—

''(A) if no entity contests whether the proposed license amendment is for a qualifying project upgrade during such comment period, immediately publish a notice stating that the initial determination has not been contested; or

''(B) if an entity contests whether the proposed license amendment is for a qualifying project upgrade during the comment period, issue a written determination in accordance with paragraph (5).

''(5) WRITTEN DETERMINATION.—If an entity contests whether the proposed license amendment is for a qualifying project upgrade during the comment period under paragraph (4), the Commission shall, not later than 30 days after the date of publication of the public notice of the initial determination under paragraph (3), issue a written determination as to whether the proposed license amendment is for a qualifying project upgrade.

''(6) PUBLIC COMMENT ON AMENDMENT APPLICATION.—If no entity contests whether the proposed license amendment is for a qualifying project upgrade during the comment period under paragraph (4) or the Commission issues a written determination under paragraph (5) that a proposed license amendment is a qualifying project upgrade, the Commission shall—

''(A) during the 60-day period beginning on the date of publication of a notice under paragraph (4)(A) or the date on which the Commission issues the written determination under paragraph (5), as applicable, solicit comments from each Federal, State, and local government agency and Indian tribe considering an aspect of an application for Federal authorization (as defined in section 34) with respect to the proposed license amendment, as well as other interested agencies, Indian tribes, and members of the public; and

''(B) during the 90-day period beginning on the date of publication of a notice under paragraph (4)(A) or the date on which the Commission issues the written determination under paragraph (5), as applicable, consult with—

''(i) appropriate Federal agencies and the State agency exercising administrative control over the fish and wildlife resources, and water quality and supply, of the State in which the qualifying project upgrade is located;

''(ii) any Federal department supervising any public lands or reservations occupied by the qualifying project upgrade; and

''(iii) any Indian tribe affected by the qualifying project upgrade.

''(7) FEDERAL AUTHORIZATIONS.—The schedule established by the Commission under section 34 for any project upgrade under this subsection shall require final disposition on all necessary Federal authorizations (as defined in section 34), other than final action by the Commission, by not later than 120 days after the date on which the Commission issues a notice under paragraph (4)(A) or a written determination under paragraph (5), as applicable.

''(8) COMMISSION ACTION.—Not later than 150 days after the date on which the Commission issues a notice under paragraph (4)(A) or a written determination under paragraph (5), as applicable, the Commission shall take final action on the license amendment application.

''(9) LICENSE AMENDMENT CONDITIONS.—Any condition included in or applicable to a license amendment approved under this subsection, including any condition or other requirement of a Federal authorization, shall be limited to those that are—

''(A) necessary to protect public safety; or

''(B) reasonable, economically feasible, and essential to prevent loss of or damage to, or to mitigate adverse effects on, fish and wildlife resources, water supply, and water quality that are directly caused by the construction and operation of the qualifying project upgrade, as compared to the environmental baseline existing at the time the Commission approves the application for the license amendment.

''(10) PROPOSED LICENSE AMENDMENTS THAT ARE NOT QUALIFYING PROJECT UPGRADES.—If the Commission determines under paragraph (3) or (5) that a proposed license amendment is not for a qualifying project upgrade, the procedures under paragraphs (6) through (9) shall not apply to the application.

''(11) RULEMAKING.—Not later than 180 days after the date of enactment of this section, the Commission shall, after notice and opportunity for public comment, issue a rule to implement this subsection.

''(12) DEFINITIONS.—For purposes of this subsection:

''(A) QUALIFYING PROJECT UPGRADE.—The term 'qualifying project upgrade' means a change to a project licensed under this part that meets the qualifying criteria, as determined by the Commission.

''(B) QUALIFYING CRITERIA.—The term 'qualifying criteria' means, with respect to a project license under this part, a change to the project that—

''(i) if carried out, would be unlikely to adversely affect any species listed as threatened or endangered under the Endangered Species Act of 1973 or result in the destruction or adverse modification of critical habitat, as determined in consultation with the Secretary of the Interior or Secretary of Commerce, as appropriate, in accordance with section 7 of the Endangered Species Act of 1973;

''(ii) is consistent with any applicable comprehensive plan under section 10(a)(2);

''(iii) includes only changes to project lands, waters, or operations that, in the judgment of the Commission, would result in only insignificant or minimal cumulative adverse environmental effects;

''(iv) would be unlikely to adversely affect water quality and water supply; and

''(v) proposes to implement—

''(I) capacity increases, efficiency improvements, or other enhancements to hydropower generation at the licensed project;

''(II) environmental protection, mitigation, or enhancement measures to benefit fish and wildlife resources or other natural and cultural resources; or

''(III) improvements to public recreation at the licensed project.

''(b) AMENDMENT APPROVAL PROCESSES.—

''(1) RULE.—Not later than 1 year after the date of enactment of this section, the Commission shall, after notice and opportunity for public comment, issue a rule establishing new standards and procedures for license amendment applications under this part. In issuing such rule, the Commission shall seek to develop the most efficient and expedient process, consultation, and review requirements, commensurate with the scope of different categories of proposed license amendments. Such rule shall account for differences in environmental effects across a wide range of categories of license amendment applications.

''(2) CAPACITY.—In issuing a rule under this subsection, the Commission shall take into consideration that a change in generating or hydraulic capacity may indicate the potential environmental effects of a proposed amendment but is not determinative of such effects.

''(3) PROCESS OPTIONS.—In issuing a rule under this subsection, the Commission shall take into consideration the range of process options available under the Commission's regulations for new and original license applications and adapt such options to amendment applications, where appropriate.''.

SEC. 1208. PROMOTING HYDROPOWER DEVELOPMENT AT EXISTING NONPOWERED DAMS.

Part I of the Federal Power Act (16 U.S.C. 792 et seq.), as amended by section 1207, is further amended by adding at the end the following:

"SEC. 38. PROMOTING HYDROPOWER DEVELOPMENT AT EXISTING NONPOWERED DAMS.

''(a) EXEMPTIONS FOR QUALIFYING FACILITIES.—

''(1) EXEMPTION QUALIFICATIONS.—Subject to the requirements of this subsection, the Commission may grant an exemption in whole or in part from the requirements of this part, including any license requirements contained in this part, to any facility the Commission determines is a qualifying facility.

''(2) CONSULTATION WITH FEDERAL AND STATE AGENCIES.—In granting any exemption under this subsection, the Commission shall consult with—

''(A) the United States Fish and Wildlife Service, the National Marine Fisheries Service, and the State agency exercising administrative control over the fish and wildlife resources of the State in which the facility will be located, in the manner provided by the Fish and Wildlife Coordination Act;

''(B) any Federal department supervising any public lands or reservations occupied by the project; and

''(C) any Indian tribe affected by the project.

''(3) EXEMPTION CONDITIONS.—

''(A) IN GENERAL.—The Commission shall include in any exemption granted under this subsection only such terms and conditions that the Commission determines are—

''(i) necessary to protect public safety; or

''(ii) reasonable, economically feasible, and essential to prevent loss of or damage to, or to mitigate adverse effects on, fish and wildlife resources directly caused by the construction and operation of the qualifying facility, as compared to the environmental baseline existing at the time the Commission grants the exemption.

''(B) NO CHANGES TO RELEASE REGIME.—No Federal authorization required with respect to a qualifying facility described in paragraph (1), including an exemption granted by the Commission under this subsection, may include any condition or other requirement that results in any material change to the storage, control, withdrawal, diversion, release, or flow operations of the associated qualifying nonpowered dam.

''(4) ENVIRONMENTAL REVIEW.—The Commission's environmental review under the National Environmental Policy Act of 1969 of a proposed exemption under this subsection shall consist only of an environmental assessment, unless the Commission determines, by rule or order, that the Commission's obligations under such Act for granting exemptions under this subsection can be met through a categorical exclusion.

''(5) VIOLATION OF TERMS OF EXEMPTION.—Any violation of a term or condition of any exemption granted under this subsection shall be treated as a violation of a rule or order of the Commission under this Act.

''(6) ANNUAL CHARGES FOR ENHANCEMENT ACTIVITIES.—Exemptees under this subsection for any facility located at a non-Federal dam shall pay to the United States reasonable annual charges in an amount to be fixed by the Commission for the purpose of funding environmental enhancement projects in watersheds in which facilities exempted under this subsection are located. Such annual charges shall be equivalent to the annual charges for use of a Government dam under section 10(e), unless the Commission determines, by rule, that a lower charge is appropriate to protect exemptees' investment in the project or avoid increasing the price to consumers of power due to such charges. The proceeds of charges made by the Commission under this paragraph shall be paid into the Treasury of the United States and credited to miscellaneous receipts. Subject to annual appropriation Acts, such proceeds shall be available to Federal and State fish and wildlife agencies for purposes of carrying out specific environmental enhancement projects in watersheds in which one or more facilities exempted under this subsection are located. Not later than 180 days after the date of enactment of this section, the Commission shall establish rules, after notice and opportunity for public comment, for the collection and administration of annual charges under this paragraph.

''(7) EFFECT OF JURISDICTION.—The jurisdiction of the Commission over any qualifying facility exempted under this subsection shall extend only to the qualifying facility exempted and any associated primary transmission line, and shall not extend to any conduit, dam, impoundment, shoreline or other land, or any other project work associated with the qualifying facility exempted under this subsection.

''(b) DEFINITIONS.—For purposes of this section—

''(1) FEDERAL AUTHORIZATION.—The term 'Federal authorization' has the same meaning as provided in section 34.

''(2) QUALIFYING CRITERIA.—The term 'qualifying criteria' means, with respect to a facility—

''(A) as of the date of enactment of this section, the facility is not licensed under, or exempted from the license requirements contained in, this part;

''(B) the facility will be associated with a qualifying nonpowered dam;

''(C) the facility will be constructed, operated, and maintained for the generation of electric power;

''(D) the facility will use for such generation any withdrawals, diversions, releases, or flows from the associated qualifying nonpowered dam, including its associated impoundment or other infrastructure; and

''(E) the operation of the facility will not result in any material change to the storage, control, withdrawal, diversion, release, or flow operations of the associated qualifying nonpowered dam.

''(3) QUALIFYING FACILITY.—The term 'qualifying facility' means a facility that is determined under this section to meet the qualifying criteria.

''(4) QUALIFYING NONPOWERED DAM.—The term 'qualifying nonpowered dam' means any dam, dike, embankment, or other barrier—

''(A) the construction of which was completed on or before the date of enactment of this section;

''(B) that is operated for the control, release, or distribution of water for agricultural, municipal, navigational, industrial, commercial, environmental, recreational, aesthetic, or flood control purposes;

''(C) that, as of the date of enactment of this section, is not equipped with hydropower generating works that are licensed under, or exempted from the license requirements contained in, this part; and

''(D) that, in the case of a non-Federal dam, has been certified by an independent consultant approved by the Commission as complying with the Commission's dam safety requirements.''.

TITLE II—ENERGY SECURITY AND DIPLOMACY

SEC. 2001. SENSE OF CONGRESS.

Congress finds the following:

(1) North America's energy revolution has significantly enhanced energy security in the United States, and fundamentally changed the Nation's energy future from that of scarcity to abundance.

(2) North America's energy abundance has increased global energy supplies and reduced the price of energy for consumers in the United States and abroad.

(3) Allies and trading partners of the United States, including in Europe and Asia, are seeking stable and affordable energy supplies from North America to enhance their energy security.

(4) The United States has an opportunity to improve its energy security and promote greater stability and affordability of energy supplies for its allies and trading partners through a more integrated, secure, and competitive North American energy system.

(5) The United States also has an opportunity to promote such objectives by supporting the free flow of energy commodities and more open, transparent, and competitive global energy markets, and through greater Federal agency coordination relating to regulations or agency actions that significantly affect the supply, distribution, or use of energy.

SEC. 2002. ENERGY SECURITY VALUATION.

(a) ESTABLISHMENT OF ENERGY SECURITY VALUATION METHODS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Energy, in collaboration with the Secretary of State, shall develop and transmit, after public notice and comment, to the Committee on Energy and Commerce, the Committee on Science, Space, and Technology, and the Committee on Foreign Affairs of the House of Representatives and the Committee on Energy and Natural Resources, the Committee on Commerce, Science, and Transportation, and the Committee on Foreign Relations of the Senate a report that develops recommended United States energy security valuation methods. In developing the report, the Secretaries may consider the recommendations of the Administration's Quadrennial Energy Review released on April 21, 2015. The report shall—

(1) evaluate and define United States energy security to reflect modern domestic and global energy markets and the collective needs of the United States and its allies and partners;

(2) identify transparent and uniform or coordinated procedures and criteria to ensure that energy-related actions that significantly affect the supply, distribution, transportation, or use of energy are evaluated with respect to their potential impact on energy security, including their impact on—

(A) consumers and the economy;

(B) energy supply diversity and resiliency;

(C) well-functioning and competitive energy markets;

(D) United States trade balance; and

(E) national security objectives; and

(3) include a recommended implementation strategy that identifies and aims to ensure that the procedures and criteria referred to in paragraph (2) are—

(A) evaluated consistently across the Federal Government; and

(B) weighed appropriately and balanced with environmental considerations required by Federal law.

(b) PARTICIPATION.—In developing the report referred to in subsection (a), the Secretaries may consult with relevant Federal, State, private sector, and international participants, as appropriate and consistent with applicable law.

SEC. 2003. NORTH AMERICAN ENERGY SECURITY PLAN.

(a) REQUIREMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Energy, in collaboration with the Secretary of State, shall develop and transmit to the Committee on Energy and Commerce and the Committee on Foreign Affairs of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Foreign Relations of the Senate the plan described in subsection (b).

(b) PURPOSE.—The plan referred to in subsection (a) shall include—

(1) a recommended framework and implementation strategy to—

(A) improve planning and coordination with Canada and Mexico to enhance energy integration, strengthen North American energy security, and promote efficiencies in the exploration, production, storage, supply, distribution, marketing, pricing, and regulation of North American energy resources; and

(B) address—

(i) North American energy public data, statistics, and mapping collaboration;

(ii) responsible and sustainable best practices for the development of unconventional oil and natural gas; and

(iii) modern, resilient energy infrastructure for North America, including physical infrastructure as well as institutional infrastructure such as policies, regulations, and practices relating to energy development; and

(2) a recommended framework and implementation strategy to improve collaboration with Caribbean and Central American partners on energy security, including actions to support—

(A) more open, transparent, and competitive energy markets;

(B) regulatory capacity building;

(C) improvements to energy transmission and storage; and

(D) improvements to the performance of energy infrastructure and efficiency.

(c) PARTICIPATION.—In developing the plan referred to in subsection (a), the Secretaries may consult with other Federal, State, private sector, and international participants, as appropriate and consistent with applicable law.

SEC. 2004. COLLECTIVE ENERGY SECURITY.

(a) IN GENERAL.—The Secretary of Energy and the Secretary of State shall collaborate to strengthen domestic energy security and the energy security of the allies and trading partners of the United States, including through actions that support or facilitate—

(1) energy diplomacy;

(2) the delivery of United States assistance, including energy resources and technologies, to prevent or mitigate an energy security crisis;

(3) the development of environmentally and commercially sustainable energy resources;

(4) open, transparent, and competitive energy markets; and

(5) regulatory capacity building.

(b) ENERGY SECURITY FORUMS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Energy, in collaboration with the Secretary of State, shall convene not less than 2 forums to promote the collective energy security of the United States and its allies and trading partners. The forums shall include participation by the Secretary of Energy and the Secretary of State. In addition, an invitation shall be extended to—

(1) appropriate representatives of foreign governments that are allies or trading partners of the United States; and

(2) independent experts and industry representatives.

(c) REQUIREMENTS.—The forums shall—

(1) consist of at least 1 Trans-Atlantic and 1 Trans-Pacific energy security forum;

(2) be designed to foster dialogue among government officials, independent experts, and industry representatives regarding—

(A) the current state of global energy markets;

(B) trade and investment issues relevant to energy; and

(C) barriers to more open, competitive, and transparent energy markets; and

(3) be recorded and made publicly available on the Department of Energy's website, including, not later than 30 days after each forum, publication on the website any significant outcomes.

(d) NOTIFICATION.—At least 30 days before each of the forums referred to in subsection (b), the Secretary of Energy shall send a notification regarding the forum to—

(1) the chair and the ranking minority member of the Committee on Energy and Commerce and the Committee on Foreign Affairs of the House of Representatives; and

(2) the chair and ranking minority member of the Committee on Energy and Natural Resources and the Committee on Foreign Relations of the Senate.

SEC. 2005. AUTHORIZATION TO EXPORT NATURAL GAS.

(a) DECISION DEADLINE.—For proposals that must also obtain authorization from the Federal Energy Regulatory Commission or the United States Maritime Administration to site, construct, expand, or operate LNG export facilities, the Department of Energy shall issue a final decision on any application for the authorization to export natural gas under section 3 of the Natural Gas Act (15 U.S.C. 717b) not later than 30 days after the later of—

(1) the conclusion of the review to site, construct, expand, or operate the LNG facilities required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

(2) the date of enactment of this Act.

(b) CONCLUSION OF REVIEW.—For purposes of subsection (a), review required by the National Environmental Policy Act of 1969 shall be considered concluded—

(1) for a project requiring an Environmental Impact Statement, 30 days after publication of a Final Environmental Impact Statement;

(2) for a project for which an Environmental Assessment has been prepared, 30 days after publication by the Department of Energy of a Finding of No Significant Impact; and

(3) upon a determination by the lead agency that an application is eligible for a categorical exclusion pursuant to National Environmental Policy Act of 1969 implementing regulations.

(c) PUBLIC DISCLOSURE OF EXPORT DESTINATIONS.—Section 3 of the Natural Gas Act (15 U.S.C. 717b) is amended by adding at the end the following:

''(g) PUBLIC DISCLOSURE OF LNG EXPORT DESTINATIONS.—As a condition for approval of any authorization to export LNG, the Secretary of Energy shall require the applicant to publicly disclose the specific destination or destinations of any such authorized LNG exports.''.

SEC. 2006. ENVIRONMENTAL REVIEW FOR ENERGY EXPORT FACILITIES.

Notwithstanding any other provision of law, including any other provision of this Act and any amendment made by this Act, to the extent that the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) applies to the issuance of a permit for the construction, operation, or maintenance of a facility for the export of bulk commodities, no such permit may be denied until each applicable Federal agency has completed all reviews required for the facility under such Act.

SEC. 2007. AUTHORIZATION OF CROSS-BORDER INFRASTRUCTURE PROJECTS.

(a) FINDING.—Congress finds that the United States should establish a more uniform, transparent, and modern process for the construction, connection, operation, and maintenance of pipelines and electric transmission facilities for the import and export of liquid products, including water and petroleum, and natural gas and the transmission of electricity to and from Canada and Mexico.

(b) AUTHORIZATION OF CERTAIN INFRASTRUCTURE PROJECTS AT THE NATIONAL BOUNDARY OF THE UNITED STATES.—

(1) REQUIREMENT.—No person may construct, connect, operate, or maintain a cross-border segment of a pipeline or electric transmission facility for the import or export of liquid products or natural gas, or the transmission of electricity, to or from Canada or Mexico without obtaining a certificate of crossing for such construction, connection, operation, or maintenance under this subsection.

(2) CERTIFICATE OF CROSSING.—

(A) ISSUANCE.—

(i) IN GENERAL.—Not later than 120 days after final action is taken under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to a cross-border segment described in paragraph (1), the relevant official identified under subparagraph (B), in consultation with appropriate Federal agencies, shall issue a certificate of crossing for the cross-border segment unless the relevant official finds that the construction, connection, operation, or maintenance of the cross-border segment is not in the public interest of the United States.

(ii) NATURAL GAS.—For the purposes of natural gas pipelines, a finding with respect to the public interest under section 3(a) of the Natural Gas Act (15 U.S.C. 717b(a)) shall serve as a finding under clause (i) of this subparagraph.

(B) RELEVANT OFFICIAL.—The relevant official referred to in subparagraph (A) is—

(i) the Secretary of State with respect to liquid pipelines;

(ii) the Federal Energy Regulatory Commission with respect to natural gas pipelines; and

(iii) the Secretary of Energy with respect to electric transmission facilities.

(C) ADDITIONAL REQUIREMENT FOR ELECTRIC TRANSMISSION FACILITIES.—The Secretary of Energy shall require, as a condition of issuing a certificate of crossing for an electric transmission facility, that the cross-border segment be constructed, connected, operated, or maintained consistent with all applicable policies and standards of—

(i) the Electric Reliability Organization and the applicable regional entity; and

(ii) any Regional Transmission Organization or Independent System Operator with operational or functional control over the cross-border segment of the electric transmission facility.

(3) MODIFICATIONS TO EXISTING PROJECTS.—No certificate of crossing shall be required under this subsection for a change in ownership, volume expansion, downstream or upstream interconnection, or adjustment to maintain flow (such as a reduction or increase in the number of pump or compressor stations) with respect to a liquid or natural gas pipeline or electric transmission facility unless such modification would result in a significant impact at the national boundary.

(4) EFFECT OF OTHER LAWS.—Nothing in this subsection shall affect the application of any other Federal statute (including the Natural Gas Act and the Energy Policy and Conservation Act) to a project for which a certificate of crossing is sought under this subsection.

(c) IMPORTATION OR EXPORTATION OF NATURAL GAS TO CANADA AND MEXICO.—Section 3(c) of the Natural Gas Act (15 U.S.C. 717b(c)) is amended by adding at the end the following: ''In the case of an application for the importation or exportation of natural gas to or from Canada or Mexico, the Commission shall grant the application not later than 30 days after the date of receipt of the complete application.''.

(d) TRANSMISSION OF ELECTRIC ENERGY TO CANADA AND MEXICO.—

(1) REPEAL OF REQUIREMENT TO SECURE ORDER.—Section 202(e) of the Federal Power Act (16 U.S.C. 824a(e)) is repealed.

(2) CONFORMING AMENDMENTS.—

(A) STATE REGULATIONS.—Section 202(f) of the Federal Power Act (16 U.S.C. 824a(f)) is amended by striking ''insofar as such State regulation does not conflict with the exercise of the Commission's powers under or relating to subsection 202(e)''.

(B) SEASONAL DIVERSITY ELECTRICITY EXCHANGE.—Section 602(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 824a–4(b)) is amended by striking ''the Commission has conducted hearings and made the findings required under section 202(e) of the Federal Power Act'' and all that follows through the period at the end and inserting ''the Secretary has conducted hearings and finds that the proposed transmission facilities would not impair the sufficiency of electric supply within the United States or would not impede or tend to impede the coordination in the public interest of facilities subject to the jurisdiction of the Secretary''.

(e) EFFECTIVE DATE; RULEMAKING DEADLINES.—

(1) EFFECTIVE DATE.—Subsections (b) through (d), and the amendments made by such subsections, shall take effect on January 20, 2017.

(2) RULEMAKING DEADLINES.—Each relevant official described in subsection (b)(2)(B) shall—

(A) not later than 180 days after the date of enactment of this Act, publish in the Federal

Register notice of a proposed rulemaking to carry out the applicable requirements of subsection (b); and

(B) not later than 1 year after the date of enactment of this Act, publish in the Federal Register a final rule to carry out the applicable requirements of subsection (b).

(f) DEFINITIONS.—In this section—

(1) the term ''cross-border segment'' means the portion of a liquid or natural gas pipeline or electric transmission facility that is located at the national boundary of the United States with either Canada or Mexico;

(2) the terms ''Electric Reliability Organization'' and ''regional entity'' have the meanings given those terms in section 215 of the Federal Power Act (16 U.S.C. 824o);

(3) the terms ''Independent System Operator'' and ''Regional Transmission Organization'' have the meanings given those terms in section 3 of the Federal Power Act (16 U.S.C. 796);

(4) the term ''liquid'' includes water, petroleum, petroleum product, and any other substance that flows through a pipeline other than natural gas; and

(5) the term ''natural gas'' has the meaning given that term in section 2 of the Natural Gas Act (15 U.S.C. 717a).

SEC. 2008. REPORT ON SMART METER SECURITY CONCERNS.

Not later than 1 year after the date of enactment of this Act, the Secretary of Energy shall transmit to Congress a report on the weaknesses in currently available smart meters' security architecture and features, including an absence of event logging, as described in the Government Accountability Office testimony entitled ''Critical Infrastructure Protection: Cybersecurity of the Nation's Electricity Grid Requires Continued Attention'' on October 21, 2015.

TITLE III—ENERGY EFFICIENCY AND ACCOUNTABILITY

Subtitle A—Energy Efficiency

CHAPTER 1—FEDERAL AGENCY ENERGY EFFICIENCY

SEC. 3111. ENERGY-EFFICIENT AND ENERGY-SAVING INFORMATION TECHNOLOGIES.

(a) AMENDMENT.—Subtitle C of title V of the Energy Independence and Security Act of 2007 (Public Law 110–140; 121 Stat. 1661) is amended by adding at the end the following:

''SEC. 530. ENERGY-EFFICIENT AND ENERGY-SAVING INFORMATION TECHNOLOGIES.

''(a) DEFINITIONS.—In this section:

''(1) DIRECTOR.—The term 'Director' means the Director of the Office of Management and Budget.

''(2) INFORMATION TECHNOLOGY.—The term 'information technology' has the meaning given that term in section 11101 of title 40, United States Code.

''(b) DEVELOPMENT OF IMPLEMENTATION STRATEGY.—Not later than 1 year after the date of enactment of this section, each Federal agency shall coordinate with the Director, the Secretary, and the Administrator of the Environmental Protection Agency to develop an implementation strategy (that includes best practices and measurement and verification techniques) for the maintenance, purchase, and use by the Federal agency of energy-efficient and energy-saving information technologies, taking into consideration the performance goals established under subsection (d).

''(c) ADMINISTRATION.—In developing an implementation strategy under subsection (b), each Federal agency shall consider—

''(1) advanced metering infrastructure;

''(2) energy-efficient data center strategies and methods of increasing asset and infrastructure utilization;

''(3) advanced power management tools;

''(4) building information modeling, including building energy management;

''(5) secure telework and travel substitution tools; and

''(6) mechanisms to ensure that the agency realizes the energy cost savings brought about through increased efficiency and utilization.

''(d) PERFORMANCE GOALS.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Director, in consultation with the Secretary, shall establish performance goals for evaluating the efforts of Federal agencies in improving the maintenance, purchase, and use of energy-efficient and energy-saving information technology.

''(2) BEST PRACTICES.—The Chief Information Officers Council established under section 3603 of title 44, United States Code, shall recommend best practices for the attainment of the performance goals, which shall include Federal agency consideration of, to the extent applicable by law, the use of—

''(A) energy savings performance contracting; and

''(B) utility energy services contracting.

''(e) REPORTS.—

''(1) AGENCY REPORTS.—Each Federal agency shall include in the report of the agency under section 527 a description of the efforts and results of the agency under this section.

''(2) OMB GOVERNMENT EFFICIENCY REPORTS AND SCORECARDS.—Effective beginning not later than October 1, 2017, the Director shall include in the annual report and scorecard of the Director required under section 528 a description of the efforts and results of Federal agencies under this section.''.

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Independence and Security Act of 2007 is amended by adding after the item relating to section 529 the following:

''Sec. 530. Energy-efficient and energy-saving information technologies.''.

SEC. 3112. ENERGY EFFICIENT DATA CENTERS.

Section 453 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17112) is amended—

(1) in subsection (b)(2)(D)(iv), by striking ''determined by the organization'' and inserting ''proposed by the stakeholders'';

(2) by striking subsection (b)(3); and

(3) by striking subsections (c) through (g) and inserting the following:

''(c) STAKEHOLDER INVOLVEMENT.—The Secretary and the Administrator shall carry out subsection (b) in collaboration with the information technology industry and other key stakeholders, with the goal of producing results that accurately reflect the most relevant and useful information available. In such collaboration, the Secretary and the Administrator shall pay particular attention to organizations that—

''(1) have members with expertise in energy efficiency and in the development, operation, and functionality of data centers, information technology equipment, and software, such as representatives of hardware manufacturers, data center operators, and facility managers;

''(2) obtain and address input from Department of Energy National Laboratories or any college, university, research institution, industry association, company, or public interest group with applicable expertise;

''(3) follow—

''(A) commonly accepted procedures for the development of specifications; and

''(B) accredited standards development processes; and

''(4) have a mission to promote energy efficiency for data centers and information technology.

''(d) MEASUREMENTS AND SPECIFICATIONS.—The Secretary and the Administrator shall consider and assess the adequacy of the specifications, measurements, best practices, and benchmarks described in subsection (b) for use by the Federal Energy Management Program, the Energy Star Program, and other efficiency programs of the Department of Energy or the Environmental Protection Agency.

''(e) STUDY.—The Secretary, in collaboration with the Administrator, shall, not later than 18 months after the date of enactment of the North American Energy Security and Infrastructure Act of 2016, make available to the public an update to the Report to Congress on Server and Data Center Energy Efficiency published on August 2, 2007, under section 1 of Public Law 109–431 (120 Stat. 2920), that provides—

''(1) a comparison and gap analysis of the estimates and projections contained in the original report with new data regarding the period from 2008 through 2015;

''(2) an analysis considering the impact of information technologies, including virtualization and cloud computing, in the public and private sectors;

''(3) an evaluation of the impact of the combination of cloud platforms, mobile devices, social media, and big data on data center energy usage;

''(4) an evaluation of water usage in data centers and recommendations for reductions in such water usage; and

''(5) updated projections and recommendations for best practices through fiscal year 2020.

''(f) DATA CENTER ENERGY PRACTITIONER PROGRAM.—The Secretary, in collaboration with key stakeholders and the Director of the Office of Management and Budget, shall maintain a data center energy practitioner program that leads to the certification of energy practitioners qualified to evaluate the energy usage and efficiency opportunities in Federal data centers. Each Federal agency shall consider having the data centers of the agency evaluated every 4 years, in accordance with section 543(f) of the National Energy Conservation Policy Act (42 U.S.C. 8253), by energy practitioners certified pursuant to such program.

''(g) OPEN DATA INITIATIVE.—The Secretary, in collaboration with key stakeholders and the Director of the Office of Management and Budget, shall establish an open data initiative for Federal data center energy usage data, with the purpose of making such data available and accessible in a manner that encourages further data center innovation, optimization, and consolidation. In establishing the initiative, the Secretary shall consider the use of the online Data Center Maturity Model.

''(h) INTERNATIONAL SPECIFICATIONS AND METRICS.—The Secretary, in collaboration with key stakeholders, shall actively participate in efforts to harmonize global specifications and metrics for data center energy and water efficiency.

''(i) DATA CENTER UTILIZATION METRIC.—The Secretary, in collaboration with key stakeholders, shall facilitate the development of an efficiency metric that measures the energy efficiency of a data center (including equipment and facilities).

''(j) PROTECTION OF PROPRIETARY INFORMATION.—The Secretary and the Administrator shall not disclose any proprietary information or trade secrets provided by any individual or company for the purposes of carrying out this section or the programs and initiatives established under this section.''.

SEC. 3113. REPORT ON ENERGY AND WATER SAVINGS POTENTIAL FROM THERMAL INSULATION.

(a) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Energy, in consultation with appropriate Federal agencies and relevant stakeholders, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the impact of thermal insulation on both energy and water use systems for potable hot and chilled water in Federal buildings, and the return on investment of installing such insulation.

(b) CONTENTS.—The report shall include—

(1) an analysis based on the cost of municipal or regional water for delivered water and the avoided cost of new water; and

(2) a summary of energy and water savings, including short-term and long-term (20 years) projections of such savings.

SEC. 3114. BATTERY STORAGE REPORT.

Not later than 1 year after the date of enactment of this Act, the Comptroller General shall transmit to Congress a report on the potential of battery energy storage that answers the following questions:

(1) How do existing Federal standards impact the development and deployment of battery storage systems?

(2) What are the benefits of using existing battery storage technology, and what challenges exist to their widespread use? What are some examples of existing battery storage projects providing these benefits?

(3) What potential impact could large-scale battery storage and behind-the-meter battery storage have on renewable energy utilization?

(4) What is the potential of battery technology for grid-scale use nationwide? What is the potential impact of battery technology on the national grid capabilities?

(5) How much economic activity associated with large-scale and behind-the-meter battery storage technology is located in the United States? How many jobs do these industries account for?

(6) What policies other than the Renewable Energy Investment Tax Credit have research and available data shown to promote renewable energy use and storage technology deployment by State and local governments or private end-users?

SEC. 3115. FEDERAL PURCHASE REQUIREMENT.

(a) DEFINITIONS.—Section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)) is amended by striking paragraph (2) and inserting the following:

''(2) RENEWABLE ENERGY.—The term 'renewable energy' means electric energy, or thermal energy if resulting from a thermal energy project placed in service after December 31, 2014, generated from, or avoided by, solar, wind, biomass, landfill gas, ocean (including tidal, wave, current, and thermal), geothermal, municipal solid waste (in accordance with subsection (e)), qualified waste heat resource, or new hydroelectric generation capacity achieved from increased efficiency or additions of new capacity at an existing hydroelectric project.

''(3) QUALIFIED WASTE HEAT RESOURCE.—The term 'qualified waste heat resource' means—

''(A) exhaust heat or flared gas from any industrial process;

''(B) waste gas or industrial tail gas that would otherwise be flared, incinerated, or vented;

''(C) a pressure drop in any gas for an industrial or commercial process; or

''(D) such other forms of waste heat as the Secretary determines appropriate.''.

(b) PAPER RECYCLING.—Section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852) is amended by adding at the end the following:

''(e) PAPER RECYCLING.—

''(1) SEPARATE COLLECTION.—For purposes of this section, any Federal agency may consider electric energy generation purchased from a facility to be renewable energy if the municipal solid waste used by the facility to generate the electricity is—

''(A) separately collected (within the meaning of section 246.101(z) of title 40, Code of Federal Regulations, as in effect on the date of enactment of the North American Energy Security and Infrastructure Act of 2016) from paper that is commonly recycled; and

''(B) processed in a way that keeps paper that is commonly recycled segregated from non-recyclable solid waste.

''(2) INCIDENTAL INCLUSION.—Municipal solid waste used to generate electric energy that meets the conditions described in paragraph (1) shall be considered renewable energy even if the municipal solid waste contains incidental commonly recycled paper.

''(3) NO EFFECT ON EXISTING PROCESSES.—Nothing in paragraph (1) shall be interpreted to require a State or political subdivision of a State, directly or indirectly, to change the systems, processes, or equipment it uses to collect, treat, dispose of, or otherwise use municipal solid waste, within the meaning of the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), nor require a change to the regulations that implement subtitle D of such Act (42 U.S.C. 6941 et seq.).''.

SEC. 3116. ENERGY PERFORMANCE REQUIREMENT FOR FEDERAL BUILDINGS.

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) ENERGY PERFORMANCE REQUIREMENT FOR FEDERAL BUILDINGS.—

''(1) REQUIREMENT.—Subject to paragraph (2), each agency shall apply energy conservation measures to, and shall improve the design for the construction of, the Federal buildings of the agency (including each industrial or laboratory facility) so that the energy consumption per gross square foot of the Federal buildings of the agency in fiscal years 2006 through 2017 is reduced, as compared with the energy consumption per gross square foot of the Federal buildings of the agency in fiscal year 2003, by the percentage specified in the following table:

''Fiscal Year	*Percentage Reduction*
2006	*2*
2007	*4*
2008	*9*
2009	*12*
2010	*15*
2011	*18*
2012	*21*
2013	*24*
2014	*27*
2015	*30*
2016	*33*
2017	*36.*

''(2) EXCLUSION FOR BUILDINGS WITH ENERGY INTENSIVE ACTIVITIES.—

''(A) IN GENERAL.—An agency may exclude from the requirements of paragraph (1) any building (including the associated energy consumption and gross square footage) in which energy intensive activities are carried out.

''(B) REPORTS.—Each agency shall identify and list in each report made under section 548(a) the buildings designated by the agency for exclusion under subparagraph (A).

''(3) REVIEW.—Not later than December 31, 2017, the Secretary shall—

''(A) review the results of the implementation of the energy performance requirements established under paragraph (1); and

''(B) based on the review conducted under subparagraph (A), submit to Congress a report that addresses the feasibility of requiring each agency to apply energy conservation measures to, and improve the design for the construction of, the Federal buildings of the agency (including each industrial or laboratory facility) so that the energy consumption per gross square foot of the Federal buildings of the agency in each of fiscal years 2018 through 2030 is reduced, as compared with the energy consumption per gross square foot of the Federal buildings of the agency in the prior fiscal year, by 3 percent.''; and

(2) in subsection (f)—

(A) in paragraph (1)—

(i) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (F), (G), and (H), respectively; and

(ii) by inserting after subparagraph (D) the following:

''(E) ONGOING COMMISSIONING.—The term 'ongoing commissioning' means an ongoing process of commissioning using monitored data, the primary goal of which is to ensure continuous optimum performance of a facility, in accordance with design or operating needs, over the useful life of the facility, while meeting facility occupancy requirements.'';

(B) in paragraph (2), by adding at the end the following:

''(C) ENERGY MANAGEMENT SYSTEM.—An energy manager designated under subparagraph (A) shall consider use of a system to manage energy use at the facility and certification of the facility in accordance with the International Organization for Standardization standard numbered 50001 and entitled 'Energy Management Systems'.'';

(C) by striking paragraphs (3) and (4) and inserting the following:

''(3) ENERGY AND WATER EVALUATIONS AND COMMISSIONING.—

''(A) EVALUATIONS.—Except as provided in subparagraph (B), effective beginning on the date that is 180 days after the date of enactment of the North American Energy Security and Infrastructure Act of 2016, and annually thereafter, each energy manager shall complete, for each calendar year, a comprehensive energy and water evaluation and recommissioning or retrocommissioning for approximately 25 percent of the facilities of that energy manager's agency that meet the criteria under paragraph (2)(B) in a manner that ensures that an evaluation of each facility is completed at least once every 4 years.

''(B) EXCEPTIONS.—An evaluation and recommissioning or recommissioning shall not be required under subparagraph (A) with respect to a facility that—

''(i) has had a comprehensive energy and water evaluation during the 8-year period preceding the date of the evaluation;

''(ii)(I) has been commissioned, recommissioned, or retrocommissioned during the 10-year period preceding the date of the evaluation; or

''(II) is under ongoing commissioning, recommissioning, or retrocommissioning;

''(iii) has not had a major change in function or use since the previous evaluation and commissioning, recommissioning, or retrocommissioning;

''(iv) has been benchmarked with public disclosure under paragraph (8) within the year preceding the evaluation; and

''(v)(I) based on the benchmarking, has achieved at a facility level the most recent cumulative energy savings target under subsection (a) compared to the earlier of—

''(aa) the date of the most recent evaluation; or

''(bb) the date—

''(AA) of the most recent commissioning, recommissioning, or retrocommissioning; or

''(BB) on which ongoing commissioning, recommissioning, or retrocommissioning began; or

''(II) has a long-term contract in place guaranteeing energy savings at least as great as the energy savings target under subclause (I).

''(4) IMPLEMENTATION OF IDENTIFIED ENERGY AND WATER EFFICIENCY MEASURES.—

''(A) IN GENERAL.—Not later than 2 years after the date of completion of each evaluation under paragraph (3), each energy manager may—

''(i) implement any energy- or water-saving measure that the Federal agency identified in the evaluation conducted under paragraph (3) that is life-cycle cost effective; and

''(ii) bundle individual measures of varying paybacks together into combined projects.

''(B) MEASURES NOT IMPLEMENTED.—Each energy manager, as part of the certification system under paragraph (7) and using guidelines developed by the Secretary, shall provide an explanation regarding any life-cycle cost-effective measures described in subparagraph (A)(i) that have not been implemented.''; and

(D) in paragraph (7)(C), by adding at the end the following:

''(iii) SUMMARY REPORT.—The Secretary shall make publicly available a report that summarizes the information tracked under subparagraph (B)(i) by each agency and, as applicable, by each type of measure.''.

SEC. 3117. FEDERAL BUILDING ENERGY EFFICIENCY PERFORMANCE STANDARDS; CERTIFICATION SYSTEM AND LEVEL FOR FEDERAL BUILDINGS.

(a) DEFINITIONS.—Section 303 of the Energy Conservation and Production Act (42 U.S.C. 6832) is amended—

(1) in paragraph (6), by striking ''to be constructed'' and inserting ''constructed or altered''; and

(2) by adding at the end the following:

''(17) MAJOR RENOVATION.—The term 'major renovation' means a modification of building energy systems sufficiently extensive that the whole building can meet energy standards for new buildings, based on criteria to be established by the Secretary through notice and comment rulemaking.''.

(b) FEDERAL BUILDING EFFICIENCY STANDARDS.—Section 305 of the Energy Conservation and Production Act (42 U.S.C. 6834) is amended—

(1) in subsection (a)(3)—

(A) by striking ''(3)(A) Not later than'' and all that follows through the end of subparagraph (B) and inserting the following:

''(3) REVISED FEDERAL BUILDING ENERGY EFFICIENCY PERFORMANCE STANDARDS; CERTIFICATION FOR GREEN BUILDINGS.—

''(A) REVISED FEDERAL BUILDING ENERGY EFFICIENCY PERFORMANCE STANDARDS.—

''(i) IN GENERAL.—Not later than 1 year after the date of enactment of the North American Energy Security and Infrastructure Act of 2016, the Secretary shall establish, by rule, revised Federal building energy efficiency performance standards that require that—

''(I) new Federal buildings and alterations and additions to existing Federal buildings—

''(aa) meet or exceed the most recent revision of the IECC (in the case of residential buildings) or ASHRAE Standard 90.1 (in the case of commercial buildings) as of the date of enactment of the North American Energy Security and Infrastructure Act of 2016; and

''(bb) meet or exceed the energy provisions of State and local building codes applicable to the building, if the codes are more stringent than the IECC or ASHRAE Standard 90.1, as applicable;

''(II) unless demonstrated not to be life-cycle cost effective for new Federal buildings and Federal buildings with major renovations—

''(aa) the buildings be designed to achieve energy consumption levels that are at least 30 percent below the levels established in the version of the ASHRAE Standard or the IECC, as appropriate, that is applied under subclause (I)(aa), including updates under subparagraph (B); and

''(bb) sustainable design principles are applied to the location, siting, design, and construction of all new Federal buildings and replacement Federal buildings;

''(III) if water is used to achieve energy efficiency, water conservation technologies shall be applied to the extent that the technologies are life-cycle cost effective; and

''(IV) if life-cycle cost effective, as compared to other reasonably available technologies, not less than 30 percent of the hot water demand for each new Federal building or Federal building undergoing a major renovation be met through the installation and use of solar hot water heaters.

''(ii) LIMITATION.—Clause (i)(I) shall not apply to unaltered portions of existing Federal buildings and systems that have been added to or altered.

''(B) UPDATES.—Not later than 1 year after the date of approval of each subsequent revision of ASHRAE Standard 90.1 or the IECC, as appropriate, the Secretary shall determine whether the revised standards established under subparagraph (A) should be updated to reflect the revisions, based on the energy savings and life-cycle cost effectiveness of the revisions.'';

(B) in subparagraph (C), by striking ''(C) In the budget request'' and inserting the following:

''(C) BUDGET REQUEST.—In the budget request''; and

(C) in subparagraph (D)—

(i) by striking ''(D) Not later than'' and all that follows through the end of the first sentence of clause (i)(III) and inserting the following:

''(D) CERTIFICATION FOR GREEN BUILDINGS.—

''(i) IN GENERAL.—'';

(ii) by striking clause (ii);

(iii) in clause (iii), by striking ''(iii) In identifying'' and inserting the following:

''(ii) CONSIDERATIONS.—In identifying'';

(iv) in clause (iv)—

(I) by striking ''(iv) At least once'' and inserting the following:

''(iii) STUDY.—At least once''; and

(II) by striking ''clause (iii)'' and inserting ''clause (ii)'';

(v) in clause (v)—

(I) by striking ''(v) The Secretary may'' and inserting the following:

''(iv) INTERNAL CERTIFICATION PROCESSES.—The Secretary may''; and

(II) by striking ''clause (i)(III)'' each place it appears and inserting ''clause (i)'';

(vi) in clause (vi)—

(I) by striking ''(vi) With respect'' and inserting the following:

''(v) PRIVATIZED MILITARY HOUSING.—With respect''; and

(II) by striking ''develop alternative criteria to those established by subclauses (I) and (III) of clause (i) that achieve an equivalent result in terms of energy savings, sustainable design, and'' and inserting ''develop alternative certification systems and levels than the systems and levels identified under clause (i) that achieve an equivalent result in terms of''; and

(vii) in clause (vii), by striking ''(vii) In addition to'' and inserting the following:

''(vi) WATER CONSERVATION TECHNOLOGIES.—In addition to''; and

(2) by striking subsections (c) and (d) and inserting the following:

''(c) PERIODIC REVIEW.—The Secretary shall—

''(1) every 5 years, review the Federal building energy standards established under this section; and

''(2) on completion of a review under paragraph (1), if the Secretary determines that significant energy savings would result, upgrade the standards to include all new energy efficiency and renewable energy measures that are technologically feasible and economically justified.''.

SEC. 3118. OPERATION OF BATTERY RECHARGING STATIONS IN PARKING AREAS USED BY FEDERAL EMPLOYEES.

(a) AUTHORIZATION.—

(1) IN GENERAL.—The head of any office of the Federal Government which owns or operates a parking area for the use of its employees (either directly or indirectly through a contractor) may install, construct, operate, and maintain on a reimbursable basis a battery recharging station in such area for the use of privately owned vehicles of employees of the office and others who are authorized to park in such area.

(2) USE OF VENDORS.—The head of an office may carry out paragraph (1) through a contract with a vendor, under such terms and conditions (including terms relating to the allocation between the office and the vendor of the costs of carrying out the contract) as the head of the office and the vendor may agree to.

(b) IMPOSITION OF FEES TO COVER COSTS.—

(1) FEES.—The head of an office of the Federal Government which operates and maintains a battery recharging station under this section shall charge fees to the individuals who use the station in such amount as is necessary to ensure that office recovers all of the costs it incurs in installing, constructing, operating, and maintaining the station.

(2) DEPOSIT AND AVAILABILITY OF FEES.—Any fees collected by the head of an office under this subsection shall be—

(A) deposited monthly in the Treasury to the credit of the appropriations account for salaries and expenses of the office; and

(B) available for obligation without further appropriation during—

(i) the fiscal year collected; and

(ii) the fiscal year following the fiscal year collected.

(c) NO EFFECT ON EXISTING PROGRAMS FOR HOUSE AND SENATE.—Nothing in this section may be construed to affect the installation, construction, operation, or maintenance of battery recharging stations by the Architect of the Capitol—

(1) under Public Law 112–170 (2 U.S.C. 2171), relating to employees of the House of Representatives and individuals authorized to park in any parking area under the jurisdiction of the House of Representatives on the Capitol Grounds; or

(2) under Public Law 112–167 (2 U.S.C. 2170), relating to employees of the Senate and individuals authorized to park in any parking area under the jurisdiction of the Senate on the Capitol Grounds.

(d) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2016 and each succeeding fiscal year.

SEC. 3119. REPORT ON ENERGY SAVINGS AND GREENHOUSE GAS EMISSIONS REDUCTION FROM CONVERSION OF CAPTURED METHANE TO ENERGY.

(a) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Energy, in consultation with appropriate Federal agencies and relevant stakeholders, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the impact of captured methane converted for energy and power generation on Federal lands, Federal buildings, and relevant municipalities that use such generation, and the return on investment and reduction in greenhouse gas emissions of utilizing such power generation.

(b) CONTENTS.—The report shall include—

(1) a summary of energy performance and savings resulting from the utilization of such power generation, including short-term and long-term (20 years) projections of such savings; and

(2) an analysis of the reduction in greenhouse emissions resulting from the utilization of such power generation.

CHAPTER 2—ENERGY EFFICIENT TECHNOLOGY AND MANUFACTURING

SEC. 3121. INCLUSION OF SMART GRID CAPABILITY ON ENERGY GUIDE LABELS.

Section 324(a)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)(2)) is amended by adding the following at the end:

''(J) SMART GRID CAPABILITY ON ENERGY GUIDE LABELS.—

''(i) RULE.—Not later than 1 year after the date of enactment of this subparagraph, the Commission shall initiate a rulemaking to consider making a special note in a prominent manner on any Energy Guide label for any product that includes Smart Grid capability that—

''(I) Smart Grid capability is a feature of that product;

''(II) the use and value of that feature depend on the Smart Grid capability of the utility system in which the product is installed and the active utilization of that feature by the customer; and

''(III) on a utility system with Smart Grid capability, the use of the product's Smart Grid capability could reduce the customer's cost of the product's annual operation as a result of the incremental energy and electricity cost savings that would result from the customer taking full advantage of such Smart Grid capability.

''(ii) DEADLINE.—Not later than 3 years after the date of enactment of this subparagraph, the Commission shall complete the rulemaking initiated under clause (i).''.

SEC. 3122. VOLUNTARY VERIFICATION PROGRAMS FOR AIR CONDITIONING, FURNACE, BOILER, HEAT PUMP, AND WATER HEATER PRODUCTS.

Section 326(b) of the Energy Policy and Conservation Act (42 U.S.C. 6296(b)) is amended by adding at the end the following:

''(6) VOLUNTARY VERIFICATION PROGRAMS FOR AIR CONDITIONING, FURNACE, BOILER, HEAT PUMP, AND WATER HEATER PRODUCTS.—

''(A) RELIANCE ON VOLUNTARY PROGRAMS.—For the purpose of verifying compliance with energy conservation standards established under sections 325 and 342 for covered products described in paragraphs (3), (4), (5), (9), and (11) of section 322(a) and covered equipment described in subparagraphs (B), (C), (D), (F), (I), (J), and (K) of section 340(1), the Secretary shall rely on testing conducted by recognized voluntary verification programs that are recognized by the Secretary in accordance with subparagraph (B).

''(B) RECOGNITION OF VOLUNTARY VERIFICATION PROGRAMS.—

''(i) IN GENERAL.—Not later than 180 days after the date of enactment of this paragraph, the Secretary shall initiate a negotiated rulemaking in accordance with subchapter III of chapter 5 of title 5, United States Code (commonly known as the 'Negotiated Rulemaking Act of 1990') to develop criteria that have consensus support for achieving recognition by the Secretary as an approved voluntary verification program. Any subsequent amendment to such criteria may be made only pursuant to a subsequent negotiated rulemaking in accordance with subchapter III of chapter 5 of title 5, United States Code.

''(ii) MINIMUM REQUIREMENTS.—The criteria developed under clause (i) shall, at a minimum, ensure that a voluntary verification program—

''(I) is nationally recognized;

''(II) is operated by a third party and not directly operated by a program participant;

''(III) satisfies any applicable elements of—

''(aa) International Organization for Standardization standard numbered 17025; and

''(bb) any other relevant International Organization for Standardization standards identified and agreed to through the negotiated rulemaking under clause (i);

''(IV) at least annually tests independently obtained products following the test procedures established under this title to verify the certified rating of a representative sample of products and equipment within the scope of the program;

''(V) maintains a publicly available list of all ratings of products subject to verification;

''(VI) requires the changing of the performance rating or removal of the product or equipment from the program if testing determines that the performance rating does not meet the levels the manufacturer has certified to the Secretary;

''(VII) requires new program participants to substantiate ratings through test data generated in accordance with Department of Energy regulations;

''(VIII) allows for challenge testing of products and equipment within the scope of the program;

''(IX) requires program participants to disclose the performance rating of all covered products and equipment within the scope of the program for the covered product or equipment;

''(X) provides to the Secretary—

''(aa) an annual report of all test results, the contents of which shall be determined through the negotiated rulemaking process under clause (i); and

''(bb) test reports, on the request of the Secretary, that note any instructions specified by the manufacturer or the representative of the manufacturer for the purpose of conducting the verification testing; and

''(XI) satisfies any additional requirements or standards that the Secretary shall establish consistent with this subparagraph.

''(iii) CESSATION OF RECOGNITION.—The Secretary may only cease recognition of a voluntary verification program as an approved program described in subparagraph (A) upon a finding that the program is not meeting its obligations for compliance through program review criteria developed during the negotiated rulemaking conducted under subparagraph (B).

''(C) ADMINISTRATION.—

''(i) IN GENERAL.—The Secretary shall not require—

''(I) manufacturers to participate in a recognized voluntary verification program described in subparagraph (A); or

''(II) participating manufacturers to provide information that has already been provided to the Secretary.

''(ii) LIST OF COVERED PRODUCTS.—The Secretary may maintain a publicly available list of covered products and equipment that distinguishes between products that are and are not covered products and equipment verified through a recognized voluntary verification program described in subparagraph (A).

''(iii) PERIODIC VERIFICATION TESTING.—The Secretary—

''(I) shall not subject products or equipment that have been verification tested under a recognized voluntary verification program described in subparagraph (A) to periodic verification testing to verify the accuracy of the certified performance rating of the products or equipment; but

''(II) may require testing of products or equipment described in subclause (I)—

''(aa) if the testing is necessary—

''(AA) to assess the overall performance of a voluntary verification program;

''(BB) to address specific performance issues;

''(CC) for use in updating test procedures and standards; or

''(DD) for other purposes consistent with this title; or

''(bb) if such testing is agreed to during the negotiated rulemaking conducted under subparagraph (B).

''(D) EFFECT ON OTHER AUTHORITY.—Nothing in this paragraph limits the authority of the Secretary to enforce compliance with any law.''.

SEC. 3123. FACILITATING CONSENSUS FURNACE STANDARDS.

(a) CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) acting pursuant to the requirements of section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295), the Secretary of Energy is considering amending the energy conservation standards applicable to residential nonweatherized gas furnaces and mobile home gas furnaces;

(B) numerous stakeholders, representing manufacturers, distributors, and installers of residential nonweatherized gas furnaces and mobile home furnaces, natural gas utilities, home builders, multifamily property owners, and energy efficiency, environmental, and consumer advocates have begun negotiations in an attempt to agree on a consensus recommendation to the Secretary on levels for such standards that will meet the statutory criteria; and

(C) the stakeholders believe these negotiations are likely to result in a consensus recommendation, but several of the stakeholders do not support suspending the current rulemaking.

(2) PURPOSE.—It is the purpose of this section to provide the stakeholders described in paragraph (1) with an opportunity to continue negotiations for a limited time period to facilitate the proposal for adoption of standards that enjoy consensus support, while not delaying the current rulemaking except to the extent necessary to provide such opportunity.

(b) OPPORTUNITY FOR A NEGOTIATED FURNACE STANDARD.—Section 325(f)(4) of the Energy Policy and Conservation Act (42 U.S.C. 6295(f)(4)) is amended by adding after subparagraph (D) the following:

''(E)(i) Unless the Secretary has published such a notice prior to the date of enactment of this Act, the Secretary shall publish, not later than October 31, 2015, a supplemental notice of proposed rulemaking or a notice of data availability updating the proposed rule entitled 'Energy Conservation Program for Consumer Products: Energy Conservation Standards for Residential Furnaces' and published in the Federal Register on March 12, 2015 (80 Fed. Reg. 13119), to provide notice and an opportunity for comment on—

''(I) dividing nonweatherized gas furnaces into two or more product classes with separate energy conservation standards based on capacity; and

''(II) any other matters the Secretary determines appropriate.

''(ii) On receipt of a statement that is submitted on or before January 1, 2016, jointly by interested persons that are fairly representative of relevant points of view, that contains recommended standards for nonweatherized gas furnaces and mobile home gas furnaces that are consistent with the requirements of this part (except that the date on which such standards will apply may be earlier or later than the date required under this part), the Secretary shall evaluate the standards proposed in the joint statement for consistency with the requirements of subsection (o), and shall publish notice of the potential adoption of the standards proposed in the joint statement, modified as necessary to ensure consistency with subsection (o). The Secretary shall solicit public comment for a period of at least 30 days with respect to such notice.

''(iii) Not later than July 31, 2016, but not before July 1, 2016, the Secretary shall publish a final rule containing a determination of whether the standards for nonweatherized gas furnaces and mobile home gas furnaces should be amended. Such rule shall contain any such amendments to the standards.''.

SEC. 3124. NO WARRANTY FOR CERTAIN CERTIFIED ENERGY STAR PRODUCTS.

Section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a) is amended by adding at the end the following new subsection:

''(e) NO WARRANTY.—

''(1) IN GENERAL.—Any disclosure relating to participation of a product in the Energy Star program shall not create an express or implied warranty or give rise to any private claims or rights of action under State or Federal law relating to the disqualification of that product from Energy Star if—

''(A) the product has been certified by a certification body recognized by the Energy Star program;

''(B) the Administrator has approved corrective measures, including a determination of whether or not consumer compensation is appropriate; and

''(C) the responsible party has fully complied with all approved corrective measures.

''(2) CONSTRUAL.—Nothing in this subsection shall be construed to require the Administrator to modify any procedure or take any other action.''.

SEC. 3125. CLARIFICATION TO EFFECTIVE DATE FOR REGIONAL STANDARDS.

Section 325(o)(6)(E)(ii) of the Energy Policy and Conservation Act (42 U.S.C. 6295(o)(6)(E)(ii)) is amended by striking ''installed'' and inserting ''manufactured or imported into the United States''.

SEC. 3126. INTERNET OF THINGS REPORT.

The Secretary of Energy shall, not later than 18 months after the date of enactment of this Act, report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate on the efforts made to take advantage of, and promote, the utilization of advanced technologies such as Internet of Things end-to-end platform solutions to provide real-time actionable analytics and enable predictive maintenance and asset management to improve energy efficiency wherever feasible. In doing so,

the Secretary shall look to encourage and utilize Internet of Things energy management solutions that have security tightly integrated into the hardware and software from the outset. The Secretary shall also encourage the use of Internet of Things solutions that enable seamless connectivity and that are interoperable, open standards-based, and built on a repeatable foundation for ease of scalability.

SEC. 3127. ENERGY SAVINGS FROM LUBRICATING OIL.

Not later than 1 year after the date of enactment of this Act, the Secretary of Energy, in cooperation with the Administrator of the Environmental Protection Agency and the Director of Management and Budget, shall—

(1) review and update the report prepared pursuant to section 1838 of the Energy Policy Act of 2005;

(2) after consultation with relevant Federal, State, and local agencies and affected industry and stakeholder groups, update data that was used in preparing that report; and

(3) prepare and submit to Congress a coordinated Federal strategy to increase the beneficial reuse of used lubricating oil, that—

(A) is consistent with national policy as established pursuant to section 2 of the Used Oil Recycling Act of 1980 (Public Law 96–463); and

(B) addresses measures needed to—

(i) increase the responsible collection of used oil;

(ii) disseminate public information concerning sustainable reuse options for used oil; and

(iii) promote sustainable reuse of used oil by Federal agencies, recipients of Federal grant funds, entities contracting with the Federal Government, and the general public.

SEC. 3128. DEFINITION OF EXTERNAL POWER SUPPLY.

Section 321(36)(A) of the Energy Policy and Conservation Act (42 U.S.C. 6291(36)(A)) is amended—

(1) by striking the subparagraph designation and all that follows through ''The term'' and inserting the following:

''(A) EXTERNAL POWER SUPPLY.—

''(i) IN GENERAL.—The term''; and

(2) by adding at the end the following:

''(ii) EXCLUSION.—The term 'external power supply' does not include a power supply circuit, driver, or device that is designed exclusively to be connected to, and power—

''(I) light-emitting diodes providing illumination; or

''(II) organic light-emitting diodes providing illumination.''.

SEC. 3129. STANDARDS FOR POWER SUPPLY CIRCUITS CONNECTED TO LEDS OR OLEDS.

(a) IN GENERAL.—Section 325(u) of the Energy Policy and Conservation Act (42 U.S.C. 6295(u)) is amended by adding at the end the following:

''(6) POWER SUPPLY CIRCUITS CONNECTED TO LEDS OR OLEDS.—Notwithstanding the exclusion described in section 321(36)(A)(ii), the Secretary may prescribe, in accordance with subsections (o) and (p) and section 322(b), an energy conservation standard for a power supply circuit, driver, or device that is designed primarily to be connected to, and power, light-emitting diodes or organic light-emitting diodes providing illumination.''.

(b) ENERGY CONSERVATION STANDARDS.—Section 346 of the Energy Policy and Conservation Act (42 U.S.C. 6317) is amended by adding at the end the following:

''(g) ENERGY CONSERVATION STANDARD FOR POWER SUPPLY CIRCUITS CONNECTED TO LEDS OR OLEDS.—Not earlier than 1 year after applicable testing requirements are prescribed under section 343, the Secretary may prescribe an energy conservation standard for a power supply circuit, driver, or device that is designed primarily to be connected to, and power, light-emitting diodes or organic light-emitting diodes providing illumination.''.

CHAPTER 3—SCHOOL BUILDINGS

SEC. 3131. COORDINATION OF ENERGY RETROFITTING ASSISTANCE FOR SCHOOLS.

Section 392 of the Energy Policy and Conservation Act (42 U.S.C. 6371a) is amended by adding at the end the following:

''(e) COORDINATION OF ENERGY RETROFITTING ASSISTANCE FOR SCHOOLS.—

''(1) DEFINITION OF SCHOOL.—Notwithstanding section 391(6), for the purposes of this subsection, the term 'school' means—

''(A) an elementary school or secondary school (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801));

''(B) an institution of higher education (as defined in section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)));

''(C) a school of the defense dependents' education system under the Defense Dependents' Education Act of 1978 (20 U.S.C. 921 et seq.) or established under section 2164 of title 10, United States Code;

''(D) a school operated by the Bureau of Indian Affairs;

''(E) a tribally controlled school (as defined in section 5212 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2511)); and

''(F) a Tribal College or University (as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b))).

''(2) ESTABLISHMENT OF CLEARINGHOUSE.—The Secretary, acting through the Office of Energy Efficiency and Renewable Energy, shall establish a clearinghouse to disseminate information regarding available Federal programs and financing mechanisms that may be used to help initiate, develop, and finance energy efficiency, distributed generation, and energy retrofitting projects for schools.

''(3) REQUIREMENTS.—In carrying out paragraph (2), the Secretary shall—

''(A) consult with appropriate Federal agencies to develop a list of Federal programs and financing mechanisms that are, or may be, used for the purposes described in paragraph (2); and

''(B) coordinate with appropriate Federal agencies to develop a collaborative education and outreach effort to streamline communications and promote available Federal programs and financing mechanisms described in subparagraph (A), which may include the development and maintenance of a single online resource that includes contact information for relevant technical assistance in the Office of Energy Efficiency and Renewable Energy that States, local education agencies, and schools may use to effectively access and use such Federal programs and financing mechanisms.''.

CHAPTER 4—BUILDING ENERGY CODES

SEC. 3141. GREATER ENERGY EFFICIENCY IN BUILDING CODES.

(a) DEFINITIONS.—Section 303 of the Energy Conservation and Production Act (42 U.S.C. 6832), as amended by section 3116, is further amended—

(1) by striking paragraph (14) and inserting the following:

''(14) MODEL BUILDING ENERGY CODE.—The term 'model building energy code' means a voluntary building energy code or standard developed and updated through a consensus process among interested persons, such as the IECC or ASHRAE Standard 90.1 or a code used by other appropriate organizations regarding which the Secretary has issued a determination that buildings subject to it would achieve greater energy efficiency than under a previously developed code.''; and

(2) by adding at the end the following:

''(18) ASHRAE STANDARD 90.1.—The term 'ASHRAE Standard 90.1' means the American Society of Heating, Refrigerating and Air-Conditioning Engineers ANSI/ASHRAE/IES Standard 90/1 Energy Standard for Buildings Except Low-Rise Residential Buildings.

''(19) COST-EFFECTIVE.—The term 'cost-effective' means having a simple payback of 10 years or less.

''(20) IECC.—The term 'IECC' means the International Energy Conservation Code as published by the International Code Council.

''(21) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).

''(22) SIMPLE PAYBACK.—The term 'simple payback' means the time in years that is required for energy savings to exceed the incremental first cost of a new requirement or code.

''(23) TECHNICALLY FEASIBLE.—The term 'technically feasible' means capable of being achieved, based on widely available appliances, equipment, technologies, materials, and construction practices.''.

(b) STATE BUILDING ENERGY EFFICIENCY CODES.—Section 304 of the Energy Conservation and Production Act (42 U.S.C. 6833) is amended to read as follows:

''SEC. 304. UPDATING STATE BUILDING ENERGY EFFICIENCY CODES.

''(a) IN GENERAL.—The Secretary shall provide technical assistance, as described in subsection (e), for the purposes of—

''(1) implementation of building energy codes by States, Indian tribes, and, as appropriate, by local governments, that are technically feasible and cost-effective; and

''(2) supporting full compliance with the State, tribal, and local codes.

''(b) STATE AND INDIAN TRIBE CERTIFICATION OF BUILDING ENERGY CODE UPDATES.—

''(1) REVIEW AND UPDATING OF CODES BY EACH STATE AND INDIAN TRIBE.—

''(A) IN GENERAL.—Not later than 3 years after the date on which a model building energy code is published, each State or Indian tribe shall certify whether or not the State or Indian tribe, respectively, has reviewed and updated the energy provisions of the building code of the State or Indian tribe, respectively.

''(B) DEMONSTRATION.—The certification shall include a statement of whether or not the energy savings for the code provisions that are in effect throughout the State or Indian tribal territory meet or exceed—

''(i) the energy savings of the most recently published model building energy code; or

''(ii) the targets established under section 307(b)(2).

''(C) NO MODEL BUILDING ENERGY CODE UPDATE.—If a model building energy code is not updated by a target date established under section 307(b)(2)(D), each State or Indian tribe shall, not later than 3 years after the specified date, certify whether or not the State or Indian tribe, respectively, has reviewed and updated the energy provisions of the building code of the State or Indian tribe, respectively, to meet or exceed the target in section 307(b)(2).

''(2) VALIDATION BY SECRETARY.—Not later than 90 days after a State or Indian tribe certification under paragraph (1), the Secretary shall—

''(A) determine whether the code provisions of the State or Indian tribe, respectively, meet the criteria specified in paragraph (1);

''(B) determine whether the certification submitted by the State or Indian tribe, respectively, is complete; and

''(C) if the requirements of subparagraph (B) are satisfied, validate the certification.

''(3) LIMITATION.—Nothing in this section shall be interpreted to require a State or Indian tribe to adopt any building code or provision within a code.

''(c) IMPROVEMENTS IN COMPLIANCE WITH BUILDING ENERGY CODES.—

''(1) REQUIREMENT.—

''(A) IN GENERAL.—Not later than 3 years after the date of a certification under subsection (b), each State and Indian tribe shall certify whether or not the State or Indian tribe, respectively, has—

''(i) achieved full compliance under paragraph (3) with the applicable certified State or Indian tribe building energy code or with the associated model building energy code; or

''(ii) made significant progress under paragraph (4) toward achieving compliance with the applicable certified State or Indian tribe building energy code or with the associated model building energy code.

''(B) REPEAT CERTIFICATIONS.—If the State or Indian tribe certifies progress toward achieving compliance, the State or Indian tribe shall repeat the certification until the State or Indian tribe certifies that the State or Indian tribe has achieved full compliance.

''(2) MEASUREMENT OF COMPLIANCE.—A certification under paragraph (1) shall include documentation of the rate of compliance based on—

''(A) inspections of a random sample of the buildings covered by the code in the preceding year; or

''(B) an alternative method that yields an accurate measure of compliance.

''(3) ACHIEVEMENT OF COMPLIANCE.—A State or Indian tribe shall be considered to achieve full compliance under paragraph (1) if—

''(A) at least 90 percent of building space covered by the code in the preceding year substantially meets all the requirements of the applicable code specified in paragraph (1), or achieves equivalent or greater energy savings level; or

''(B) the estimated excess energy use of buildings that did not meet the applicable code specified in paragraph (1) in the preceding year, compared to a baseline of comparable buildings that meet this code, is not more than 5 percent of the estimated energy use of all buildings covered by this code during the preceding year.

''(4) SIGNIFICANT PROGRESS TOWARD ACHIEVEMENT OF COMPLIANCE.—A State or Indian tribe shall be considered to have made significant progress toward achieving compliance for purposes of paragraph (1) if the State or Indian tribe—

''(A) has developed and is implementing a plan for achieving compliance during the 8-year period beginning on the date of enactment of this paragraph, including annual targets for compliance and active training and enforcement programs; and

''(B) has met the most recent target under subparagraph (A).

''(5) VALIDATION BY SECRETARY.—Not later than 90 days after a State or Indian tribe certification under paragraph (1), the Secretary shall—

''(A) determine whether the State or Indian tribe has demonstrated meeting the criteria of this subsection, including accurate measurement of compliance;

''(B) determine whether the certification submitted by the State or Indian tribe is complete; and

''(C) if the requirements of subparagraph (B) are satisfied, validate the certification.

''(6) LIMITATION.—Nothing in this section shall be interpreted to require a State or Indian tribe to adopt any building code or provision within a code.

''(d) STATES OR INDIAN TRIBES THAT DO NOT ACHIEVE COMPLIANCE.—

''(1) REPORTING.—A State or Indian tribe that has not made a certification required under subsection (b) or (c) by the applicable deadline shall submit to the Secretary a report on the status of the State or Indian tribe with respect to meeting the requirements and submitting the certification.

''(2) STATE SOVEREIGNTY.—Nothing in this section shall be interpreted to require a State or Indian tribe to adopt any building code or provision within a code.

''(3) LOCAL GOVERNMENT.—In any State or Indian tribe for which the Secretary has not validated a certification under subsection (b) or (c), a local government may be eligible for Federal support by meeting the certification requirements of subsections (b) and (c).

''(4) ANNUAL REPORTS BY SECRETARY.—

''(A) IN GENERAL.—The Secretary shall annually submit to Congress, and publish in the Federal Register, a report on—

''(i) the status of model building energy codes;

''(ii) the status of code adoption and compliance in the States and Indian tribes;

''(iii) implementation of this section; and

''(iv) improvements in energy savings over time as a result of the targets established under section 307(b)(2).

''(B) IMPACTS.—The report shall include estimates of impacts of past action under this section, and potential impacts of further action, on—

''(i) upfront financial and construction costs, cost benefits and returns (using a return on investment analysis), and lifetime energy use for buildings;

''(ii) resulting energy costs to individuals and businesses; and

''(iii) resulting overall annual building ownership and operating costs.

''(e) TECHNICAL ASSISTANCE TO STATES AND INDIAN TRIBES.—

''(1) IN GENERAL.—The Secretary shall, upon request, provide technical assistance to States and Indian tribes to implement the goals and requirements of this section—

''(A) to implement State residential and commercial building energy codes; and

''(B) to document the rate of compliance with a building energy code.

''(2) TECHNICAL ASSISTANCE.—The assistance shall include, as requested by the State or Indian tribe, technical assistance in—

''(A) evaluating the energy savings of building energy codes;

''(B) assessing the economic considerations, referenced in section 307(b)(4), of implementing building energy codes;

''(C) building energy analysis and design tools;

''(D) energy simulation models;

''(E) building demonstrations;

''(F) developing the definitions of energy use intensity and building types for use in model building energy codes to evaluate the efficiency impacts of the model building energy codes; and

''(G) complying with a performance-based pathway referenced in the model code.

''(3) EXCLUSION.—For purposes of this section, 'technical assistance' shall not include actions that promote or discourage the adoption of a particular building energy code, code provision, or energy savings target to a State or Indian tribe.

''(4) INFORMATION QUALITY AND TRANSPARENCY.—For purposes of this section, information provided by the Secretary, attendant to any technical assistance provided to a State or Indian tribe, is 'influential information' and shall satisfy the guidelines established by the Office of Management and Budget and published at 67 Federal Register 8,452 (February 22, 2002).

''(f) FEDERAL SUPPORT.—

''(1) IN GENERAL.—The Secretary shall provide support to States and Indian tribes—

''(A) to implement the reporting requirements of this section; and

''(B) to implement residential and commercial building energy codes, including increasing and verifying compliance with the codes and training of State, tribal, and local building code officials to implement and enforce the codes.

''(2) EXCLUSION.—Support shall not be given to support adoption and implementation of model building energy codes for which the Secretary has made a determination under section 307(g)(1)(C) that the code is not cost-effective.

''(3) TRAINING.—Support shall be offered to States to train State and local building code officials to implement and enforce codes described in paragraph (1)(B).

''(4) LOCAL GOVERNMENTS.—States may work under this subsection with local governments that implement and enforce codes described in paragraph (1)(B).

''(g) VOLUNTARY PROGRAMS TO EXCEED MODEL BUILDING ENERGY CODE.—

''(1) IN GENERAL.—The Secretary shall provide technical assistance, as described in subsection (e), for the development of voluntary programs that exceed the model building energy codes for residential and commercial buildings for use as—

''(A) voluntary incentive programs adopted by local, tribal, or State governments; and

''(B) nonbinding guidelines for energy-efficient building design.

''(2) TARGETS.—The voluntary programs described in paragraph (1) shall be designed—

''(A) to achieve substantial energy savings compared to the model building energy codes; and

''(B) to meet targets under section 307(b), if available, up to 3 to 6 years in advance of the target years.

''(h) STUDIES.—

''(1) GAO STUDY.—

''(A) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the impacts of updating the national model building energy codes for residential and commercial buildings. In conducting the study, the Comptroller General shall consider and report, at a minimum—

''(i) the actual energy consumption savings stemming from updated energy codes compared to the energy consumption savings predicted during code development;

''(ii) the actual consumer cost savings stemming from updated energy codes compared to predicted consumer cost savings; and

''(iii) an accounting of expenditures of the Federal funds under each program authorized by this title.

''(B) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of the North American Energy Security and Infrastructure Act of 2016, the Comptroller General of the United States shall submit a report to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives including the study findings and conclusions.

''(2) FEASIBILITY STUDY.—The Secretary, in consultation with building science experts from the National Laboratories and institutions of higher education, designers and builders of energy-efficient residential and commercial buildings, code officials, and other stakeholders, shall undertake a study of the feasibility, impact, economics, and merit of—

''(A) code improvements that would require that buildings be designed, sited, and constructed in a manner that makes the buildings more adaptable in the future to become zero-net-energy after initial construction, as advances are achieved in energy-saving technologies;

''(B) code procedures to incorporate a ten-year payback, not just first-year energy use, in trade-offs and performance calculations; and

''(C) legislative options for increasing energy savings from building energy codes, including additional incentives for effective State and local verification of compliance with and enforcement of a code.

''(3) ENERGY DATA IN MULTITENANT BUILDINGS.—The Secretary, in consultation with appropriate representatives of the utility, utility regulatory, building ownership, and other stakeholders, shall—

''(A) undertake a study of best practices regarding delivery of aggregated energy consumption information to owners and managers of residential and commercial buildings with multiple tenants and uses; and

''(B) consider the development of a memorandum of understanding between and among affected stakeholders to reduce barriers to the delivery of aggregated energy consumption information to such owners and managers.

''(i) EFFECT ON OTHER LAWS.—Nothing in this section or section 307 supersedes or modifies the application of sections 321 through 346 of the Energy Policy and Conservation Act (42 U.S.C. 6291 et seq.).

''(j) FUNDING LIMITATIONS.—No Federal funds shall be—

''(1) used to support actions by the Secretary, or States, to promote or discourage the adoption of a particular building energy code, code provision, or energy saving target to a State or Indian tribe; or

''(2) provided to private third parties or nongovernmental organizations to engage in such activities.''.

(c) FEDERAL BUILDING ENERGY EFFICIENCY STANDARDS.—Section 305 of the Energy Conservation and Production Act (42 U.S.C. 6834) is amended by striking ''voluntary building energy code'' in subsections (a)(2)(B) and (b) and inserting ''model building energy code''.

(d) MODEL BUILDING ENERGY CODES.—

(1) AMENDMENT.—Section 307 of the Energy Conservation and Production Act (42 U.S.C. 6836) is amended to read as follows:

''SEC. 307. SUPPORT FOR MODEL BUILDING ENERGY CODES.

''(a) IN GENERAL.—The Secretary shall provide technical assistance, as described in subsection (c), for updating of model building energy codes.

''(b) TARGETS.—

''(1) IN GENERAL.—The Secretary shall provide technical assistance, for updating the model building energy codes.

''(2) TARGETS.—

''(A) IN GENERAL.—The Secretary shall provide technical assistance to States, Indian tribes, local governments, nationally recognized code and standards developers, and other interested parties for updating of model building energy codes by establishing one or more aggregate energy savings targets through rulemaking in accordance with section 553 of title 5, United States Code, to achieve the purposes of this section.

''(B) SEPARATE TARGETS.—Separate targets may be established for commercial and residential buildings.

''(C) BASELINES.—The baseline for updating model building energy codes shall be the 2009 IECC for residential buildings and ASHRAE Standard 90.1–2010 for commercial buildings.

''(D) SPECIFIC YEARS.—

''(i) IN GENERAL.—Targets for specific years shall be established and revised by the Secretary through rulemaking in accordance with section 553 of title 5, United States Code, and coordinated with nationally recognized code and standards developers at a level that—

''(I) is at the maximum level of energy efficiency that is technically feasible and cost effective, while accounting for the economic considerations under paragraph (4); and

''(II) promotes the achievement of commercial and residential high performance buildings through high performance energy efficiency (within the meaning of section 401 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17061)).

''(ii) INITIAL TARGETS.—Not later than 1 year after the date of enactment of this clause, the Secretary shall establish initial targets under this subparagraph.

''(iii) DIFFERENT TARGET YEARS.—Subject to clause (i), prior to the applicable year, the Secretary may set a later target year for any of the model building energy codes described in subparagraph (A) if the Secretary determines that a target cannot be met.

''(E) SMALL BUSINESS.—When establishing targets under this paragraph through rulemaking, the Secretary shall ensure compliance with the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note; Public Law 104–121) for any indirect economic effect on small entities that is reasonably foreseeable and a result of such rule.

''(3) APPLIANCE STANDARDS AND OTHER FACTORS AFFECTING BUILDING ENERGY USE.—In establishing energy savings targets under paragraph (2), the Secretary shall develop and adjust the targets in recognition of potential savings and costs relating to—

''(A) efficiency gains made in appliances, lighting, windows, insulation, and building envelope sealing;

''(B) advancement of distributed generation and on-site renewable power generation technologies;

''(C) equipment improvements for heating, cooling, and ventilation systems and water heating systems;

''(D) building management systems and smart grid technologies to reduce energy use; and

''(E) other technologies, practices, and building systems regarding building plug load and other energy uses.

In developing and adjusting the targets, the Secretary shall use climate zone weighted averages for equipment efficiency for heating, cooling, ventilation, and water heating systems, using equipment that is actually installed.

''(4) ECONOMIC CONSIDERATIONS.—In establishing and revising energy savings targets under paragraph (2), the Secretary shall consider the economic feasibility of achieving the proposed targets established under this section and the potential costs and savings for consumers and building owners, by conducting a return on investment analysis, using a simple payback methodology over a 3-, 5-, and 7-year period. The Secretary shall not propose or provide technical or financial assistance for any code, provision in the code, or energy target, or amendment thereto, that has a payback greater than 10 years.

''(c) TECHNICAL ASSISTANCE TO MODEL BUILDING ENERGY CODE-SETTING AND STANDARD DEVELOPMENT ORGANIZATIONS.—

''(1) IN GENERAL.—The Secretary shall, on a timely basis, provide technical assistance to model building energy code-setting and standard development organizations consistent with the goals of this section.

''(2) TECHNICAL ASSISTANCE.—The assistance shall include, as requested by the organizations, technical assistance in—

''(A) evaluating the energy savings of building energy codes;

''(B) assessing the economic considerations, under subsection (b)(4), of code or standards proposals or revisions;

''(C) building energy analysis and design tools;

''(D) energy simulation models;

''(E) building demonstrations;

''(F) developing definitions of energy use intensity and building types for use in model building energy codes to evaluate the efficiency impacts of the model building energy codes;

''(G) developing a performance-based pathway for compliance;

''(H) developing model building energy codes by Indian tribes in accordance with tribal law; and

''(I) code development meetings, including through direct Federal employee participation in committee meetings, hearings and online communication, voting, and presenting research and technical or economic analyses during such meetings.

''(3) EXCLUSION.—Except as provided in paragraph (2)(I), for purposes of this section, 'technical assistance' shall not include actions that promote or discourage the adoption of a particular building energy code, code provision, or energy savings target.

''(4) INFORMATION QUALITY AND TRANSPARENCY.—For purposes of this section, information provided by the Secretary, attendant to development of any energy savings targets, is influential information and shall satisfy the guidelines established by the Office of Management and Budget and published at 67 Federal Register 8,452 (February 22, 2002).

''(d) AMENDMENT PROPOSALS.—

''(1) IN GENERAL.—The Secretary may submit timely model building energy code amendment proposals that are technically feasible, cost-effective, and technology-neutral to the model building energy code-setting and standard development organizations, with supporting evidence, sufficient to enable the model building energy codes to meet the targets established under subsection (b)(2).

''(2) PROCESS AND FACTORS.—All amendment proposals submitted by the Secretary shall be published in the Federal Register and made available on the Department of Energy website 90 days prior to any submittal to a code development body, and shall be subject to a public comment period of not less than 60 days. Information provided by the Secretary, attendant to submission of any amendment proposals, is influential information and shall satisfy the guidelines established by the Office of Management and Budget and published at 67 Federal Register 8,452 (February 22, 2002). When calculating the costs and benefits of an amendment, the Secretary shall use climate zone weighted averages for equipment efficiency for heating, cooling, ventilation, and water heating systems, using equipment that is actually installed.

''(e) ANALYSIS METHODOLOGY.—The Secretary shall make publicly available the entire calculation methodology (including input assumptions and data) used by the Secretary to estimate the energy savings of code or standard proposals and revisions.

''(f) METHODOLOGY DEVELOPMENT.—The Secretary shall establish a methodology for evaluating cost effectiveness of energy code changes in multifamily buildings that incorporates economic parameters representative of typical multifamily buildings.

''(g) DETERMINATION.—

''(1) REVISION OF MODEL BUILDING ENERGY CODES.—If the provisions of the IECC or ASHRAE Standard 90.1 regarding building energy use are revised, the Secretary shall make a preliminary determination not later than 90 days after the date of the revision, and a final determination not later than 15 months after the date of the revision, on whether or not the revision—

''(A) improves energy efficiency in buildings compared to the existing IECC or ASHRAE Standard 90.1, as applicable;

''(B) meets the applicable targets under subsection (b)(2); and

''(C) is technically feasible and cost-effective.

''(2) CODES OR STANDARDS NOT MEETING CRITERIA.—

''(A) IN GENERAL.—If the Secretary makes a preliminary determination under paragraph (1)(B) that a revised IECC or ASHRAE Standard 90.1 does not meet the targets established under subsection (b)(2), is not technically feasible, or is not cost-effective, the Secretary may at the same time provide technical assistance, as described in subsection (c), to the International Code Council or ASHRAE, as applicable, with proposed changes that would result in a model building energy code or standard that meets the criteria, and with supporting evidence. Proposed changes submitted by the Secretary shall be published in the Federal Register and made available on the Department of Energy website 90 days prior to any submittal to a code development body, and shall be subject to a public comment period of not less than 60 days. Information provided by the Secretary, attendant to submission of any amendment proposals, is influential information and shall satisfy the guidelines established by the Office of Management and Budget and published at 67 Federal Register 8,452 (February 22, 2002).

''(B) INCORPORATION OF CHANGES.—

''(i) IN GENERAL.—On receipt of the technical assistance, as described in subsection (c), the International Code Council or ASHRAE, as applicable, shall, prior to the Secretary making a final determination under paragraph (1), have an additional 270 days to accept or reject the proposed changes made by the Secretary to the model building energy code or standard.

''(ii) FINAL DETERMINATION.—A final determination under paragraph (1) shall be on the final revised model building energy code or standard.

''(h) ADMINISTRATION.—In carrying out this section, the Secretary shall—

''(1) publish notice of targets, amendment proposals and supporting analysis and determinations under this section in the Federal Register to provide an explanation of and the basis for such actions, including any supporting modeling, data, assumptions, protocols, and cost-benefit analysis, including return on investment;

''(2) provide an opportunity for public comment on targets and supporting analysis and determinations under this section, in accordance with section 553 of title 5, United States Code; and

''(3) provide an opportunity for public comment on amendment proposals.

''(i) VOLUNTARY CODES AND STANDARDS.—Not withstanding any other provision of this section, any model building code or standard established under this section shall not be binding on a State, local government, or Indian tribe as a matter of Federal law.''.

(2) CONFORMING AMENDMENT.—The item relating to section 307 in the table of contents for the Energy Conservation and Production Act is amended to read as follows:

''Sec. 307. Support for model building energy codes.''.

SEC. 3142. VOLUNTARY NATURE OF BUILDING ASSET RATING PROGRAM.

(a) IN GENERAL.—Any program of the Secretary of Energy that may enable the owner of a commercial building or a residential building to obtain a rating, score, or label regarding the actual or anticipated energy usage or performance of a building shall be made available on a voluntary, optional, and market-driven basis.

(b) DISCLAIMER AS TO REGULATORY INTENT.—Information disseminated by the Secretary of Energy regarding the program described in subsection (a), including any information made available by the Secretary on a website, shall include language plainly stating that such program is not developed or intended to be the basis for a regulatory program by a Federal, State, local, or municipal government body.

CHAPTER 5—EPCA TECHNICAL CORRECTIONS AND CLARIFICATIONS

SEC. 3151. MODIFYING PRODUCT DEFINITIONS.

(a) AUTHORITY TO MODIFY DEFINITIONS.—

(1) COVERED PRODUCTS.—Section 322 of the Energy Policy and Conservation Act (42 U.S.C. 6292) is amended by adding at the end the following:

''(c) MODIFYING DEFINITIONS OF COVERED PRODUCTS.—

''(1) IN GENERAL.—For any covered product for which a definition is provided in section 321, the Secretary may, by rule, unless prohibited herein, modify such definition in order to—

''(A) address significant changes in the product or the market occurring since the definition was established; and

''(B) better enable improvements in the energy efficiency of the product as part of an energy using system.

''(2) ANTIBACKSLIDING EXEMPTION.—Section 325(o)(1) shall not apply to adjustments to covered product definitions made pursuant to this subsection.

''(3) PROCEDURE FOR MODIFYING DEFINITION.—

''(A) IN GENERAL.—Notice of any adjustment to the definition of a covered product and an explanation of the reasons therefor shall be published in the Federal Register and opportunity provided for public comment.

''(B) CONSENSUS REQUIRED.—Any amendment to the definition of a covered product under this subsection must have consensus support, as reflected in—

''(i) the outcome of negotiations conducted in accordance with the subchapter III of chapter 5 of title 5, United States Code (commonly known as the 'Negotiated Rulemaking Act of 1990'); or

''(ii) the Secretary's receipt of a statement that is submitted jointly by interested persons that are fairly representative of relevant points of view (including representatives of manufacturers of covered products, States, and efficiency advocates), as determined by the Secretary, which contains a recommended modified definition for a covered product.

''(4) EFFECT OF A MODIFIED DEFINITION.—

''(A) IN GENERAL.—For any type or class of consumer product which becomes a covered product pursuant to this subsection—

''(i) the Secretary may establish test procedures for such type or class of covered product pursuant to section 323 and energy conservation standards pursuant to section 325(l);

''(ii) the Commission may prescribe labeling rules pursuant to section 324 if the Commission determines that labeling in accordance with that section is technologically and economically feasible and likely to assist consumers in making purchasing decisions;

''(iii) section 327 shall begin to apply to such type or class of covered product in accordance with section 325(ii)(1); and

''(iv) standards previously promulgated under section 325 shall not apply to such type or class of product.

''(B) APPLICABILITY.—For any type or class of consumer product which ceases to be a covered product pursuant to this subsection, the provisions of this part shall no longer apply to the type or class of consumer product.''.

(2) COVERED EQUIPMENT.—Section 341 of the Energy Policy and Conservation Act (42 U.S.C. 6312) is amended by adding at the end the following:

''(d) MODIFYING DEFINITIONS OF COVERED EQUIPMENT.—

''(1) IN GENERAL.—For any covered equipment for which a definition is provided in section 340, the Secretary may, by rule, unless prohibited herein, modify such definition in order to—

''(A) address significant changes in the product or the market occurring since the definition was established; and

''(B) better enable improvements in the energy efficiency of the equipment as part of an energy using system.

''(2) ANTIBACKSLIDING EXEMPTION.—Section 325(o)(1) shall not apply to adjustments to covered equipment definitions made pursuant to this subsection.

''(3) PROCEDURE FOR MODIFYING DEFINITION.—

''(A) IN GENERAL.—Notice of any adjustment to the definition of a type of covered equipment and an explanation of the reasons therefor shall be published in the Federal Register and opportunity provided for public comment.

''(B) CONSENSUS REQUIRED.—Any amendment to the definition of a type of covered equipment under this subsection must have consensus support, as reflected in—

''(i) the outcome of negotiations conducted in accordance with the subchapter III of chapter 5 of title 5, United States Code (commonly known as the 'Negotiated Rulemaking Act of 1990'); or

''(ii) the Secretary's receipt of a statement that is submitted jointly by interested persons that are fairly representative of relevant points of view (including representatives of manufacturers of covered equipment, States, and efficiency advocates), as determined by the Secretary, which contains a recommended modified definition for a type of covered equipment.

''(4) EFFECT OF A MODIFIED DEFINITION.—

''(A) For any type or class of equipment which becomes covered equipment pursuant to this subsection—

''(i) the Secretary may establish test procedures for such type or class of covered equipment pursuant to section 343 and energy conservation standards pursuant to section 325(l);

''(ii) the Secretary may prescribe labeling rules pursuant to section 344 if the Secretary determines that labeling in accordance with that section is technologically and economically feasible and likely to assist purchasers in making purchasing decisions;

''(iii) section 327 shall begin to apply to such type or class of covered equipment in accordance with section 325(ii)(1); and

''(iv) standards previously promulgated under section 325, 342, or 346 shall not apply to such type or class of covered equipment.

''(B) For any type or class of equipment which ceases to be covered equipment pursuant to this subsection the provisions of this part shall no longer apply to the type or class of equipment.''.

(b) CONFORMING AMENDMENTS PROVIDING FOR JUDICIAL REVIEW.—

(1) Section 336 of the Energy Policy and Conservation Act (42 U.S.C. 6306) is amended by striking ''section 323,'' each place it appears and inserting ''section 322, 323,''; and

(2) Section 345(a)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6316(a)(1)) is amended to read as follows:

''(1) the references to sections 322, 323, 324, and 325 of this Act shall be considered as references to sections 341, 343, 344, and 342 of this Act, respectively;''.

SEC. 3152. CLARIFYING RULEMAKING PROCEDURES.

(a) COVERED PRODUCTS.—Section 325(p) of the Energy Policy and Conservation Act (42 U.S.C. 6295(p)) is amended—

(1) by redesignating paragraphs (1), (2), (3), and (4) as paragraphs (2), (3), (5), and (6), respectively;

(2) by inserting before paragraph (2) (as so redesignated by paragraph (1) of this subsection) the following:

''(1) The Secretary shall provide an opportunity for public input prior to the issuance of a proposed rule, seeking information—

''(A) identifying and commenting on design options;

''(B) on the existence of and opportunities for voluntary nonregulatory actions; and

''(C) identifying significant subgroups of consumers and manufacturers that merit analysis.'';

(3) in paragraph (3) (as so redesignated by paragraph (1) of this subsection)—

(A) in subparagraph (C), by striking ''and'' after ''adequate;'';

(B) in subparagraph (D), by striking ''standard.'' and inserting ''standard;''; and

(C) by adding at the end the following new subparagraphs:

''(E) whether the technical and economic analytical assumptions, methods, and models used to justify the standard to be prescribed are—

''(i) justified; and

''(ii) available and accessible for public review, analysis, and use; and

''(F) the cumulative regulatory impacts on the manufacturers of the product, taking into account—

''(i) other government standards affecting energy use; and

''(ii) other energy conservation standards affecting the same manufacturers.''; and

(4) by inserting after paragraph (3) (as so redesignated by paragraph (1) of this subsection) the following:

''(4) RESTRICTION ON TEST PROCEDURE AMENDMENTS.—

''(A) IN GENERAL.—Any proposed energy conservation standards rule shall be based on the final test procedure which shall be used to determine compliance, and the public comment period on the proposed standards shall conclude no sooner than 180 days after the date of publication of a final rule revising the test procedure.

''(B) EXCEPTION.—The Secretary may propose or prescribe an amendment to the test procedures issued pursuant to section 323 for any type or class of covered product after the issuance of a notice of proposed rulemaking to prescribe an amended or new energy conservation standard for that type or class of covered product, but before the issuance of a final rule prescribing any such standard, if—

''(i) the amendments to the test procedure have consensus support achieved through a rulemaking conducted in accordance with the subchapter III of chapter 5 of title 5, United

States Code (commonly known as the 'Negotiated Rulemaking Act of 1990'); or

''(ii) the Secretary receives a statement that is submitted jointly by interested persons that are fairly representative of relevant points of view (including representatives of manufacturers of the type or class of covered product, States, and efficiency advocates), as determined by the Secretary, which contains a recommendation that a supplemental notice of proposed rulemaking is not necessary for the type or class of covered product.''.

(b) CONFORMING AMENDMENT.—Section 345(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6316(b)(1)) is amended by striking ''section 325(p)(4),'' and inserting ''section 325(p)(3), (4), and (6),''.

CHAPTER 6—ENERGY AND WATER EFFICIENCY

SEC. 3161. SMART ENERGY AND WATER EFFICIENCY PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a utility;

(B) a municipality;

(C) a water district; and

(D) any other authority that provides water, wastewater, or water reuse services.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(3) SMART ENERGY AND WATER EFFICIENCY PILOT PROGRAM.—The term ''smart energy and water efficiency pilot program'' or ''pilot program'' means the pilot program established under subsection (b).

(b) SMART ENERGY AND WATER EFFICIENCY PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish and carry out a smart energy and water efficiency management pilot program in accordance with this section.

(2) PURPOSE.—The purpose of the smart energy and water efficiency pilot program is to award grants to eligible entities to demonstrate advanced and innovative technology-based solutions that will—

(A) increase and improve the energy efficiency of water, wastewater, and water reuse systems to help communities across the United States make significant progress in conserving water, saving energy, and reducing costs;

(B) support the implementation of innovative processes and the installation of advanced automated systems that provide real-time data on energy and water; and

(C) improve energy and water conservation, water quality, and predictive maintenance of energy and water systems, through the use of Internet-connected technologies, including sensors, intelligent gateways, and security embedded in hardware.

(3) PROJECT SELECTION.—

(A) IN GENERAL.—The Secretary shall make competitive, merit-reviewed grants under the pilot program to not less than 3, but not more than 5, eligible entities.

(B) SELECTION CRITERIA.—In selecting an eligible entity to receive a grant under the pilot program, the Secretary shall consider—

(i) energy and cost savings anticipated to result from the project;

(ii) the innovative nature, commercial viability, and reliability of the technology to be used;

(iii) the degree to which the project integrates next-generation sensors, software, hardware, analytics, and management tools;

(iv) the anticipated cost effectiveness of the pilot project in terms of energy efficiency savings, water savings or reuse, and infrastructure costs averted;

(v) whether the technology can be deployed in a variety of geographic regions and the degree to which the technology can be implemented on a smaller or larger scale, including whether the technology can be implemented by each type of eligible entity;

(vi) whether the technology has been successfully deployed elsewhere;

(vii) whether the technology is sourced from a manufacturer based in the United States; and

(viii) whether the project will be completed in 5 years or less.

(C) APPLICATIONS.—

(i) IN GENERAL.—Subject to clause (ii), an eligible entity seeking a grant under the pilot program shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary determines to be necessary.

(ii) CONTENTS.—An application under clause (i) shall, at a minimum, include—

(I) a description of the project;

(II) a description of the technology to be used in the project;

(III) the anticipated results, including energy and water savings, of the project;

(IV) a comprehensive budget for the project;

(V) the names of the project lead organization and any partners;

(VI) the number of users to be served by the project; and

(VII) any other information that the Secretary determines to be necessary to complete the review and selection of a grant recipient.

(4) ADMINISTRATION.—

(A) IN GENERAL.—Not later than 300 days after the date of enactment of this Act, the Secretary shall select grant recipients under this section.

(B) EVALUATIONS.—The Secretary shall annually carry out an evaluation of each project for which a grant is provided under this section that—

(i) evaluates the progress and impact of the project; and

(ii) assesses the degree to which the project is meeting the goals of the pilot program.

(C) TECHNICAL AND POLICY ASSISTANCE.—On the request of a grant recipient, the Secretary shall provide technical and policy assistance to the grant recipient to carry out the project.

(D) BEST PRACTICES.—The Secretary shall make available to the public—

(i) a copy of each evaluation carried out under subparagraph (B); and

(ii) a description of any best practices identified by the Secretary as a result of those evaluations.

(E) REPORT TO CONGRESS.—The Secretary shall submit to Congress a report containing the results of each evaluation carried out under subparagraph (B).

(c) FUNDING.—To carry out this section, the Secretary is authorized to use not more than $15,000,000, to the extent provided in advance in appropriation Acts.

SEC. 3162. WATERSENSE.

(a) IN GENERAL.—The Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.) is amended by adding after section 324A the following:

''SEC. 324B. WATERSENSE.

''(a) WATERSENSE.—

''(1) IN GENERAL.—There is established within the Environmental Protection Agency a voluntary program, to be entitled 'WaterSense', to identify water efficient products, buildings, landscapes, facilities, processes, and services that sensibly—

''(A) reduce water use;

''(B) reduce the strain on public and community water systems and wastewater and stormwater infrastructure;

''(C) conserve energy used to pump, heat, transport, and treat water; and

''(D) preserve water resources for future generations, through voluntary labeling of, or other forms of communications about, products, buildings, landscapes, facilities, processes, and services while still meeting strict performance criteria.

''(2) DUTIES.—The Administrator, coordinating as appropriate with the Secretary of Energy, shall—

''(A) establish—

''(i) a WaterSense label to be used for items meeting the certification criteria established in this section; and

''(ii) the procedure, including the methods and means, by which an item may be certified to display the WaterSense label;

''(B) conduct a public awareness education campaign regarding the WaterSense label;

''(C) preserve the integrity of the WaterSense label by—

''(i) establishing and maintaining feasible performance criteria so that products, buildings, landscapes, facilities, processes, and services labeled with the WaterSense label perform as well or better than less water-efficient counterparts;

''(ii) overseeing WaterSense certifications made by third parties;

''(iii) using testing protocols, from the appropriate, applicable, and relevant consensus standards, for the purpose of determining standards compliance; and

''(iv) auditing the use of the WaterSense label in the marketplace and preventing cases of misuse; and

''(D) not more often than every six years, review and, if appropriate, update WaterSense criteria for the defined categories of water-efficient product, building, landscape, process, or service, including—

''(i) providing reasonable notice to interested parties and the public of any such changes, including effective dates, and an explanation of the changes;

''(ii) soliciting comments from interested parties and the public prior to any such changes;

''(iii) as appropriate, responding to comments submitted by interested parties and the public; and

''(iv) providing an appropriate transition time prior to the applicable effective date of any such changes, taking into account the timing necessary for the manufacture, marketing, training, and distribution of the specific water-efficient product, building, landscape, process, or service category being addressed.

''(b) USE OF SCIENCE.—In carrying out this section, and, to the degree that an agency action is based on science, the Administrator shall use—

''(1) the best available peer-reviewed science and supporting studies conducted in accordance with sound and objective scientific practices; and

''(2) data collected by accepted methods or best available methods (if the reliability of the method and the nature of the decision justify use of the data).

''(c) DISTINCTION OF AUTHORITIES.—In setting or maintaining standards for Energy Star pursuant to section 324A, and WaterSense under this section, the Secretary and Administrator shall coordinate to prevent duplicative or conflicting requirements among the respective programs.

''(d) DEFINITIONS.—In this section:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Environmental Protection Agency.

''(2) FEASIBLE.—The term 'feasible' means feasible with the use of the best technology, treatment techniques, and other means that the Administrator finds, after examination for efficacy under field conditions and not solely under laboratory conditions, are available (taking cost into consideration).

''(3) SECRETARY.—The term 'Secretary' means the Secretary of Energy.

''(4) WATER-EFFICIENT PRODUCT, BUILDING, LANDSCAPE, PROCESS, OR SERVICE.—The term 'water-efficient product, building, landscape, process, or service' means a product, building, landscape, process, or service for a residence or a commercial or institutional building, or its landscape, that is rated for water efficiency and performance, the covered categories of which are—

''(A) irrigation technologies and services;

''(B) point-of-use water treatment devices;

''(C) plumbing products;

''(D) reuse and recycling technologies;

''(E) landscaping and gardening products, including moisture control or water enhancing technologies;

''(F) xeriscaping and other landscape conversions that reduce water use; and

''(G) new water efficient homes certified under the WaterSense program.''.

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Policy and Conservation Act (Public Law 94–163; 42 U.S.C. 6201 et seq.) is amended by inserting after the item relating to section 324A the following new item:

''Sec. 324B. WaterSense.''.

Subtitle B—Accountability

CHAPTER 1—MARKET MANIPULATION, ENFORCEMENT, AND COMPLIANCE

SEC. 3211. FERC OFFICE OF COMPLIANCE ASSISTANCE AND PUBLIC PARTICIPATION.

Section 319 of the Federal Power Act (16 U.S.C. 825q–1) is amended to read as follows:

''SEC. 319. OFFICE OF COMPLIANCE ASSISTANCE AND PUBLIC PARTICIPATION.

''(a) ESTABLISHMENT.—There is established within the Commission an Office of Compliance Assistance and Public Participation (referred to in this section as the 'Office'). The Office shall be headed by a Director.

''(b) DUTIES OF DIRECTOR.—

''(1) IN GENERAL.—The Director of the Office shall promote improved compliance with Commission rules and orders by—

''(A) making recommendations to the Commission regarding—

''(i) the protection of consumers;

''(ii) market integrity and support for the development of responsible market behavior;

''(iii) the application of Commission rules and orders in a manner that ensures that—

''(I) rates and charges for, or in connection with, the transmission or sale of electric energy subject to the jurisdiction of the Commission shall be just and reasonable and not unduly discriminatory or preferential; and

''(II) markets for such transmission and sale of electric energy are not impaired and consumers are not damaged; and

''(iv) the impact of existing and proposed Commission rules and orders on small entities, as defined in section 601 of title 5, United States Code (commonly known as the Regulatory Flexibility Act);

''(B) providing entities subject to regulation by the Commission the opportunity to obtain timely guidance for compliance with Commission rules and orders; and

''(C) providing information to the Commission and Congress to inform policy with respect to energy issues under the jurisdiction of the Commission.

''(2) REPORTS AND GUIDANCE.—The Director shall, as the Director determines appropriate, issue reports and guidance to the Commission and to entities subject to regulation by the Commission, regarding market practices, proposing improvements in Commission monitoring of market practices, and addressing potential improvements to both industry and Commission practices.

''(3) OUTREACH.—The Director shall promote improved compliance with Commission rules and orders through outreach, publications, and, where appropriate, direct communication with entities regulated by the Commission.''.

CHAPTER 2—MARKET REFORMS

SEC. 3221. GAO STUDY ON WHOLESALE ELECTRICITY MARKETS.

(a) STUDY AND REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the results of a study of whether and how the current market rules, practices, and structures of each regional transmission entity produce rates that are just and reasonable by—

(1) facilitating fuel diversity, the availability of generation resources during emergency and severe weather conditions, resource adequacy, and reliability, including the cost-effective retention and development of needed generation;

(2) promoting the equitable treatment of business models, including different utility types, the integration of diverse generation resources, and advanced grid technologies;

(3) identifying and addressing regulatory barriers to entry, market-distorting incentives, and artificial constraints on competition;

(4) providing transparency regarding dispatch decisions, including the need for out-of-market actions and payments, and the accuracy of day-ahead unit commitments;

(5) facilitating the development of necessary natural gas pipeline and electric transmission infrastructure;

(6) ensuring fairness and transparency in governance structures and stakeholder processes, including meaningful participation by both voting and nonvoting stakeholder representatives;

(7) ensuring the proper alignment of the energy and transmission markets by including both energy and financial transmission rights in the day-ahead markets;

(8) facilitating the ability of load-serving entities to self-supply their service territory load;

(9) considering, as appropriate, State and local resource planning; and

(10) mitigating, to the extent practicable, the disruptive effects of tariff revisions on the economic decisionmaking of market participants.

(b) DEFINITIONS.—In this section:

(1) LOAD-SERVING ENTITY.—The term ''load-serving entity'' has the meaning given that term in section 217 of the Federal Power Act (16 U.S.C. 824q).

(2) REGIONAL TRANSMISSION ENTITY.—The term ''regional transmission entity'' means a Regional Transmission Organization or an Independent System Operator, as such terms are defined in section 3 of the Federal Power Act (16 U.S.C. 796).

SEC. 3222. CLARIFICATION OF FACILITY MERGER AUTHORIZATION.

Section 203(a)(1)(B) of the Federal Power Act (16 U.S.C. 824b(a)(1)(B)) is amended by striking ''such facilities or any part thereof'' and inserting ''such facilities, or any part thereof, of a value in excess of $10,000,000''.

CHAPTER 3—CODE MAINTENANCE

SEC. 3231. REPEAL OF OFF-HIGHWAY MOTOR VEHICLES STUDY.

(a) REPEAL.—Part I of title III of the Energy Policy and Conservation Act (42 U.S.C. 6373) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Policy and Conservation Act (Public Law 94–163; 89 Stat. 871) is amended—

(1) by striking the item relating to part I of title III; and

(2) by striking the item relating to section 385.

SEC. 3232. REPEAL OF METHANOL STUDY.

Section 400EE of the Energy Policy and Conservation Act (42 U.S.C. 6374d) is amended—

(1) by striking subsection (a); and

(2) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively.

SEC. 3233. REPEAL OF RESIDENTIAL ENERGY EFFICIENCY STANDARDS STUDY.

(a) REPEAL.—Section 253 of the National Energy Conservation Policy Act (42 U.S.C. 8232) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the National Energy Conservation Policy Act (Public Law 95–619; 92 Stat. 3206) is amended by striking the item relating to section 253.

SEC. 3234. REPEAL OF WEATHERIZATION STUDY.

(a) REPEAL.—Section 254 of the National Energy Conservation Policy Act (42 U.S.C. 8233) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the National Energy Conservation Policy Act (Public Law 95–619; 92 Stat. 3206) is amended by striking the item relating to section 254.

SEC. 3235. REPEAL OF REPORT TO CONGRESS.

(a) REPEAL.—Section 273 of the National Energy Conservation Policy Act (42 U.S.C. 8236b) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the National Energy Conservation Policy Act (Public Law 95–619; 92 Stat. 3206) is amended by striking the item relating to section 273.

SEC. 3236. REPEAL OF REPORT BY GENERAL SERVICES ADMINISTRATION.

(a) REPEAL.—Section 154 of the Energy Policy Act of 1992 (42 U.S.C. 8262a) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) The table of contents for the Energy Policy Act of 1992 (Public Law 102–486; 106 Stat. 2776) is amended by striking the item relating to section 154.

(2) Section 159 of the Energy Policy Act of 1992 (42 U.S.C. 8262e) is amended by striking subsection (c).

SEC. 3237. REPEAL OF INTERGOVERNMENTAL ENERGY MANAGEMENT PLANNING AND COORDINATION WORKSHOPS.

(a) REPEAL.—Section 156 of the Energy Policy Act of 1992 (42 U.S.C. 8262b) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Policy Act of 1992 (Public Law 102–486; 106 Stat. 2776) is amended by striking the item relating to section 156.

SEC. 3238. REPEAL OF INSPECTOR GENERAL AUDIT SURVEY AND PRESIDENT'S COUNCIL ON INTEGRITY AND EFFICIENCY REPORT TO CONGRESS.

(a) REPEAL.—Section 160 of the Energy Policy Act of 1992 (42 U.S.C. 8262f) is amended by striking the section designation and heading and all that follows through ''(c) INSPECTOR GENERAL REVIEW.—Each Inspector General'' and inserting the following:

''SEC. 160. INSPECTOR GENERAL REVIEW.

''Each Inspector General''.

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Policy Act of 1992 (Public Law 102–486; 106 Stat. 2776) is amended by striking the item relating to section 160 and inserting the following:

''Sec. 160. Inspector General review.''.

SEC. 3239. REPEAL OF PROCUREMENT AND IDENTIFICATION OF ENERGY EFFICIENT PRODUCTS PROGRAM.

(a) REPEAL.—Section 161 of the Energy Policy Act of 1992 (42 U.S.C. 8262g) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Policy Act of 1992 (Public Law 102–486; 106 Stat. 2776) is amended by striking the item relating to section 161.

SEC. 3240. REPEAL OF NATIONAL ACTION PLAN FOR DEMAND RESPONSE.

(a) REPEAL.—Part 5 of title V of the National Energy Conservation Policy Act (42 U.S.C. 8279) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the National Energy Conservation Policy Act (Public Law 95–619; 92 Stat. 3206; 121 Stat. 1665) is amended—

(1) by striking the item relating to part 5 of title V; and

(2) by striking the item relating to section 571.

SEC. 3241. REPEAL OF NATIONAL COAL POLICY STUDY.

(a) REPEAL.—Section 741 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8451) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Powerplant and Industrial Fuel Use Act of 1978 (Public Law 95–620; 92 Stat. 3289) is amended by striking the item relating to section 741.

SEC. 3242. REPEAL OF STUDY ON COMPLIANCE PROBLEM OF SMALL ELECTRIC UTILITY SYSTEMS.

(a) REPEAL.—Section 744 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8454) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Powerplant and Industrial Fuel Use Act of 1978 (Public Law 95–620; 92 Stat. 3289) is amended by striking the item relating to section 744.

SEC. 3243. REPEAL OF STUDY OF SOCIO-ECONOMIC IMPACTS OF INCREASED COAL PRODUCTION AND OTHER ENERGY DEVELOPMENT.

(a) REPEAL.—Section 746 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8456) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Powerplant and Industrial Fuel Use Act of 1978 (Public Law 95–620; 92 Stat. 3289) is amended by striking the item relating to section 746.

SEC. 3244. REPEAL OF STUDY OF THE USE OF PETROLEUM AND NATURAL GAS IN COMBUSTORS.

(a) REPEAL.—Section 747 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8457) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Powerplant and Industrial Fuel Use Act of 1978 (Public Law 95–620; 92 Stat. 3289) is amended by striking the item relating to section 747.

SEC. 3245. REPEAL OF SUBMISSION OF REPORTS.

(a) REPEAL.—Section 807 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8483) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Powerplant and Industrial Fuel Use Act of 1978 (Public Law 95–620; 92 Stat. 3289) is amended by striking the item relating to section 807.

SEC. 3246. REPEAL OF ELECTRIC UTILITY CONSERVATION PLAN.

(a) REPEAL.—Section 808 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8484) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS.—The table of contents for the Powerplant and Industrial Fuel Use Act of 1978 (Public Law 95–620; 92 Stat. 3289) is amended by striking the item relating to section 808.

(2) REPORT ON IMPLEMENTATION.—Section 712 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8422) is amended—

(A) by striking ''(a) GENERALLY.—''; and

(B) by striking subsection (b).

SEC. 3247. TECHNICAL AMENDMENT TO POWERPLANT AND INDUSTRIAL FUEL USE ACT OF 1978.

The table of contents for the Powerplant and Industrial Fuel Use Act of 1978 (Public Law 95–620; 92 Stat. 3289) is amended by striking the item relating to section 742.

SEC. 3248. EMERGENCY ENERGY CONSERVATION REPEALS.

(a) REPEALS.—

(1) Section 201 of the Emergency Energy Conservation Act of 1979 (42 U.S.C. 8501) is amended—

(A) in the section heading, by striking ''**FINDINGS AND**'';

(B) by striking subsection (a); and

(C) by striking ''(b) PURPOSES.—''.

(2) Section 221 of the Emergency Energy Conservation Act of 1979 (42 U.S.C. 8521) is repealed.

(3) Section 222 of the Emergency Energy Conservation Act of 1979 (42 U.S.C. 8522) is repealed.

(4) Section 241 of the Emergency Energy Conservation Act of 1979 (42 U.S.C. 8531) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Emergency Energy Conservation Act of 1979 (Public Law 96–102; 93 Stat. 749) is amended—

(1) by striking the item relating to section 201 and inserting the following:

''Sec. 201. Purposes.''; and

(2) by striking the items relating to sections 221, 222, and 241.

SEC. 3249. REPEAL OF STATE UTILITY REGULATORY ASSISTANCE.

(a) REPEAL.—Section 207 of the Energy Conservation and Production Act (42 U.S.C. 6807) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Conservation and Production Act (Public Law 94–385; 90 Stat. 1125) is amended by striking the item relating to section 207.

SEC. 3250. REPEAL OF SURVEY OF ENERGY SAVING POTENTIAL.

(a) REPEAL.—Section 550 of the National Energy Conservation Policy Act (42 U.S.C. 8258b) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) The table of contents for the National Energy Conservation Policy Act (Public Law 95–619; 92 Stat. 3206; 106 Stat. 2851) is amended by striking the item relating to section 550.

(2) Section 543(d)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8253(d)(2)) is amended by striking '', incorporating any relevant information obtained from the survey conducted pursuant to section 550''.

SEC. 3251. REPEAL OF PHOTOVOLTAIC ENERGY PROGRAM.

(a) REPEAL.—Part 4 of title V of the National Energy Conservation Policy Act (42 U.S.C. 8271 et seq.) is repealed.

(b) CONFORMING AMENDMENTS.—The table of contents for the National Energy Conservation Policy Act (Public Law 95–619; 92 Stat. 3206) is amended—

(1) by striking the item relating to part 4 of title V; and

(2) by striking the items relating to sections 561 through 570.

SEC. 3252. REPEAL OF ENERGY AUDITOR TRAINING AND CERTIFICATION.

(a) REPEAL.—Subtitle F of title V of the Energy Security Act (42 U.S.C. 8285 et seq.) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Security Act (Public Law 96–294; 94 Stat. 611) is amended by striking the items relating to subtitle F of title V.

CHAPTER 4—AUTHORIZATION

SEC. 3261 AUTHORIZATION.

There are authorized to be appropriated, out of funds authorized under previously enacted laws, amounts required for carrying out this division and the amendments made by this division.

TITLE IV—CHANGING CRUDE OIL MARKET CONDITIONS

SEC. 4001. FINDINGS.

The Congress finds the following:

(1) The United States has enjoyed a renaissance in energy production, establishing the United States as the world's leading oil producer.

(2) By authorizing crude oil exports, the Congress can spur domestic energy production, create and preserve jobs, help maintain and strengthen our independent shipping fleet that is essential to national defense, and generate State and Federal revenues.

(3) An energy-secure United States that is a net exporter of energy has the potential to transform the security environment around the world, notably in Europe and the Middle East.

(4) For our European allies and Israel, the presence of more United States oil in the market will offer more secure supply options, which will strengthen United States strategic alliances and help curtail the use of energy as a political weapon.

(5) The 60-ship Maritime Security Fleet is a vital element of our military's strategic sealift and global response capability. It assures United States-flag ships and United States crews will be available to support the United States military when it needs to mobilize to protect our allies, and is the most prudent and economical solution to meet current and projected sealift requirements for the United States.

(6) The Maritime Security Fleet program provides a labor base of skilled American mariners who are available to crew the United States Government-owned strategic sealift fleet, as well as the United States commercial fleet, in both peace and war.

(7) The United States has reduced its oil consumption over the past decade, and increasing investment in clean energy technology and energy efficiency will lower energy prices, reduce greenhouse gas emissions, and increase national security.

SEC. 4002. REPEAL.

Section 103 of the Energy Policy and Conservation Act (42 U.S.C. 6212) and the item relating thereto in the table of contents of that Act are repealed.

SEC. 4003. NATIONAL POLICY ON OIL EXPORT RESTRICTIONS.

Notwithstanding any other provision of law, to promote the efficient exploration, production, storage, supply, marketing, pricing, and regulation of energy resources, including fossil fuels, no official of the Federal Government shall impose or enforce any restriction on the export of crude oil.

SEC. 4004. STUDIES.

(a) GREENHOUSE GAS EMISSIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary of Energy shall conduct, and transmit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate the results of, a study on the net greenhouse gas emissions that will result from the repeal of the crude oil export ban under section 4002.

(b) CRUDE OIL EXPORT STUDY.—

(1) IN GENERAL.—The Department of Commerce, in consultation with the Department of Energy, and other departments as appropriate, shall conduct a study of the State and national implications of lifting the crude oil export ban with respect to consumers and the economy.

(2) CONTENTS.—The study conducted under paragraph (1) shall include an analysis of—

(A) the economic impact that exporting crude oil will have on the economy of the United States;

(B) the economic impact that exporting crude oil will have on consumers, taking into account impacts on energy prices;

(C) the economic impact that exporting crude oil will have on domestic manufacturing, taking into account impacts on employment; and

(D) the economic impact that exporting crude oil will have on the refining sector, taking into account impacts on employment.

(3) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Bureau of Industry and Security shall submit to Congress a report containing the results of the study conducted under paragraph (1).

SEC. 4005. SAVINGS CLAUSE.

Nothing in this title limits the authority of the President under the Constitution, the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), the National Emergencies Act (50 U.S.C. 1601 et seq.), part B of title II of the Energy Policy and Conservation Act (42 U.S.C. 6271 et seq.), the Trading With the Enemy Act (50 U.S.C. App. 1 et seq.), or any other provision of law that imposes sanctions on a foreign person or foreign government (including any provision of law that prohibits or restricts United States persons from engaging in a transaction with a sanctioned person or government), including a foreign government that is designated as a state sponsor of terrorism, to prohibit exports.

SEC. 4006. PARTNERSHIPS WITH MINORITY SERVING INSTITUTIONS.

(a) IN GENERAL.—The Department of Energy shall continue to develop and broaden partnerships with minority serving institutions, including Hispanic Serving Institutions (HSI) and Historically Black Colleges and Universities (HBCUs) in the areas of oil and gas exploration, production, midstream, and refining.

(b) PUBLIC-PRIVATE PARTNERSHIPS.—The Department of Energy shall encourage public-private partnerships between the energy sector and minority serving institutions, including Hispanic Serving Institutions and Historically Black Colleges and Universities.

SEC. 4007. REPORT.

Not later than 10 years after the date of enactment of this Act, the Secretary of Energy and the Secretary of Commerce shall jointly transmit to Congress a report that reviews the impact of lifting the oil export ban under this title as it relates to promoting United States energy and national security.

SEC. 4008. REPORT TO CONGRESS.

Not later than 180 days after the date of enactment of this Act, the Secretary of Energy and the Secretary of Commerce shall jointly transmit to Congress a report analyzing how lifting the ban on crude oil exports will help create opportunities for veterans and women in the United States, while promoting energy and national security.

SEC. 4009. PROHIBITION ON EXPORTS OF CRUDE OIL, REFINED PETROLEUM PRODUCTS, AND PETROCHEMICAL PRODUCTS TO THE ISLAMIC REPUBLIC OF IRAN.

Nothing in this title shall be construed to authorize the export of crude oil, refined petroleum products, and petrochemical products by or through any entity or person, wherever located, subject to the jurisdiction of the United States to any entity or person located in, subject to the jurisdiction of, or sponsored by the Islamic Republic of Iran.

TITLE V—OTHER MATTERS

SEC. 5001. ASSESSMENT OF REGULATORY REQUIREMENTS.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall ensure that the requirements described in subsection (b) are satisfied.

(b) REQUIREMENTS.—The Administrator shall satisfy—

(1) section 4 of Executive Order No. 12866 (5 U.S.C. 601 note) (relating to regulatory planning and review) and Executive Order No. 13563 (5 U.S.C. 601 note) (relating to improving regulation and regulatory review) (or any successor Executive order establishing requirements applicable to the uniform reporting of regulatory and deregulatory agendas);

(2) section 602 of title 5, United States Code;

(3) section 8 of Executive Order No. 13132 (5 U.S.C. 601 note) (relating to federalism); and

(4) section 202(a) of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1532(a)).

SEC. 5002. DEFINITIONS.

In this title:

(1) COVERED CIVIL ACTION.—The term ''covered civil action'' means a civil action containing a claim under section 702 of title 5, United States Code, regarding agency action (as defined for the purposes of that section) affecting a covered energy project on Federal land.

(2) COVERED ENERGY PROJECT.—

(A) IN GENERAL.—The term ''covered energy project'' means—

(i) the leasing of Federal land for the exploration, development, production, processing, or transmission of oil, natural gas, coal, geothermal, hydroelectric, biomass, solar, or any other source of energy; and

(ii) any action under the lease.

(B) EXCLUSION.—The term ''covered energy project'' does not include any dispute between the parties to a lease regarding the obligations under the lease, including any alleged breach of the lease.

SEC. 5003. EXCLUSIVE VENUE FOR CERTAIN CIVIL ACTIONS RELATING TO COVERED ENERGY PROJECTS.

Venue for any covered civil action shall lie in the United States district court in which the covered energy project or lease exists or is proposed.

SEC. 5004. TIMELY FILING.

To ensure timely redress by the courts, a covered civil action shall be filed not later than the end of the 90-day period beginning on the date of the final Federal agency action to which the covered civil action relates.

SEC. 5005. EXPEDITION IN HEARING AND DETERMINING THE ACTION.

The court shall endeavor to hear and determine any covered civil action as expeditiously as practicable.

SEC. 5006. LIMITATION ON INJUNCTION AND PROSPECTIVE RELIEF.

(a) IN GENERAL.—In a covered civil action, a court shall not grant or approve any prospective relief unless the court finds that the relief—

(1) is narrowly drawn;

(2) extends no further than necessary to correct the violation of a legal requirement; and

(3) is the least intrusive means necessary to correct the violation.

(b) DURATION.—

(1) IN GENERAL.—A court shall limit the duration of preliminary injunctions to halt covered energy projects to not more than 60 days, unless the court finds clear reasons to extend the injunction.

(2) ADMINISTRATION.—In the case of an extension, the extension shall—

(A) only be in 30-day increments; and

(B) require action by the court to renew the injunction.

(c) IN GENERAL.—Sections 504 of title 5 and 2412 of title 28, United States Code (commonly known as the ''Equal Access to Justice Act''), shall not apply to a covered civil action.

(d) COURT COSTS.—A party to a covered civil action shall not receive payment from the Federal Government for the attorneys' fees, expenses, or other court costs incurred by the party.

SEC. 5007. LEGAL STANDING.

A challenger that files an appeal with the Department of the Interior Board of Land Appeals shall meet the same standing requirements as a challenger before a United States district court.

SEC. 5008. STUDY TO IDENTIFY LEGAL AND REGULATORY BARRIERS THAT DELAY, PROHIBIT, OR IMPEDE THE EXPORT OF NATURAL ENERGY RESOURCES.

Not later than 1 year after the date of enactment of this Act, the Secretary of Energy and the Secretary of Commerce shall jointly transmit to the Committee on Energy and Commerce and the Committee on Natural Resources of the House of Representatives, and the Committee on Commerce, Science, and Transportation and the Committee on Energy and Natural Resources of the Senate, the results of a study to—

(1) identify legal and regulatory barriers that delay, prohibit, or impede the export of natural energy resources, including government and technical (physical or market) barriers that hinder coal, natural gas, oil, and other energy exports; and

(2) estimate the economic impacts of such barriers.

SEC. 5009. STUDY OF VOLATILITY OF CRUDE OIL.

Not later than 1 year after the date of enactment of this Act, the Secretary of Energy shall transmit to Congress the results of a study to determine the maximum level of volatility that is consistent with the safest practicable shipment of crude oil by rail.

SEC. 5010. SMART METER PRIVACY RIGHTS.

(a) ELECTRICAL CORPORATION OR GAS CORPORATIONS.—

(1) For purposes of this section, ''electrical or gas consumption data'' means data about a customer's electrical or natural gas usage that is made available as part of an advanced metering infrastructure, and includes the name, account number, or residence of the customer.

(2)(A) An electrical corporation or gas corporation shall not share, disclose, or otherwise make accessible to any third party a customer's electrical or gas consumption data, except as provided in subsection (a)(5) or upon the consent of the customer.

(B) An electrical corporation or gas corporation shall not sell a customer's electrical or gas consumption data or any other personally identifiable information for any purpose.

(C) The electrical corporation or gas corporation or its contractors shall not provide an incentive or discount to the customer for accessing the customer's electrical or gas consumption data without the prior consent of the customer.

(D) An electrical or gas corporation that utilizes an advanced metering infrastructure that allows a customer to access the customer's electrical and gas consumption data shall ensure that the customer has an option to access that data without being required to agree to the sharing of his or her personally identifiable information, including electrical or gas consumption data, with a third party.

(3) If an electrical corporation or gas corporation contracts with a third party for a service that allows a customer to monitor his or her electricity or gas usage, and that third party uses the data for a secondary commercial purpose, the contract between the electrical corporation or gas corporation and the third party shall provide that the third party prominently discloses that secondary commercial purpose to the customer.

(4) An electrical corporation or gas corporation shall use reasonable security procedures and practices to protect a customer's unencrypted electrical or gas consumption data from unauthorized access, destruction, use, modification, or disclosure.

(5)(A) Nothing in this section shall preclude an electrical corporation or gas corporation from using customer aggregate electrical or gas consumption data for analysis, reporting, or program management if all information has been removed regarding the individual identity of a customer.

(B) Nothing in this section shall preclude an electrical corporation or gas corporation from disclosing a customer's electrical or gas consumption data to a third party for system, grid, or operational needs, or the implementation of demand response, energy management, or energy efficiency programs, provided that, for contracts entered into after January 1, 2016, the utility has required by contract that the third party implement and maintain reasonable security procedures and practices appropriate to the nature of the information, to protect the personal information from unauthorized access, destruction, use, modification, or disclosure, and prohibits the use of the data for a secondary commercial purpose not related to the primary purpose of the contract without the customer's consent.

(C) Nothing in this section shall preclude an electrical corporation or gas corporation from disclosing electrical or gas consumption data as required or permitted under State or Federal law or by an order of a State public utility commission.

(6) If a customer chooses to disclose his or her electrical or gas consumption data to a third party that is unaffiliated with, and has no other business relationship with, the electrical or gas corporation, the electrical or gas corporation shall not be responsible for the security of that data, or its use or misuse.

(b) LOCAL PUBLICLY OWNED ELECTRIC UTILITIES.—

(1) For purposes of this section, ''electrical consumption data'' means data about a customer's electrical usage that is made available

as part of an advanced metering infrastructure, and includes the name, account number, or residence of the customer.

(2)(A) A local publicly owned electric utility shall not share, disclose, or otherwise make accessible to any third party a customer's electrical consumption data, except as provided in subsection (b) (5) or upon the consent of the customer.

(B) A local publicly owned electric utility shall not sell a customer's electrical consumption data or any other personally identifiable information for any purpose.

(C) The local publicly owned electric utility or its contractors shall not provide an incentive or discount to the customer for accessing the customer's electrical consumption data without the prior consent of the customer.

(D) A local publicly owned electric utility that utilizes an advanced metering infrastructure that allows a customer to access the customer's electrical consumption data shall ensure that the customer has an option to access that data without being required to agree to the sharing of his or her personally identifiable information, including electrical consumption data, with a third party.

(3) If a local publicly owned electric utility contracts with a third party for a service that allows a customer to monitor his or her electricity usage, and that third party uses the data for a secondary commercial purpose, the contract between the local publicly owned electric utility and the third party shall provide that the third party prominently discloses that secondary commercial purpose to the customer.

(4) A local publicly owned electric utility shall use reasonable security procedures and practices to protect a customer's unencrypted electrical consumption data from unauthorized access, destruction, use, modification, or disclosure, and prohibits the use of the data for a secondary commercial purpose not related to the primary purpose of the contract without the customer's consent.

(5)(A) Nothing in this section shall preclude a local publicly owned electric utility from using customer aggregate electrical consumption data for analysis, reporting, or program management if all information has been removed regarding the individual identity of a customer.

(B) Nothing in this section shall preclude a local publicly owned electric utility from disclosing a customer's electrical consumption data to a third party for system, grid, or operational needs, or the implementation of demand response, energy management, or energy efficiency programs, provided, for contracts entered into after January 1, 2016, that the utility has required by contract that the third party implement and maintain reasonable security procedures and practices appropriate to the nature of the information, to protect the personal information from unauthorized access, destruction, use, modification, or disclosure.

(C) Nothing in this section shall preclude a local publicly owned electric utility from disclosing electrical consumption data as required under State or Federal law.

(6) If a customer chooses to disclose his or her electrical consumption data to a third party that is unaffiliated with, and has no other business relationship with, the local publicly owned electric utility, the utility shall not be responsible for the security of that data, or its use or misuse.

SEC. 5011. YOUTH ENERGY ENTERPRISE COMPETITION.

The Secretaries of Energy and Commerce shall jointly establish an energy enterprise competition to encourage youth to propose solutions to the energy challenges of the United States and to promote youth interest in careers in science, technology, engineering, and math, especially as those fields relate to energy.

SEC. 5012. MODERNIZATION OF TERMS RELATING TO MINORITIES.

(a) OFFICE OF MINORITY ECONOMIC IMPACT.—Section 211(f)(1) of the Department of Energy Organization Act (42 U.S.C. 7141(f)(1)) is amended by striking ''a Negro, Puerto Rican, American Indian, Eskimo, Oriental, or Aleut or is a Spanish speaking individual of Spanish descent'' and inserting ''Asian American, African American, Hispanic, Puerto Rican, Native American, or an Alaska Native''.

(b) MINORITY BUSINESS ENTERPRISES.—Section 106(f)(2) of the Local Public Works Capital Development and Investment Act of 1976 (42 U.S.C. 6705(f)(2)) is amended by striking ''Negroes, Spanish-speaking, Orientals, Indians, Eskimos, and Aleuts'' and inserting ''Asian American, African American, Hispanic, Native American, or Alaska Natives''.

SEC. 5013. VOLUNTARY VEGETATION MANAGEMENT OUTSIDE RIGHTS-OF-WAY.

(a) AUTHORIZATION.—The Secretary of the Interior or the Secretary of Agriculture may authorize an owner or operator of an electric transmission or distribution facility to manage vegetation selectively within 150 feet of the exterior boundary of the right-of-way near structures for selective thinning and fuel reduction.

(b) STATUS OF REMOVED VEGETATION.—Any vegetation removed pursuant to this section shall be the property of the United States and not available for sale by the owner or operator.

(c) LIMITATION ON LIABILITY.—An owner or operator of an electric transmission or distribution facility shall not be held liable for wildlife damage, loss, or injury, including the cost of fire suppression, resulting from activities carried out pursuant to subsection (a) except in the case of harm resulting from the owner or operator's gross negligence or criminal misconduct.

SEC. 5014. REPEAL OF RULE FOR NEW RESIDENTIAL WOOD HEATERS.

The final rule entitled ''Standards of Performance for New Residential Wood Heaters, New Residential Hydronic Heaters and Forced-Air Furnaces'' published at 80 Fed. Reg. 13672 (March 16, 2015) shall have no force or effect and shall be treated as if such rule had never been issued.

TITLE VI—PROMOTING RENEWABLE ENERGY WITH SHARED SOLAR

SEC. 6001. SHORT TITLE.

This title may be cited as the ''Promoting Renewable Energy with Shared Solar Act of 2016''.

SEC. 6002. PROVISION OF INTERCONNECTION SERVICE AND NET BILLING SERVICE FOR COMMUNITY SOLAR FACILITIES.

(a) IN GENERAL.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

''(20) COMMUNITY SOLAR FACILITIES.—

''(A) DEFINITIONS.—In this paragraph:

''(i) COMMUNITY SOLAR FACILITY.—The term 'community solar facility' means a solar photovoltaic system that—

''(I) allocates electricity to multiple individual electric consumers of an electric utility;

''(II) has a nameplate rating of 2 megawatts or less; and

''(III) is—

''(aa) owned by the electric utility, jointly owned, or third-party-owned;

''(bb) connected to a local distribution facility of the electric utility; and

''(cc) located on or off the property of a consumer of the electricity.

''(ii) INTERCONNECTION SERVICE.—The term 'interconnection service' means a service provided by an electric utility to an electric consumer, in accordance with the standards described in paragraph (15), through which a community solar facility is connected to an applicable local distribution facility.

''(iii) NET BILLING SERVICE.—The term 'net billing service' means a service provided by an electric utility to an electric consumer through which electric energy generated for that electric consumer from a community solar facility may be used to offset electric energy provided by the electric utility to the electric consumer during the applicable billing period.

''(B) REQUIREMENT.—On receipt of a request of an electric consumer served by the electric utility, each electric utility shall make available to the electric consumer interconnection service and net billing service for a community solar facility.''.

(b) COMPLIANCE.—

(1) TIME LIMITATIONS.—Section 112(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(b)) is amended by adding at the end the following:

''(7)(A) Not later than 1 year after the date of enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which the State has ratemaking authority) and each nonregulated utility shall commence consideration under section 111, or set a hearing date for consideration, with respect to the standard established by paragraph (20) of section 111(d).

''(B) Not later than 2 years after the date of enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which the State has ratemaking authority), and each nonregulated electric utility shall complete the consideration and make the determination under section 111 with respect to the standard established by paragraph (20) of section 111(d).''.

(2) FAILURE TO COMPLY.—

(A) IN GENERAL.—Section 112(c) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(c)) is amended—

(i) by striking ''such paragraph (14)'' and all that follows through ''paragraphs (16)'' and inserting ''such paragraph (14). In the case of the standard established by paragraph (15) of section 111(d), the reference contained in this subsection to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of that paragraph (15). In the case of the standards established by paragraphs (16)''; and

(ii) by adding at the end the following: ''In the case of the standard established by paragraph (20) of section 111(d), the reference contained in this subsection to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of that paragraph (20).''.

(B) TECHNICAL CORRECTION.—

(i) IN GENERAL.—Section 1254(b) of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 971) is amended by striking paragraph (2).

(ii) TREATMENT.—The amendment made by paragraph (2) of section 1254(b) of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 971) (as in effect on the day before the date of enactment of this Act) is void, and section 112(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(d)) shall be in effect as if those amendments had not been enacted.

(3) PRIOR STATE ACTIONS.—

(A) IN GENERAL.—Section 112 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622) is amended by adding at the end the following:

''(g) PRIOR STATE ACTIONS.—Subsections (b) and (c) shall not apply to the standard established by paragraph (20) of section 111(d) in the case of any electric utility in a State if, before the date of enactment of this subsection—

''(1) the State has implemented for the electric utility the standard (or a comparable standard);

''(2) the State regulatory authority for the State or the relevant nonregulated electric utility has conducted a proceeding to consider implementation of the standard (or a comparable standard) for the electric utility; or

''(3) the State legislature has voted on the implementation of the standard (or a comparable standard) for the electric utility.''.

(B) CROSS-REFERENCE.—Section 124 of the Public Utility Regulatory Policy Act of 1978 (16 U.S.C. 2634) is amended by adding at the end the following: ''In the case of the standard established by paragraph (20) of section 111(d), the reference contained in this subsection to the date of enactment of this Act shall be deemed to

be a reference to the date of enactment of that paragraph (20).''.

TITLE VII—MARINE HYDROKINETIC

SEC. 7001. DEFINITION OF MARINE AND HYDROKINETIC RENEWABLE ENERGY.

Section 632 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17211) is amended in the matter preceding paragraph (1) by striking ''electrical''.

SEC. 7002. MARINE AND HYDROKINETIC RENEWABLE ENERGY RESEARCH AND DEVELOPMENT.

Section 633 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17212) is amended to read as follows:

''SEC. 633. MARINE AND HYDROKINETIC RENEWABLE ENERGY RESEARCH AND DEVELOPMENT.

''The Secretary, in consultation with the Secretary of the Interior, the Secretary of Commerce, and the Federal Energy Regulatory Commission, shall carry out a program of research, development, demonstration, and commercial application to accelerate the introduction of marine and hydrokinetic renewable energy production into the United States energy supply, giving priority to fostering accelerated research, development, and commercialization of technology, including—

''(1) to assist technology development to improve the components, processes, and systems used for power generation from marine and hydrokinetic renewable energy resources;

''(2) to establish critical testing infrastructure necessary—

''(A) to cost effectively and efficiently test and prove the efficacy of marine and hydrokinetic renewable energy devices; and

''(B) to accelerate the technological readiness and commercialization of those devices;

''(3) to support efforts to increase the efficiency of energy conversion, lower the cost, increase the use, improve the reliability, and demonstrate the applicability of marine and hydrokinetic renewable energy technologies by participating in demonstration projects;

''(4) to investigate variability issues and the efficient and reliable integration of marine and hydrokinetic renewable energy with the utility grid;

''(5) to identify and study critical short- and long-term needs to create a sustainable marine and hydrokinetic renewable energy supply chain based in the United States;

''(6) to increase the reliability and survivability of marine and hydrokinetic renewable energy technologies;

''(7) to verify the performance, reliability, maintainability, and cost of new marine and hydrokinetic renewable energy device designs and system components in an operating environment;

''(8) to coordinate and avoid duplication of activities across programs of the Department and other applicable Federal agencies, including National Laboratories, and to coordinate public-private collaboration in all programs under this section;

''(9) to identify opportunities for joint research and development programs and development of economies of scale between—

''(A) marine and hydrokinetic renewable energy technologies; and

''(B) other renewable energy and fossil energy programs, offshore oil and gas production activities, and activities of the Department of Defense; and

''(10) to support in-water technology development with international partners using existing cooperative procedures (including memoranda of understanding)—

''(A) to allow cooperative funding and other support of value to be exchanged and leveraged; and

''(B) to encourage international research centers and international companies to participate in the development of water technology in the United States and to encourage United States research centers and United States companies to participate in water technology projects abroad.''.

SEC. 7003. NATIONAL MARINE RENEWABLE ENERGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION CENTERS.

Section 634(b) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17213(b)) is amended to read as follows:

''(b) PURPOSES.—A Center (in coordination with the Department and National Laboratories) shall—

''(1) advance research, development, demonstration, and commercial application of marine and hydrokinetic renewable energy technologies;

''(2) support in-water testing and demonstration of marine and hydrokinetic renewable energy technologies, including facilities capable of testing—

''(A) marine and hydrokinetic renewable energy systems of various technology readiness levels and scales;

''(B) a variety of technologies in multiple test berths at a single location; and

''(C) arrays of technology devices; and

''(3) serve as information clearinghouses for the marine and hydrokinetic renewable energy industry by collecting and disseminating information on best practices in all areas relating to developing and managing marine and hydrokinetic renewable energy resources and energy systems.''.

SEC. 7004. AUTHORIZATION OF APPROPRIATIONS.

Section 636 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17215) is amended by striking ''2008 through 2012'' and inserting ''2016 through 2019''.

TITLE VIII—EXTENSIONS OF TIME FOR VARIOUS FEDERAL ENERGY REGULATORY COMMISSION PROJECTS

SEC. 8001. EXTENSION OF TIME FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECT INVOLVING CLARK CANYON DAM.

Notwithstanding the time period described in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 12429, the Federal Energy Regulatory Commission (referred to in this section as the ''Commission'') shall, at the request of the licensee for the project, and after reasonable notice and in accordance with the procedures of the Commission under that section, reinstate the license and extend the time period during which the licensee is required to commence construction of project works for the 3-year period beginning on the date of enactment of this Act.

SEC. 8002. EXTENSION OF TIME FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECT INVOLVING GIBSON DAM.

(a) IN GENERAL.—Notwithstanding the requirements of section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 12478–003, the Federal Energy Regulatory Commission (referred to in this section as the ''Commission'') may, at the request of the licensee for the project, and after reasonable notice and in accordance with the procedures of the Commission under that section, extend the time period during which the licensee is required to commence construction of the project for a 6-year period that begins on the date described in subsection (b).

(b) DATE DESCRIBED.—The date described in this subsection is the date of the expiration of the extension of the period required for commencement of construction for the project described in subsection (a) that was issued by the Commission prior to the date of enactment of this Act under section 13 of the Federal Power Act (16 U.S.C. 806).

SEC. 8003. EXTENSION OF TIME FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECT INVOLVING JENNINGS RANDOLPH DAM.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 12715, the Commission may, at the request of the licensee for the project, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend the time period during which the licensee is required to commence the construction of the project for up to three consecutive 2-year periods from the date of the expiration of the extension originally issued by the Commission. Any obligation of the licensee for the payment of annual charges under section 10(e) of the Federal Power Act (16 U.S.C. 803(e)) shall commence upon conclusion of the time period to commence construction of the project, as extended by the Commission under this subsection.

(b) REINSTATEMENT OF EXPIRED LICENSE.—If the period required for commencement of construction of the project described in subsection (a) has expired prior to the date of the enactment of this Act, the Commission shall reinstate the license effective as of the date of its expiration and the first extension authorized under subsection (a) shall take effect on the date of such expiration.

SEC. 8004. EXTENSION OF TIME FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECT INVOLVING CANNONSVILLE DAM.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 13287, the Commission may, at the request of the licensee for the project, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend the time period during which the licensee is required to commence the construction of the project for up to four consecutive 2-year periods from the date of the expiration of the time period required for commencement of construction prescribed in the license.

(b) REINSTATEMENT OF EXPIRED LICENSE.—If the period required for commencement of construction of the project described in subsection (a) has expired prior to the date of the enactment of this Act, the Commission may reinstate the license effective as of the date of its expiration and the first extension authorized under subsection (a) shall take effect on the date of such expiration.

SEC. 8005. EXTENSION OF TIME FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECT INVOLVING GATHRIGHT DAM.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 12737, the Commission may, at the request of the licensee for the project, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend the time period during which the licensee is required to commence the construction of the project for up to three consecutive 2-year periods from the date of the expiration of the extension originally issued by the Commission.

(b) REINSTATEMENT OF EXPIRED LICENSE.—If the period required for commencement of construction of the project described in subsection (a) has expired prior to the date of the enactment of this Act, the Commission may reinstate the license for the project effective as of the date

of its expiration and the first extension authorized under subsection (a) shall take effect on the date of such expiration.

SEC. 8006. EXTENSION OF TIME FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECT INVOLVING FLANNAGAN DAM.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 12740, the Commission may, at the request of the licensee for the project, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend the time period during which the licensee is required to commence the construction of the project for up to three consecutive 2-year periods from the date of the expiration of the extension originally issued by the Commission.

(b) REINSTATEMENT OF EXPIRED LICENSE.—If the period required for commencement of construction of the project described in subsection (a) has expired prior to the date of the enactment of this Act, the Commission may reinstate the license for the project effective as of the date of its expiration and the first extension authorized under subsection (a) shall take effect on the date of such expiration.

TITLE IX—ENERGY AND MANUFACTURING WORKFORCE DEVELOPMENT

SEC. 9001. ENERGY AND MANUFACTURING WORKFORCE DEVELOPMENT.

(a) IN GENERAL.—The Secretary of Energy (in this title referred to as the ''Secretary'') shall prioritize education and training for energy and manufacturing-related jobs in order to increase the number of skilled workers trained to work in energy and manufacturing-related fields when considering awards for existing grant programs, including by—

(1) encouraging State education agencies and local educational agencies to equip students with the skills, mentorships, training, and technical expertise necessary to fill the employment opportunities vital to managing and operating the Nation's energy and manufacturing industries, in collaboration with representatives from the energy and manufacturing industries (including the oil, gas, coal, nuclear, utility, pipeline, renewable, petrochemical, manufacturing, and electrical construction sectors) to identify the areas of highest need in each sector and the skills necessary for a high quality workforce in the following sectors of energy and manufacturing:

(A) Energy efficiency industry, including work in energy efficiency, conservation, weatherization, or retrofitting, or as inspectors or auditors.

(B) Pipeline industry, including work in pipeline construction and maintenance or work as engineers or technical advisors.

(C) Utility industry, including work in the generation, transmission, and distribution of electricity and natural gas, such as utility technicians, operators, lineworkers, engineers, scientists, and information technology specialists.

(D) Nuclear industry, including work as scientists, engineers, technicians, mathematicians, or security personnel.

(E) Oil and gas industry, including work as scientists, engineers, technicians, mathematicians, petrochemical engineers, or geologists.

(F) Renewable industry, including work in the development, manufacturing, and production of renewable energy sources (such as solar, hydropower, wind, or geothermal energy).

(G) Coal industry, including work as coal miners, engineers, developers and manufacturers of state-of-the-art coal facilities, technology vendors, coal transportation workers and operators, or mining equipment vendors.

(H) Manufacturing industry, including work as operations technicians, operations and design in additive manufacturing, 3–D printing, advanced composites, and advanced aluminum and other metal alloys, industrial energy efficiency management systems, including power electronics, and other innovative technologies.

(I) Chemical manufacturing industry, including work in construction (such as welders, pipefitters, and tool and die makers) or as instrument and electrical technicians, machinists, chemical process operators, chemical engineers, quality and safety professionals, and reliability engineers; and

(2) strengthening and more fully engaging Department of Energy programs and labs in carrying out the Department's workforce development initiatives including the Minorities in Energy Initiative.

(b) PROHIBITION.—Nothing in this section shall be construed to authorize the Secretary or any other officer or employee of the Federal Government to incentivize, require, or coerce a State, school district, or school to adopt curricula aligned to the skills described in subsection (a).

(c) PRIORITY.—The Secretary shall prioritize the education and training of underrepresented groups in energy and manufacturing-related jobs.

(d) CLEARINGHOUSE.—In carrying out this section, the Secretary shall establish a clearinghouse to—

(1) maintain and update information and resources on training and workforce development programs for energy and manufacturing-related jobs, including job training and workforce development programs available to assist displaced and unemployed energy and manufacturing workers transitioning to new employment; and

(2) provide technical assistance for States, local educational agencies, schools, community colleges, universities (including minority serving institutions), workforce development programs, labor-management organizations, and industry organizations that would like to develop and implement energy and manufacturing-related training programs.

(e) COLLABORATION.—In carrying out this section, the Secretary—

(1) shall collaborate with States, local educational agencies, schools, community colleges, universities (including minority serving institutions), workforce-training organizations, national laboratories, State energy offices, workforce investment boards, and the energy and manufacturing industries;

(2) shall encourage and foster collaboration, mentorships, and partnerships among organizations (including industry, States, local educational agencies, schools, community colleges, workforce-development organizations, and colleges and universities) that currently provide effective job training programs in the energy and manufacturing fields and entities (including States, local educational agencies, schools, community colleges, workforce development programs, and colleges and universities) that seek to establish these types of programs in order to share best practices; and

(3) shall collaborate with the Bureau of Labor Statistics, the Department of Commerce, the Bureau of the Census, States, and the energy and manufacturing industries to develop a comprehensive and detailed understanding of the energy and manufacturing workforce needs and opportunities by State and by region.

(f) OUTREACH TO MINORITY SERVING INSTITUTIONS.—In carrying out this section, the Secretary shall—

(1) give special consideration to increasing outreach to minority serving institutions and Historically Black Colleges and Universities;

(2) make existing resources available through program cross-cutting to minority serving institutions with the objective of increasing the number of skilled minorities and women trained to go into the energy and manufacturing sectors;

(3) encourage industry to improve the opportunities for students of minority serving institutions to participate in industry internships and cooperative work/study programs; and

(4) partner with the Department of Energy laboratories to increase underrepresented groups' participation in internships, fellowships, traineeships, and employment at all Department of Energy laboratories.

(g) OUTREACH TO DISLOCATED ENERGY AND MANUFACTURING WORKERS.—In carrying out this section, the Secretary shall—

(1) give special consideration to increasing outreach to employers and job trainers preparing dislocated energy and manufacturing workers for in-demand sectors or occupations;

(2) make existing resources available through program cross-cutting to institutions serving dislocated energy and manufacturing workers with the objective of training individuals to re-enter in-demand sectors or occupations;

(3) encourage the energy and manufacturing industries to improve opportunities for dislocated energy and manufacturing workers to participate in career pathways; and

(4) work closely with the energy and manufacturing industries to identify energy and manufacturing operations, such as coal-fired power plants and coal mines, scheduled for closure and to provide early intervention assistance to workers employed at such energy and manufacturing operations by—

(A) partnering with State and local workforce development boards;

(B) giving special consideration to employers and job trainers preparing such workers for in-demand sectors or occupations;

(C) making existing resources available through program cross-cutting to institutions serving such workers with the objective of training them to re-enter in-demand sectors or occupations; and

(D) encouraging the energy and manufacturing industries to improve opportunities for such workers to participate in career pathways.

(h) ENROLLMENT IN WORKFORCE DEVELOPMENT PROGRAMS.—In carrying out this section, the Secretary shall work with industry and community-based workforce organizations to help identify candidates, including from underrepresented communities such as minorities, women, and veterans, to enroll in workforce development programs for energy and manufacturing-related jobs.

(i) PROHIBITION.—Nothing in this section shall be construed as authorizing the creation of a new workforce development program.

(j) DEFINITIONS.—In this section:

(1) CAREER PATHWAYS; DISLOCATED WORKER; IN-DEMAND SECTORS OR OCCUPATIONS; LOCAL WORKFORCE DEVELOPMENT BOARD; STATE WORKFORCE DEVELOPMENT BOARD.—The terms ''career pathways'', ''dislocated worker'', ''in-demand sectors or occupations'', ''local workforce development board'', and ''State workforce development board'' have the meanings given the terms ''career pathways'', ''dislocated worker'', ''in-demand sectors or occupations'', ''local board'', and ''State board'', respectively, in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

(2) MINORITY-SERVING INSTITUTION.—The term ''minority-serving institution'' means an institution of higher education with a designation of one of the following:

(A) Hispanic-serving institution (as defined in 20 U.S.C.1101a(a)(5)).

(B) Tribal College or University (as defined in 20 U.S.C.1059c(b)).

(C) Alaska Native-serving institution or a Native Hawaiian-serving institution (as defined in 20 U.S.C.1059d(b)).

(D) Predominantly Black Institution (as defined in 20 U.S.C.1059e(b)).

(E) Native American-serving nontribal institution (as defined in 20 U.S.C.1059f(b)).

(F) Asian American and Native American Pacific Islander-serving institution (as defined in 20 U.S.C.1059g(b)).

SEC. 9002. REPORT.

Five years after the date of enactment of this Act, the Secretary shall publish a comprehensive

report to the Committee on Energy and Commerce and the Committee on Education and the Workforce of the House of Representatives and the Senate Energy and Natural Resources Committee on the outlook for energy and manufacturing sectors nationally. The report shall also include a comprehensive summary of energy and manufacturing job creation as a result of the enactment of this title. The report shall include performance data regarding the number of program participants served, the percentage of participants in competitive integrated employment two quarters and four quarters after program completion, the median income of program participants two quarters and four quarters after program completion, and the percentage of program participants receiving industry-recognized credentials.

SEC. 9003. USE OF EXISTING FUNDS.

No additional funds are authorized to carry out the requirements of this title. Such requirements shall be carried out using amounts otherwise authorized.

DIVISION B—RESILIENT FEDERAL FORESTS

SEC. 1. SHORT TITLE.

This division may be cited as the ''Resilient Federal Forests Act of 2016''.

SEC. 2. DEFINITIONS.

In titles I through VIII of this division:

(1) CATASTROPHIC EVENT.—The term ''catastrophic event'' means any natural disaster (such as hurricane, tornado, windstorm, snow or ice storm, rain storm, high water, wind-driven water, tidal wave, earthquake, volcanic eruption, landslide, mudslide, drought, or insect or disease outbreak) or any fire, flood, or explosion, regardless of cause.

(2) CATEGORICAL EXCLUSION.—The term ''categorical exclusion'' refers to an exception to the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.) for a project or activity relating to the management of National Forest System lands or public lands.

(3) COLLABORATIVE PROCESS.—The term ''collaborative process'' refers to a process relating to the management of National Forest System lands or public lands by which a project or activity is developed and implemented by the Secretary concerned through collaboration with interested persons, as described in section 603(b)(1)(C) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591b(b)(1)(C)).

(4) COMMUNITY WILDFIRE PROTECTION PLAN.—The term ''community wildfire protection plan'' has the meaning given that term in section 101(3) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511(3)).

(5) COOS BAY WAGON ROAD GRANT LANDS.—The term ''Coos Bay Wagon Road Grant lands'' means the lands reconveyed to the United States pursuant to the first section of the Act of February 26, 1919 (40 Stat. 1179).

(6) FOREST MANAGEMENT ACTIVITY.—The term ''forest management activity'' means a project or activity carried out by the Secretary concerned on National Forest System lands or public lands in concert with the forest plan covering the lands.

(7) FOREST PLAN.—The term ''forest plan'' means—

(A) a land use plan prepared by the Bureau of Land Management for public lands pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712); or

(B) a land and resource management plan prepared by the Forest Service for a unit of the National Forest System pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(8) LARGE-SCALE CATASTROPHIC EVENT.—The term ''large-scale catastrophic event'' means a catastrophic event that adversely impacts at least 5,000 acres of reasonably contiguous National Forest System lands or public lands.

(9) NATIONAL FOREST SYSTEM.—The term ''National Forest System'' has the meaning given that term in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

(10) OREGON AND CALIFORNIA RAILROAD GRANT LANDS.—The term ''Oregon and California Railroad Grant lands'' means the following lands:

(A) All lands in the State of Oregon revested in the United States under the Act of June 9, 1916 (39 Stat. 218), that are administered by the Secretary of the Interior, acting through the Bureau of Land Management, pursuant to the first section of the Act of August 28, 1937 (43 U.S.C. 1181a).

(B) All lands in that State obtained by the Secretary of the Interior pursuant to the land exchanges authorized and directed by section 2 of the Act of June 24, 1954 (43 U.S.C. 1181h).

(C) All lands in that State acquired by the United States at any time and made subject to the provisions of title II of the Act of August 28, 1937 (43 U.S.C. 1181f).

(11) PUBLIC LANDS.—The term ''public lands'' has the meaning given that term in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)), except that the term includes Coos Bay Wagon Road Grant lands and Oregon and California Railroad Grant lands.

(12) REFORESTATION ACTIVITY.—The term ''reforestation activity'' means a project or activity carried out by the Secretary concerned whose primary purpose is the reforestation of impacted lands following a large-scale catastrophic event. The term includes planting, evaluating and enhancing natural regeneration, clearing competing vegetation, and other activities related to reestablishment of forest species on the fire-impacted lands.

(13) RESOURCE ADVISORY COMMITTEE.—The term ''resource advisory committee'' has the meaning given that term in section 201(3) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7121(3)).

(14) SALVAGE OPERATION.—The term ''salvage operation'' means a forest management activity undertaken in response to a catastrophic event whose primary purpose—

(A) is to prevent wildfire as a result of the catastrophic event, or, if the catastrophic event was wildfire, to prevent a re-burn of the fire-impacted area;

(B) is to provide an opportunity for utilization of forest materials damaged as a result of the catastrophic event; or

(C) is to provide a funding source for reforestation and other restoration activities for the National Forest System lands or public lands impacted by the catastrophic event.

(15) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) the Secretary of Agriculture, with respect to National Forest System lands; and

(B) the Secretary of the Interior, with respect to public lands.

TITLE I—EXPEDITED ENVIRONMENTAL ANALYSIS AND AVAILABILITY OF CATEGORICAL EXCLUSIONS TO EXPEDITE FOREST MANAGEMENT ACTIVITIES

SEC. 101. ANALYSIS OF ONLY TWO ALTERNATIVES (ACTION VERSUS NO ACTION) IN PROPOSED COLLABORATIVE FOREST MANAGEMENT ACTIVITIES.

(a) APPLICATION TO CERTAIN ENVIRONMENTAL ASSESSMENTS AND ENVIRONMENTAL IMPACT STATEMENTS.—This section shall apply whenever the Secretary concerned prepares an environmental assessment or an environmental impact statement pursuant to section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)) for a forest management activity that—

(1) is developed through a collaborative process;

(2) is proposed by a resource advisory committee; or

(3) is covered by a community wildfire protection plan.

(b) CONSIDERATION OF ALTERNATIVES.—In an environmental assessment or environmental impact statement described in subsection (a), the Secretary concerned shall study, develop, and describe only the following two alternatives:

(1) The forest management activity, as proposed pursuant to paragraph (1), (2), or (3) of subsection (a).

(2) The alternative of no action.

(c) ELEMENTS OF NON-ACTION ALTERNATIVE.—In the case of the alternative of no action, the Secretary concerned shall evaluate—

(1) the effect of no action on—

(A) forest health;

(B) habitat diversity;

(C) wildfire potential; and

(D) insect and disease potential; and

(2) the implications of a resulting decline in forest health, loss of habitat diversity, wildfire, or insect or disease infestation, given fire and insect and disease historic cycles, on—

(A) domestic water costs;

(B) wildlife habitat loss; and

(C) other economic and social factors.

SEC. 102. CATEGORICAL EXCLUSION TO EXPEDITE CERTAIN CRITICAL RESPONSE ACTIONS.

(a) AVAILABILITY OF CATEGORICAL EXCLUSION.—A categorical exclusion is available to the Secretary concerned to develop and carry out a forest management activity on National Forest System lands or public lands when the primary purpose of the forest management activity is—

(1) to address an insect or disease infestation;

(2) to reduce hazardous fuel loads;

(3) to protect a municipal water source;

(4) to maintain, enhance, or modify critical habitat to protect it from catastrophic disturbances;

(5) to increase water yield; or

(6) any combination of the purposes specified in paragraphs (1) through (5).

(b) ACREAGE LIMITATIONS.—

(1) IN GENERAL.—Except in the case of a forest management activity described in paragraph (2), a forest management activity covered by the categorical exclusion granted by subsection (a) may not contain harvest units exceeding a total of 5,000 acres.

(2) LARGER AREAS AUTHORIZED.—A forest management activity covered by the categorical exclusion granted by subsection (a) may not contain harvest units exceeding a total of 15,000 acres if the forest management activity—

(A) is developed through a collaborative process;

(B) is proposed by a resource advisory committee; or

(C) is covered by a community wildfire protection plan.

SEC. 103. CATEGORICAL EXCLUSION TO EXPEDITE SALVAGE OPERATIONS IN RESPONSE TO CATASTROPHIC EVENTS.

(a) AVAILABILITY OF CATEGORICAL EXCLUSION.—A categorical exclusion is available to the Secretary concerned to develop and carry out a salvage operation as part of the restoration of National Forest System lands or public lands following a catastrophic event.

(b) ACREAGE LIMITATIONS.—

(1) IN GENERAL.—A salvage operation covered by the categorical exclusion granted by subsection (a) may not contain harvest units exceeding a total of 5,000 acres.

(2) HARVEST AREA.—In addition to the limitation imposed by paragraph (1), the harvest units covered by the categorical exclusion granted by subsection (a) may not exceed one-third of the area impacted by the catastrophic event.

(c) ADDITIONAL REQUIREMENTS.—

(1) ROAD BUILDING.—A salvage operation covered by the categorical exclusion granted by subsection (a) may not include any new permanent roads. Temporary roads constructed as part of the salvage operation shall be retired before the end of the fifth fiscal year beginning after the completion of the salvage operation.

(2) STREAM BUFFERS.—A salvage operation covered by the categorical exclusion granted by

subsection (a) shall comply with the standards and guidelines for stream buffers contained in the applicable forest plan unless waived by the Regional Forester, in the case of National Forest System lands, or the State Director of the Bureau of Land Management, in the case of public lands.

(3) REFORESTATION PLAN.—A reforestation plan shall be developed under section 3 of the Act of June 9, 1930 (commonly known as the Knutson-Vandenberg Act; 16 U.S.C. 576b), as part of a salvage operation covered by the categorical exclusion granted by subsection (a).

SEC. 104. CATEGORICAL EXCLUSION TO MEET FOREST PLAN GOALS FOR EARLY SUCCESSIONAL FORESTS.

(a) AVAILABILITY OF CATEGORICAL EXCLUSION.—A categorical exclusion is available to the Secretary concerned to develop and carry out a forest management activity on National Forest System lands or public lands when the primary purpose of the forest management activity is to modify, improve, enhance, or create early successional forests for wildlife habitat improvement and other purposes, consistent with the applicable forest plan.

(b) PROJECT GOALS.—To the maximum extent practicable, the Secretary concerned shall design a forest management activity under this section to meet early successional forest goals in such a manner so as to maximize production and regeneration of priority species, as identified in the forest plan and consistent with the capability of the activity site.

(c) ACREAGE LIMITATIONS.—A forest management activity covered by the categorical exclusion granted by subsection (a) may not contain harvest units exceeding a total of 5,000 acres.

SEC. 105. CLARIFICATION OF EXISTING CATEGORICAL EXCLUSION AUTHORITY RELATED TO INSECT AND DISEASE INFESTATION.

Section 603(c)(2)(B) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591b(c)(2)(B)) is amended by striking ''Fire Regime Groups I, II, or III'' and inserting ''Fire Regime I, Fire Regime II, Fire Regime III, or Fire Regime IV''.

SEC. 106. CATEGORICAL EXCLUSION TO IMPROVE, RESTORE, AND REDUCE THE RISK OF WILDFIRE.

(a) AVAILABILITY OF CATEGORICAL EXCLUSION.—A categorical exclusion is available to the Secretary concerned to carry out a forest management activity described in subsection (c) on National Forest System Lands or public lands when the primary purpose of the activity is to improve, restore, or reduce the risk of wildfire on those lands.

(b) ACREAGE LIMITATIONS.—A forest management activity covered by the categorical exclusion granted by subsection (a) may not exceed 5,000 acres.

(c) AUTHORIZED ACTIVITIES.—The following activities may be carried out using a categorical exclusion granted by subsection (a):

(1) Removal of juniper trees, medusahead rye, conifer trees, piñon pine trees, cheatgrass, and other noxious or invasive weeds specified on Federal or State noxious weeds lists through late-season livestock grazing, targeted livestock grazing, prescribed burns, and mechanical treatments.

(2) Performance of hazardous fuels management.

(3) Creation of fuel and fire breaks.

(4) Modification of existing fences in order to distribute livestock and help improve wildlife habitat.

(5) Installation of erosion control devices.

(6) Construction of new and maintenance of permanent infrastructure, including stock ponds, water catchments, and water spring boxes used to benefit livestock and improve wildlife habitat.

(7) Performance of soil treatments, native and non-native seeding, and planting of and transplanting sagebrush, grass, forb, shrub, and other species.

(8) Use of herbicides, so long as the Secretary concerned determines that the activity is otherwise conducted consistently with agency procedures, including any forest plan applicable to the area covered by the activity.

(d) DEFINITIONS.—In this section:

(1) HAZARDOUS FUELS MANAGEMENT.—The term ''hazardous fuels management'' means any vegetation management activities that reduce the risk of wildfire.

(2) LATE-SEASON GRAZING.—The term ''late-season grazing'' means grazing activities that occur after both the invasive species and native perennial species have completed their current-year annual growth cycle until new plant growth begins to appear in the following year.

(3) TARGETED LIVESTOCK GRAZING.—The term ''targeted livestock grazing'' means grazing used for purposes of hazardous fuel reduction.

SEC. 107. COMPLIANCE WITH FOREST PLAN.

A forest management activity covered by a categorical exclusion granted by this title shall be conducted in a manner consistent with the forest plan applicable to the National Forest System land or public lands covered by the forest management activity.

TITLE II—SALVAGE AND REFORESTATION IN RESPONSE TO CATASTROPHIC EVENTS

SEC. 201. EXPEDITED SALVAGE OPERATIONS AND REFORESTATION ACTIVITIES FOLLOWING LARGE-SCALE CATASTROPHIC EVENTS.

(a) EXPEDITED ENVIRONMENTAL ASSESSMENT.—Notwithstanding any other provision of law, any environmental assessment prepared by the Secretary concerned pursuant to section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)) for a salvage operation or reforestation activity proposed to be conducted on National Forest System lands or public lands adversely impacted by a large-scale catastrophic event shall be completed within 3 months after the conclusion of the catastrophic event.

(b) EXPEDITED IMPLEMENTATION AND COMPLETION.—In the case of reforestation activities conducted on National Forest System lands or public lands adversely impacted by a large-scale catastrophic event, the Secretary concerned shall achieve reforestation of at least 75 percent of the impacted lands during the 5-year period following the conclusion of the catastrophic event.

(c) AVAILABILITY OF KNUTSON-VANDENBERG FUNDS.—Amounts in the special fund established pursuant to section 3 of the Act of June 9, 1930 (commonly known as the Knutson-Vandenberg Act; 16 U.S.C. 576b) shall be available to the Secretary of Agriculture for reforestation activities authorized by this title.

(d) TIMELINE FOR PUBLIC INPUT PROCESS.—Notwithstanding any other provision of law, in the case of a salvage operation or reforestation activity proposed to be conducted on National Forest System lands or public lands adversely impacted by a large-scale catastrophic event, the Secretary concerned shall allow 30 days for public scoping and comment, 15 days for filing an objection, and 15 days for the agency response to the filing of an objection. Upon completion of this process and expiration of the period specified in subsection (a), the Secretary concerned shall implement the project immediately.

SEC. 202. COMPLIANCE WITH FOREST PLAN.

A salvage operation or reforestation activity authorized by this title shall be conducted in a manner consistent with the forest plan applicable to the National Forest System lands or public lands covered by the salvage operation or reforestation activity.

SEC. 203. PROHIBITION ON RESTRAINING ORDERS, PRELIMINARY INJUNCTIONS, AND INJUNCTIONS PENDING APPEAL.

No restraining order, preliminary injunction, or injunction pending appeal shall be issued by any court of the United States with respect to any decision to prepare or conduct a salvage operation or reforestation activity in response to a large-scale catastrophic event. Section 705 of title 5, United States Code, shall not apply to any challenge to the salvage operation or reforestation activity.

SEC. 204. EXCLUSION OF CERTAIN LANDS.

In applying this title, the Secretary concerned may not carry out salvage operations or reforestation activities on National Forest System lands or public lands—

(1) that are included in the National Wilderness Preservation System;

(2) that are located within an inventoried roadless area unless the reforestation activity is consistent with the forest plan; or

(3) on which timber harvesting for any purpose is prohibited by statute.

TITLE III—COLLABORATIVE PROJECT LITIGATION REQUIREMENT

SEC. 301. DEFINITIONS.

In this title:

(1) COSTS.—The term ''costs'' refers to the fees and costs described in section 1920 of title 28, United States Code.

(2) EXPENSES.—The term ''expenses'' includes the expenditures incurred by the staff of the Secretary concerned in preparing for and responding to a legal challenge to a collaborative forest management activity and in participating in litigation that challenges the forest management activity, including such staff time as may be used to prepare the administrative record, exhibits, declarations, and affidavits in connection with the litigation.

SEC. 302. BOND REQUIREMENT AS PART OF LEGAL CHALLENGE OF CERTAIN FOREST MANAGEMENT ACTIVITIES.

(a) BOND REQUIRED.—In the case of a forest management activity developed through a collaborative process or proposed by a resource advisory committee, any plaintiff or plaintiffs challenging the forest management activity shall be required to post a bond or other security equal to the anticipated costs, expenses, and attorneys fees of the Secretary concerned as defendant, as reasonably estimated by the Secretary concerned. All proceedings in the action shall be stayed until the required bond or security is provided.

(b) RECOVERY OF LITIGATION COSTS, EXPENSES, AND ATTORNEYS FEES.—

(1) MOTION FOR PAYMENT.—If the Secretary concerned prevails in an action challenging a forest management activity described in subsection (a), the Secretary concerned shall submit to the court a motion for payment, from the bond or other security posted under subsection (a) in such action, of the reasonable costs, expenses, and attorneys fees incurred by the Secretary concerned.

(2) MAXIMUM AMOUNT RECOVERED.—The amount of costs, expenses, and attorneys fees recovered by the Secretary concerned under paragraph (1) as a result of prevailing in an action challenging the forest management activity may not exceed the amount of the bond or other security posted under subsection (a) in such action.

(3) RETURN OF REMAINDER.—Any funds remaining from the bond or other security posted under subsection (a) after the payment of costs, expenses, and attorneys fees under paragraph (1) shall be returned to the plaintiff or plaintiffs that posted the bond or security in the action.

(c) RETURN OF BOND TO PREVAILING PLAINTIFF.—

(1) IN GENERAL.—If the plaintiff ultimately prevails on the merits in every action brought by the plaintiff challenging a forest management activity described in subsection (a), the court shall return to the plaintiff any bond or security provided by the plaintiff under subsection (a), plus interest from the date the bond or security was provided.

(2) ULTIMATELY PREVAILS ON THE MERITS.—In this subsection, the phrase ''ultimately prevails

on the merits'' means, in a final enforceable judgment on the merits, a court rules in favor of the plaintiff on every cause of action in every action brought by the plaintiff challenging the forest management activity.

(d) EFFECT OF SETTLEMENT.—If a challenge to a forest management activity described in subsection (a) for which a bond or other security was provided by the plaintiff under such subsection is resolved by settlement between the Secretary concerned and the plaintiff, the settlement agreement shall provide for sharing the costs, expenses, and attorneys fees incurred by the parties.

(e) LIMITATION ON CERTAIN PAYMENTS.—Notwithstanding section 1304 of title 31, United States Code, no award may be made under section 2412 of title 28, United States Code, and no amounts may be obligated or expended from the Claims and Judgment Fund of the United States Treasury to pay any fees or other expenses under such sections to any plaintiff related to an action challenging a forest management activity described in subsection (a).

TITLE IV—SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT AMENDMENTS

SEC. 401. USE OF RESERVED FUNDS FOR TITLE II PROJECTS ON FEDERAL LAND AND CERTAIN NON-FEDERAL LAND.

(a) REPEAL OF MERCHANTABLE TIMBER CONTRACTING PILOT PROGRAM.—Section 204(e) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7124(e)) is amended by striking paragraph (3).

(b) REQUIREMENTS FOR PROJECT FUNDS.—Section 204 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7124) is amended by striking subsection (f) and inserting the following new subsection:

''(f) REQUIREMENTS FOR PROJECT FUNDS.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary concerned shall ensure that at least 50 percent of the project funds reserved by a participating county under section 102(d) shall be available only for projects that—

''(A) include the sale of timber or other forest products, reduce fire risks, or improve water supplies; and

''(B) implement stewardship objectives that enhance forest ecosystems or restore and improve land health and water quality.

''(2) APPLICABILITY.—The requirement in paragraph (1) shall apply only to project funds reserved by a participating county whose boundaries include Federal land that the Secretary concerned determines has been subject to a timber or other forest products program within 5 fiscal years before the fiscal year in which the funds are reserved.''.

SEC. 402. RESOURCE ADVISORY COMMITTEES.

(a) RECOGNITION OF RESOURCE ADVISORY COMMITTEES.—Section 205(a)(4) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7125(a)(4)) is amended by striking ''2012'' each place it appears and inserting ''2020''.

(b) TEMPORARY REDUCTION IN COMPOSITION OF COMMITTEES.—Section 205(d) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7125(d)) is amended—

(1) in paragraph (1), by striking ''Each'' and inserting ''Except during the period specified in paragraph (6), each''; and

(2) by adding at the end the following new paragraph:

''(6) TEMPORARY REDUCTION IN MINIMUM NUMBER OF MEMBERS.—

''(A) TEMPORARY REDUCTION.—During the period beginning on the date of the enactment of this paragraph and ending on September 30, 2020, a resource advisory committee established under this section may be comprised of nine or more members, of which—

''(i) at least three shall be representative of interests described in subparagraph (A) of paragraph (2);

''(ii) at least three shall be representative of interests described in subparagraph (B) of paragraph (2); and

''(iii) at least three shall be representative of interests described in subparagraph (C) of paragraph (2).

''(B) ADDITIONAL REQUIREMENTS.—In appointing members of a resource advisory committee from the three categories described in paragraph (2), as provided in subparagraph (A), the Secretary concerned shall ensure balanced and broad representation in each category. In the case of a vacancy on a resource advisory committee, the vacancy shall be filled within 90 days after the date on which the vacancy occurred. Appointments to a new resource advisory committee shall be made within 90 days after the date on which the decision to form the new resource advisory committee was made.

''(C) CHARTER.—A charter for a resource advisory committee with 15 members that was filed on or before the date of the enactment of this paragraph shall be considered to be filed for a resource advisory committee described in this paragraph. The charter of a resource advisory committee shall be reapproved before the expiration of the existing charter of the resource advisory committee. In the case of a new resource advisory committee, the charter of the resource advisory committee shall be approved within 90 days after the date on which the decision to form the new resource advisory committee was made.''.

(c) CONFORMING CHANGE TO PROJECT APPROVAL REQUIREMENTS.—Section 205(e)(3) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7125(e)(3)) is amended by adding at the end the following new sentence: ''In the case of a resource advisory committee consisting of fewer than 15 members, as authorized by subsection (d)(6), a project may be proposed to the Secretary concerned upon approval by a majority of the members of the committee, including at least one member from each of the three categories described in subsection (d)(2).''.

(d) EXPANDING LOCAL PARTICIPATION ON COMMITTEES.—Section 205(d) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7125(d)) is amended—

(1) in paragraph (3), by inserting before the period at the end the following: '', consistent with the requirements of paragraph (4)''; and

(2) by striking paragraph (4) and inserting the following new paragraph:

''(4) GEOGRAPHIC DISTRIBUTION.—The members of a resource advisory committee shall reside within the county or counties in which the committee has jurisdiction or an adjacent county.''.

SEC. 403. PROGRAM FOR TITLE II SELF-SUSTAINING RESOURCE ADVISORY COMMITTEE PROJECTS.

(a) SELF-SUSTAINING RESOURCE ADVISORY COMMITTEE PROJECTS.—Title II of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7121 et seq.) is amended by adding at the end the following new section:

''SEC. 209. PROGRAM FOR SELF-SUSTAINING RESOURCE ADVISORY COMMITTEE PROJECTS.

''(a) RAC PROGRAM.—The Chief of the Forest Service shall conduct a program (to be known as the 'self-sustaining resource advisory committee program' or 'RAC program') under which 10 resource advisory committees will propose projects authorized by subsection (c) to be carried out using project funds reserved by a participating county under section 102(d).

''(b) SELECTION OF PARTICIPATING RESOURCE ADVISORY COMMITTEES.—The selection of resource advisory committees to participate in the RAC program is in the sole discretion of the Chief of the Forest Service, except that, consistent with section 205(d)(6), a selected resource advisory committee must have a minimum of six members.

''(c) AUTHORIZED PROJECTS.—Notwithstanding the project purposes specified in sections 202(b), 203(c), and 204(a)(5), projects under the RAC program are intended to—

''(1) accomplish forest management objectives or support community development; and

''(2) generate receipts.

''(d) DEPOSIT AND AVAILABILITY OF REVENUES.—Any revenue generated by a project conducted under the RAC program, including any interest accrued from the revenues, shall be—

''(1) deposited in the special account in the Treasury established under section 102(d)(2)(A); and

''(2) available, in such amounts as may be provided in advance in appropriation Acts, for additional projects under the RAC program.

''(e) TERMINATION OF AUTHORITY.—

''(1) IN GENERAL.—The authority to initiate a project under the RAC program shall terminate on September 30, 2020.

''(2) DEPOSITS IN TREASURY.—Any funds available for projects under the RAC program and not obligated by September 30, 2021, shall be deposited in the Treasury of the United States.''.

(b) EXCEPTION TO GENERAL RULE REGARDING TREATMENT OF RECEIPTS.—Section 403(b) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7153(b)) is amended by striking ''All revenues'' and inserting ''Except as provided in section 209, all revenues''.

SEC. 404. ADDITIONAL AUTHORIZED USE OF RESERVED FUNDS FOR TITLE III COUNTY PROJECTS.

Section 302(a) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7142(a)) is amended—

(1) in paragraph (2)—

(A) by inserting ''and law enforcement patrols'' after ''including firefighting''; and

(B) by striking ''and'' at the end;

(2) by redesignating paragraph (3) as paragraph (4); and

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

''(3) to cover training costs and equipment purchases directly related to the emergency services described in paragraph (2); and''.

SEC. 405. TREATMENT AS SUPPLEMENTAL FUNDING.

Section 102 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7112) is amended by adding at the end the following new subsection:

''(f) TREATMENT AS SUPPLEMENTAL FUNDING.—None of the funds made available to a beneficiary county or other political subdivision of a State under this Act shall be used in lieu of or to otherwise offset State funding sources for local schools, facilities, or educational purposes.''.

TITLE V—STEWARDSHIP END RESULT CONTRACTING

SEC. 501. CANCELLATION CEILINGS FOR STEWARDSHIP END RESULT CONTRACTING PROJECTS.

(a) CANCELLATION CEILINGS.—Section 604 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c) is amended—

(1) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(2) by inserting after subsection (g) the following new subsection (h):

''(h) CANCELLATION CEILINGS.—

''(1) IN GENERAL.—The Chief and the Director may obligate funds to cover any potential cancellation or termination costs for an agreement or contract under subsection (b) in stages that are economically or programmatically viable.

''(2) ADVANCE NOTICE TO CONGRESS OF CANCELLATION CEILING IN EXCESS OF $25 MILLION.—Not later than 30 days before entering into a multiyear agreement or contract under subsection (b) that includes a cancellation ceiling in excess of $25 million, but does not include proposed funding for the costs of cancelling the agreement or contract up to such cancellation

ceiling, the Chief or the Director, as the case may be, shall submit to the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Natural Resources and the Committee on Agriculture of the House of Representatives a written notice that includes—

''(A) the cancellation ceiling amounts proposed for each program year in the agreement or contract;

''(B) the reasons why such cancellation ceiling amounts were selected;

''(C) the extent to which the costs of contract cancellation are not included in the budget for the agreement or contract; and

''(D) an assessment of the financial risk of not including budgeting for the costs of agreement or contract cancellation.

''(3) TRANSMITTAL OF NOTICE TO OMB.—Not later than 14 days after the date on which written notice is provided under paragraph (2) with respect to an agreement or contract under subsection (b), the Chief or the Director, as the case may be, shall transmit a copy of the notice to the Director of the Office of Management and Budget.''.

(b) RELATION TO OTHER LAWS.—Section 604(d)(5) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c(d)(5)) is amended by striking '', the Chief may'' and inserting ''and section 2(a)(1) of the Act of July 31, 1947 (commonly known as the Materials Act of 1947; 30 U.S.C. 602(a)(1)), the Chief and the Director may''.

SEC. 502. EXCESS OFFSET VALUE.

Section 604(g)(2) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c(g)(2)) is amended by striking subparagraphs (A) and (B) and inserting the following new subparagraphs:

''(A) use the excess to satisfy any outstanding liabilities for cancelled agreements or contracts; or

''(B) if there are no outstanding liabilities under subparagraph (A), apply the excess to other authorized stewardship projects.''.

SEC. 503. PAYMENT OF PORTION OF STEWARDSHIP PROJECT REVENUES TO COUNTY IN WHICH STEWARDSHIP PROJECT OCCURS.

Section 604(e) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c(e)) is amended—

(1) in paragraph (2)(B), by inserting ''subject to paragraph (3)(A),'' before ''shall''; and

(2) in paragraph (3)(A), by striking ''services received by the Chief or the Director'' and all that follows through the period at the end and inserting the following: ''services and in-kind resources received by the Chief or the Director under a stewardship contract project conducted under this section shall not be considered monies received from the National Forest System or the public lands, but any payments made by the contractor to the Chief or Director under the project shall be considered monies received from the National Forest System or the public lands.''.

SEC. 504. SUBMISSION OF EXISTING ANNUAL REPORT.

Subsection (j) of section 604 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c), as redesignated by section 501(a)(1), is amended by striking ''report to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives'' and inserting ''submit to the congressional committees specified in subsection (h)(2) a report''.

SEC. 505. FIRE LIABILITY PROVISION.

Section 604(d) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c(d)) is amended by adding at the end the following new paragraph:

''(8) MODIFICATION.—Upon the request of the contractor, a contract or agreement under this section awarded before February 7, 2014, shall be modified by the Chief or Director to include the fire liability provisions described in paragraph (7).''.

TITLE VI—ADDITIONAL FUNDING SOURCES FOR FOREST MANAGEMENT ACTIVITIES

SEC. 601. DEFINITIONS.

In this title:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a State or political subdivision of a State containing National Forest System lands or public lands;

(B) a publicly chartered utility serving one or more States or a political subdivision thereof;

(C) a rural electric company; and

(D) any other entity determined by the Secretary concerned to be appropriate for participation in the Fund.

(2) FUND.—The term ''Fund'' means the State-Supported Forest Management Fund established by section 603.

SEC. 602. AVAILABILITY OF STEWARDSHIP PROJECT REVENUES AND COLLABORATIVE FOREST LANDSCAPE RESTORATION FUND TO COVER FOREST MANAGEMENT ACTIVITY PLANNING COSTS.

(a) AVAILABILITY OF STEWARDSHIP PROJECT REVENUES.—Section 604(e)(2)(B) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c(e)(2)(B)), as amended by section 503, is further amended by striking ''appropriation at the project site from which the monies are collected or at another project site.'' and inserting the following: ''appropriation—

''(i) at the project site from which the monies are collected or at another project site; and

''(ii) to cover not more than 25 percent of the cost of planning additional stewardship contracting projects.''.

(b) AVAILABILITY OF COLLABORATIVE FOREST LANDSCAPE RESTORATION FUND.—Section 4003(f)(1) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303(f)(1)) is amended by striking ''carrying out and'' and inserting ''planning, carrying out, and''.

SEC. 603. STATE-SUPPORTED PLANNING OF FOREST MANAGEMENT ACTIVITIES.

(a) STATE-SUPPORTED FOREST MANAGEMENT FUND.—There is established in the Treasury of the United States a fund, to be known as the ''State-Supported Forest Management Fund'', to cover the cost of planning (especially related to compliance with section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2))), carrying out, and monitoring certain forest management activities on National Forest System lands or public lands.

(b) CONTENTS.—The State-Supported Forest Management Fund shall consist of such amounts as may be—

(1) contributed by an eligible entity for deposit in the Fund;

(2) appropriated to the Fund; or

(3) generated by forest management activities carried out using amounts in the Fund.

(c) GEOGRAPHICAL AND USE LIMITATIONS.—In making a contribution under subsection (b)(1), an eligible entity may—

(1) specify the National Forest System lands or public lands for which the contribution may be expended; and

(2) limit the types of forest management activities for which the contribution may be expended.

(d) AUTHORIZED FOREST MANAGEMENT ACTIVITIES.—In such amounts as may be provided in advance in appropriation Acts, the Secretary concerned may use the Fund to plan, carry out, and monitor a forest management activity that—

(1) is developed through a collaborative process;

(2) is proposed by a resource advisory committee; or

(3) is covered by a community wildfire protection plan.

(e) IMPLEMENTATION METHODS.—A forest management activity carried out using amounts in the Fund may be carried out using a contract or agreement under section 604 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c), the good neighbor authority provided by section 8206 of the Agricultural Act of 2014 (16 U.S.C. 2113a), a contract under section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a), or other authority available to the Secretary concerned, but revenues generated by the forest management activity shall be used to reimburse the Fund for planning costs covered using amounts in the Fund.

(f) RELATION TO OTHER LAWS.—

(1) REVENUE SHARING.—Subject to subsection (e), revenues generated by a forest management activity carried out using amounts from the Fund shall be considered monies received from the National Forest System.

(2) KNUTSON-VANDERBERG ACT.—The Act of June 9, 1930 (commonly known as the Knutson-Vanderberg Act; 16 U.S.C. 576 et seq.), shall apply to any forest management activity carried out using amounts in the Fund.

(g) TERMINATION OF FUND.—

(1) TERMINATION.—The Fund shall terminate 10 years after the date of the enactment of this Act.

(2) EFFECT OF TERMINATION.—Upon the termination of the Fund pursuant to paragraph (1) or pursuant to any other provision of law, unobligated contributions remaining in the Fund shall be returned to the eligible entity that made the contribution.

TITLE VII—TRIBAL FORESTRY PARTICIPATION AND PROTECTION

SEC. 701. PROTECTION OF TRIBAL FOREST ASSETS THROUGH USE OF STEWARDSHIP END RESULT CONTRACTING AND OTHER AUTHORITIES.

(a) PROMPT CONSIDERATION OF TRIBAL REQUESTS.—Section 2(b) of the Tribal Forest Protection Act of 2004 (25 U.S.C. 3115a(b)) is amended—

(1) in paragraph (1), by striking ''Not later than 120 days after the date on which an Indian tribe submits to the Secretary'' and inserting ''In response to the submission by an Indian tribe of''; and

(2) by adding at the end the following new paragraph:

''(4) TIME PERIODS FOR CONSIDERATION.—

''(A) INITIAL RESPONSE.—Not later than 120 days after the date on which the Secretary receives a tribal request under paragraph (1), the Secretary shall provide an initial response to the Indian tribe regarding—

''(i) whether the request may meet the selection criteria described in subsection (c); and

''(ii) the likelihood of the Secretary entering into an agreement or contract with the Indian tribe under paragraph (2) for activities described in paragraph (3).

''(B) NOTICE OF DENIAL.—Notice under subsection (d) of the denial of a tribal request under paragraph (1) shall be provided not later than 1 year after the date on which the Secretary received the request.

''(C) COMPLETION.—Not later than 2 years after the date on which the Secretary receives a tribal request under paragraph (1), other than a tribal request denied under subsection (d), the Secretary shall—

''(i) complete all environmental reviews necessary in connection with the agreement or contract and proposed activities under the agreement or contract; and

''(ii) enter into the agreement or contract with the Indian tribe under paragraph (2).''.

(b) CONFORMING AND TECHNICAL AMENDMENTS.—Section 2 of the Tribal Forest Protection Act of 2004 (25 U.S.C. 3115a) is amended—

(1) in subsections (b)(1) and (f)(1), by striking ''section 347 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 2104 note; Public Law 105–277) (as

amended by section 323 of the Department of the Interior and Related Agencies Appropriations Act, 2003 (117 Stat. 275))'' and inserting ''section 604 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c)''; and

(2) in subsection (d), by striking ''subsection (b)(1), the Secretary may'' and inserting ''paragraphs (1) and (4)(B) of subsection (b), the Secretary shall''.

SEC. 702. MANAGEMENT OF INDIAN FOREST LAND AUTHORIZED TO INCLUDE RELATED NATIONAL FOREST SYSTEM LANDS AND PUBLIC LANDS.

Section 305 of the National Indian Forest Resources Management Act (25 U.S.C. 3104) is amended by adding at the end the following new subsection:

''(c) INCLUSION OF CERTAIN NATIONAL FOREST SYSTEM LAND AND PUBLIC LAND.—

''(1) AUTHORITY.—At the request of an Indian tribe, the Secretary concerned may treat Federal forest land as Indian forest land for purposes of planning and conducting forest land management activities under this section if the Federal forest land is located within, or mostly within, a geographic area that presents a feature or involves circumstances principally relevant to that Indian tribe, such as Federal forest land ceded to the United States by treaty, Federal forest land within the boundaries of a current or former reservation, or Federal forest land adjudicated to be tribal homelands.

''(2) REQUIREMENTS.—As part of the agreement to treat Federal forest land as Indian forest land under paragraph (1), the Secretary concerned and the Indian tribe making the request shall—

''(A) provide for continued public access applicable to the Federal forest land prior to the agreement, except that the Secretary concerned may limit or prohibit such access as needed;

''(B) continue sharing revenue generated by the Federal forest land with State and local governments either—

''(i) on the terms applicable to the Federal forest land prior to the agreement, including, where applicable, 25-percent payments or 50-percent payments; or

''(ii) at the option of the Indian tribe, on terms agreed upon by the Indian tribe, the Secretary concerned, and State and county governments participating in a revenue sharing agreement for the Federal forest land;

''(C) comply with applicable prohibitions on the export of unprocessed logs harvested from the Federal forest land;

''(D) recognize all right-of-way agreements in place on Federal forest land prior to commencement of tribal management activities; and

''(E) ensure that all commercial timber removed from the Federal forest land is sold on a competitive bid basis.

''(3) LIMITATION.—Treating Federal forest land as Indian forest land for purposes of planning and conducting management activities pursuant to paragraph (1) shall not be construed to designate the Federal forest land as Indian forest lands for any other purpose.

''(4) DEFINITIONS.—In this subsection:

''(A) FEDERAL FOREST LAND.—The term 'Federal forest land' means—

''(i) National Forest System lands; and

''(ii) public lands (as defined in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e))), including Coos Bay Wagon Road Grant lands reconveyed to the United States pursuant to the first section of the Act of February 26, 1919 (40 Stat. 1179), and Oregon and California Railroad Grant lands.

''(B) SECRETARY CONCERNED.—The term 'Secretary concerned' means—

''(i) the Secretary of Agriculture, with respect to the Federal forest land referred to in subparagraph (A)(i); and

''(ii) the Secretary of the Interior, with respect to the Federal forest land referred to in subparagraph (A)(ii).''.

SEC. 703. TRIBAL FOREST MANAGEMENT DEMONSTRATION PROJECT.

The Secretary of the Interior and the Secretary of Agriculture may carry out demonstration projects by which federally recognized Indian tribes or tribal organizations may contract to perform administrative, management, and other functions of programs of the Tribal Forest Protection Act of 2004 (25 U.S.C. 3115a et seq.) through contracts entered into under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

TITLE VIII—MISCELLANEOUS FOREST MANAGEMENT PROVISIONS

SEC. 801. BALANCING SHORT- AND LONG-TERM EFFECTS OF FOREST MANAGEMENT ACTIVITIES IN CONSIDERING INJUNCTIVE RELIEF.

As part of its weighing the equities while considering any request for an injunction that applies to any agency action as part of a forest management activity under titles I through VIII, the court reviewing the agency action shall balance the impact to the ecosystem likely affected by the forest management activity of—

(1) the short- and long-term effects of undertaking the agency action; against

(2) the short- and long-term effects of not undertaking the action.

SEC. 802. CONDITIONS ON FOREST SERVICE ROAD DECOMMISSIONING.

(a) CONSULTATION WITH AFFECTED COUNTY.—Whenever any Forest Service defined maintenance level one- or two-system road within a designated high fire prone area of a unit of the National Forest System is considered for decommissioning, the Forest Supervisor of that unit of the National Forest System shall—

(1) consult with the government of the county containing the road regarding the merits and possible consequences of decommissioning the road; and

(2) solicit possible alternatives to decommissioning the road.

(b) REGIONAL FORESTER APPROVAL.—A Forest Service road described in subsection (a) may not be decommissioned without the advance approval of the Regional Forester.

SEC. 803. PROHIBITION ON APPLICATION OF EASTSIDE SCREENS REQUIREMENTS ON NATIONAL FOREST SYSTEM LANDS.

On and after the date of the enactment of this Act, the Secretary of Agriculture may not apply to National Forest System lands any of the amendments to forest plans adopted in the Decision Notice for the Revised Continuation of Interim Management Direction Establishing Riparian, Ecosystem and Wildlife Standards for Timber Sales (commonly known as the Eastside Screens requirements), including all preceding or associated versions of these amendments.

SEC. 804. USE OF SITE-SPECIFIC FOREST PLAN AMENDMENTS FOR CERTAIN PROJECTS AND ACTIVITIES.

If the Secretary concerned determines that, in order to conduct a project or carry out an activity implementing a forest plan, an amendment to the forest plan is required, the Secretary concerned shall execute such amendment as a nonsignificant plan amendment through the record of decision or decision notice for the project or activity.

SEC. 805. KNUTSON-VANDENBERG ACT MODIFICATIONS.

(a) DEPOSITS OF FUNDS FROM NATIONAL FOREST TIMBER PURCHASERS REQUIRED.—Section 3(a) of the Act of June 9, 1930 (commonly known as the Knutson-Vandenberg Act; 16 U.S.C. 576b(a)), is amended by striking ''The Secretary'' and all that follows through ''any purchaser'' and inserting the following: ''The Secretary of Agriculture shall require each purchaser''.

(b) CONDITIONS ON USE OF DEPOSITS.—Section 3 of the Act of June 9, 1930 (commonly known as the Knutson-Vandenberg Act; 16 U.S.C. 576b), is amended—

(1) by striking ''Such deposits'' and inserting the following:

''(b) Amounts deposited under subsection (a)'';

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting before subsection (d), as so redesignated, the following new subsection (c):

''(c)(1) Amounts in the special fund established pursuant to this section—

''(A) shall be used exclusively to implement activities authorized by subsection (a); and

''(B) may be used anywhere within the Forest Service Region from which the original deposits were collected.

''(2) The Secretary of Agriculture may not deduct overhead costs from the funds collected under subsection (a), except as needed to fund personnel of the responsible Ranger District for the planning and implementation of the activities authorized by subsection (a).''.

SEC. 806. EXCLUSION OF CERTAIN NATIONAL FOREST SYSTEM LANDS AND PUBLIC LANDS.

Unless specifically provided by a provision of titles I through VIII, the authorities provided by such titles do not apply with respect to any National Forest System lands or public lands—

(1) that are included in the National Wilderness Preservation System;

(2) that are located within an inventoried roadless area unless the forest management activity to be carried out under such authority is consistent with the forest plan applicable to the area; or

(3) on which timber harvesting for any purpose is prohibited by statute.

SEC. 807. APPLICATION OF NORTHWEST FOREST PLAN SURVEY AND MANAGE MITIGATION MEASURE STANDARD AND GUIDELINES.

The Northwest Forest Plan Survey and Manage Mitigation Measure Standard and Guidelines shall not apply to any National Forest System lands or public lands.

SEC. 808. MANAGEMENT OF BUREAU OF LAND MANAGEMENT LANDS IN WESTERN OREGON.

(a) GENERAL RULE.—All of the public land managed by the Bureau of Land Management in the Salem District, Eugene District, Roseburg District, Coos Bay District, Medford District, and the Klamath Resource Area of the Lakeview District in the State of Oregon shall hereafter be managed pursuant to title I of the of the Act of August 28, 1937 (43 U.S.C. 1181a through 1181e). Except as provided in subsection (b), all of the revenue produced from such land shall be deposited in the Treasury of the United States in the Oregon and California land-grant fund and be subject to the provisions of title II of the Act of August 28, 1937 (43 U.S.C. 1181f).

(b) CERTAIN LANDS EXCLUDED.—Subsection (a) does not apply to any revenue that is required to be deposited in the Coos Bay Wagon Road grant fund pursuant to sections 1 through 4 of the Act of May 24, 1939 (43 U.S.C. 1181f–1 through f–4).

SEC. 809. BUREAU OF LAND MANAGEMENT RESOURCE MANAGEMENT PLANS.

(a) ADDITIONAL ANALYSIS AND ALTERNATIVES.—To develop a full range of reasonable alternatives as required by the National Environmental Policy Act of 1969, the Secretary of the Interior shall develop and consider in detail a reference analysis and two additional alternatives as part of the revisions of the resource management plans for the Bureau of Land Management's Salem, Eugene, Coos Bay, Roseburg, and Medford Districts and the Klamath Resource Area of the Lakeview District.

(b) REFERENCE ANALYSIS.—The reference analysis required by subsection (a) shall measure and assume the harvest of the annual growth net of natural mortality for all forested land in the planning area in order to determine the maximum sustained yield capacity of the forested land base and to establish a baseline by which the Secretary of the Interior shall measure incremental effects on the sustained yield

capacity and environmental impacts from management prescriptions in all other alternatives.

(c) ADDITIONAL ALTERNATIVES.—

(1) CARBON SEQUESTRATION ALTERNATIVE.—The Secretary of the Interior shall develop and consider an additional alternative with the goal of maximizing the total carbon benefits from forest storage and wood product storage. To the extent practicable, the analysis shall consider—

(A) the future risks to forest carbon from wildfires, insects, and disease;

(B) the amount of carbon stored in products or in landfills;

(C) the life cycle benefits of harvested wood products compared to non-renewable products; and

(D) the energy produced from wood residues.

(2) SUSTAINED YIELD ALTERNATIVE.—The Secretary of the Interior shall develop and consider an additional alternative that produces the greater of 500 million board feet or the annual net growth on the acres classified as timberland, excluding any congressionally reserved areas. The projected harvest levels, as nearly as practicable, shall be distributed among the Districts referred to in subsection (a) in the same proportion as the maximum yield capacity of each such District bears to maximum yield capacity of the planning area as a whole.

(d) ADDITIONAL ANALYSIS AND PUBLIC PARTICIPATION.—The Secretary of the Interior shall publish the reference analysis and additional alternatives and analyze their environmental and economic consequences in a supplemental draft environmental impact statement. The draft environmental impact statement and supplemental draft environmental impact statement shall be made available for public comment for a period of not less than 180 days. The Secretary shall respond to any comments received before making a final decision between all alternatives.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall affect the obligation of the Secretary of the Interior to manage the timberlands as required by the Act of August 28, 1937 (50 Stat. 874; 43 U.S.C. 1181a–1181j).

SEC. 810. LANDSCAPE-SCALE FOREST RESTORATION PROJECT.

The Secretary of Agriculture shall develop and implement at least one landscape-scale forest restoration project that includes, as a defined purpose of the project, the generation of material that will be used to promote advanced wood products. The project shall be developed through a collaborative process.

TITLE IX—MAJOR DISASTER FOR WILDFIRE ON FEDERAL LAND

SEC. 901. WILDFIRE ON FEDERAL LANDS.

Section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) is amended—

(1) by striking ''(2)'' and all that follows through ''means'' and inserting the following:

''(2) MAJOR DISASTER.—

''(A) MAJOR DISASTER.—The term 'major disaster' means''; and

(2) by adding at the end the following:

''(B) MAJOR DISASTER FOR WILDFIRE ON FEDERAL LANDS.—The term 'major disaster for wildfire on Federal lands' means any wildfire or wildfires, which in the determination of the President under section 802 warrants assistance under section 803 to supplement the efforts and resources of the Department of the Interior or the Department of Agriculture—

''(i) on Federal lands; or

''(ii) on non-Federal lands pursuant to a fire protection agreement or cooperative agreement.''.

SEC. 902. DECLARATION OF A MAJOR DISASTER FOR WILDFIRE ON FEDERAL LANDS.

The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.) is amended by adding at the end the following:

"TITLE VIII—MAJOR DISASTER FOR WILDFIRE ON FEDERAL LAND

"SEC. 801. DEFINITIONS.

''As used in this title—

''(1) FEDERAL LAND.—The term 'Federal land' means—

''(A) any land under the jurisdiction of the Department of the Interior; and

''(B) any land under the jurisdiction of the United States Forest Service.

''(2) FEDERAL LAND MANAGEMENT AGENCIES.—The term 'Federal land management agencies' means—

''(A) the Bureau of Land Management;

''(B) the National Park Service;

''(C) the Bureau of Indian Affairs;

''(D) the United States Fish and Wildlife Service; and

''(E) the United States Forest Service.

''(3) WILDFIRE SUPPRESSION OPERATIONS.—The term 'wildfire suppression operations' means the emergency and unpredictable aspects of wildland firefighting, including support, response, emergency stabilization activities, and other emergency management activities of wildland firefighting on Federal lands (or on non-Federal lands pursuant to a fire protection agreement or cooperative agreement) by the Federal land management agencies covered by the wildfire suppression subactivity of the Wildland Fire Management account or the FLAME Wildfire Suppression Reserve Fund account of the Federal land management agencies.

"SEC. 802. PROCEDURE FOR DECLARATION OF A MAJOR DISASTER FOR WILDFIRE ON FEDERAL LANDS.

''(a) IN GENERAL.—The Secretary of the Interior or the Secretary of Agriculture may submit a request to the President consistent with the requirements of this title for a declaration by the President that a major disaster for wildfire on Federal lands exists.

''(b) REQUIREMENTS.—A request for a declaration by the President that a major disaster for wildfire on Federal lands exists shall—

''(1) be made in writing by the respective Secretary;

''(2) certify that the amount appropriated in the current fiscal year for wildfire suppression operations of the Federal land management agencies under the jurisdiction of the respective Secretary, net of any concurrently enacted rescissions of wildfire suppression funds, increases the total unobligated balance of amounts available for wildfire suppression by an amount equal to or greater than the average total costs incurred by the Federal land management agencies per year for wildfire suppression operations, including the suppression costs in excess of appropriated amounts, over the previous ten fiscal years;

''(3) certify that the amount available for wildfire suppression operations of the Federal land management agencies under the jurisdiction of the respective Secretary will be obligated not later than 30 days after such Secretary notifies the President that wildfire suppression funds will be exhausted to fund ongoing and anticipated wildfire suppression operations related to the wildfire on which the request for the declaration of a major disaster for wildfire on Federal lands pursuant to this title is based; and

''(4) specify the amount required in the current fiscal year to fund wildfire suppression operations related to the wildfire on which the request for the declaration of a major disaster for wildfire on Federal lands pursuant to this title is based.

''(c) DECLARATION.—Based on the request of the respective Secretary under this title, the President may declare that a major disaster for wildfire on Federal lands exists.

"SEC. 803. WILDFIRE ON FEDERAL LANDS ASSISTANCE.

''(a) IN GENERAL.—In a major disaster for wildfire on Federal lands, the President may transfer funds, only from the account established pursuant to subsection (b), to the Secretary of the Interior or the Secretary of Agriculture to conduct wildfire suppression operations on Federal lands (and non-Federal lands pursuant to a fire protection agreement or cooperative agreement).

''(b) WILDFIRE SUPPRESSION OPERATIONS ACCOUNT.—The President shall establish a specific account for the assistance available pursuant to a declaration under section 802. Such account may only be used to fund assistance pursuant to this title.

''(c) LIMITATION.—

''(1) LIMITATION OF TRANSFER.—The assistance available pursuant to a declaration under section 802 is limited to the transfer of the amount requested pursuant to section 802(b)(4). The assistance available for transfer shall not exceed the amount contained in the wildfire suppression operations account established pursuant to subsection (b).

''(2) TRANSFER OF FUNDS.—Funds under this section shall be transferred from the wildfire suppression operations account to the wildfire suppression subactivity of the Wildland Fire Management Account.

''(d) PROHIBITION OF OTHER TRANSFERS.—Except as provided in this section, no funds may be transferred to or from the account established pursuant to subsection (b) to or from any other fund or account.

''(e) REIMBURSEMENT FOR WILDFIRE SUPPRESSION OPERATIONS ON NON-FEDERAL LAND.—If amounts transferred under subsection (c) are used to conduct wildfire suppression operations on non-Federal land, the respective Secretary shall—

''(1) secure reimbursement for the cost of such wildfire suppression operations conducted on the non-Federal land; and

''(2) transfer the amounts received as reimbursement to the wildfire suppression operations account established pursuant to subsection (b).

''(f) ANNUAL ACCOUNTING AND REPORTING REQUIREMENTS.—Not later than 90 days after the end of each fiscal year for which assistance is received pursuant to this section, the respective Secretary shall submit to the Committees on Agriculture, Appropriations, the Budget, Natural Resources, and Transportation and Infrastructure of the House of Representatives and the Committees on Agriculture, Nutrition, and Forestry, Appropriations, the Budget, Energy and Natural Resources, Homeland Security and Governmental Affairs, and Indian Affairs of the Senate, and make available to the public, a report that includes the following:

''(1) The risk-based factors that influenced management decisions regarding wildfire suppression operations of the Federal land management agencies under the jurisdiction of the Secretary concerned.

''(2) Specific discussion of a statistically significant sample of large fires, in which each fire is analyzed for cost drivers, effectiveness of risk management techniques, resulting positive or negative impacts of fire on the landscape, impact of investments in preparedness, suggested corrective actions, and such other factors as the respective Secretary considers appropriate.

''(3) Total expenditures for wildfire suppression operations of the Federal land management agencies under the jurisdiction of the respective Secretary, broken out by fire sizes, cost, regional location, and such other factors as the such Secretary considers appropriate.

''(4) Lessons learned.

''(5) Such other matters as the respective Secretary considers appropriate.

''(g) SAVINGS PROVISION.—Nothing in this title shall limit the Secretary of the Interior, the Secretary of Agriculture, Indian tribe, or a State from receiving assistance through a declaration made by the President under this Act when the criteria for such declaration have been met.''.

SEC. 903. PROHIBITION ON TRANSFERS.

No funds may be transferred to or from the Federal land management agencies' wildfire suppression operations accounts referred to in section 801(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act to or from

any account or subactivity of the Federal land management agencies, as defined in section 801(2) of such Act, that is not used to cover the cost of wildfire suppression operations.

DIVISION C—NATURAL RESOURCES

TITLE I—WESTERN WATER AND AMERICAN FOOD SECURITY ACT

SEC. 1001. SHORT TITLE.

This title may be cited as the ''Western Water and American Food Security Act of 2015''.

SEC. 1002. FINDINGS.

Congress finds as follows:

(1) As established in the Proclamation of a State of Emergency issued by the Governor of the State on January 17, 2014, the State is experiencing record dry conditions.

(2) Extremely dry conditions have persisted in the State since 2012, and the drought conditions are likely to persist into the future.

(3) The water supplies of the State are at record-low levels, as indicated by the fact that all major Central Valley Project reservoir levels were at 20–35 percent of capacity as of September 25, 2014.

(4) The lack of precipitation has been a significant contributing factor to the 6,091 fires experienced in the State as of September 15, 2014, and which covered nearly 400,000 acres.

(5) According to a study released by the University of California, Davis in July 2014, the drought has led to the fallowing of 428,000 acres of farmland, loss of $810 million in crop revenue, loss of $203 million in dairy and other livestock value, and increased groundwater pumping costs by $454 million. The statewide economic costs are estimated to be $2.2 billion, with over 17,000 seasonal and part-time agricultural jobs lost.

(6) CVPIA Level II water deliveries to refuges have also been reduced by 25 percent in the north of Delta region, and by 35 percent in the south of Delta region.

(7) Only one-sixth of the usual acres of rice fields are being flooded this fall, which leads to a significant decline in habitat for migratory birds and an increased risk of disease at the remaining wetlands due to overcrowding of such birds.

(8) The drought of 2013 through 2014 constitutes a serious emergency that poses immediate and severe risks to human life and safety and to the environment throughout the State.

(9) The serious emergency described in paragraph (4) requires—

(A) immediate and credible action that respects the complexity of the water system of the State and the importance of the water system to the entire State; and

(B) policies that do not pit stakeholders against one another, which history shows only leads to costly litigation that benefits no one and prevents any real solutions.

(10) Data on the difference between water demand and reliable water supplies for various regions of California south of the Delta, including the San Joaquin Valley, indicate there is a significant annual gap between reliable water supplies to meet agricultural, municipal and industrial, groundwater, and refuges water needs within the Delta Division, San Luis Unit and Friant Division of the Central Valley Project and the State Water Project south of the Sacramento-San Joaquin River Delta and the demands of those areas. This gap varies depending on the methodology of the analysis performed, but can be represented in the following ways:

(A) For Central Valley Project South-of-Delta water service contractors, if it is assumed that a water supply deficit is the difference in the amount of water available for allocation versus the maximum contract quantity, then the water supply deficits that have developed from 1992 to 2014 as a result of legislative and regulatory changes besides natural variations in hydrology during this timeframe range between 720,000 and 1,100,000 acre-feet.

(B) For Central Valley Project and State Water Project water service contractors south of the Delta and north of the Tehachapi mountain range, if it is assumed that a water supply deficit is the difference between reliable water supplies, including maximum water contract deliveries, safe yield of groundwater, safe yield of local and surface supplies and long-term contracted water transfers, and water demands, including water demands from agriculture, municipal and industrial and refuge contractors, then the water supply deficit ranges between approximately 2,500,000 to 2,700,000 acre-feet.

(11) Data of pumping activities at the Central Valley Project and State Water Project delta pumps identifies that, on average from Water Year 2009 to Water Year 2014, take of Delta smelt is 80 percent less than allowable take levels under the biological opinion issued December 15, 2008.

(12) Data of field sampling activities of the Interagency Ecological Program located in the Sacramento-San Joaquin Estuary identifies that, on average from 2005 to 2013, the program ''takes'' 3,500 delta smelt during annual surveys with an authorized ''take'' level of 33,480 delta smelt annually—according to the biological opinion issued December 9, 1997.

(13) In 2015, better information exists than was known in 2008 concerning conditions and operations that may or may not lead to high salvage events that jeopardize the fish populations, and what alternative management actions can be taken to avoid jeopardy.

(14) Alternative management strategies, removing non-native species, enhancing habitat, monitoring fish movement and location in real-time, and improving water quality in the Delta can contribute significantly to protecting and recovering these endangered fish species, and at potentially lower costs to water supplies.

(15) Resolution of fundamental policy questions concerning the extent to which application of the Endangered Species Act of 1973 affects the operation of the Central Valley Project and State Water Project is the responsibility of Congress.

SEC. 1003. DEFINITIONS.

In this title:

(1) DELTA.—The term ''Delta'' means the Sacramento-San Joaquin Delta and the Suisun Marsh, as defined in sections 12220 and 29101 of the California Public Resources Code.

(2) EXPORT PUMPING RATES.—The term ''export pumping rates'' means the rates of pumping at the C.W. ''Bill'' Jones Pumping Plant and the Harvey O. Banks Pumping Plant, in the southern Delta.

(3) LISTED FISH SPECIES.—The term ''listed fish species'' means listed salmonid species and the Delta smelt.

(4) LISTED SALMONID SPECIES.—The term ''listed salmonid species'' means natural origin steelhead, natural origin genetic spring run Chinook, and genetic winter run Chinook salmon including hatchery steelhead or salmon populations within the evolutionary significant unit (ESU) or distinct population segment (DPS).

(5) NEGATIVE IMPACT ON THE LONG-TERM SURVIVAL.—The term ''negative impact on the long-term survival'' means to reduce appreciably the likelihood of the survival of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species.

(6) OMR.—The term ''OMR'' means the Old and Middle River in the Delta.

(7) OMR FLOW OF −5,000 CUBIC FEET PER SECOND.—The term ''OMR flow of −5,000 cubic feet per second'' means Old and Middle River flow of negative 5,000 cubic feet per second as described in—

(A) the smelt biological opinion; and

(B) the salmonid biological opinion.

(8) SALMONID BIOLOGICAL OPINION.—The term ''salmonid biological opinion'' means the biological opinion issued by the National Marine Fisheries Service on June 4, 2009.

(9) SMELT BIOLOGICAL OPINION.—The term ''smelt biological opinion'' means the biological opinion on the Long-Term Operational Criteria and Plan for coordination of the Central Valley Project and State Water Project issued by the United States Fish and Wildlife Service on December 15, 2008.

(10) STATE.—The term ''State'' means the State of California.

Subtitle A—ADJUSTING DELTA SMELT MANAGEMENT BASED ON INCREASED REAL-TIME MONITORING AND UPDATED SCIENCE

SEC. 1011. DEFINITIONS.

In this subtitle:

(1) DIRECTOR.—The term ''Director'' means the Director of the United States Fish and Wildlife Service.

(2) DELTA SMELT.—The term ''Delta smelt'' means the fish species with the scientific name Hypomesus transpacificus.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of the Bureau of Reclamation.

SEC. 1012. REVISE INCIDENTAL TAKE LEVEL CALCULATION FOR DELTA SMELT TO REFLECT NEW SCIENCE.

(a) REVIEW AND MODIFICATION.—Not later than October 1, 2016, and at least every five years thereafter, the Director, in cooperation with other Federal, State, and local agencies, shall use the best scientific and commercial data available to complete a review and, modify the method used to calculate the incidental take levels for adult and larval/juvenile Delta smelt in the smelt biological opinion that takes into account all life stages, among other considerations—

(1) salvage information collected since at least 1993;

(2) updated or more recently developed statistical models;

(3) updated scientific and commercial data; and

(4) the most recent information regarding the environmental factors affecting Delta smelt salvage.

(b) MODIFIED INCIDENTAL TAKE LEVEL.—Unless the Director determines in writing that one or more of the requirements described in paragraphs (1) through (4) are not appropriate, the modified incidental take level described in subsection (a) shall—

(1) be normalized for the abundance of prespawning adult Delta smelt using the Fall Midwater Trawl Index or other index;

(2) be based on a simulation of the salvage that would have occurred from 1993 through 2012 if OMR flow has been consistent with the smelt biological opinions;

(3) base the simulation on a correlation between annual salvage rates and historic water clarity and OMR flow during the adult salvage period; and

(4) set the incidental take level as the 80 percent upper prediction interval derived from simulated salvage rates since at least 1993.

SEC. 1013. FACTORING INCREASED REAL-TIME MONITORING AND UPDATED SCIENCE INTO DELTA SMELT MANAGEMENT.

(a) IN GENERAL.—The Director shall use the best scientific and commercial data available to implement, continuously evaluate, and refine or amend, as appropriate, the reasonable and prudent alternative described in the smelt biological opinion, and any successor opinions or court order. The Secretary shall make all significant decisions under the smelt biological opinion, or any successor opinions that affect Central Valley Project and State Water Project operations, in writing, and shall document the significant facts upon which such decisions are made, consistent with section 706 of title 5, United States Code.

(b) INCREASED MONITORING TO INFORM REAL-TIME OPERATIONS.—The Secretary shall conduct

additional surveys, on an annual basis at the appropriate time of the year based on environmental conditions, in collaboration with other Delta science interests.

(1) In implementing this section, the Secretary shall—

(A) use the most accurate survey methods available for the detection of Delta smelt to determine the extent that adult Delta smelt are distributed in relation to certain levels of turbidity, or other environmental factors that may influence salvage rate; and

(B) use results from appropriate survey methods for the detection of Delta smelt to determine how the Central Valley Project and State Water Project may be operated more efficiently to minimize salvage while maximizing export pumping rates without causing a significant negative impact on the long-term survival of the Delta smelt.

(2) During the period beginning on December 1, 2015, and ending March 31, 2016, and in each successive December through March period, if suspended sediment loads enter the Delta from the Sacramento River and the suspended sediment loads appear likely to raise turbidity levels in the Old River north of the export pumps from values below 12 Nephelometric Turbidity Units (NTU) to values above 12 NTU, the Secretary shall—

(A) conduct daily monitoring using appropriate survey methods at locations including, but not limited to, the vicinity of Station 902 to determine the extent that adult Delta smelt are moving with turbidity toward the export pumps; and

(B) use results from the monitoring surveys referenced in paragraph (A) to determine how increased trawling can inform daily real-time Central Valley Project and State Water Project operations to minimize salvage while maximizing export pumping rates without causing a significant negative impact on the long-term survival of the Delta smelt.

(c) PERIODIC REVIEW OF MONITORING.—Within 12 months of the date of enactment of this title, and at least once every 5 years thereafter, the Secretary shall—

(1) evaluate whether the monitoring program under subsection (b), combined with other monitoring programs for the Delta, is providing sufficient data to inform Central Valley Project and State Water Project operations to minimize salvage while maximizing export pumping rates without causing a significant negative impact on the long-term survival of the Delta smelt; and

(2) determine whether the monitoring efforts should be changed in the short or long term to provide more useful data.

(d) DELTA SMELT DISTRIBUTION STUDY.—

(1) IN GENERAL.—No later than January 1, 2016, and at least every five years thereafter, the Secretary, in collaboration with the California Department of Fish and Wildlife, the California Department of Water Resources, public water agencies, and other interested entities, shall implement new targeted sampling and monitoring specifically designed to understand Delta smelt abundance, distribution, and the types of habitat occupied by Delta smelt during all life stages.

(2) SAMPLING.—The Delta smelt distribution study shall, at a minimum—

(A) include recording water quality and tidal data;

(B) be designed to understand Delta smelt abundance, distribution, habitat use, and movement throughout the Delta, Suisun Marsh, and other areas occupied by the Delta smelt during all seasons;

(C) consider areas not routinely sampled by existing monitoring programs, including wetland channels, near-shore water, depths below 35 feet, and shallow water; and

(D) use survey methods, including sampling gear, best suited to collect the most accurate data for the type of sampling or monitoring.

(e) SCIENTIFICALLY SUPPORTED IMPLEMENTATION OF OMR FLOW REQUIREMENTS.—In implementing the provisions of the smelt biological opinion, or any successor biological opinion or court order, pertaining to management of reverse flow in the Old and Middle Rivers, the Secretary shall—

(1) consider the relevant provisions of the biological opinion or any successor biological opinion;

(2) to maximize Central Valley project and State Water Project water supplies, manage export pumping rates to achieve a reverse OMR flow rate of −5,000 cubic feet per second unless information developed by the Secretary under paragraphs (3) and (4) leads the Secretary to reasonably conclude that a less negative OMR flow rate is necessary to avoid a negative impact on the long-term survival of the Delta smelt. If information 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 Delta smelt, 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 in the Old River pursuant to this section, including monitoring in the vicinity of Station 902, indicates that a significant negative impact on the long-term survival of the Delta smelt is imminent; and

(B) whether near-term forecasts with available salvage 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 the Delta smelt;

(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 the Delta smelt, including 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 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.

(f) MEMORANDUM OF UNDERSTANDING.—No later than December 1, 2015, the Commissioner and the Director will execute a Memorandum of Understanding (MOU) to ensure that the smelt biological opinion is implemented in a manner that maximizes water supply while complying with applicable laws and regulations. If that MOU alters any procedures set out in the biological opinion, there will be no need to reinitiate consultation if those changes will not have a significant negative impact on the long-term survival on listed species and the implementation of the MOU would not be a major change to implementation of the biological opinion. Any change to procedures that does not create a significant negative impact on the long-term survival to listed species 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.

(g) CALCULATION OF REVERSE FLOW IN OMR.—Within 90 days of the enactment of this title, the Secretary 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.

Subtitle B—ENSURING SALMONID MANAGEMENT IS RESPONSIVE TO NEW SCIENCE

SEC. 1021. DEFINITIONS.

In this subtitle:

(1) ASSISTANT ADMINISTRATOR.—The term ''Assistant Administrator'' means the Assistant Administrator of the National Oceanic and Atmospheric Administration for Fisheries.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(3) OTHER AFFECTED INTERESTS.—The term ''other affected interests'' means the State of California, Indian tribes, subdivisions of the State of California, public water agencies and those who benefit directly and indirectly from the operations of the Central Valley Project and the State Water Project.

(4) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of the Bureau of Reclamation.

(5) DIRECTOR.—The term ''Director'' means the Director of the United States Fish and Wildlife Service.

SEC. 1022. PROCESS FOR ENSURING SALMONID MANAGEMENT IS RESPONSIVE TO NEW SCIENCE.

(a) GENERAL DIRECTIVE.—The reasonable and prudent alternative described in the salmonid biological opinion allows for and anticipates adjustments in Central Valley Project and State Water Project operation parameters to reflect the best scientific and commercial data currently available, and authorizes efforts to test and evaluate improvements in operations that will meet applicable regulatory requirements and maximize Central Valley Project and State Water Project water supplies and reliability. Implementation of the reasonable and prudent alternative described in the salmonid biological opinion shall be adjusted accordingly as new scientific and commercial data are developed. The Commissioner and the Assistant Administrator shall fully utilize these authorities as described below.

(b) ANNUAL REVIEWS OF CERTAIN CENTRAL VALLEY PROJECT AND STATE WATER PROJECT OPERATIONS.—No later than December 31, 2016, and at least annually thereafter:

(1) The Commissioner, with the assistance of the Assistant Administrator, shall examine and identify adjustments to the initiation of Action IV.2.3 as set forth in the Biological Opinion and Conference Opinion on the Long-Term Operations of the Central Valley Project and State Water Project, Endangered Species Act Section 7 Consultation, issued by the National Marine Fisheries Service on June 4, 2009, pertaining to negative OMR flows, subject to paragraph (5).

(2) The Commissioner, with the assistance of the Assistant Administrator, shall examine and identify adjustments in the timing, triggers or other operational details relating to the implementation of pumping restrictions in Action IV.2.1 pertaining to the inflow to export ratio, subject to paragraph (5).

(3) Pursuant to the consultation and assessments carried out under paragraphs (1) and (2)

of this subsection, the Commissioner and the Assistant Administrator shall jointly make recommendations to the Secretary of the Interior and to the Secretary on adjustments to project operations that, in the exercise of the adaptive management provisions of the salmonid biological opinion, will reduce water supply impacts of the salmonid biological opinion on the Central Valley Project and the California State Water Project and are consistent with the requirements of applicable law and as further described in subsection (c).

(4) The Secretary and the Secretary of the Interior shall direct the Commissioner and Assistant Administrator to implement recommended adjustments to Central Valley Project and State Water Project operations for which the conditions under subsection (c) are met.

(5) The Assistant Administrator and the Commissioner shall review and identify adjustments to Central Valley Project and State Water Project operations with water supply restrictions in any successor biological opinion to the salmonid biological opinion, applying the provisions of this section to those water supply restrictions where there are references to Actions IV.2.1 and IV.2.3.

(c) IMPLEMENTATION OF OPERATIONAL ADJUSTMENTS.—After reviewing the recommendations under subsection (b), the Secretary of the Interior and the Secretary shall direct the Commissioner and the Assistant Administrator to implement those operational adjustments, or any combination, for which, in aggregate—

(1) the net effect on listed species is equivalent to those of the underlying project operational parameters in the salmonid biological opinion, taking into account both—

(A) efforts to minimize the adverse effects of the adjustment to project operations; and

(B) whatever additional actions or measures may be implemented in conjunction with the adjustments to operations to offset the adverse effects to listed species, consistent with (d), that are in excess of the adverse effects of the underlying operational parameters, if any; and

(2) the effects of the adjustment can be reasonably expected to fall within the incidental take authorizations.

(d) EVALUATION OF OFFSETTING MEASURES.—When examining and identifying opportunities to offset the potential adverse effect of adjustments to operations under subsection (c)(1)(B), the Commissioner and the Assistant Administrator shall take into account the potential species survival improvements that are likely to result from other measures which, if implemented in conjunction with such adjustments, would offset adverse effects, if any, of the adjustments. When evaluating offsetting measures, the Commissioner and the Assistant Administrator shall consider the type, timing and nature of the adverse effects, if any, to specific species and ensure that the measures likely provide equivalent overall benefits to the listed species in the aggregate, as long as the change will not cause a significant negative impact on the long-term survival of a listed salmonid species.

(e) FRAMEWORK FOR EXAMINING OPPORTUNITIES TO MINIMIZE OR OFFSET THE POTENTIAL ADVERSE EFFECT OF ADJUSTMENTS TO OPERATIONS.—Not later than December 31, 2015, and every five years thereafter, the Assistant Administrator shall, in collaboration with the Director of the California Department of Fish and Wildlife, based on the best scientific and commercial data available and for each listed salmonid species, issue estimates of the increase in through-Delta survival the Secretary expects to be achieved—

(1) through restrictions on export pumping rates as specified by Action IV.2.3 as compared to limiting OMR flow to a fixed rate of −5,000 cubic feet per second within the time period Action IV.2.3 is applicable, based on a given rate of San Joaquin River inflow to the Delta and holding other relevant factors constant;

(2) through San Joaquin River inflow to export restrictions on export pumping rates specified within Action IV.2.1 as compared to the restrictions in the April/May period imposed by the State Water Resources Control Board decision D–1641, based on a given rate of San Joaquin River inflow to the Delta and holding other relevant factors constant;

(3) through physical habitat restoration improvements;

(4) through predation control programs;

(5) through the installation of temporary barriers, the management of Cross Channel Gates operations, and other projects affecting flow in the Delta;

(6) through salvaging fish that have been entrained near the entrance to Clifton Court Forebay;

(7) through any other management measures that may provide equivalent or better protections for listed species while maximizing export pumping rates without causing a significant negative impact on the long-term survival of a listed salmonid species; and

(8) through development and implementation of conservation hatchery programs for salmon and steelhead to aid in the recovery of listed salmon and steelhead species.

(f) SURVIVAL ESTIMATES.—

(1) To the maximum extent practicable, the Assistant Administrator shall make quantitative estimates of survival such as a range of percentage increases in through-Delta survival that could result from the management measures, and if the scientific information is lacking for quantitative estimates, shall do so on qualitative terms based upon the best available science.

(2) If the Assistant Administrator provides qualitative survival estimates for a species resulting from one or more management measures, the Secretary shall, to the maximum extent feasible, rank the management measures described in subsection (e) in terms of their most likely expected contribution to increased through-Delta survival relative to the other measures.

(3) If at the time the Assistant Administrator conducts the reviews under subsection (b), the Secretary has not issued an estimate of increased through-Delta survival from different management measures pursuant to subsection (e), the Secretary shall compare the protections to the species from different management measures based on the best scientific and commercial data available at the time.

(g) COMPARISON OF ADVERSE CONSEQUENCES FOR ALTERNATIVE MANAGEMENT MEASURES OF EQUIVALENT PROTECTION FOR A SPECIES.—

(1) For the purposes of this subsection and subsection (c)—

(A) the alternative management measure or combination of alternative management measures identified in paragraph (2) shall be known as the ''equivalent alternative measure'';

(B) the existing measure or measures identified in subparagraphs (2) (A), (B), (C), or (D) shall be known as the ''equivalent existing measure''; and

(C) an ''equivalent increase in through-Delta survival rates for listed salmonid species'' shall mean an increase in through-Delta survival rates that is equivalent when considering the change in through-Delta survival rates for the listed salmonid species in the aggregate, and not the same change for each individual species, as long as the change in survival rates will not cause a significant negative impact on the long-term survival of a listed salmonid species.

(2) As part of the reviews of project operations pursuant to subsection (b), the Assistant Administrator shall determine whether any alternative management measures or combination of alternative management measures listed in subsection (e) (3) through (8) would provide an increase in through-Delta survival rates for listed salmonid species that is equivalent to the increase in through-Delta survival rates for listed salmonid species from the following:

(A) Through restrictions on export pumping rates as specified by Action IV.2.3, as compared to limiting OMR flow to a fixed rate of −5,000 cubic feet per second within the time period Action IV.2.3 is applicable.

(B) Through restrictions on export pumping rates as specified by Action IV.2.3, as compared to a modification of Action IV.2.3 that would provide additional water supplies, other than that described in subparagraph (A).

(C) Through San Joaquin River inflow to export restrictions on export pumping rates specified within Action IV.2.1, as compared to the restrictions in the April/May period imposed by the State Water Resources Control Board decision D–1641.

(D) Through San Joaquin River inflow to export restrictions on export pumping rates specified within Action IV.2.1, as compared to a modification of Action IV.2.1 that would reduce water supply impacts of the salmonid biological opinion on the Central Valley Project and the California State Water Project, other than that described in subparagraph (C).

(3) If the Assistant Administrator identifies an equivalent alternative measure pursuant to paragraph (2), the Assistant Administrator shall determine whether—

(A) it is technically feasible and within Federal jurisdiction to implement the equivalent alternative measure;

(B) the State of California, or subdivision thereof, or local agency with jurisdiction has certified in writing within 10 calendar days to the Assistant Administrator that it has the authority and capability to implement the pertinent equivalent alternative measure; or

(C) the adverse consequences of doing so are less than the adverse consequences of the equivalent existing measure, including a concise evaluation of the adverse consequences to other affected interests.

(4) If the Assistant Administrator makes the determinations in subparagraph (3)(A) or (3)(B), the Commissioner shall adjust project operations to implement the equivalent alternative measure in place of the equivalent existing measure in order to increase export rates of pumping to the greatest extent possible while maintaining a net combined effect of equivalent through-Delta survival rates for the listed salmonid species.

(h) TRACKING ADVERSE EFFECTS BEYOND THE RANGE OF EFFECTS ACCOUNTED FOR IN THE SALMONID BIOLOGICAL OPINION AND COORDINATED OPERATION WITH THE DELTA SMELT BIOLOGICAL OPINION.—

(1) Among the adjustments to the project operations considered through the adaptive management process under this section, the Assistant Administrator and the Commissioner shall—

(A) evaluate the effects on listed salmonid species and water supply of the potential adjustment to operational criteria described in subparagraph (B); and

(B) consider requiring that before some or all of the provisions of Actions IV.2.1. or IV.2.3 are imposed in any specific instance, the Assistant Administrator show that the implementation of these provisions in that specific instance is necessary to avoid a significant negative impact on the long-term survival of a listed salmonid species.

(2) The Assistant Administrator, the Director, and the Commissioner, in coordination with State officials as appropriate, shall establish operational criteria to coordinate management of OMR flows under the smelt and salmonid biological opinions, in order to take advantage of opportunities to provide additional water supplies from the coordinated implementation of the biological opinions.

(3) The Assistant Administrator and the Commissioner shall document the effects of any adaptive management decisions related to the coordinated operation of the smelt and salmonid biological opinions that prioritizes the maintenance of one species at the expense of the other.

(i) REAL-TIME MONITORING AND MANAGEMENT.—Notwithstanding the calendar based triggers described in the salmonid biological opinion Reasonable and Prudent Alternative

(RPA), the Assistant Administrator and the Commissioner shall not limit OMR reverse flow to −5,000 cubic feet per second unless current monitoring data indicate that this OMR flow limitation is reasonably required to avoid a significant negative impact on the long-term survival of a listed salmonid species.

(j) EVALUATION AND IMPLEMENTATION OF MANAGEMENT MEASURES.—If the quantitative estimates of through-Delta survival established by the Secretary for the adjustments in subsection (b)(2) exceed the through-Delta survival established for the RPAs, the Secretary shall evaluate and implement the management measures in subsection (b)(2) as a prerequisite to implementing the RPAs contained in the Salmonid Biological Opinion.

(k) ACCORDANCE WITH OTHER LAW.—Consistent with section 706 of title 5, United States Code, decisions of the Assistant Administrator and the Commissioner described in subsections (b) through (j) shall be made in writing, on the basis of best scientific and commercial data currently available, and shall include an explanation of the data examined at the connection between those data and the decisions made.

SEC. 1023. NON-FEDERAL PROGRAM TO PROTECT NATIVE ANADROMOUS FISH IN THE STANISLAUS RIVER.

(a) ESTABLISHMENT OF NONNATIVE PREDATOR FISH REMOVAL PROGRAM.—The Secretary and the districts, in consultation with the Director, shall jointly develop and conduct a nonnative predator fish removal program to remove nonnative striped bass, smallmouth bass, largemouth bass, black bass, and other nonnative predator fish species from the Stanislaus River. The program shall—

(1) be scientifically based;

(2) include methods to quantify the number and size of predator fish removed each year, the impact of such removal on the overall abundance of predator fish, and the impact of such removal on the populations of juvenile anadromous fish found in the Stanislaus River by, among other things, evaluating the number of juvenile anadromous fish that migrate past the rotary screw trap located at Caswell;

(3) among other methods, use wire fyke trapping, portable resistance board weirs, and boat electrofishing; and

(4) be implemented as quickly as possible following the issuance of all necessary scientific research.

(b) MANAGEMENT.—The management of the program shall be the joint responsibility of the Secretary and the districts. Such parties shall work collaboratively to ensure the performance of the program, and shall discuss and agree upon, among other things, changes in the structure, management, personnel, techniques, strategy, data collection, reporting, and conduct of the program.

(c) CONDUCT.—

(1) IN GENERAL.—By agreement between the Secretary and the districts, the program may be conducted by their own personnel, qualified private contractors hired by the districts, personnel of, on loan to, or otherwise assigned to the National Marine Fisheries Service, or a combination thereof.

(2) PARTICIPATION BY THE NATIONAL MARINE FISHERIES SERVICE.—If the districts elect to conduct the program using their own personnel or qualified private contractors hired by them in accordance with paragraph (1), the Secretary may assign an employee of, on loan to, or otherwise assigned to the National Marine Fisheries Service, to be present for all activities performed in the field. Such presence shall ensure compliance with the agreed-upon elements specified in subsection (b). The districts shall pay the cost of such participation in accordance with subsection (d).

(3) TIMING OF ELECTION.—The districts shall notify the Secretary of their election on or before October 15 of each calendar year of the program. Such an election shall apply to the work performed in the subsequent calendar year.

(d) FUNDING.—

(1) IN GENERAL.—The districts shall be responsible for 100 percent of the cost of the program.

(2) CONTRIBUTED FUNDS.—The Secretary may accept and use contributions of funds from the districts to carry out activities under the program.

(3) ESTIMATION OF COST.—On or before December 1 of each year of the program, the Secretary shall submit to the districts an estimate of the cost to be incurred by the National Marine Fisheries Service for the program in the following calendar year, if any, including the cost of any data collection and posting under subsection (e). If an amount equal to the estimate is not provided through contributions pursuant to paragraph (2) before December 31 of that year—

(A) the Secretary shall have no obligation to conduct the program activities otherwise scheduled for such following calendar year until such amount is contributed by the districts; and

(B) the districts may not conduct any aspect of the program until such amount is contributed by the districts.

(4) ACCOUNTING.—On or before September 1 of each year, the Secretary shall provide to the districts an accounting of the costs incurred by the Secretary for the program in the preceding calendar year. If the amount contributed by the districts pursuant to paragraph (2) for that year was greater than the costs incurred by the Secretary, the Secretary shall—

(A) apply the excess contributions to costs of activities to be performed by the Secretary under the program, if any, in the next calendar year; or

(B) if no such activities are to be performed, repay the excess contribution to the districts.

(e) POSTING AND EVALUATION.—On or before the 15th day of each month, the Secretary shall post on the Internet website of the National Marine Fisheries Service a tabular summary of the raw data collected under the program in the preceding month.

(f) IMPLEMENTATION.—The program is hereby found to be consistent with the requirements of the Central Valley Project Improvement Act (Public Law 102–575). No provision, plan or definition established or required by the Central Valley Project Improvement Act (Public Law 102–575) shall be used to prohibit the imposition of the program, or to prevent the accomplishment of its goals.

(g) TREATMENT OF STRIPED BASS.—For purposes of the application of the Central Valley Project Improvement Act (title XXXIV of Public Law 102–575) with respect to the program, striped bass shall not be treated as anadromous fish.

(h) DEFINITION.—For the purposes of this section, the term ''districts'' means the Oakdale Irrigation District and the South San Joaquin Irrigation District, California.

SEC. 1024. PILOT PROJECTS TO IMPLEMENT CALFED INVASIVE SPECIES PROGRAM.

(a) IN GENERAL.—Not later than January 1, 2017, the Secretary of the Interior, in collaboration with the Secretary of Commerce, the Director of the California Department of Fish and Wildlife, and other relevant agencies and interested parties, shall begin pilot projects to implement the invasive species control program authorized pursuant to section 103(d)(6)(A)(iv) of Public Law 108–361 (118 Stat. 1690).

(b) REQUIREMENTS.—The pilot projects shall—

(1) seek to reduce invasive aquatic vegetation, predators, and other competitors which contribute to the decline of native listed pelagic and anadromous species that occupy the Sacramento and San Joaquin Rivers and their tributaries and the Sacramento-San Joaquin Bay-Delta; and

(2) remove, reduce, or control the effects of species, including Asiatic clams, silversides, gobies, Brazilian water weed, water hyacinth, largemouth bass, smallmouth bass, striped bass, crappie, bluegill, white and channel catfish, and brown bullheads.

(c) SUNSET.—The authorities provided under this subsection shall expire seven years after the Secretaries commence implementation of the pilot projects pursuant to subsection (a).

(d) EMERGENCY ENVIRONMENTAL REVIEWS.—To expedite the environmentally beneficial programs for the conservation of threatened and endangered species, the Secretaries shall consult with the Council on Environmental Quality in accordance with section 1506.11 of title 40, Code of Federal Regulations (or successor regulations), to develop alternative arrangements to comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the projects pursuant to subsection (a).

Subtitle C—OPERATIONAL FLEXIBILITY AND DROUGHT RELIEF

SEC. 1031. DEFINITIONS.

In this subtitle:

(1) CENTRAL VALLEY PROJECT.—The term ''Central Valley Project'' has the meaning given the term in section 3403 of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4707).

(2) RECLAMATION PROJECT.—The term ''Reclamation Project'' means a project constructed pursuant to the authorities of the reclamation laws and whose facilities are wholly or partially located in the State.

(3) SECRETARIES.—The term ''Secretaries'' means—

(A) the Secretary of Agriculture;

(B) the Secretary of Commerce; and

(C) the Secretary of the Interior.

(4) STATE WATER PROJECT.—The term ''State Water Project'' means the water project described by California Water Code section 11550 et seq. and operated by the California Department of Water Resources.

(5) STATE.—The term ''State'' means the State of California.

SEC. 1032. OPERATIONAL FLEXIBILITY IN TIMES OF DROUGHT.

(a) WATER SUPPLIES.—For the period of time such that in any year that the Sacramento Valley Index is 6.5 or lower, or at the request of the State of California, and until two succeeding years following either of those events have been completed where the final Sacramento Valley Index is 7.8 or greater, the Secretaries shall provide the maximum quantity of water supplies practicable to all individuals or district who receive Central Valley Project water under water service or repayments contracts, water rights settlement contracts, exchange contracts, or refuge contracts or agreements entered into prior to or after the date of enactment of this title; State Water Project contractors, and any other tribe, locality, water agency, or municipality in the State, by approving, consistent with applicable laws (including regulations), projects and operations to provide additional water supplies as quickly as practicable based on available information to address the emergency conditions.

(b) ADMINISTRATION.—In carrying out subsection (a), the Secretaries shall, consistent with applicable laws (including regulations)—

(1) issue all necessary permit decisions under the authority of the Secretaries not later than 30 days after the date on which the Secretaries receive a completed application from the State to place and use temporary barriers or operable gates in Delta channels to improve water quantity and quality for the State Water Project and the Central Valley Project south of Delta water contractors and other water users, on the condition that the barriers or operable gates—

(A) do not result in a significant negative impact on the long-term survival of listed species within the Delta and provide benefits or have a neutral impact on in-Delta water user water quality; and

(B) are designed so that formal consultations under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) are not necessary;

(2) require the Director of the United States Fish and Wildlife Service and the Commissioner of Reclamation—

(A) to complete, not later than 30 days after the date on which the Director or the Commissioner receives a complete written request for water transfer, all requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) necessary to make final permit decisions on the request; and

(B) to approve any water transfer request described in subparagraph (A) to maximize the quantity of water supplies available for nonhabitat uses, on the condition that actions associated with the water transfer comply with applicable Federal laws (including regulations);

(3) adopt a 1:1 inflow to export ratio, as measured as a 3-day running average at Vernalis during the period beginning on April 1, and ending on May 31, absent a determination in writing that a more restrictive inflow to export ratio is required to avoid a significant negative impact on the long-term survival of a listed salmonid species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); provided that the 1:1 inflow to export ratio shall apply for the increment of increased flow of the San Joaquin River resulting from the voluntary sale, transfers, or exchanges of water from agencies with rights to divert water from the San Joaquin River or its tributaries and provided that the movement of the acquired, transferred, or exchanged water through the Delta consistent with the Central Valley Project's and the State Water Project's permitted water rights and provided that movement of the Central Valley Project water is consistent with the requirements of section 3405(a)(1)(H) of the Central Valley Project Improvement Act; and

(4) allow and facilitate, consistent with existing priorities, water transfers through the C.W. ''Bill'' Jones Pumping Plant or the Harvey O. Banks Pumping Plant from April 1 to November 30 provided water transfers comply with State law, including the California Environmental Quality Act.

(c) ACCELERATED PROJECT DECISION AND ELEVATION.—

(1) IN GENERAL.—On request by the Governor of the State, the Secretaries shall use the expedited procedures under this subsection to make final decisions relating to a Federal project or operation, or to local or State projects or operations that require decisions by the Secretary of the Interior or the Secretary of Commerce to provide additional water supplies if the project's or operation's purpose is to provide relief for emergency drought conditions pursuant to subsections (a) and (b).

(2) REQUEST FOR RESOLUTION.—

(A) IN GENERAL.—On request by the Governor of the State, the Secretaries referenced in paragraph (1), or the head of another Federal agency responsible for carrying out a review of a project, as applicable, the Secretary of the Interior shall convene a final project decision meeting with the heads of all relevant Federal agencies to decide whether to approve a project to provide relief for emergency drought conditions.

(B) MEETING.—The Secretary of the Interior shall convene a meeting requested under subparagraph (A) not later than 7 days after the date on which the meeting request is received.

(3) NOTIFICATION.—On receipt of a request for a meeting under paragraph (2), the Secretary of the Interior shall notify the heads of all relevant Federal agencies of the request, including information on the project to be reviewed and the date of the meeting.

(4) DECISION.—Not later than 10 days after the date on which a meeting is requested under paragraph (2), the head of the relevant Federal agency shall issue a final decision on the project, subject to subsection (e)(2).

(5) MEETING CONVENED BY SECRETARY.—The Secretary of the Interior may convene a final project decision meeting under this subsection at any time, at the discretion of the Secretary, regardless of whether a meeting is requested under paragraph (2).

(d) APPLICATION.—To the extent that a Federal agency, other than the agencies headed by the Secretaries, has a role in approving projects described in subsections (a) and (b), this section shall apply to those Federal agencies.

(e) LIMITATION.—Nothing in this section authorizes the Secretaries to approve projects—

(1) that would otherwise require congressional authorization; or

(2) without following procedures required by applicable law.

(f) DROUGHT PLAN.—For the period of time such that in any year that the Sacramento Valley index is 6.5 or lower, or at the request of the State of California, and until two succeeding years following either of those events have been completed where the final Sacramento Valley Index is 7.8 or greater, the Secretaries of Commerce and the Interior, in consultation with appropriate State officials, shall develop a drought operations plan that is consistent with the provisions of this Act including the provisions that are intended to provide additional water supplies that could be of assistance during the current drought.

SEC. 1033. OPERATION OF CROSS-CHANNEL GATES.

(a) IN GENERAL.—The Secretary of Commerce and the Secretary of the Interior shall jointly—

(1) authorize and implement activities to ensure that the Delta Cross Channel Gates remain open to the maximum extent practicable using findings from the United States Geological Survey on diurnal behavior of juvenile salmonids, timed to maximize the peak flood tide period and provide water supply and water quality benefits for the duration of the drought emergency declaration of the State, and for the period of time such that in any year that the Sacramento Valley index is 6.5 or lower, or at the request of the State of California, and until two succeeding years following either of those events have been completed where the final Sacramento Valley Index is 7.8 or greater, consistent with operational criteria and monitoring criteria set forth into the Order Approving a Temporary Urgency Change in License and Permit Terms in Response to Drought Conditions of the California State Water Resources Control Board, effective January 31, 2014 (or a successor order) and other authorizations associated with it;

(2) with respect to the operation of the Delta Cross Channel Gates described in paragraph (1), collect data on the impact of that operation on—

(A) species listed as threatened or endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(B) water quality; and

(C) water supply;

(3) collaborate with the California Department of Water Resources to install a deflection barrier at Georgiana Slough in coordination with Delta Cross Channel Gate diurnal operations to protect migrating salmonids, consistent with knowledge gained from activities carried out during 2014 and 2015;

(4) evaluate the combined salmonid survival in light of activities carried out pursuant to paragraphs (1) through (3) in deciding how to operate the Delta Cross Channel gates to enhance salmonid survival and water supply benefits; and

(5) not later than May 15, 2016, submit to the appropriate committees of the House of Representatives and the Senate a notice and explanation on the extent to which the gates are able to remain open.

(b) RECOMMENDATIONS.—After assessing the information collected under subsection (a), the Secretary of the Interior shall recommend revisions to the operation of the Delta Cross-Channel Gates, to the Central Valley Project, and to the State Water Project, including, if appropriate, any reasonable and prudent alternative contained in the biological opinion issued by the National Marine Fisheries Service on June 4, 2009, that are likely to produce water supply benefits without causing a significant negative impact on the long-term survival of the listed fish species within the Delta or on water quality.

SEC. 1034. FLEXIBILITY FOR EXPORT/INFLOW RATIO.

For the period of time such that in any year that the Sacramento Valley index is 6.5 or lower, or at the request of the State of California, and until two succeeding years following either of those events have been completed where the final Sacramento Valley Index is 7.8 or greater, the Commissioner of the Bureau of Reclamation shall continue to vary the averaging period of the Delta Export/Inflow ratio pursuant to the California State Water Resources Control Board decision D1641—

(1) to operate to a 35-percent Export/Inflow ratio with a 3-day averaging period on the rising limb of a Delta inflow hydrograph; and

(2) to operate to a 14-day averaging period on the falling limb of the Delta inflow hydrograph.

SEC. 1035. EMERGENCY ENVIRONMENTAL REVIEWS.

(a) NEPA COMPLIANCE.—To minimize the time spent carrying out environmental reviews and to deliver water quickly that is needed to address emergency drought conditions in the State during the duration of an emergency drought declaration, the Secretaries shall, in carrying out this Act, consult with the Council on Environmental Quality in accordance with section 1506.11 of title 40, Code of Federal Regulations (including successor regulations), to develop alternative arrangements to comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) during the emergency.

(b) DETERMINATIONS.—For the purposes of this section, a Secretary may deem a project to be in compliance with all necessary environmental regulations and reviews if the Secretary determines that the immediate implementation of the project is necessary to address—

(1) human health and safety; or

(2) a specific and imminent loss of agriculture production upon which an identifiable region depends for 25 percent or more of its tax revenue used to support public services including schools, fire or police services, city or county health facilities, unemployment services or other associated social services.

SEC. 1036. INCREASED FLEXIBILITY FOR REGULAR PROJECT OPERATIONS.

The Secretaries shall, consistent with applicable laws (including regulations)—

(1) in coordination with the California Department of Water Resources and the California Department of Fish and Wildlife, implement offsite upstream projects in the Delta and upstream of the Sacramento River and San Joaquin basins that offset the effects on species listed as threatened or endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) due to activities carried out pursuant this Act, as determined by the Secretaries;

(2) manage reverse flow in the Old and Middle Rivers at −6,100 cubic feet per second if real-time monitoring indicates that flows of −6,100 cubic feet per second or more negative can be established for specific periods without causing a significant negative impact on the long-term survival of the Delta smelt, or if real-time monitoring does not support flows of −6,100 cubic feet per second than manage OMR flows at −5,000 cubic feet per second subject to section 1013(e)(3) and (4); and

(3) use all available scientific tools to identify any changes to real-time operations of the Bureau of Reclamation, State, and local water projects that could result in the availability of additional water supplies.

SEC. 1037. TEMPORARY OPERATIONAL FLEXIBILITY FOR FIRST FEW STORMS OF THE WATER YEAR.

(a) IN GENERAL.—Consistent with avoiding a significant negative impact on the long-term

survival in the short term upon listed fish species beyond the range of those authorized under the Endangered Species Act of 1973 and other environmental protections under subsection (e), the Secretaries shall authorize the Central Valley Project and the 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 for 56 cumulative days after October 1 as described in subsection (c).

(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 daily average river flow of the Sacramento River is at, or above, 17,000 cubic feet per second as measured at the Sacramento River at Freeport gauge maintained by the United States Geologic Survey.

(c) COMPLIANCE WITH ENDANGERED SPECIES ACT AUTHORIZATIONS.—In carrying out this section, the Secretaries may continue to impose any requirements under the smelt and salmonid biological opinions during any period of temporary operational flexibility as they determine are reasonably necessary to avoid an additional significant negative impacts on the long-term survival of a listed fish species beyond the range of those 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 State Water Project.

(d) OTHER ENVIRONMENTAL PROTECTIONS.—

(1) STATE LAW.—The Secretaries' actions under this section shall be consistent with applicable regulatory requirements under State law.

(2) FIRST SEDIMENT FLUSH.—During the first flush of sediment out of the 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 Delta that would be likely to increase entrainment at Central Valley Project and 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 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 beyond those 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 State Water Project 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 Fish and Wildlife Service, National Marine Fisheries Service, and California Department of Fish and Wildlife, shall undertake a monitoring program and other data gathering to ensure incidental take levels are not exceeded, and to identify potential negative impacts and actions, if any, 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) TECHNICAL ADJUSTMENTS TO TARGET PERIOD.—If, before temporary operational flexibility has been implemented on 56 cumulative days, the Secretaries operate the Central Valley Project and the State Water Project combined at levels that result in OMR flows less negative than −7,500 cubic feet per second during days of temporary operational flexibility as defined in subsection (c), the duration of such operation shall not be counted toward the 56 cumulative days specified in subsection (a).

(f) EMERGENCY CONSULTATION; EFFECT ON RUNNING AVERAGES.—

(1) If necessary to implement the provisions of this section, the Commissioner is authorized to take any action necessary to implement this section for up to 56 cumulative days. If during the 56 cumulative days the Commissioner determines that actions necessary to implement this section will exceed 56 days, the Commissioner shall use the emergency consultation procedures under the Endangered Species Act of 1973 and its implementing regulation at section 402.05 of title 50, Code of Federal Regulations, to temporarily adjust the operating criteria under the biological opinions—

(A) solely for extending beyond the 56 cumulative days for additional days of temporary operational flexibility—

(i) no more than necessary to achieve the purposes of this section consistent with the environmental protections in subsections (d) and (e); and

(ii) including, as appropriate, adjustments to ensure that the actual flow rates during the periods of temporary operational flexibility do not count toward the 5-day and 14-day running averages of tidally filtered daily OMR flow requirements under the biological opinions, or

(B) for other adjustments to operating criteria or to take other urgent actions to address water supply shortages for the least amount of time or volume of diversion necessary as determined by the Commissioner.

(2) Following the conclusion of the 56 cumulative days of temporary operational flexibility, or the extended number of days covered by the emergency consultation procedures, the Commissioner shall not reinitiate consultation on these adjusted operations, and no mitigation shall be required, if the effects on listed fish species of these operations under this section remain within the range of those authorized under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.). If the Commissioner reinitiates consultation, no mitigation measures shall be required.

(g) LEVEL OF DETAIL REQUIRED FOR ANALYSIS.—In articulating the determinations required under this section, the Secretaries 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 decisionmaking in response to changing conditions in the Delta.

SEC. 1038. EXPEDITING WATER TRANSFERS.

(a) IN GENERAL.—Section 3405(a) of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4709(a)) is amended—

(1) by redesignating paragraphs (1) through (3) as paragraphs (4) through (6), respectively;

(2) in the matter preceding paragraph (4) (as so designated)—

(A) in the first sentence, by striking ''In order to'' and inserting the following:

''(1) IN GENERAL.—In order to''; and

(B) in the second sentence, by striking ''Except as provided herein'' and inserting the following:

''(3) TERMS.—Except as otherwise provided in this section'';

(3) by inserting before paragraph (3) (as so designated) the following:

''(2) EXPEDITED TRANSFER OF WATER.—The Secretary shall take all necessary actions to facilitate and expedite transfers of Central Valley Project water in accordance with—

''(A) this Act;

''(B) any other applicable provision of the reclamation laws; and

''(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).'';

(4) in paragraph (4) (as so designated)—

(A) in subparagraph (A), by striking ''to combination'' and inserting ''or combination''; and

(B) by striking ''3405(a)(2) of this title'' each place it appears and inserting ''(5)'';

(5) in paragraph (5) (as so designated), by adding at the end the following:

''(E) The contracting district from which the water is coming, the agency, or the Secretary shall determine if a written transfer proposal is complete within 45 days after the date of submission of the proposal. If the contracting district or agency or the Secretary determines that the proposal is incomplete, the district or agency or the Secretary shall state with specificity what must be added to or revised for the proposal to be complete.''; and

(6) in paragraph (6) (as so designated), by striking ''3405(a)(1)(A)–(C), (E), (G), (H), (I), (L), and (M) of this title'' and inserting ''(A) through (C), (E), (G), (H), (I), (L), and (M) of paragraph (4)''.

(b) CONFORMING AMENDMENTS.—The Central Valley Project Improvement Act (Public Law 102–575) is amended—

(1) in section 3407(c)(1) (106 Stat. 4726), by striking ''3405(a)(1)(C)'' and inserting ''3405(a)(4)(C)''; and

(2) in section 3408(i)(1) (106 Stat. 4729), by striking ''3405(a)(1) (A) and (J) of this title'' and inserting ''subparagraphs (A) and (J) of section 3405(a)(4)''.

SEC. 1039. ADDITIONAL EMERGENCY CONSULTATION.

For adjustments to operating criteria other than under section 1038 of this subtitle or to take urgent actions to address water supply shortages for the least amount of time or volume of diversion necessary as determined by the Commissioner of Reclamation, no mitigation measures shall be required during any year that the Sacramento Valley index is 6.5 or lower, or at the request of the State of California, and until two succeeding years following either of those events have been completed where the final Sacramento Valley Index is 7.8 or greater, and any mitigation measures imposed must be based on quantitative data and required only to the extent that such data demonstrates actual harm to species.

SEC. 1040. ADDITIONAL STORAGE AT NEW MELONES.

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 of California 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.

SEC. 1041. REGARDING THE OPERATION OF FOLSOM RESERVOIR.

The Secretary of the Interior, in collaboration with the Sacramento Water Forum, shall expedite evaluation, completion and implementation of the Modified Lower American River Flow Management Standard developed by the Water Forum in 2015 to improve water supply reliability for Central Valley Project American River water contractors and resource protection in the lower American River during consecutive dry-years under current and future demand and climate change conditions.

SEC. 1042. APPLICANTS.

In the event that the Bureau of Reclamation or another Federal agency initiates or reinitiates consultation with the U.S. Fish and Wildlife Service or the National Marine Fisheries Service under section 7(a)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)(2)), with respect to construction or operation of the Central Valley Project and State Water Project, or any part thereof, the State Water Project contractors and the Central Valley Project contractors will be accorded all the rights and responsibilities extended to applicants in the consultation process.

SEC. 1043. SAN JOAQUIN RIVER SETTLEMENT.

(a) CALIFORNIA STATE LAW SATISFIED BY WARM WATER FISHERY.—

(1) IN GENERAL.—Sections 5930 through 5948 of the California Fish and Game Code, and all applicable Federal laws, including the San Joaquin River Restoration Settlement Act (Public Law 111–11) and the Stipulation of Settlement (Natural Resources Defense Council, et al. v. Kirk Rodgers, et al., Eastern District of California, No. Civ. S–88–1658–LKK/GGH), shall be satisfied by the existence of a warm water fishery in the San Joaquin River below Friant Dam, but upstream of Gravelly Ford.

(2) DEFINITION OF WARM WATER FISHERY.—For the purposes of this section, the term ''warm water fishery'' means a water system that has an environment suitable for species of fish other than salmon (including all subspecies) and trout (including all subspecies).

(b) REPEAL OF THE SAN JOAQUIN RIVER SETTLEMENT.—As of the date of enactment of this section, the Secretary of the Interior shall cease any action to implement the San Joaquin River Restoration Settlement Act (subtitle A of title X of Public Law 111–11) and the Stipulation of Settlement (Natural Resources Defense Council, et al. v. Kirk Rodgers, et al., Eastern District of California, No. Civ. S–88–1658 LKK/GGH).

SEC. 1044. PROGRAM FOR WATER RESCHEDULING.

By December 31, 2015, the Secretary of the Interior shall develop and implement a program, including rescheduling guidelines for Shasta and Folsom Reservoirs, to allow existing Central Valley Project agricultural water service contractors within the Sacramento River Watershed, and refuge service and municipal and industrial water service contractors within the Sacramento River Watershed and the American River Watershed to reschedule water, provided for under their Central Valley Project contracts, from one year to the next; provided, that the program is consistent with existing rescheduling guidelines as utilized by the Bureau of Reclamation for rescheduling water for Central Valley Project water service contractors that are located South of the Delta.

Subtitle D—CALFED STORAGE FEASIBILITY STUDIES

SEC. 1051. STUDIES.

The Secretary of the Interior, through the Commissioner of Reclamation, shall—

(1) complete the feasibility studies described in clauses (i)(I) and (ii)(II) of section 103(d)(1)(A) of Public Law 108–361 (118 Stat. 1684) and submit such studies to the appropriate committees of the House of Representatives and the Senate not later than December 31, 2015;

(2) complete the feasibility study described in clause (i)(II) of section 103(d)(1)(A) of Public Law 108–361 and submit such study to the appropriate committees of the House of Representatives and the Senate not later than November 30, 2016;

(3) complete a publicly available draft of the feasibility study described in clause (ii)(I) of section 103(d)(1)(A) of Public Law 108–361 and submit such study to the appropriate committees of the House of Representatives and the Senate not later than November 30, 2016;

(4) complete the feasibility study described in clause (ii)(I) of section 103(d)(1)(A) of Public Law 108–361 and submit such study to the appropriate committees of the House of Representatives and the Senate not later than November 30, 2017;

(5) complete the feasibility study described in section 103(f)(1)(A) of Public Law 108–361 (118 Stat. 1694) and submit such study to the appropriate Committees of the House of Representatives and the Senate not later than December 31, 2017;

(6) provide a progress report on the status of the feasibility studies referred to in paragraphs (1) through (3) to the appropriate committees of the House of Representatives and the Senate not later than 90 days after the date of the enactment of this Act and each 180 days thereafter until December 31, 2017, as applicable. The report shall include timelines for study completion, draft environmental impact statements, final environmental impact statements, and Records of Decision;

(7) in conducting any feasibility study under this Act, the reclamation laws, the Central Valley Project Improvement Act (title XXXIV of Public Law 102–575; 106 Stat. 4706), the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and other applicable law, for the purposes of determining feasibility the Secretary shall document, delineate, and publish costs directly relating to the engineering and construction of a water storage project separately from the costs resulting from regulatory compliance or the construction of auxiliary facilities necessary to achieve regulatory compliance; and

(8) communicate, coordinate and cooperate with public water agencies that contract with the United States for Central Valley Project water and that are expected to participate in the cost pools that will be created for the projects proposed in the feasibility studies under this section.

SEC. 1052. TEMPERANCE FLAT.

(a) DEFINITIONS.—For the purposes of this section:

(1) PROJECT.—The term ''Project'' means the Temperance Flat Reservoir Project on the Upper San Joaquin River.

(2) RMP.—The term ''RMP'' means the document titled ''Bakersfield Field Office, Record of Decision and Approved Resource Management Plan,'' dated December 2014.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) APPLICABILITY OF RMP.—The RMP and findings related thereto shall have no effect on or applicability to the Secretary's determination of feasibility of, or on any findings or environmental review documents related to—

(1) the Project; or

(2) actions taken by the Secretary pursuant to section 103(d)(1)(A)(ii)(II) of the Bay-Delta Authorization Act (title I of Public Law 108–361).

(c) DUTIES OF SECRETARY UPON DETERMINATION OF FEASIBILITY.—If the Secretary finds the Project to be feasible, the Secretary shall manage the land recommended in the RMP for designation under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) in a manner that does not impede any environmental reviews, preconstruction, construction, or other activities of the Project, regardless of whether or not the Secretary submits any official recommendation to Congress under the Wild and Scenic Rivers Act.

(d) RESERVED WATER RIGHTS.—Effective December 22, 2014, there shall be no Federal reserved water rights to any segment of the San Joaquin River related to the Project as a result of any designation made under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.).

SEC. 1053. CALFED STORAGE ACCOUNTABILITY.

If the Secretary of the Interior fails to provide the feasibility studies described in section 1051 to the appropriate committees of the House of Representatives and the Senate by the times prescribed, the Secretary shall notify each committee chair individually in person on the status of each project once a month until the feasibility study for that project is provided to Congress.

SEC. 1054. WATER STORAGE PROJECT CONSTRUCTION.

(a) PARTNERSHIP AND AGREEMENTS.—The Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation, may partner or enter into an agreement on the water storage projects identified in section 103(d)(1) of the Water Supply Reliability and Environmental Improvement Act (Public Law 108–361) (and Acts supplemental and amendatory to the Act) with local joint powers authorities formed pursuant to State law by irrigation districts and other local water districts and local governments within the applicable hydrologic region, to advance those projects.

(b) AUTHORIZATION FOR PROJECT.—If the Secretary determines a project described in section 1052(a)(1) and (2) is feasible, the Secretary is authorized to carry out the project in a manner that is substantially in accordance with the recommended plan, and subject to the conditions described in the feasibility study, provided that no Federal funding shall be used to construct the project.

Subtitle E—WATER RIGHTS PROTECTIONS

SEC. 1061. OFFSET FOR STATE WATER PROJECT.

(a) IMPLEMENTATION IMPACTS.—The Secretary of the Interior shall confer with the California Department of Fish and Wildlife in connection with the implementation of this Act 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.

(b) ADDITIONAL YIELD.—If, as a result of the application of this Act, the California Department of Fish and Wildlife—

(1) revokes the consistency determinations pursuant to California Fish and Game Code section 2080.1 that are applicable to the State Water Project;

(2) amends or issues one or more new consistency determinations pursuant to California Fish and Game Code section 2080.1 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; or

(3) 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 consequence of the Department's action, Central Valley Project yield is greater than it would have been absent the Department's actions, then that additional yield shall be made available to the State Water Project for delivery to State Water Project contractors to offset losses resulting from the Department's action.

(c) NOTIFICATION RELATED TO ENVIRONMENTAL PROTECTIONS.—The Secretary of the Interior shall immediately notify the Director of the California Department of Fish and Wildlife in writing if the Secretary of the Interior determines that implementation of the smelt biological opinion and the salmonid biological opinion consistent with this Act reduces environmental protections for any species covered by the opinions.

SEC. 1062. AREA OF ORIGIN PROTECTIONS.

(a) IN GENERAL.—The Secretary of the Interior is directed, in the operation of the Central Valley Project, to adhere to California's water rights laws governing water rights priorities and to honor water rights senior to those held by the United States for operation of the Central Valley Project, regardless of the source of priority, including any appropriative water rights initiated prior to December 19, 1914, as well as water

rights and other priorities perfected or to be perfected pursuant to California Water Code Part 2 of Division 2. Article 1.7 (commencing with section 1215 of chapter 1 of part 2 of division 2, sections 10505, 10505.5, 11128, 11460, 11461, 11462, and 11463, and sections 12200 to 12220, inclusive).

(b) DIVERSIONS.—Any action undertaken by the Secretary of the Interior and the Secretary of Commerce pursuant to both this Act and section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) that requires that diversions from the Sacramento River or the San Joaquin River watersheds upstream of the Delta be bypassed shall not be undertaken in a manner that alters the water rights priorities established by California law.

(c) ENDANGERED SPECIES ACT.—Nothing in this subtitle alters the existing authorities provided to and obligations placed upon the Federal Government under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as amended.

(d) CONTRACTS.—With respect to individuals and entities with water rights on the Sacramento River, the mandates of this section may be met, in whole or in part, through a contract with the Secretary of the Interior executed pursuant to section 14 of Public Law 76–260; 53 Stat. 1187 (43 U.S.C. 389) that is in conformance with the Sacramento River Settlement Contracts renewed by the Secretary of the Interior in 2005.

SEC. 1063. NO REDIRECTED ADVERSE IMPACTS.

(a) IN GENERAL.—The Secretary of the Interior shall ensure that, except as otherwise provided for in a water service or repayment contract, actions taken in compliance with legal obligations imposed pursuant to or as a result of this Act, including such actions under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and other applicable Federal and State laws, shall not directly or indirectly—

(1) result in the involuntary reduction of water supply or fiscal impacts to individuals or districts who receive water from either the State Water Project or the United States under water rights settlement contracts, exchange contracts, water service contracts, repayment contracts, or water supply contracts; or

(2) cause redirected adverse water supply or fiscal impacts to those within the Sacramento River watershed, the San Joaquin River watershed or the State Water Project service area.

(b) COSTS.—To the extent that costs are incurred solely pursuant to or as a result of this Act and would not otherwise have been incurred by any entity or public or local agency or subdivision of the State of California, such costs shall not be borne by any such entity, agency, or subdivision of the State of California, unless such costs are incurred on a voluntary basis.

(c) RIGHTS AND OBLIGATIONS NOT MODIFIED OR AMENDED.—Nothing in this Act shall modify or amend the rights and obligations of the parties to any existing—

(1) water service, repayment, settlement, purchase, or exchange contract with the United States, including the obligation to satisfy exchange contracts and settlement contracts prior to the allocation of any other Central Valley Project water; or

(2) State Water Project water supply or settlement contract with the State.

SEC. 1064. ALLOCATIONS FOR SACRAMENTO VALLEY CONTRACTORS.

(a) ALLOCATIONS.—

(1) IN GENERAL.—Subject to paragraph (2) and subsection (b), the Secretary of the Interior is directed, in the operation of the Central Valley Project, to allocate water provided for irrigation purposes to existing Central Valley Project agricultural water service contractors within the Sacramento River Watershed in compliance with the following:

(A) Not less than 100 percent of their contract quantities in a ''Wet'' year.

(B) Not less than 100 percent of their contract quantities in an ''Above Normal'' year.

(C) Not less than 100 percent of their contract quantities in a ''Below Normal'' year that is preceded by an ''Above Normal'' or a ''Wet'' year.

(D) Not less than 50 percent of their contract quantities in a ''Dry'' year that is preceded by a ''Below Normal,'' an ''Above Normal,'' or a ''Wet'' year.

(E) In all other years not identified herein, the allocation percentage for existing Central Valley Project agricultural water service contractors within the Sacramento River Watershed shall not be less than twice the allocation percentage to south-of-Delta Central Valley Project agricultural water service contractors, up to 100 percent; provided, that nothing herein shall preclude an allocation to existing Central Valley Project agricultural water service contractors within the Sacramento River Watershed that is greater than twice the allocation percentage to south-of-Delta Central Valley Project agricultural water service contractors.

(2) CONDITIONS.—The Secretary's actions under paragraph (a) shall be subject to—

(A) the priority of individuals or entities with Sacramento River water rights, including those with Sacramento River Settlement Contracts, that have 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;

(B) the United States obligation to make a substitute supply of water available to the San Joaquin River Exchange Contractors; and

(C) the Secretary's obligation to make water available to managed wetlands pursuant to section 3406(d) of the Central Valley Project Improvement Act (Public Law 102–575).

(b) PROTECTION OF MUNICIPAL AND INDUSTRIAL SUPPLIES.—Nothing in subsection (a) shall be deemed to—

(1) modify any provision of a water service contract that addresses municipal and industrial water shortage policies of the Secretary;

(2) affect or limit the authority of the Secretary to adopt or modify municipal and industrial water shortage policies;

(3) affect or limit the authority of the Secretary to implement municipal and industrial water shortage policies; or

(4) affect allocations to Central Valley Project municipal and industrial contractors pursuant to such policies.

Neither subsection (a) nor the Secretary's implementation of subsection (a) shall constrain, govern or affect, directly, the operations of the Central Valley Project's American River Division or any deliveries from that Division, its units or facilities.

(c) NO EFFECT ON ALLOCATIONS.—This section shall not—

(1) affect the allocation of water to Friant Division contractors; or

(2) result in the involuntary reduction in contract water allocations to individuals or entities with contracts to receive water from the Friant Division.

(d) PROGRAM FOR WATER RESCHEDULING.—The Secretary of the Interior shall develop and implement a program, not later than 1 year after the date of the enactment of this Act, to provide for the opportunity for existing Central Valley Project agricultural water service contractors within the Sacramento River Watershed to reschedule water, provided for under their Central Valley Project water service contracts, from one year to the next.

(e) DEFINITIONS.—In this section:

(1) The term ''existing Central Valley Project agricultural water service contractors within the Sacramento River Watershed'' means water service contractors within the Shasta, Trinity, and Sacramento River Divisions of the Central Valley Project, that have a water service contract in effect, on the date of the enactment of this section, that provides water for irrigation.

(2) The year type terms used in subsection (a) have the meaning given those year types in the Sacramento Valley Water Year Type (40–30–30) Index.

SEC. 1065. EFFECT ON EXISTING OBLIGATIONS.

Nothing in this Act preempts or modifies any existing obligation of the United States under Federal reclamation law to operate the Central Valley Project in conformity with State law, including established water rights priorities.

Subtitle F—MISCELLANEOUS

SEC. 1071. AUTHORIZED SERVICE AREA.

(a) IN GENERAL.—The authorized service area of the Central Valley Project authorized under the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4706) shall include the area within the boundaries of the Kettleman City Community Services District, California, as in existence on the date of enactment of this Act.

(b) LONG-TERM CONTRACT.—

(1) IN GENERAL.—Notwithstanding the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4706) and subject to paragraph (2), the Secretary of the Interior, in accordance with the Federal reclamation laws, shall enter into a long-term contract with the Kettleman City Community Services District, California, under terms and conditions mutually agreeable to the parties, for the delivery of up to 900 acre-feet of Central Valley Project water for municipal and industrial use.

(2) LIMITATION.—Central Valley Project water deliveries authorized under the contract entered into under paragraph (1) shall be limited to the minimal quantity necessary to meet the immediate needs of the Kettleman City Community Services District, California, in the event that local supplies or State Water Project allocations are insufficient to meet those needs.

(c) PERMIT.—The Secretary shall apply for a permit with the State for a joint place of use for water deliveries authorized under the contract entered into under subsection (b) with respect to the expanded service area under subsection (a), consistent with State law.

(d) ADDITIONAL COSTS.—If any additional infrastructure, water treatment, or related costs are needed to implement this section, those costs shall be the responsibility of the non-Federal entity.

SEC. 1072. OVERSIGHT BOARD FOR RESTORATION FUND.

(a) PLAN; ADVISORY BOARD.—Section 3407 of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4726) is amended by adding at the end the following:

''(g) PLAN ON EXPENDITURE OF FUNDS.—

''(1) IN GENERAL.—For each fiscal year, the Secretary, in consultation with the Advisory Board, shall submit to Congress a plan for the expenditure of all of the funds deposited into the Restoration Fund during the preceding fiscal year.

''(2) CONTENTS.—The plan shall include an analysis of the cost-effectiveness of each expenditure.

''(h) ADVISORY BOARD.—

''(1) ESTABLISHMENT.—There is established the Restoration Fund Advisory Board (referred to in this section as the 'Advisory Board'), which shall be composed of 11 members appointed by the Secretary.

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The Secretary shall appoint members to the Advisory Board that represent the various Central Valley Project stakeholders, of whom—

''(i) 4 members shall be agricultural users of the Central Valley Project, including at least one agricultural user from north-of-the-Delta and one agricultural user from south-of-the-Delta;

''(ii) 2 members shall be municipal and industrial users of the Central Valley Project, including one municipal and industrial user from north-of-the-Delta and one municipal and industrial user from south-of-the-Delta;

''(iii) 2 members shall be power contractors of the Central Valley Project, including at least

one power contractor from north-of-the-Delta and from south-of-the-Delta;

''(iv) 1 member shall be a representative of a Federal national wildlife refuge that contracts for Central Valley Project water supplies with the Bureau of Reclamation;

''(v) 1 member shall have expertise in the economic impacts of the changes to water operations; and

''(vi) 1 member shall be a representative of a wildlife entity that primarily focuses on waterfowl.

''(B) OBSERVER.—The Secretary and the Secretary of Commerce may each designate a representative to act as an observer of the Advisory Board.

''(C) CHAIR.—The Secretary shall appoint 1 of the members described in subparagraph (A) to serve as Chair of the Advisory Board.

''(3) TERMS.—The term of each member of the Advisory Board shall be 4 years.

''(4) DATE OF APPOINTMENTS.—The appointment of a member of the Panel shall be made not later than—

''(A) the date that is 120 days after the date of enactment of this Act; or

''(B) in the case of a vacancy on the Panel described in subsection (c)(2), the date that is 120 days after the date on which the vacancy occurs.

''(5) VACANCIES.—

''(A) IN GENERAL.—A vacancy on the Panel shall be filled in the manner in which the original appointment was made and shall be subject to any conditions that applied with respect to the original appointment.

''(B) FILLING UNEXPIRED TERM.—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

''(C) EXPIRATION OF TERMS.—The term of any member shall not expire before the date on which the successor of the member takes office.

''(6) REMOVAL.—A member of the Panel may be removed from office by the Secretary of the Interior.

''(7) FEDERAL ADVISORY COMMITTEE ACT.—The Panel shall not be subject to the requirements of the Federal Advisory Committee Act.

''(8) DUTIES.—The duties of the Advisory Board are—

''(A) to meet not less frequently than semiannually to develop and make recommendations to the Secretary regarding priorities and spending levels on projects and programs carried out under this title;

''(B) to ensure that any advice given or recommendation made by the Advisory Board reflects the independent judgment of the Advisory Board;

''(C) not later than December 31, 2015, and annually thereafter, to submit to the Secretary and Congress the recommendations under subparagraph (A); and

''(D) not later than December 31, 2015, and biennially thereafter, to submit to Congress details of the progress made in achieving the actions required under section 3406.

''(9) ADMINISTRATION.—With the consent of the appropriate agency head, the Advisory Board may use the facilities and services of any Federal agency.

''(10) COOPERATION AND ASSISTANCE.—

''(A) PROVISION OF INFORMATION.—Upon request of the Panel Chair for information or assistance to facilitate carrying out this section, the Secretary of the Interior shall promptly provide such information, unless otherwise prohibited by law.

''(B) SPACE AND ASSISTANCE.—The Secretary of the Interior shall provide the Panel with appropriate and adequate office space, together with such equipment, office supplies, and communications facilities and services as may be necessary for the operation of the Panel, and shall provide necessary maintenance services for such offices and the equipment and facilities located therein.''.

SEC. 1073. WATER SUPPLY ACCOUNTING.

(a) IN GENERAL.—All Central Valley Project water, except Central Valley Project water released pursuant to U.S. Department of the Interior Record of Decision, Trinity River Mainstem Fishery Restoration Final Environmental Impact Statement/Environmental Impact Report dated December 2000 used to implement an action undertaken for a fishery beneficial purpose that was not imposed by terms and conditions existing in licenses, permits, and other agreements pertaining to the Central Valley Project under applicable State or Federal law existing on October 30, 1992, shall be credited to the quantity of Central Valley Project yield dedicated and managed under this section; provided, that nothing herein shall affect the Secretary of the Interior's duty to comply with any otherwise lawful requirement imposed on operations of the Central Valley Project under any provision of Federal or State law.

(b) RECLAMATION POLICIES AND ALLOCATIONS.—Reclamation policies and allocations shall not be based upon any premise or assumption that Central Valley Project contract supplies are supplemental or secondary to any other contractor source of supply.

SEC. 1074. IMPLEMENTATION OF WATER REPLACEMENT PLAN.

(a) IN GENERAL.—Not later than October 1, 2016, the Secretary of the Interior shall update and implement the plan required by section 3408(j) of title XXXIV of Public Law 102–575. The Secretary shall notify the Congress annually describing the progress of implementing the plan required by section 3408(j) of title XXXIV of Public Law 102–575.

(b) POTENTIAL AMENDMENT.—If the plan required in subsection (a) has not increased the Central Valley Project yield by 800,000 acre-feet within 5 years after the enactment of this Act, then section 3406 of the Central Valley Project Improvement Act (title XXXIV of Public Law 102–575) is amended as follows:

(1) In subsection (b)—

(A) by amending paragraph (2)(C) to read:

''(C) If by March 15, 2021, and any year thereafter the quantity of Central Valley Project water forecasted to be made available to all water service or repayment contractors of the Central Valley Project is below 50 percent of the total quantity of water to be made available under said contracts, the quantity of Central Valley Project yield dedicated and managed for that year under this paragraph shall be reduced by 25 percent.''.

SEC. 1075. NATURAL AND ARTIFICIALLY SPAWNED SPECIES.

After the date of the enactment of this title, and regardless of the date of listing, the Secretaries of the Interior and Commerce shall not distinguish between natural-spawned and hatchery-spawned or otherwise artificially propagated strains of a species in making any determination under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) that relates to any anadromous or pelagic fish species that resides for all or a portion of its life in the Sacramento-San Joaquin Delta or rivers tributary thereto.

SEC. 1076. TRANSFER THE NEW MELONES UNIT, CENTRAL VALLEY PROJECT TO INTERESTED PROVIDERS.

(a) DEFINITIONS.—For the purposes of this section, the following terms apply:

(1) INTERESTED LOCAL WATER AND POWER PROVIDERS.—The term ''interested local water and power providers'' includes the Calaveras County Water District, Calaveras Public Power Agency, Central San Joaquin Water Conservation District, Oakdale Irrigation District, Stockton East Water District, South San Joaquin Irrigation District, Tuolumne Utilities District, Tuolumne Public Power Agency, and Union Public Utilities District.

(2) NEW MELONES UNIT, CENTRAL VALLEY PROJECT.—The term ''New Melones Unit, Central Valley Project'' means all Federal reclamation projects located within or diverting water from or to the watershed of the Stanislaus and San Joaquin rivers and their tributaries as authorized by the Act of August 26, 1937 (50 Stat. 850), and all Acts amendatory or supplemental thereto, including the Act of October 23, 1962 (76 Stat. 1173).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) NEGOTIATIONS.—Notwithstanding any other provision of law, not later than 180 days after the date of the enactment of this Act, the Secretary shall enter into negotiations with interested local water and power providers for the transfer ownership, control, and operation of the New Melones Unit, Central Valley Project to interested local water and power providers within the State of California.

(c) TRANSFER.—The Secretary shall transfer the New Melones Unit, Central Valley Project in accordance with an agreement reached pursuant to negotiations conducted under subsection (b).

(d) NOTIFICATION.—Not later than 360 days after the date of the enactment of this Act, and every 6 months thereafter, the Secretary shall notify the appropriate committees of the House of Representatives and the Senate—

(1) if an agreement is reached pursuant to negotiations conducted under subsection (b), the terms of that agreement;

(2) of the status of formal discussions with interested local water and power providers for the transfer of ownership, control, and operation of the New Melones Unit, Central Valley Project to interested local water and power providers;

(3) of all unresolved issues that are preventing execution of an agreement for the transfer of ownership, control, and operation of the New Melones Unit, Central Valley Project to interested local water and power providers;

(4) on analysis and review of studies, reports, discussions, hearing transcripts, negotiations, and other information about past and present formal discussions that—

(A) have a serious impact on the progress of the formal discussions;

(B) explain or provide information about the issues that prevent progress or finalization of formal discussions; or

(C) are, in whole or in part, preventing execution of an agreement for the transfer; and

(5) of any actions the Secretary recommends that the United States should take to finalize an agreement for that transfer.

SEC. 1077. BASIN STUDIES.

(a) AUTHORIZED STUDIES.—The Secretary of the Interior is authorized and directed to expand opportunities and expedite completion of assessments under section 9503(b) of the SECURE Water Act (42 U.S.C. 10363(b)), with non-Federal partners, of individual sub-basins and watersheds within major Reclamation river basins; and shall ensure timely decision and expedited implementation of adaptation and mitigation strategies developed through the special study process.

(b) FUNDING.—

(1) IN GENERAL.—The non-Federal partners shall be responsible for 100 percent of the cost of the special studies.

(2) CONTRIBUTED FUNDS.—The Secretary may accept and use contributions of funds from the non-Federal partners to carry out activities under the special studies.

SEC. 1078. OPERATIONS OF THE TRINITY RIVER DIVISION.

The Secretary of the Interior, in the operation of the Trinity River Division of the Central Valley Project, shall not make releases from Lewiston Dam in excess of the volume for each water-year type required by the U.S. Department of the Interior Record of Decision, Trinity River Mainstem Fishery Restoration Final Environmental Impact Statement/Environmental Impact Report dated December 2000.

(1) A maximum of 369,000 acre-feet in a ''Critically Dry'' year.

(2) A maximum of 453,000 acre-feet in a ''Dry'' year.

(3) A maximum of 647,000 acre-feet in a ''Normal'' year.

(4) A maximum of 701,000 acre-feet in a ''Wet'' year.

(5) A maximum of 815,000 acre-feet in an ''Extremely Wet'' year.

SEC. 1079. AMENDMENT TO PURPOSES.

Section 3402 of the Central Valley Project Improvement Act (106 Stat. 4706) is amended—

(1) in subsection (f), by striking the period at the end; and

(2) by adding at the end the following:

''(g) to ensure that water dedicated to fish and wildlife purposes by this title is replaced and provided to Central Valley Project water contractors by December 31, 2018, at the lowest cost reasonably achievable; and

''(h) to facilitate and expedite water transfers in accordance with this Act.''.

SEC. 1080. AMENDMENT TO DEFINITION.

Section 3403 of the Central Valley Project Improvement Act (106 Stat. 4707) is amended—

(1) by amending subsection (a) to read as follows:

''(a) the term 'anadromous fish' means those native stocks of salmon (including steelhead) and sturgeon that, as of October 30, 1992, were present in the Sacramento and San Joaquin Rivers and their tributaries and ascend those rivers and their tributaries to reproduce after maturing in San Francisco Bay or the Pacific Ocean;'';

(2) in subsection (l), by striking ''and,'';

(3) in subsection (m), by striking the period and inserting ''; and''; and

(4) by adding at the end the following:

''(n) the term 'reasonable flow' means water flows capable of being maintained taking into account competing consumptive uses of water and economic, environmental, and social factors.''.

SEC. 1081. REPORT ON RESULTS OF WATER USAGE.

The Secretary of the Interior, in consultation with the Secretary of Commerce and the Secretary of Natural Resources of the State of California, shall publish an annual report detailing instream flow releases from the Central Valley Project and California State Water Project, their explicit purpose and authority, and all measured environmental benefit as a result of the releases.

SEC. 1082. KLAMATH PROJECT CONSULTATION APPLICANTS.

If the Bureau of Reclamation initiates or reinitiates consultation with the U.S. Fish and Wildlife Service or the National Marine Fisheries Service under section 7(a)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)(2)), with respect to construction or operation of the Klamath Project (or any part thereof), Klamath Project contractors shall be accorded all the rights and responsibilities extended to applicants in the consultation process. Upon request of the Klamath Project contractors, they may be represented through an association or organization.

Subtitle G—Water Supply Permitting Act

SEC. 1091. SHORT TITLE.

This subtitle may be cited as the ''Water Supply Permitting Coordination Act''.

SEC. 1092. DEFINITIONS.

In this subtitle:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) BUREAU.—The term ''Bureau'' means the Bureau of Reclamation.

(3) QUALIFYING PROJECTS.—The term ''qualifying projects'' means new surface water storage projects in the States covered under the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.) constructed on lands administered by the Department of the Interior or the Department of Agriculture, exclusive of any easement, right-of-way, lease, or any private holding.

(4) COOPERATING AGENCIES.—The term ''cooperating agency'' means a Federal agency with jurisdiction over a review, analysis, opinion, statement, permit, license, or other approval or decision required for a qualifying project under applicable Federal laws and regulations, or a State agency subject to section 1093(c).

SEC. 1093. ESTABLISHMENT OF LEAD AGENCY AND COOPERATING AGENCIES.

(a) ESTABLISHMENT OF LEAD AGENCY.—The Bureau of Reclamation is established as the lead agency for purposes of coordinating all reviews, analyses, opinions, statements, permits, licenses, or other approvals or decisions required under Federal law to construct qualifying projects.

(b) IDENTIFICATION AND ESTABLISHMENT OF COOPERATING AGENCIES.—The Commissioner of the Bureau shall—

(1) identify, as early as practicable upon receipt of an application for a qualifying project, any Federal agency that may have jurisdiction over a review, analysis, opinion, statement, permit, license, approval, or decision required for a qualifying project under applicable Federal laws and regulations; and

(2) notify any such agency, within a reasonable timeframe, that the agency has been designated as a cooperating agency in regards to the qualifying project unless that agency responds to the Bureau in writing, within a timeframe set forth by the Bureau, notifying the Bureau that the agency—

(A) has no jurisdiction or authority with respect to the qualifying project;

(B) has no expertise or information relevant to the qualifying project or any review, analysis, opinion, statement, permit, license, or other approval or decision associated therewith; or

(C) does not intend to submit comments on the qualifying project or conduct any review of such a project or make any decision with respect to such project in a manner other than in cooperation with the Bureau.

(c) STATE AUTHORITY.—A State in which a qualifying project is being considered may choose, consistent with State law—

(1) to participate as a cooperating agency; and

(2) to make subject to the processes of this subtitle all State agencies that—

(A) have jurisdiction over the qualifying project;

(B) are required to conduct or issue a review, analysis, or opinion for the qualifying project; or

(C) are required to make a determination on issuing a permit, license, or approval for the qualifying project.

SEC. 1094. BUREAU RESPONSIBILITIES.

(a) IN GENERAL.—The principal responsibilities of the Bureau under this subtitle are to—

(1) serve as the point of contact for applicants, State agencies, Indian tribes, and others regarding proposed qualifying projects;

(2) coordinate preparation of unified environmental documentation that will serve as the basis for all Federal decisions necessary to authorize the use of Federal lands for qualifying projects; and

(3) coordinate all Federal agency reviews necessary for project development and construction of qualifying projects.

(b) COORDINATION PROCESS.—The Bureau shall have the following coordination responsibilities:

(1) PRE-APPLICATION COORDINATION.—Notify cooperating agencies of proposed qualifying projects not later than 30 days after receipt of a proposal and facilitate a preapplication meeting for prospective applicants, relevant Federal and State agencies, and Indian tribes to—

(A) explain applicable processes, data requirements, and applicant submissions necessary to complete the required Federal agency reviews within the timeframe established; and

(B) establish the schedule for the qualifying project.

(2) CONSULTATION WITH COOPERATING AGENCIES.—Consult with the cooperating agencies throughout the Federal agency review process, identify and obtain relevant data in a timely manner, and set necessary deadlines for cooperating agencies.

(3) SCHEDULE.—Work with the qualifying project applicant and cooperating agencies to establish a project schedule. In establishing the schedule, the Bureau shall consider, among other factors—

(A) the responsibilities of cooperating agencies under applicable laws and regulations;

(B) the resources available to the cooperating agencies and the non-Federal qualifying project sponsor, as applicable;

(C) the overall size and complexity of the qualifying project;

(D) the overall schedule for and cost of the qualifying project; and

(E) the sensitivity of the natural and historic resources that may be affected by the qualifying project.

(4) ENVIRONMENTAL COMPLIANCE.—Prepare a unified environmental review document for each qualifying project application, incorporating a single environmental record on which all cooperating agencies with authority to issue approvals for a given qualifying project shall base project approval decisions. Help ensure that cooperating agencies make necessary decisions, within their respective authorities, regarding Federal approvals in accordance with the following timelines:

(A) Not later than one year after acceptance of a completed project application when an environmental assessment and finding of no significant impact is determined to be the appropriate level of review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) Not later than one year and 30 days after the close of the public comment period for a draft environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), when an environmental impact statement is required under the same.

(5) CONSOLIDATED ADMINISTRATIVE RECORD.—Maintain a consolidated administrative record of the information assembled and used by the cooperating agencies as the basis for agency decisions.

(6) PROJECT DATA RECORDS.—To the extent practicable and consistent with Federal law, ensure that all project data is submitted and maintained in generally accessible electronic format, compile, and where authorized under existing law, make available such project data to cooperating agencies, the qualifying project applicant, and to the public.

(7) PROJECT MANAGER.—Appoint a project manager for each qualifying project. The project manager shall have authority to oversee the project and to facilitate the issuance of the relevant final authorizing documents, and shall be responsible for ensuring fulfillment of all Bureau responsibilities set forth in this section and all cooperating agency responsibilities under section 1095.

SEC. 1095. COOPERATING AGENCY RESPONSIBILITIES.

(a) ADHERENCE TO BUREAU SCHEDULE.—Upon notification of an application for a qualifying project, all cooperating agencies shall submit to the Bureau a timeframe under which the cooperating agency reasonably considers it will be able to complete its authorizing responsibilities. The Bureau shall use the timeframe submitted under this subsection to establish the project schedule under section 1094, and the cooperating agencies shall adhere to the project schedule established by the Bureau.

(b) ENVIRONMENTAL RECORD.—Cooperating agencies shall submit to the Bureau all environmental review material produced or compiled in the course of carrying out activities required

under Federal law consistent with the project schedule established by the Bureau.

(c) DATA SUBMISSION.—To the extent practicable and consistent with Federal law, the cooperating agencies shall submit all relevant project data to the Bureau in a generally accessible electronic format subject to the project schedule set forth by the Bureau.

SEC. 1096. FUNDING TO PROCESS PERMITS.

(a) IN GENERAL.—The Secretary, after public notice in accordance with the Administrative Procedures Act (5 U.S.C. 553), may accept and expend funds contributed by a non-Federal public entity to expedite the evaluation of a permit of that entity related to a qualifying project.

(b) EFFECT ON PERMITTING.—

(1) IN GENERAL.—In carrying out this section, the Secretary shall ensure that the use of funds accepted under subsection (a) will not impact impartial decisionmaking with respect to permits, either substantively or procedurally.

(2) EVALUATION OF PERMITS.—In carrying out this section, the Secretary shall ensure that the evaluation of permits carried out using funds accepted under this section shall—

(A) be reviewed by the Regional Director of the Bureau, or the Regional Director's designee, of the region in which the qualifying project or activity is located; and

(B) use the same procedures for decisions that would otherwise be required for the evaluation of permits for similar projects or activities not carried out using funds authorized under this section.

(3) IMPARTIAL DECISIONMAKING.—In carrying out this section, the Secretary and the cooperating agencies receiving funds under this section for qualifying projects shall ensure that the use of the funds accepted under this section for such projects shall not—

(A) impact impartial decisionmaking with respect to the issuance of permits, either substantively or procedurally; or

(B) diminish, modify, or otherwise affect the statutory or regulatory authorities of such agencies.

(c) LIMITATION ON USE OF FUNDS.—None of the funds accepted under this section shall be used to carry out a review of the evaluation of permits required under subsection (b)(2)(A).

(d) PUBLIC AVAILABILITY.—The Secretary shall ensure that all final permit decisions carried out using funds authorized under this section are made available to the public, including on the Internet.

Subtitle H—Bureau of Reclamation Project Streamlining

SEC. 1101. SHORT TITLE.

This subtitle may be cited as the ''Bureau of Reclamation Project Streamlining Act''.

SEC. 1102. DEFINITIONS.

In this subtitle:

(1) ENVIRONMENTAL IMPACT STATEMENT.—The term ''environmental impact statement'' means the detailed statement of environmental impacts of a project required to be prepared pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) ENVIRONMENTAL REVIEW PROCESS.—

(A) IN GENERAL.—The term ''environmental review process'' means the process of preparing an environmental impact statement, environmental assessment, categorical exclusion, or other document under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for a project study.

(B) INCLUSIONS.—The term ''environmental review process'' includes the process for and completion of any environmental permit, approval, review, or study required for a project study under any Federal law other than the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(3) FEDERAL JURISDICTIONAL AGENCY.—The term ''Federal jurisdictional agency'' means a Federal agency with jurisdiction delegated by law, regulation, order, or otherwise over a review, analysis, opinion, statement, permit, license, or other approval or decision required for a project study under applicable Federal laws (including regulations).

(4) FEDERAL LEAD AGENCY.—The term ''Federal lead agency'' means the Bureau of Reclamation.

(5) PROJECT.—The term ''project'' means a surface water project, a project under the purview of title XVI of Public Law 102–575, or a rural water supply project investigated under Public Law 109–451 to be carried out, funded or operated in whole or in party by the Secretary pursuant to the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

(6) PROJECT SPONSOR.—The term ''project sponsor'' means a State, regional, or local authority or instrumentality or other qualifying entity, such as a water conservation district, irrigation district, water conservancy district, joint powers authority, mutual water company, canal company, rural water district or association, or any other entity that has the capacity to contract with the United States under Federal reclamation law.

(7) PROJECT STUDY.—The term ''project study'' means a feasibility study for a project carried out pursuant to the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

(8) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(9) SURFACE WATER STORAGE.—The term ''surface water storage'' means any surface water reservoir or impoundment that would be owned, funded or operated in whole or in part by the Bureau of Reclamation or that would be integrated into a larger system owned, operated or administered in whole or in part by the Bureau of Reclamation.

SEC. 1103. ACCELERATION OF STUDIES.

(a) IN GENERAL.—To the extent practicable, a project study initiated by the Secretary, after the date of enactment of this Act, under the Reclamation Act of 1902 (32 Stat. 388), and all Acts amendatory thereof or supplementary thereto, shall—

(1) result in the completion of a final feasibility report not later than 3 years after the date of initiation;

(2) have a maximum Federal cost of $3,000,000; and

(3) ensure that personnel from the local project area, region, and headquarters levels of the Bureau of Reclamation concurrently conduct the review required under this section.

(b) EXTENSION.—If the Secretary determines that a project study described in subsection (a) will not be conducted in accordance with subsection (a), the Secretary, not later than 30 days after the date of making the determination, shall—

(1) prepare an updated project study schedule and cost estimate;

(2) notify the non-Federal project cost-sharing partner that the project study has been delayed; and

(3) provide written notice to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate as to the reasons the requirements of subsection (a) are not attainable.

(c) EXCEPTION.—

(1) IN GENERAL.—Notwithstanding the requirements of subsection (a), the Secretary may extend the timeline of a project study by a period not to exceed 3 years, if the Secretary determines that the project study is too complex to comply with the requirements of subsection (a).

(2) FACTORS.—In making a determination that a study is too complex to comply with the requirements of subsection (a), the Secretary shall consider—

(A) the type, size, location, scope, and overall cost of the project;

(B) whether the project will use any innovative design or construction techniques;

(C) whether the project will require significant action by other Federal, State, or local agencies;

(D) whether there is significant public dispute as to the nature or effects of the project; and

(E) whether there is significant public dispute as to the economic or environmental costs or benefits of the project.

(3) NOTIFICATION.—Each time the Secretary makes a determination under this subsection, the Secretary shall provide written notice to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate as to the results of that determination, including an identification of the specific one or more factors used in making the determination that the project is complex.

(4) LIMITATION.—The Secretary shall not extend the timeline for a project study for a period of more than 7 years, and any project study that is not completed before that date shall no longer be authorized.

(d) REVIEWS.—Not later than 90 days after the date of the initiation of a project study described in subsection (a), the Secretary shall—

(1) take all steps necessary to initiate the process for completing federally mandated reviews that the Secretary is required to complete as part of the study, including the environmental review process under section 1105;

(2) convene a meeting of all Federal, tribal, and State agencies identified under section 1105(d) that may—

(A) have jurisdiction over the project;

(B) be required by law to conduct or issue a review, analysis, opinion, or statement for the project study; or

(C) be required to make a determination on issuing a permit, license, or other approval or decision for the project study; and

(3) take all steps necessary to provide information that will enable required reviews and analyses related to the project to be conducted by other agencies in a thorough and timely manner.

(e) INTERIM REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate and make publicly available a report that describes—

(1) the status of the implementation of the planning process under this section, including the number of participating projects;

(2) a review of project delivery schedules, including a description of any delays on those studies initiated prior to the date of the enactment of this Act; and

(3) any recommendations for additional authority necessary to support efforts to expedite the project.

(f) FINAL REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate and make publicly available a report that describes—

(1) the status of the implementation of this section, including a description of each project study subject to the requirements of this section;

(2) the amount of time taken to complete each project study; and

(3) any recommendations for additional authority necessary to support efforts to expedite the project study process, including an analysis of whether the limitation established by subsection (a)(2) needs to be adjusted to address the impacts of inflation.

SEC. 1104. EXPEDITED COMPLETION OF REPORTS.

The Secretary shall—

(1) expedite the completion of any ongoing project study initiated before the date of enactment of this Act; and

(2) if the Secretary determines that the project is justified in a completed report, proceed directly to preconstruction planning, engineering,

and design of the project in accordance with the Reclamation Act of 1902 (32 Stat. 388), and all Acts amendatory thereof or supplementary thereto.

SEC. 1105. PROJECT ACCELERATION.

(a) APPLICABILITY.—

(1) IN GENERAL.—This section shall apply to—

(A) each project study that is initiated after the date of enactment of this Act and for which an environmental impact statement is prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(B) the extent determined appropriate by the Secretary, to other project studies initiated before the date of enactment of this Act and for which an environmental review process document is prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(C) any project study for the development of a non-federally owned and operated surface water storage project for which the Secretary determines there is a demonstrable Federal interest and the project—

(i) is located in a river basin where other Bureau of Reclamation water projects are located;

(ii) will create additional water supplies that support Bureau of Reclamation water projects; or

(iii) will become integrated into the operation of Bureau of Reclamation water projects.

(2) FLEXIBILITY.—Any authority granted under this section may be exercised, and any requirement established under this section may be satisfied, for the conduct of an environmental review process for a project study, a class of project studies, or a program of project studies.

(3) LIST OF PROJECT STUDIES.—

(A) IN GENERAL.—The Secretary shall annually prepare, and make publicly available, a list of all project studies that the Secretary has determined—

(i) meets the standards described in paragraph (1); and

(ii) does not have adequate funding to make substantial progress toward the completion of the project study.

(B) INCLUSIONS.—The Secretary shall include for each project study on the list under subparagraph (A) a description of the estimated amounts necessary to make substantial progress on the project study.

(b) PROJECT REVIEW PROCESS.—

(1) IN GENERAL.—The Secretary shall develop and implement a coordinated environmental review process for the development of project studies.

(2) COORDINATED REVIEW.—The coordinated environmental review process described in paragraph (1) shall require that any review, analysis, opinion, statement, permit, license, or other approval or decision issued or made by a Federal, State, or local governmental agency or an Indian tribe for a project study described in subsection (b) be conducted, to the maximum extent practicable, concurrently with any other applicable governmental agency or Indian tribe.

(3) TIMING.—The coordinated environmental review process under this subsection shall be completed not later than the date on which the Secretary, in consultation and concurrence with the agencies identified under section 1105(d), establishes with respect to the project study.

(c) LEAD AGENCIES.—

(1) JOINT LEAD AGENCIES.—

(A) IN GENERAL.—Subject to the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the requirements of section 1506.8 of title 40, Code of Federal Regulations (or successor regulations), including the concurrence of the proposed joint lead agency, a project sponsor may serve as the joint lead agency.

(B) PROJECT SPONSOR AS JOINT LEAD AGENCY.—A project sponsor that is a State or local governmental entity may—

(i) with the concurrence of the Secretary, serve as a joint lead agency with the Federal lead agency for purposes of preparing any environmental document under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(ii) prepare any environmental review process document under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) required in support of any action or approval by the Secretary if—

(I) the Secretary provides guidance in the preparation process and independently evaluates that document;

(II) the project sponsor complies with all requirements applicable to the Secretary under—

(aa) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(bb) any regulation implementing that Act; and

(cc) any other applicable Federal law; and

(III) the Secretary approves and adopts the document before the Secretary takes any subsequent action or makes any approval based on that document, regardless of whether the action or approval of the Secretary results in Federal funding.

(2) DUTIES.—The Secretary shall ensure that—

(A) the project sponsor complies with all design and mitigation commitments made jointly by the Secretary and the project sponsor in any environmental document prepared by the project sponsor in accordance with this subsection; and

(B) any environmental document prepared by the project sponsor is appropriately supplemented to address any changes to the project the Secretary determines are necessary.

(3) ADOPTION AND USE OF DOCUMENTS.—Any environmental document prepared in accordance with this subsection shall be adopted and used by any Federal agency making any determination related to the project study to the same extent that the Federal agency could adopt or use a document prepared by another Federal agency under—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) parts 1500 through 1508 of title 40, Code of Federal Regulations (or successor regulations).

(4) ROLES AND RESPONSIBILITY OF LEAD AGENCY.—With respect to the environmental review process for any project study, the Federal lead agency shall have authority and responsibility—

(A) to take such actions as are necessary and proper and within the authority of the Federal lead agency to facilitate the expeditious resolution of the environmental review process for the project study; and

(B) to prepare or ensure that any required environmental impact statement or other environmental review document for a project study required to be completed under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) is completed in accordance with this section and applicable Federal law.

(d) PARTICIPATING AND COOPERATING AGENCIES.—

(1) IDENTIFICATION OF JURISDICTIONAL AGENCIES.—With respect to carrying out the environmental review process for a project study, the Secretary shall identify, as early as practicable in the environmental review process, all Federal, State, and local government agencies and Indian tribes that may—

(A) have jurisdiction over the project;

(B) be required by law to conduct or issue a review, analysis, opinion, or statement for the project study; or

(C) be required to make a determination on issuing a permit, license, or other approval or decision for the project study.

(2) STATE AUTHORITY.—If the environmental review process is being implemented by the Secretary for a project study within the boundaries of a State, the State, consistent with State law, may choose to participate in the process and to make subject to the process all State agencies that—

(A) have jurisdiction over the project;

(B) are required to conduct or issue a review, analysis, opinion, or statement for the project study; or

(C) are required to make a determination on issuing a permit, license, or other approval or decision for the project study.

(3) INVITATION.—

(A) IN GENERAL.—The Federal lead agency shall invite, as early as practicable in the environmental review process, any agency identified under paragraph (1) to become a participating or cooperating agency, as applicable, in the environmental review process for the project study.

(B) DEADLINE.—An invitation to participate issued under subparagraph (A) shall set a deadline by which a response to the invitation shall be submitted, which may be extended by the Federal lead agency for good cause.

(4) PROCEDURES.—Section 1501.6 of title 40, Code of Federal Regulations (as in effect on the date of enactment of the Bureau of Reclamation Project Streamlining Act) shall govern the identification and the participation of a cooperating agency.

(5) FEDERAL COOPERATING AGENCIES.—Any Federal agency that is invited by the Federal lead agency to participate in the environmental review process for a project study shall be designated as a cooperating agency by the Federal lead agency unless the invited agency informs the Federal lead agency, in writing, by the deadline specified in the invitation that the invited agency—

(A)(i) has no jurisdiction or authority with respect to the project;

(ii) has no expertise or information relevant to the project; or

(iii) does not have adequate funds to participate in the project; and

(B) does not intend to submit comments on the project.

(6) ADMINISTRATION.—A participating or cooperating agency shall comply with this section and any schedule established under this section.

(7) EFFECT OF DESIGNATION.—Designation as a participating or cooperating agency under this subsection shall not imply that the participating or cooperating agency—

(A) supports a proposed project; or

(B) has any jurisdiction over, or special expertise with respect to evaluation of, the project.

(8) CONCURRENT REVIEWS.—Each participating or cooperating agency shall—

(A) carry out the obligations of that agency under other applicable law concurrently and in conjunction with the required environmental review process, unless doing so would prevent the participating or cooperating agency from conducting needed analysis or otherwise carrying out those obligations; and

(B) formulate and implement administrative, policy, and procedural mechanisms to enable the agency to ensure completion of the environmental review process in a timely, coordinated, and environmentally responsible manner.

(e) NON-FEDERAL PROJECTS INTEGRATED INTO RECLAMATION SYSTEMS.—The Federal lead agency shall serve in that capacity for the entirety of all non-Federal projects that will be integrated into a larger system owned, operated or administered in whole or in part by the Bureau of Reclamation.

(f) NON-FEDERAL PROJECT.—If the Secretary determines that a project can be expedited by a non-Federal sponsor and that there is a demonstrable Federal interest in expediting that project, the Secretary shall take such actions as are necessary to advance such a project as a non-Federal project, including, but not limited to, entering into agreements with the non-Federal sponsor of such project to support the planning, design and permitting of such project as a non-Federal project.

(g) PROGRAMMATIC COMPLIANCE.—

(1) IN GENERAL.—The Secretary shall issue guidance regarding the use of programmatic approaches to carry out the environmental review process that—

(A) eliminates repetitive discussions of the same issues;

(B) focuses on the actual issues ripe for analyses at each level of review;

(C) establishes a formal process for coordinating with participating and cooperating agencies, including the creation of a list of all data that are needed to carry out an environmental review process; and

(D) complies with—

(i) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(ii) all other applicable laws.

(2) REQUIREMENTS.—In carrying out paragraph (1), the Secretary shall—

(A) as the first step in drafting guidance under that paragraph, consult with relevant Federal, State, and local governmental agencies, Indian tribes, and the public on the appropriate use and scope of the programmatic approaches;

(B) emphasize the importance of collaboration among relevant Federal, State, and local governmental agencies, and Indian tribes in undertaking programmatic reviews, especially with respect to including reviews with a broad geographical scope;

(C) ensure that the programmatic reviews—

(i) promote transparency, including of the analyses and data used in the environmental review process, the treatment of any deferred issues raised by Federal, State, and local governmental agencies, Indian tribes, or the public, and the temporal and special scales to be used to analyze those issues;

(ii) use accurate and timely information in the environmental review process, including—

(I) criteria for determining the general duration of the usefulness of the review; and

(II) the timeline for updating any out-of-date review;

(iii) describe—

(I) the relationship between programmatic analysis and future tiered analysis; and

(II) the role of the public in the creation of future tiered analysis; and

(iv) are available to other relevant Federal, State, and local governmental agencies, Indian tribes, and the public;

(D) allow not fewer than 60 days of public notice and comment on any proposed guidance; and

(E) address any comments received under subparagraph (D).

(h) COORDINATED REVIEWS.—

(1) COORDINATION PLAN.—

(A) ESTABLISHMENT.—The Federal lead agency shall, after consultation with and with the concurrence of each participating and cooperating agency and the project sponsor or joint lead agency, as applicable, establish a plan for coordinating public and agency participation in, and comment on, the environmental review process for a project study or a category of project studies.

(B) SCHEDULE.—

(i) IN GENERAL.—As soon as practicable but not later than 45 days after the close of the public comment period on a draft environmental impact statement, the Federal lead agency, after consultation with and the concurrence of each participating and cooperating agency and the project sponsor or joint lead agency, as applicable, shall establish, as part of the coordination plan established in subparagraph (A), a schedule for completion of the environmental review process for the project study.

(ii) FACTORS FOR CONSIDERATION.—In establishing a schedule, the Secretary shall consider factors such as—

(I) the responsibilities of participating and cooperating agencies under applicable laws;

(II) the resources available to the project sponsor, joint lead agency, and other relevant Federal and State agencies, as applicable;

(III) the overall size and complexity of the project;

(IV) the overall schedule for and cost of the project; and

(V) the sensitivity of the natural and historical resources that could be affected by the project.

(iii) MODIFICATIONS.—The Secretary may—

(I) lengthen a schedule established under clause (i) for good cause; and

(II) shorten a schedule only with concurrence of the affected participating and cooperating agencies and the project sponsor or joint lead agency, as applicable.

(iv) DISSEMINATION.—A copy of a schedule established under clause (i) shall be—

(I) provided to each participating and cooperating agency and the project sponsor or joint lead agency, as applicable; and

(II) made available to the public.

(2) COMMENT DEADLINES.—The Federal lead agency shall establish the following deadlines for comment during the environmental review process for a project study:

(A) DRAFT ENVIRONMENTAL IMPACT STATEMENTS.—For comments by Federal and State agencies and the public on a draft environmental impact statement, a period of not more than 60 days after publication in the Federal Register of notice of the date of public availability of the draft environmental impact statement, unless—

(i) a different deadline is established by agreement of the Federal lead agency, the project sponsor or joint lead agency, as applicable, and all participating and cooperating agencies; or

(ii) the deadline is extended by the Federal lead agency for good cause.

(B) OTHER ENVIRONMENTAL REVIEW PROCESSES.—For all other comment periods established by the Federal lead agency for agency or public comments in the environmental review process, a period of not more than 30 days after the date on which the materials on which comment is requested are made available, unless—

(i) a different deadline is established by agreement of the Federal lead agency, the project sponsor, or joint lead agency, as applicable, and all participating and cooperating agencies; or

(ii) the deadline is extended by the Federal lead agency for good cause.

(3) DEADLINES FOR DECISIONS UNDER OTHER LAWS.—In any case in which a decision under any Federal law relating to a project study, including the issuance or denial of a permit or license, is required to be made by the date described in subsection (i)(5)(B), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate—

(A) as soon as practicable after the 180-day period described in subsection (i)(5)(B), an initial notice of the failure of the Federal agency to make the decision; and

(B) every 60 days thereafter until such date as all decisions of the Federal agency relating to the project study have been made by the Federal agency, an additional notice that describes the number of decisions of the Federal agency that remain outstanding as of the date of the additional notice.

(4) INVOLVEMENT OF THE PUBLIC.—Nothing in this subsection reduces any time period provided for public comment in the environmental review process under applicable Federal law (including regulations).

(5) TRANSPARENCY REPORTING.—

(A) REPORTING REQUIREMENTS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish and maintain an electronic database and, in coordination with other Federal and State agencies, issue reporting requirements to make publicly available the status and progress with respect to compliance with applicable requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other Federal, State, or local approval or action required for a project study for which this section is applicable.

(B) PROJECT STUDY TRANSPARENCY.—Consistent with the requirements established under subparagraph (A), the Secretary shall make publicly available the status and progress of any Federal, State, or local decision, action, or approval required under applicable laws for each project study for which this section is applicable.

(i) ISSUE IDENTIFICATION AND RESOLUTION.—

(1) COOPERATION.—The Federal lead agency, the cooperating agencies, and any participating agencies shall work cooperatively in accordance with this section to identify and resolve issues that could delay completion of the environmental review process or result in the denial of any approval required for the project study under applicable laws.

(2) FEDERAL LEAD AGENCY RESPONSIBILITIES.—

(A) IN GENERAL.—The Federal lead agency shall make information available to the cooperating agencies and participating agencies as early as practicable in the environmental review process regarding the environmental and socioeconomic resources located within the project area and the general locations of the alternatives under consideration.

(B) DATA SOURCES.—The information under subparagraph (A) may be based on existing data sources, including geographic information systems mapping.

(3) COOPERATING AND PARTICIPATING AGENCY RESPONSIBILITIES.—Based on information received from the Federal lead agency, cooperating and participating agencies shall identify, as early as practicable, any issues of concern regarding the potential environmental or socioeconomic impacts of the project, including any issues that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project study.

(4) ACCELERATED ISSUE RESOLUTION AND ELEVATION.—

(A) IN GENERAL.—On the request of a participating or cooperating agency or project sponsor, the Secretary shall convene an issue resolution meeting with the relevant participating and cooperating agencies and the project sponsor or joint lead agency, as applicable, to resolve issues that may—

(i) delay completion of the environmental review process; or

(ii) result in denial of any approval required for the project study under applicable laws.

(B) MEETING DATE.—A meeting requested under this paragraph shall be held not later than 21 days after the date on which the Secretary receives the request for the meeting, unless the Secretary determines that there is good cause to extend that deadline.

(C) NOTIFICATION.—On receipt of a request for a meeting under this paragraph, the Secretary shall notify all relevant participating and cooperating agencies of the request, including the issue to be resolved and the date for the meeting.

(D) ELEVATION OF ISSUE RESOLUTION.—If a resolution cannot be achieved within the 30-day period beginning on the date of a meeting under this paragraph and a determination is made by the Secretary that all information necessary to resolve the issue has been obtained, the Secretary shall forward the dispute to the heads of the relevant agencies for resolution.

(E) CONVENTION BY SECRETARY.—The Secretary may convene an issue resolution meeting under this paragraph at any time, at the discretion of the Secretary, regardless of whether a meeting is requested under subparagraph (A).

(5) FINANCIAL PENALTY PROVISIONS.—

(A) IN GENERAL.—A Federal jurisdictional agency shall complete any required approval or decision for the environmental review process on an expeditious basis using the shortest existing applicable process.

(B) FAILURE TO DECIDE.—

(i) IN GENERAL.—

(I) TRANSFER OF FUNDS.—If a Federal jurisdictional agency fails to render a decision required under any Federal law relating to a project study that requires the preparation of an environmental impact statement or environmental

assessment, including the issuance or denial of a permit, license, statement, opinion, or other approval by the date described in clause (ii), the amount of funds made available to support the office of the head of the Federal jurisdictional agency shall be reduced by an amount of funding equal to the amount specified in item (aa) or (bb) of subclause (II), and those funds shall be made available to the division of the Federal jurisdictional agency charged with rendering the decision by not later than 1 day after the applicable date under clause (ii), and once each week thereafter until a final decision is rendered, subject to subparagraph (C).

(II) AMOUNT TO BE TRANSFERRED.—The amount referred to in subclause (I) is—

(aa) $20,000 for any project study requiring the preparation of an environmental assessment or environmental impact statement; or

(bb) $10,000 for any project study requiring any type of review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) other than an environmental assessment or environmental impact statement.

(ii) DESCRIPTION OF DATE.—The date referred to in clause (i) is the later of—

(I) the date that is 180 days after the date on which an application for the permit, license, or approval is complete; and

(II) the date that is 180 days after the date on which the Federal lead agency issues a decision on the project under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(C) LIMITATIONS.—

(i) IN GENERAL.—No transfer of funds under subparagraph (B) relating to an individual project study shall exceed, in any fiscal year, an amount equal to 1 percent of the funds made available for the applicable agency office.

(ii) FAILURE TO DECIDE.—The total amount transferred in a fiscal year as a result of a failure by an agency to make a decision by an applicable deadline shall not exceed an amount equal to 5 percent of the funds made available for the applicable agency office for that fiscal year.

(iii) AGGREGATE.—Notwithstanding any other provision of law, for each fiscal year, the aggregate amount of financial penalties assessed against each applicable agency office under this Act and any other Federal law as a result of a failure of the agency to make a decision by an applicable deadline for environmental review, including the total amount transferred under this paragraph, shall not exceed an amount equal to 9.5 percent of the funds made available for the agency office for that fiscal year.

(D) NOTIFICATION OF TRANSFERS.—Not later than 10 days after the last date in a fiscal year on which funds of the Federal jurisdictional agency may be transferred under subparagraph (B)(5) with respect to an individual decision, the agency shall submit to the appropriate committees of the House of Representatives and the Senate written notification that includes a description of—

(i) the decision;

(ii) the project study involved;

(iii) the amount of each transfer under subparagraph (B) in that fiscal year relating to the decision;

(iv) the total amount of all transfers under subparagraph (B) in that fiscal year relating to the decision; and

(v) the total amount of all transfers of the agency under subparagraph (B) in that fiscal year.

(E) NO FAULT OF AGENCY.—

(i) IN GENERAL.—A transfer of funds under this paragraph shall not be made if the applicable agency described in subparagraph (A) notifies, with a supporting explanation, the Federal lead agency, cooperating agencies, and project sponsor, as applicable, that—

(I) the agency has not received necessary information or approvals from another entity in a manner that affects the ability of the agency to meet any requirements under Federal, State, or local law;

(II) significant new information, including from public comments, or circumstances, including a major modification to an aspect of the project, requires additional analysis for the agency to make a decision on the project application; or

(III) the agency lacks the financial resources to complete the review under the scheduled timeframe, including a description of the number of full-time employees required to complete the review, the amount of funding required to complete the review, and a justification as to why not enough funding is available to complete the review by the deadline.

(ii) LACK OF FINANCIAL RESOURCES.—If the agency provides notice under clause (i)(III), the Inspector General of the agency shall—

(I) conduct a financial audit to review the notice; and

(II) not later than 90 days after the date on which the review described in subclause (I) is completed, submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate the results of the audit conducted under subclause (I).

(F) LIMITATION.—The Federal agency from which funds are transferred pursuant to this paragraph shall not reprogram funds to the office of the head of the agency, or equivalent office, to reimburse that office for the loss of the funds.

(G) EFFECT OF PARAGRAPH.—Nothing in this paragraph affects or limits the application of, or obligation to comply with, any Federal, State, local, or tribal law.

(j) MEMORANDUM OF AGREEMENTS FOR EARLY COORDINATION.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) the Secretary and other Federal agencies with relevant jurisdiction in the environmental review process should cooperate with each other, State and local agencies, and Indian tribes on environmental review and Bureau of Reclamation project delivery activities at the earliest practicable time to avoid delays and duplication of effort later in the process, prevent potential conflicts, and ensure that planning and project development decisions reflect environmental values; and

(B) the cooperation referred to in subparagraph (A) should include the development of policies and the designation of staff that advise planning agencies and project sponsors of studies or other information foreseeably required for later Federal action and early consultation with appropriate State and local agencies and Indian tribes.

(2) TECHNICAL ASSISTANCE.—If requested at any time by a State or project sponsor, the Secretary and other Federal agencies with relevant jurisdiction in the environmental review process, shall, to the maximum extent practicable and appropriate, as determined by the agencies, provide technical assistance to the State or project sponsor in carrying out early coordination activities.

(3) MEMORANDUM OF AGENCY AGREEMENT.—If requested at any time by a State or project sponsor, the Federal lead agency, in consultation with other Federal agencies with relevant jurisdiction in the environmental review process, may establish memoranda of agreement with the project sponsor, Indian tribes, State and local governments, and other appropriate entities to carry out the early coordination activities, including providing technical assistance in identifying potential impacts and mitigation issues in an integrated fashion.

(k) LIMITATIONS.—Nothing in this section preempts or interferes with—

(1) any obligation to comply with the provisions of any Federal law, including—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) any other Federal environmental law;

(2) the reviewability of any final Federal agency action in a court of the United States or in the court of any State;

(3) any requirement for seeking, considering, or responding to public comment; or

(4) any power, jurisdiction, responsibility, duty, or authority that a Federal, State, or local governmental agency, Indian tribe, or project sponsor has with respect to carrying out a project or any other provision of law applicable to projects.

(l) TIMING OF CLAIMS.—

(1) TIMING.—

(A) IN GENERAL.—Notwithstanding any other provision of law, a claim arising under Federal law seeking judicial review of a permit, license, or other approval issued by a Federal agency for a project study shall be barred unless the claim is filed not later than 3 years after publication of a notice in the Federal Register announcing that the permit, license, or other approval is final pursuant to the law under which the agency action is taken, unless a shorter time is specified in the Federal law that allows judicial review.

(B) APPLICABILITY.—Nothing in this subsection creates a right to judicial review or places any limit on filing a claim that a person has violated the terms of a permit, license, or other approval.

(2) NEW INFORMATION.—

(A) IN GENERAL.—The Secretary shall consider new information received after the close of a comment period if the information satisfies the requirements for a supplemental environmental impact statement under title 40, Code of Federal Regulations (including successor regulations).

(B) SEPARATE ACTION.—The preparation of a supplemental environmental impact statement or other environmental document, if required under this section, shall be considered a separate final agency action and the deadline for filing a claim for judicial review of the action shall be 3 years after the date of publication of a notice in the Federal Register announcing the action relating to such supplemental environmental impact statement or other environmental document.

(m) CATEGORICAL EXCLUSIONS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall—

(A) survey the use by the Bureau of Reclamation of categorical exclusions in projects since 2005;

(B) publish a review of the survey that includes a description of—

(i) the types of actions that were categorically excluded or could be the basis for developing a new categorical exclusion; and

(ii) any requests previously received by the Secretary for new categorical exclusions; and

(C) solicit requests from other Federal agencies and project sponsors for new categorical exclusions.

(2) NEW CATEGORICAL EXCLUSIONS.—Not later than 1 year after the date of enactment of this Act, if the Secretary has identified a category of activities that merit establishing a categorical exclusion that did not exist on the day before the date of enactment this Act based on the review under paragraph (1), the Secretary shall publish a notice of proposed rulemaking to propose that new categorical exclusion, to the extent that the categorical exclusion meets the criteria for a categorical exclusion under section 1508.4 of title 40, Code of Federal Regulations (or successor regulation).

(n) REVIEW OF PROJECT ACCELERATION REFORMS.—

(1) IN GENERAL.—The Comptroller General of the United States shall—

(A) assess the reforms carried out under this section; and

(B) not later than 5 years and not later than 10 years after the date of enactment of this Act, submit to the Committee on Natural Resources

of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes the results of the assessment.

(2) CONTENTS.—The reports under paragraph (1) shall include an evaluation of impacts of the reforms carried out under this section on—

(A) project delivery;

(B) compliance with environmental laws; and

(C) the environmental impact of projects.

(o) PERFORMANCE MEASUREMENT.—The Secretary shall establish a program to measure and report on progress made toward improving and expediting the planning and environmental review process.

(p) CATEGORICAL EXCLUSIONS IN EMERGENCIES.—For the repair, reconstruction, or rehabilitation of a Bureau of Reclamation surface water storage project that is in operation or under construction when damaged by an event or incident that results in a declaration by the President of a major disaster or emergency pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Secretary shall treat such repair, reconstruction, or rehabilitation activity as a class of action categorically excluded from the requirements relating to environmental assessments or environmental impact statements under section 1508.4 of title 40, Code of Federal Regulations (or successor regulations), if the repair or reconstruction activity is—

(1) in the same location with the same capacity, dimensions, and design as the original Bureau of Reclamation surface water storage project as before the declaration described in this section; and

(2) commenced within a 2-year period beginning on the date of a declaration described in this subsection.

SEC. 1106. ANNUAL REPORT TO CONGRESS.

(a) IN GENERAL.—Not later than February 1 of each year, the Secretary shall develop and submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate an annual report, to be entitled ''Report to Congress on Future Water Project Development'', that identifies the following:

(1) PROJECT REPORTS.—Each project report that meets the criteria established in subsection (c)(1)(A).

(2) PROPOSED PROJECT STUDIES.—Any proposed project study submitted to the Secretary by a non-Federal interest pursuant to subsection (b) that meets the criteria established in subsection (c)(1)(A).

(3) PROPOSED MODIFICATIONS.—Any proposed modification to an authorized water project or project study that meets the criteria established in subsection (c)(1)(A) that—

(A) is submitted to the Secretary by a non-Federal interest pursuant to subsection (b); or

(B) is identified by the Secretary for authorization.

(4) EXPEDITED COMPLETION OF REPORT AND DETERMINATIONS.—Any project study that was expedited and any Secretarial determinations under section 1104.

(b) REQUESTS FOR PROPOSALS.—

(1) PUBLICATION.—Not later than May 1 of each year, the Secretary shall publish in the Federal Register a notice requesting proposals from non-Federal interests for proposed project studies and proposed modifications to authorized projects and project studies to be included in the annual report.

(2) DEADLINE FOR REQUESTS.—The Secretary shall include in each notice required by this subsection a requirement that non-Federal interests submit to the Secretary any proposals described in paragraph (1) by not later than 120 days after the date of publication of the notice in the Federal Register in order for the proposals to be considered for inclusion in the annual report.

(3) NOTIFICATION.—On the date of publication of each notice required by this subsection, the Secretary shall—

(A) make the notice publicly available, including on the Internet; and

(B) provide written notification of the publication to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(c) CONTENTS.—

(1) PROJECT REPORTS, PROPOSED PROJECT STUDIES, AND PROPOSED MODIFICATIONS.—

(A) CRITERIA FOR INCLUSION IN REPORT.—The Secretary shall include in the annual report only those project reports, proposed project studies, and proposed modifications to authorized projects and project studies that—

(i) are related to the missions and authorities of the Bureau of Reclamation;

(ii) require specific congressional authorization, including by an Act of Congress;

(iii) have not been congressionally authorized;

(iv) have not been included in any previous annual report; and

(v) if authorized, could be carried out by the Bureau of Reclamation.

(B) DESCRIPTION OF BENEFITS.—

(i) DESCRIPTION.—The Secretary shall describe in the annual report, to the extent applicable and practicable, for each proposed project study and proposed modification to an authorized water resources development project or project study included in the annual report, the benefits, as described in clause (ii), of each such study or proposed modification.

(ii) BENEFITS.—The benefits (or expected benefits, in the case of a proposed project study) described in this clause are benefits to—

(I) the protection of human life and property;

(II) improvement to domestic irrigated water and power supplies;

(III) the national economy;

(IV) the environment; or

(V) the national security interests of the United States.

(C) IDENTIFICATION OF OTHER FACTORS.—The Secretary shall identify in the annual report, to the extent practicable—

(i) for each proposed project study included in the annual report, the non-Federal interest that submitted the proposed project study pursuant to subsection (b); and

(ii) for each proposed project study and proposed modification to a project or project study included in the annual report, whether the non-Federal interest has demonstrated—

(I) that local support exists for the proposed project study or proposed modification to an authorized project or project study (including the surface water storage development project that is the subject of the proposed feasibility study or the proposed modification to an authorized project study); and

(II) the financial ability to provide the required non-Federal cost share.

(2) TRANSPARENCY.—The Secretary shall include in the annual report, for each project report, proposed project study, and proposed modification to a project or project study included under paragraph (1)(A)—

(A) the name of the associated non-Federal interest, including the name of any non-Federal interest that has contributed, or is expected to contribute, a non-Federal share of the cost of—

(i) the project report;

(ii) the proposed project study;

(iii) the authorized project study for which the modification is proposed; or

(iv) construction of—

(I) the project that is the subject of—

(aa) the water report;

(bb) the proposed project study; or

(cc) the authorized project study for which a modification is proposed; or

(II) the proposed modification to a project;

(B) a letter or statement of support for the water report, proposed project study, or proposed modification to a project or project study from each associated non-Federal interest;

(C) the purpose of the feasibility report, proposed feasibility study, or proposed modification to a project or project study;

(D) an estimate, to the extent practicable, of the Federal, non-Federal, and total costs of—

(i) the proposed modification to an authorized project study; and

(ii) construction of—

(I) the project that is the subject of—

(aa) the project report; or

(bb) the authorized project study for which a modification is proposed, with respect to the change in costs resulting from such modification; or

(II) the proposed modification to an authorized project; and

(E) an estimate, to the extent practicable, of the monetary and nonmonetary benefits of—

(i) the project that is the subject of—

(I) the project report; or

(II) the authorized project study for which a modification is proposed, with respect to the benefits of such modification; or

(ii) the proposed modification to an authorized project.

(3) CERTIFICATION.—The Secretary shall include in the annual report a certification stating that each feasibility report, proposed feasibility study, and proposed modification to a project or project study included in the annual report meets the criteria established in paragraph (1)(A).

(4) APPENDIX.—The Secretary shall include in the annual report an appendix listing the proposals submitted under subsection (b) that were not included in the annual report under paragraph (1)(A) and a description of why the Secretary determined that those proposals did not meet the criteria for inclusion under such paragraph.

(d) SPECIAL RULE FOR INITIAL ANNUAL REPORT.—Notwithstanding any other deadlines required by this section, the Secretary shall—

(1) not later than 60 days after the date of enactment of this Act, publish in the Federal Register a notice required by subsection (b)(1); and

(2) include in such notice a requirement that non-Federal interests submit to the Secretary any proposals described in subsection (b)(1) by not later than 120 days after the date of publication of such notice in the Federal Register in order for such proposals to be considered for inclusion in the first annual report developed by the Secretary under this section.

(e) PUBLICATION.—Upon submission of an annual report to Congress, the Secretary shall make the annual report publicly available, including through publication on the Internet.

(f) DEFINITION.—In this section, the term ''project report'' means a final feasibility report developed under the Reclamation Act of 1902 (32 Stat. 388), and all Acts amendatory thereof or supplementary thereto.

Subtitle I—Accelerated Revenue, Repayment, and Surface Water Storage Enhancement

SEC. 1111. SHORT TITLE.

This subtitle may be cited as the ''Accelerated Revenue, Repayment, and Surface Water Storage Enhancement Act''.

SEC. 1112. PREPAYMENT OF CERTAIN REPAYMENT CONTRACTS BETWEEN THE UNITED STATES AND CONTRACTORS OF FEDERALLY DEVELOPED WATER SUPPLIES.

(a) CONVERSION AND PREPAYMENT OF CONTRACTS.—

(1) CONVERSION.—Upon request of the contractor, the Secretary of the Interior shall convert any water service contract in effect on the date of enactment of this Act and between the United States and a water users' association to allow for prepayment of the repayment contract pursuant to paragraph (2) under mutually agreeable terms and conditions. The manner of conversion under this paragraph shall be as follows:

(A) Water service contracts that were entered into under section 9(e) of the Act of August 4, 1939 (53 Stat. 1196), to be converted under this section shall be converted to repayment contracts under section 9(d) of that Act (53 Stat. 1195).

(B) Water service contracts that were entered under subsection (c)(2) of section 9 of the Act of August 4, 1939 (53 Stat. 1194), to be converted under this section shall be converted to a contract under subsection (c)(1) of section 9 of that Act (53 Stat. 1195).

(2) PREPAYMENT.—Except for those repayment contracts under which the contractor has previously negotiated for prepayment, all repayment contracts under section 9(d) of that Act (53 Stat. 1195) in effect on the date of enactment of this Act at the request of the contractor, and all contracts converted pursuant to paragraph (1)(A) shall—

(A) provide for the repayment, either in lump sum or by accelerated prepayment, of the remaining construction costs identified in water project specific irrigation rate repayment schedules, as adjusted to reflect payment not reflected in such schedule, and properly assignable for ultimate return by the contractor, or if made in approximately equal installments, no later than 3 years after the effective date of the repayment contract, such amount to be discounted by ½ the Treasury rate. An estimate of the remaining construction costs, as adjusted, shall be provided by the Secretary to the contractor no later than 90 days following receipt of request of the contractor;

(B) require that construction costs or other capitalized costs incurred after the effective date of the contract or not reflected in the rate schedule referenced in subparagraph (A), and properly assignable to such contractor shall be repaid in not more than 5 years after notification of the allocation if such amount is a result of a collective annual allocation of capital costs to the contractors exercising contract conversation under this subsection of less than $5,000,000. If such amount is $5,000,000 or greater, such cost shall be repaid as provided by applicable reclamation law;

(C) provide that power revenues will not be available to aid in repayment of construction costs allocated to irrigation under the contract; and

(D) continue so long as the contractor pays applicable charges, consistent with section 9(d) of the Act of August 4, 1939 (53 Stat. 1195), and applicable law.

(3) CONTRACT REQUIREMENTS.—Except for those repayment contracts under which the contractor has previously negotiated for prepayment, the following shall apply with regard to all repayment contracts under subsection (c)(1) of section 9 of that Act (53 Stat. 1195) in effect on the date of enactment of this Act at the request of the contractor, and all contracts converted pursuant to paragraph (1)(B):

(A) Provide for the repayment in lump sum of the remaining construction costs identified in water project specific municipal and industrial rate repayment schedules, as adjusted to reflect payments not reflected in such schedule, and properly assignable for ultimate return by the contractor. An estimate of the remaining construction costs, as adjusted, shall be provided by the Secretary to the contractor no later than 90 days after receipt of request of contractor.

(B) The contract shall require that construction costs or other capitalized costs incurred after the effective date of the contract or not reflected in the rate schedule referenced in subparagraph (A), and properly assignable to such contractor, shall be repaid in not more than 5 years after notification of the allocation if such amount is a result of a collective annual allocation of capital costs to the contractors exercising contract conversation under this subsection of less than $5,000,000. If such amount is $5,000,000 or greater, such cost shall be repaid as provided by applicable reclamation law.

(C) Continue so long as the contractor pays applicable charges, consistent with section 9(c)(1) of the Act of August 4, 1939 (53 Stat. 1195), and applicable law.

(4) CONDITIONS.—All contracts entered into pursuant to paragraphs (1), (2), and (3) shall—

(A) not be adjusted on the basis of the type of prepayment financing used by the water users' association;

(B) conform to any other agreements, such as applicable settlement agreements and new constructed appurtenant facilities; and

(C) not modify other water service, repayment, exchange and transfer contractual rights between the water users' association, and the Bureau of Reclamation, or any rights, obligations, or relationships of the water users' association and their landowners as provided under State law.

(b) ACCOUNTING.—The amounts paid pursuant to subsection (a) shall be subject to adjustment following a final cost allocation by the Secretary of the Interior. In the event that the final cost allocation indicates that the costs properly assignable to the contractor are greater than what has been paid by the contractor, the contractor shall be obligated to pay the remaining allocated costs. The term of such additional repayment contract shall be not less than one year and not more than 10 years, however, mutually agreeable provisions regarding the rate of repayment of such amount may be developed by the parties. In the event that the final cost allocation indicates that the costs properly assignable to the contractor are less than what the contractor has paid, the Secretary shall credit such overpayment as an offset against any outstanding or future obligation of the contractor.

(c) APPLICABILITY OF CERTAIN PROVISIONS.—

(1) EFFECT OF EXISTING LAW.—Upon a contractor's compliance with and discharge of the obligation of repayment of the construction costs pursuant to a contract entered into pursuant to subsection (a)(2)(A), subsections (a) and (b) of section 213 of the Reclamation Reform Act of 1982 (96 Stat. 1269) shall apply to affected lands.

(2) EFFECT OF OTHER OBLIGATIONS.—The obligation of a contractor to repay construction costs or other capitalized costs described in subsection (a)(2)(B), (a)(3)(B), or (b) shall not affect a contractor's status as having repaid all of the construction costs assignable to the contractor or the applicability of subsections (a) and (b) of section 213 of the Reclamation Reform Act of 1982 (96 Stat. 1269) once the amount required to be paid by the contractor under the repayment contract entered into pursuant to subsection (a)(2)(A) have been paid.

(d) EFFECT ON EXISTING LAW NOT ALTERED.—Implementation of the provisions of this subtitle shall not alter—

(1) the repayment obligation of any water service or repayment contractor receiving water from the same water project, or shift any costs that would otherwise have been properly assignable to the water users' association identified in subsections (a)(1), (a)(2), and (a)(3) absent this section, including operation and maintenance costs, construction costs, or other capitalized costs incurred after the date of the enactment of this Act, or to other contractors; and

(2) specific requirements for the disposition of amounts received as repayments by the Secretary under the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

(e) SURFACE WATER STORAGE ENHANCEMENT PROGRAM.—

(1) IN GENERAL.—Except as provided in subsection (d)(2), three years following the date of enactment of this Act, 50 percent of receipts generated from prepayment of contracts under this section beyond amounts necessary to cover the amount of receipts forgone from scheduled payments under current law for the 10-year period following the date of enactment of this Act shall be directed to the Reclamation Surface Water Storage Account under paragraph (2).

(2) SURFACE STORAGE ACCOUNT.—The Secretary shall allocate amounts collected under paragraph (1) into the ''Reclamation Surface Storage Account'' to fund the construction of surface water storage. The Secretary may also enter into cooperative agreements with water users' associations for the construction of surface water storage and amounts within the Surface Storage Account may be used to fund such construction. Surface water storage projects that are otherwise not federally authorized shall not be considered Federal facilities as a result of any amounts allocated from the Surface Storage Account for part or all of such facilities.

(3) REPAYMENT.—Amounts used for surface water storage construction from the Account shall be fully reimbursed to the Account consistent with the requirements under Federal reclamation law (the law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093))), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.) except that all funds reimbursed shall be deposited in the Account established under paragraph (2).

(4) AVAILABILITY OF AMOUNTS.—Amounts deposited in the Account under this subsection shall—

(A) be made available in accordance with this section, subject to appropriation; and

(B) be in addition to amounts appropriated for such purposes under any other provision of law.

(5) PURPOSES OF SURFACE WATER STORAGE.—Construction of surface water storage under this section shall be made for the following purposes:

(A) Increased municipal and industrial water supply.

(B) Agricultural floodwater, erosion, and sedimentation reduction.

(C) Agricultural drainage improvements.

(D) Agricultural irrigation.

(E) Increased recreation opportunities.

(F) Reduced adverse impacts to fish and wildlife from water storage or diversion projects within watersheds associated with water storage projects funded under this section.

(G) Any other purposes consistent with reclamation laws or other Federal law.

(f) DEFINITIONS.—For the purposes of this subtitle, the following definitions apply:

(1) ACCOUNT.—The term ''Account'' means the Reclamation Surface Water Storage Account established under subsection (e)(2).

(2) CONSTRUCTION.—The term ''construction'' means the designing, materials engineering and testing, surveying, and building of surface water storage including additions to existing surface water storage and construction of new surface water storage facilities, exclusive of any Federal statutory or regulatory obligations relating to any permit, review, approval, or other such requirement.

(3) SURFACE WATER STORAGE.—The term ''surface water storage'' means any federally owned facility under the jurisdiction of the Bureau of Reclamation or any non-Federal facility used for the surface storage and supply of water resources.

(4) TREASURY RATE.—The term ''Treasury rate'' means the 20-year Constant Maturity Treasury (CMT) rate published by the United States Department of the Treasury existing on the effective date of the contract.

(5) WATER USERS' ASSOCIATION.—The term ''water users' association'' means—

(A) an entity organized and recognized under State laws that is eligible to enter into contracts with reclamation to receive contract water for delivery to and users of the water and to pay applicable charges; and

(B) includes a variety of entities with different names and differing functions, such as associations, conservatory district, irrigation district, municipality, and water project contract unit.

Subtitle J—Safety of Dams

SEC. 1121. AUTHORIZATION OF ADDITIONAL PROJECT BENEFITS.

The Reclamation Safety of Dams Act of 1978 is amended—

(1) in section 3, by striking ''Construction'' and inserting ''Except as provided in section 5B, construction''; and

(2) by inserting after section 5A (43 U.S.C. 509) the following:

"SEC. 5B. AUTHORIZATION OF ADDITIONAL PROJECT BENEFITS.

''Notwithstanding section 3, if the Secretary determines that additional project benefits, including but not limited to additional conservation storage capacity, are feasible and not inconsistent with the purposes of this Act, the Secretary is authorized to develop additional project benefits through the construction of new or supplementary works on a project in conjunction with the Secretary's activities under section 2 of this Act and subject to the conditions described in the feasibility study, provided—

''(1) the Secretary determines that developing additional project benefits through the construction of new or supplementary works on a project will promote more efficient management of water and water-related facilities;

''(2) the feasibility study pertaining to additional project benefits has been authorized pursuant to section 8 of the Federal Water Project Recreation Act of 1965 (16 U.S.C. 4601–18); and

''(3) the costs associated with developing the additional project benefits are agreed to in writing between the Secretary and project proponents and shall be allocated to the authorized purposes of the structure and repaid consistent with all provisions of Federal Reclamation law (the Act of June 17, 1902, 43 U.S.C. 371 et seq.) and Acts supplemental to and amendatory of that Act.''.

Subtitle K—Water Rights Protection

SEC. 1131. SHORT TITLE.

This subtitle may be cited as the ''Water Rights Protection Act''.

SEC. 1132. DEFINITION OF WATER RIGHT.

In this subtitle, the term ''water right'' means any surface or groundwater right filed, permitted, certified, confirmed, decreed, adjudicated, or otherwise recognized by a judicial proceeding or by the State in which the user acquires possession of the water or puts the water to beneficial use, including water rights for federally recognized Indian tribes.

SEC. 1133. TREATMENT OF WATER RIGHTS.

The Secretary of the Interior and the Secretary of Agriculture shall not—

(1) condition or withhold, in whole or in part, the issuance, renewal, amendment, or extension of any permit, approval, license, lease, allotment, easement, right-of-way, or other land use or occupancy agreement on—

(A) limitation or encumbrance of any water right, or the transfer of any water right (including joint and sole ownership), directly or indirectly to the United States or any other designee; or

(B) any other impairment of any water right, in whole or in part, granted or otherwise recognized under State law, by Federal or State adjudication, decree, or other judgment, or pursuant to any interstate water compact;

(2) require any water user (including any federally recognized Indian tribe) to apply for or acquire a water right in the name of the United States under State law as a condition of the issuance, renewal, amendment, or extension of any permit, approval, license, lease, allotment, easement, right-of-way, or other land use or occupancy agreement;

(3) assert jurisdiction over groundwater withdrawals or impacts on groundwater resources, unless jurisdiction is asserted, and any regulatory or policy actions taken pursuant to such assertion are, consistent with, and impose no greater restrictions or regulatory requirements than, applicable State laws (including regulations) and policies governing the protection and use of groundwater resources; or

(4) infringe on the rights and obligations of a State in evaluating, allocating, and adjudicating the waters of the State originating on or under, or flowing from, land owned or managed by the Federal Government.

SEC. 1134. RECOGNITION OF STATE AUTHORITY.

(a) IN GENERAL.—In carrying out section 1133, the Secretary of the Interior and the Secretary of Agriculture shall—

(1) recognize the longstanding authority of the States relating to evaluating, protecting, allocating, regulating, and adjudicating groundwater by any means, including a rulemaking, permitting, directive, water court adjudication, resource management planning, regional authority, or other policy; and

(2) coordinate with the States in the adoption and implementation by the Secretary of the Interior or the Secretary of Agriculture of any rulemaking, policy, directive, management plan, or other similar Federal action so as to ensure that such actions are consistent with, and impose no greater restrictions or regulatory requirements than, State groundwater laws and programs.

(b) EFFECT ON STATE WATER RIGHTS.—In carrying out this subtitle, the Secretary of the Interior and the Secretary of Agriculture shall not take any action that adversely affects—

(1) any water rights granted by a State;

(2) the authority of a State in adjudicating water rights;

(3) definitions established by a State with respect to the term ''beneficial use'', ''priority of water rights'', or ''terms of use'';

(4) terms and conditions of groundwater withdrawal, guidance and reporting procedures, and conservation and source protection measures established by a State;

(5) the use of groundwater in accordance with State law; or

(6) any other rights and obligations of a State established under State law.

SEC. 1135. EFFECT OF TITLE.

(a) EFFECT ON EXISTING AUTHORITY.—Nothing in this subtitle limits or expands any existing legally recognized authority of the Secretary of the Interior or the Secretary of Agriculture to issue, grant, or condition any permit, approval, license, lease, allotment, easement, right-of-way, or other land use or occupancy agreement on Federal land subject to the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture, respectively.

(b) EFFECT ON RECLAMATION CONTRACTS.—Nothing in this subtitle interferes with Bureau of Reclamation contracts entered into pursuant to the reclamation laws.

(c) EFFECT ON ENDANGERED SPECIES ACT.—Nothing in this subtitle affects the implementation of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(d) EFFECT ON FEDERAL RESERVED WATER RIGHTS.—Nothing in this subtitle limits or expands any existing or claimed reserved water rights of the Federal Government on land administered by the Secretary of the Interior or the Secretary of Agriculture.

(e) EFFECT ON FEDERAL POWER ACT.—Nothing in this subtitle limits or expands authorities under sections 4(e), 10(j), or 18 of the Federal Power Act (16 U.S.C. 797(e), 803(j), 811).

(f) EFFECT ON INDIAN WATER RIGHTS.—Nothing in this subtitle limits or expands any water right or treaty right of any federally recognized Indian tribe.

TITLE II—SPORTSMEN'S HERITAGE AND RECREATIONAL ENHANCEMENT ACT

SEC. 2001. SHORT TITLE.

This title may be cited as the ''Sportsmen's Heritage and Recreational Enhancement Act'' or the ''SHARE Act''.

SEC. 2002. REPORT ON ECONOMIC IMPACT.

Not later than 12 months after the date of the enactment of this Act, the Secretary of Interior shall submit a report to Congress that assesses expected economic impacts of the Act. Such report shall include—

(1) a review of any expected increases in recreational hunting, fishing, shooting, and conservation activities;

(2) an estimate of any jobs created in each industry expected to support such activities described in paragraph (1), including in the supply, manufacturing, distribution, and retail sectors;

(3) an estimate of wages related to jobs described in paragraph (2); and

(4) an estimate of anticipated new local, State, and Federal revenue related to jobs described in paragraph (2).

Subtitle A—Hunting, Fishing and Recreational Shooting Protection Act

SEC. 2011. SHORT TITLE.

This subtitle may be cited as the ''Hunting, Fishing, and Recreational Shooting Protection Act''.

SEC. 2012. MODIFICATION OF DEFINITION.

Section 3(2)(B) of the Toxic Substances Control Act (15 U.S.C. 2602(2)(B)) is amended—

(1) in clause (v), by striking '', and'' and inserting '', or any component of any such article including, without limitation, shot, bullets and other projectiles, propellants, and primers,'';

(2) in clause (vi) by striking the period at the end and inserting '', and''; and

(3) by inserting after clause (vi) the following:

''(vii) any sport fishing equipment (as such term is defined in subsection (a) of section 4162 of the Internal Revenue Code of 1986) the sale of which is subject to the tax imposed by section 4161(a) of such Code (determined without regard to any exemptions from such tax as provided by section 4162 or 4221 or any other provision of such Code), and sport fishing equipment components.''.

SEC. 2013. LIMITATION ON AUTHORITY TO REGULATE AMMUNITION AND FISHING TACKLE.

(a) LIMITATION.—Except as provided in section 20.21 of title 50, Code of Federal Regulations, as in effect on the date of the enactment of this Act, or any substantially similar successor regulation thereto, the Secretary of the Interior, the Secretary of Agriculture, and, except as provided by subsection (b), any bureau, service, or office of the Department of the Interior or the Department of Agriculture, may not regulate the use of ammunition cartridges, ammunition components, or fishing tackle based on the lead content thereof if such use is in compliance with the law of the State in which the use occurs.

(b) EXCEPTION.—The limitation in subsection (a) shall not apply to the United States Fish and Wildlife Service or the National Park Service.

Subtitle B—Target Practice and Marksmanship Training Support Act

SEC. 2021. SHORT TITLE.

This subtitle may be cited as the ''Target Practice and Marksmanship Training Support Act''.

SEC. 2022. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the use of firearms and archery equipment for target practice and marksmanship training activities on Federal land is allowed, except to the extent specific portions of that land have been closed to those activities;

(2) in recent years preceding the date of enactment of this Act, portions of Federal land have been closed to target practice and marksmanship training for many reasons;

(3) the availability of public target ranges on non-Federal land has been declining for a variety of reasons, including continued population growth and development near former ranges;

(4) providing opportunities for target practice and marksmanship training at public target ranges on Federal and non-Federal land can help—

(A) to promote enjoyment of shooting, recreational, and hunting activities; and

(B) to ensure safe and convenient locations for those activities;

(5) Federal law in effect on the date of enactment of this Act, including the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et

seq.), provides Federal support for construction and expansion of public target ranges by making available to States amounts that may be used for construction, operation, and maintenance of public target ranges; and

(6) it is in the public interest to provide increased Federal support to facilitate the construction or expansion of public target ranges.

(b) PURPOSE.—The purpose of this subtitle is to facilitate the construction and expansion of public target ranges, including ranges on Federal land managed by the Forest Service and the Bureau of Land Management.

SEC. 2023. DEFINITION OF PUBLIC TARGET RANGE.

In this subtitle, the term ''public target range'' means a specific location that—

(1) is identified by a governmental agency for recreational shooting;

(2) is open to the public;

(3) may be supervised; and

(4) may accommodate archery or rifle, pistol, or shotgun shooting.

SEC. 2024. AMENDMENTS TO PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.

(a) DEFINITIONS.—Section 2 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669a) is amended—

(1) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively; and

(2) by inserting after paragraph (1) the following:

''(2) the term 'public target range' means a specific location that—

''(A) is identified by a governmental agency for recreational shooting;

''(B) is open to the public;

''(C) may be supervised; and

''(D) may accommodate archery or rifle, pistol, or shotgun shooting;''.

(b) EXPENDITURES FOR MANAGEMENT OF WILDLIFE AREAS AND RESOURCES.—Section 8(b) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669g(b)) is amended—

(1) by striking ''(b) Each State'' and inserting the following:

''(b) EXPENDITURES FOR MANAGEMENT OF WILDLIFE AREAS AND RESOURCES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), each State'';

(2) in paragraph (1) (as so designated), by striking ''construction, operation,'' and inserting ''operation'';

(3) in the second sentence, by striking ''The non-Federal share'' and inserting the following:

''(3) NON-FEDERAL SHARE.—The non-Federal share'';

(4) in the third sentence, by striking ''The Secretary'' and inserting the following:

''(4) REGULATIONS.—The Secretary''; and

(5) by inserting after paragraph (1) (as designated by paragraph (1) of this subsection) the following:

''(2) EXCEPTION.—Notwithstanding the limitation described in paragraph (1), a State may pay up to 90 percent of the cost of acquiring land for, expanding, or constructing a public target range.''.

(c) FIREARM AND BOW HUNTER EDUCATION AND SAFETY PROGRAM GRANTS.—Section 10 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h–1) is amended—

(1) in subsection (a), by adding at the end the following:

''(3) ALLOCATION OF ADDITIONAL AMOUNTS.—Of the amount apportioned to a State for any fiscal year under section 4(b), the State may elect to allocate not more than 10 percent, to be combined with the amount apportioned to the State under paragraph (1) for that fiscal year, for acquiring land for, expanding, or constructing a public target range.'';

(2) by striking subsection (b) and inserting the following:

''(b) COST SHARING.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Federal share of the cost of any activity carried out using a grant under this section shall not exceed 75 percent of the total cost of the activity.

''(2) PUBLIC TARGET RANGE CONSTRUCTION OR EXPANSION.—The Federal share of the cost of acquiring land for, expanding, or constructing a public target range in a State on Federal or non-Federal land pursuant to this section or section 8(b) shall not exceed 90 percent of the cost of the activity.''; and

(3) in subsection (c)(1)—

(A) by striking ''Amounts made'' and inserting the following:

''(A) IN GENERAL.—Except as provided in subparagraph (B), amounts made''; and

(B) by adding at the end the following:

''(B) EXCEPTION.—Amounts provided for acquiring land for, constructing, or expanding a public target range shall remain available for expenditure and obligation during the 5-fiscal-year period beginning on October 1 of the first fiscal year for which the amounts are made available.''.

SEC. 2025. LIMITS ON LIABILITY.

(a) DISCRETIONARY FUNCTION.—For purposes of chapter 171 of title 28, United States Code (commonly referred to as the ''Federal Tort Claims Act''), any action by an agent or employee of the United States to manage or allow the use of Federal land for purposes of target practice or marksmanship training by a member of the public shall be considered to be the exercise or performance of a discretionary function.

(b) CIVIL ACTION OR CLAIMS.—Except to the extent provided in chapter 171 of title 28, United States Code, the United States shall not be subject to any civil action or claim for money damages for any injury to or loss of property, personal injury, or death caused by an activity occurring at a public target range that is—

(1) funded in whole or in part by the Federal Government pursuant to the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.); or

(2) located on Federal land.

SEC. 2026. SENSE OF CONGRESS REGARDING COOPERATION.

It is the sense of Congress that, consistent with applicable laws and regulations, the Chief of the Forest Service and the Director of the Bureau of Land Management should cooperate with State and local authorities and other entities to carry out waste removal and other activities on any Federal land used as a public target range to encourage continued use of that land for target practice or marksmanship training.

Subtitle C—Polar Bear Conservation and Fairness Act

SEC. 2031. SHORT TITLE.

This subtitle may be cited as the ''Polar Bear Conservation and Fairness Act''.

SEC. 2032. PERMITS FOR IMPORTATION OF POLAR BEAR TROPHIES TAKEN IN SPORT HUNTS IN CANADA.

Section 104(c)(5)(D) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374(c)(5)(D)) is amended to read as follows:

''(D)(i) The Secretary of the Interior shall, expeditiously after the expiration of the applicable 30-day period under subsection (d)(2), issue a permit for the importation of any polar bear part (other than an internal organ) from a polar bear taken in a sport hunt in Canada to any person—

''(I) who submits, with the permit application, proof that the polar bear was legally harvested by the person before February 18, 1997; or

''(II) who has submitted, in support of a permit application submitted before May 15, 2008, proof that the polar bear was legally harvested by the person before May 15, 2008, from a polar bear population from which a sport-hunted trophy could be imported before that date in accordance with section 18.30(i) of title 50, Code of Federal Regulations.

''(ii) The Secretary shall issue permits under clause (i)(I) without regard to subparagraphs (A) and (C)(ii) of this paragraph, subsection (d)(3), and sections 101 and 102. Sections 101(a)(3)(B) and 102(b)(3) shall not apply to the importation of any polar bear part authorized by a permit issued under clause (i)(I). This clause shall not apply to polar bear parts that were imported before June 12, 1997.

''(iii) The Secretary shall issue permits under clause (i)(II) without regard to subparagraph (C)(ii) of this paragraph or subsection (d)(3). Sections 101(a)(3)(B) and 102(b)(3) shall not apply to the importation of any polar bear part authorized by a permit issued under clause (i)(II). This clause shall not apply to polar bear parts that were imported before the date of enactment of the Polar Bear Conservation and Fairness Act.''.

Subtitle D—Recreational Lands Self-Defense Act

SEC. 2041. SHORT TITLE.

This subtitle may be cited as the ''Recreational Lands Self-Defense Act''.

SEC. 2042. PROTECTING AMERICANS FROM VIOLENT CRIME.

(a) FINDINGS.—Congress finds the following:

(1) The Second Amendment to the Constitution provides that ''the right of the people to keep and bear Arms, shall not be infringed''.

(2) Section 327.13 of title 36, Code of Federal Regulations, provides that, except in special circumstances, ''possession of loaded firearms, ammunition, loaded projectile firing devices, bows and arrows, crossbows, or other weapons is prohibited'' at water resources development projects administered by the Secretary of the Army.

(3) The regulations described in paragraph (2) prevent individuals complying with Federal and State laws from exercising the second amendment rights of the individuals while at such water resources development projects.

(4) The Federal laws should make it clear that the second amendment rights of an individual at a water resources development project should not be infringed.

(b) PROTECTING THE RIGHT OF INDIVIDUALS TO BEAR ARMS AT WATER RESOURCES DEVELOPMENT PROJECTS.—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.

Subtitle E—Wildlife and Hunting Heritage Conservation Council Advisory Committee

SEC. 2051. WILDLIFE AND HUNTING HERITAGE CONSERVATION COUNCIL ADVISORY COMMITTEE.

The Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) is amended by adding at the end the following:

''SEC. 10. WILDLIFE AND HUNTING HERITAGE CONSERVATION COUNCIL ADVISORY COMMITTEE.

''(a) ESTABLISHMENT.—There is hereby established the Wildlife and Hunting Heritage Conservation Council Advisory Committee (in this section referred to as the 'Advisory Committee') to advise the Secretaries of the Interior and Agriculture on wildlife and habitat conservation, hunting, and recreational shooting.

''(b) CONTINUANCE AND ABOLISHMENT OF EXISTING WILDLIFE AND HUNTING HERITAGE CONSERVATION COUNCIL.—The Wildlife and Hunting Heritage Conservation Council established pursuant to section 441 of the Revised Statutes (43 U.S.C. 1457), section 2 of the Fish and Wildlife Act of 1956 (16 U.S.C. 742a), and other Acts applicable to specific bureaus of the Department of the Interior—

''(1) shall continue until the date of the first meeting of the Wildlife and Hunting Heritage

Conservation Council established by the amendment made by subsection (a); and

''(2) is hereby abolished effective on that date.

''(c) DUTIES OF THE ADVISORY COMMITTEE.—The Advisory Committee shall advise the Secretaries with regard to—

''(1) implementation of Executive Order No. 13443: Facilitation of Hunting Heritage and Wildlife Conservation, which directs Federal agencies 'to facilitate the expansion and enhancement of hunting opportunities and the management of game species and their habitat';

''(2) policies or programs to conserve and restore wetlands, agricultural lands, grasslands, forest, and rangeland habitats;

''(3) policies or programs to promote opportunities and access to hunting and shooting sports on Federal lands;

''(4) policies or programs to recruit and retain new hunters and shooters;

''(5) policies or programs that increase public awareness of the importance of wildlife conservation and the social and economic benefits of recreational hunting and shooting; and

''(6) policies or programs that encourage coordination among the public, the hunting and shooting sports community, wildlife conservation groups, and States, tribes, and the Federal Government.

''(d) MEMBERSHIP.—

''(1) APPOINTMENT.—

''(A) IN GENERAL.—The Advisory Committee shall consist of no more than 16 discretionary members and 8 ex officio members.

''(B) EX OFFICIO MEMBERS.—The ex officio members are—

''(i) the Director of the United States Fish and Wildlife Service or a designated representative of the Director;

''(ii) the Director of the Bureau of Land Management or a designated representative of the Director;

''(iii) the Director of the National Park Service or a designated representative of the Director;

''(iv) the Chief of the Forest Service or a designated representative of the Chief;

''(v) the Chief of the Natural Resources Conservation Service or a designated representative of the Chief;

''(vi) the Administrator of the Farm Service Agency or a designated representative of the Administrator;

''(vii) the Executive Director of the Association of Fish and Wildlife Agencies; and

''(viii) the Administrator of the Small Business Administration or designated representative.

''(C) DISCRETIONARY MEMBERS.—The discretionary members shall be appointed jointly by the Secretaries from at least one of each of the following:

''(i) State fish and wildlife agencies.

''(ii) Game bird hunting organizations.

''(iii) Wildlife conservation organizations.

''(iv) Big game hunting organizations.

''(v) Waterfowl hunting organizations.

''(vi) The tourism, outfitter, or guiding industry.

''(vii) The firearms or ammunition manufacturing industry.

''(viii) The hunting or shooting equipment retail industry.

''(ix) Tribal resource management organizations.

''(x) The agriculture industry.

''(xi) The ranching industry.

''(xii) Women's hunting and fishing advocacy, outreach, or education organization.

''(xiii) Minority hunting and fishing advocacy, outreach, or education organization.

''(xiv) Veterans service organization.

''(D) ELIGIBILITY.—Prior to the appointment of the discretionary members, the Secretaries shall determine that all individuals nominated for appointment to the Advisory Committee, and the organization each individual represents, actively support and promote sustainable-use hunting, wildlife conservation, and recreational shooting.

''(2) TERMS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), members of the Advisory Committee shall be appointed for a term of 4 years. Members shall not be appointed for more than 3 consecutive or nonconsecutive terms.

''(B) TERMS OF INITIAL APPOINTEES.—As designated by the Secretary at the time of appointment, of the members first appointed—

''(i) 6 members shall be appointed for a term of 4 years;

''(ii) 5 members shall be appointed for a term of 3 years; and

''(iii) 5 members shall be appointed for a term of 2 years.

''(3) PRESERVATION OF PUBLIC ADVISORY STATUS.—No individual may be appointed as a discretionary member of the Advisory Committee while serving as an officer or employee of the Federal Government.

''(4) VACANCY AND REMOVAL.—

''(A) IN GENERAL.—Any vacancy on the Advisory Committee shall be filled in the manner in which the original appointment was made.

''(B) REMOVAL.—Advisory Committee members shall serve at the discretion of the Secretaries and may be removed at any time for good cause.

''(5) CONTINUATION OF SERVICE.—Each appointed member may continue to serve after the expiration of the term of office to which such member was appointed until a successor has been appointed.

''(6) CHAIRPERSON.—The Chairperson of the Advisory Committee shall be appointed for a 3-year term by the Secretaries, jointly, from among the members of the Advisory Committee. An individual may not be appointed as Chairperson for more than 2 consecutive or nonconsecutive terms.

''(7) PAY AND EXPENSES.—Members of the Advisory Committee shall serve without pay for such service, but each member of the Advisory Committee may be reimbursed for travel and lodging incurred through attending meetings of the Advisory Committee approved subgroup meetings in the same amounts and under the same conditions as Federal employees (in accordance with section 5703 of title 5, United States Code).

''(8) MEETINGS.—

''(A) IN GENERAL.—The Advisory Committee shall meet at the call of the Secretaries, the chairperson, or a majority of the members, but not less frequently than twice annually.

''(B) OPEN MEETINGS.—Each meeting of the Advisory Committee shall be open to the public.

''(C) PRIOR NOTICE OF MEETINGS.—Timely notice of each meeting of the Advisory Committee shall be published in the Federal Register and be submitted to trade publications and publications of general circulation.

''(D) SUBGROUPS.—The Advisory Committee may establish such workgroups or subgroups as it deems necessary for the purpose of compiling information or conducting research. However, such workgroups may not conduct business without the direction of the Advisory Committee and must report in full to the Advisory Committee.

''(9) QUORUM.—Nine members of the Advisory Committee shall constitute a quorum.

''(e) EXPENSES.—The expenses of the Advisory Committee that the Secretaries determine to be reasonable and appropriate shall be paid by the Secretaries.

''(f) ADMINISTRATIVE SUPPORT, TECHNICAL SERVICES, AND ADVICE.—A designated Federal Officer shall be jointly appointed by the Secretaries to provide to the Advisory Committee the administrative support, technical services, and advice that the Secretaries determine to be reasonable and appropriate.

''(g) ANNUAL REPORT.—

''(1) REQUIRED.—Not later than September 30 of each year, the Advisory Committee shall submit a report to the Secretaries, the Committee on Natural Resources and the Committee on Agriculture of the House of Representatives, and the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate. If circumstances arise in which the Advisory Committee cannot meet the September 30 deadline in any year, the Secretaries shall advise the Chairpersons of each such Committee of the reasons for such delay and the date on which the submission of the report is anticipated.

''(2) CONTENTS.—The report required by paragraph (1) shall describe—

''(A) the activities of the Advisory Committee during the preceding year;

''(B) the reports and recommendations made by the Advisory Committee to the Secretaries during the preceding year; and

''(C) an accounting of actions taken by the Secretaries as a result of the recommendations.

''(h) FEDERAL ADVISORY COMMITTEE ACT.—The Advisory Committee shall be exempt from the Federal Advisory Committee Act (5 U.S.C. App.).''.

Subtitle F—Recreational Fishing and Hunting Heritage Opportunities Act

SEC. 2061. SHORT TITLE.

This subtitle may be cited as the ''Recreational Fishing and Hunting Heritage and Opportunities Act''.

SEC. 2062. FINDINGS.

Congress finds that—

(1) recreational fishing and hunting are important and traditional activities in which millions of Americans participate;

(2) recreational anglers and hunters have been and continue to be among the foremost supporters of sound fish and wildlife management and conservation in the United States;

(3) recreational fishing and hunting are environmentally acceptable and beneficial activities that occur and can be provided on Federal lands and waters without adverse effects on other uses or users;

(4) recreational anglers, hunters, and sporting organizations provide direct assistance to fish and wildlife managers and enforcement officers of the Federal Government as well as State and local governments by investing volunteer time and effort to fish and wildlife conservation;

(5) recreational anglers, hunters, and the associated industries have generated billions of dollars of critical funding for fish and wildlife conservation, research, and management by providing revenues from purchases of fishing and hunting licenses, permits, and stamps, as well as excise taxes on fishing, hunting, and recreational shooting equipment that have generated billions of dollars of critical funding for fish and wildlife conservation, research, and management;

(6) recreational shooting is also an important and traditional activity in which millions of Americans participate;

(7) safe recreational shooting is a valid use of Federal lands, including the establishment of safe and convenient recreational shooting ranges on such lands, and participation in recreational shooting helps recruit and retain hunters and contributes to wildlife conservation;

(8) opportunities to recreationally fish, hunt, and shoot are declining, which depresses participation in these traditional activities, and depressed participation adversely impacts fish and wildlife conservation and funding for important conservation efforts; and

(9) the public interest would be served, and our citizens' fish and wildlife resources benefitted, by action to ensure that opportunities are facilitated to engage in fishing and hunting on Federal land as recognized by Executive Order No. 12962, relating to recreational fisheries, and Executive Order No. 13443, relating to facilitation of hunting heritage and wildlife conservation.

SEC. 2063. FISHING, HUNTING, AND RECREATIONAL SHOOTING.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term ''Federal land'' means any land or water that is owned by the United States and under the administrative jurisdiction of the Bureau of Land Management or the Forest Service.

(2) FEDERAL LAND MANAGEMENT OFFICIALS.—The term ''Federal land management officials'' means—

(A) the Secretary of the Interior and Director of the Bureau of Land Management regarding Bureau of Land Management lands and interests in lands under the administrative jurisdiction of the Bureau of Land Management; and

(B) the Secretary of Agriculture and Chief of the Forest Service regarding National Forest System lands.

(3) HUNTING.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''hunting'' means use of a firearm, bow, or other authorized means in the lawful—

(i) pursuit, shooting, capture, collection, trapping, or killing of wildlife;

(ii) attempt to pursue, shoot, capture, collect, trap, or kill wildlife; or

(iii) the training of hunting dogs, including field trials.

(B) EXCLUSION.—The term ''hunting'' does not include the use of skilled volunteers to cull excess animals (as defined by other Federal law).

(4) RECREATIONAL FISHING.—The term ''recreational fishing'' means the lawful—

(A) pursuit, capture, collection, or killing of fish; or

(B) attempt to capture, collect, or kill fish.

(5) RECREATIONAL SHOOTING.—The term ''recreational shooting'' means any form of sport, training, competition, or pastime, whether formal or informal, that involves the discharge of a rifle, handgun, or shotgun, or the use of a bow and arrow.

(b) IN GENERAL.—Subject to valid existing rights and subsection (e), and cooperation with the respective State fish and wildlife agency, Federal land management officials shall exercise authority under existing law, including provisions regarding land use planning, to facilitate use of and access to Federal lands, including National Monuments, Wilderness Areas, Wilderness Study Areas, and lands administratively classified as wilderness eligible or suitable and primitive or semi-primitive areas, for fishing, hunting, and recreational shooting, except as limited by—

(1) statutory authority that authorizes action or withholding action for reasons of national security, public safety, or resource conservation;

(2) any other Federal statute that specifically precludes fishing, hunting, or recreational shooting on specific Federal lands, waters, or units thereof; and

(3) discretionary limitations on fishing, hunting, and recreational shooting determined to be necessary and reasonable as supported by the best scientific evidence and advanced through a transparent public process.

(c) MANAGEMENT.—Consistent with subsection (a), Federal land management officials shall exercise their land management discretion—

(1) in a manner that supports and facilitates fishing, hunting, and recreational shooting opportunities;

(2) to the extent authorized under applicable State law; and

(3) in accordance with applicable Federal law.

(d) PLANNING.—

(1) EVALUATION OF EFFECTS ON OPPORTUNITIES TO ENGAGE IN FISHING, HUNTING, OR RECREATIONAL SHOOTING.—Planning documents that apply to Federal lands, including land resources management plans, resource management plans, travel management plans, and general management plans shall include a specific evaluation of the effects of such plans on opportunities to engage in fishing, hunting, or recreational shooting.

(2) STRATEGIC GROWTH POLICY FOR THE NATIONAL WILDLIFE REFUGE SYSTEM.—Section 4(a)(3) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)(3)) is amended—

(A) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(B) by inserting after subparagraph (B), the following:

''(C) the Secretary shall integrate wildlife-dependent recreational uses in accordance with their status as priority general public uses into proposed or existing regulations, policies, criteria, plans, or other activities to alter or amend the manner in which individual refuges or the National Wildlife Refuge System (System) are managed, including, but not limited to, any activities which target or prioritize criteria for long and short term System acquisitions;''.

(3) NO MAJOR FEDERAL ACTION.—No action taken under this subtitle, or under section 4 of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd), either individually or cumulatively with other actions involving Federal lands or lands managed by the United States Fish and Wildlife Service, shall be considered to be a major Federal action significantly affecting the quality of the human environment, and no additional identification, analysis, or consideration of environmental effects, including cumulative effects, is necessary or required.

(4) OTHER ACTIVITY NOT CONSIDERED.—Federal land management officials are not required to consider the existence or availability of fishing, hunting, or recreational shooting opportunities on adjacent or nearby public or private lands in the planning for or determination of which Federal lands are open for these activities or in the setting of levels of use for these activities on Federal lands, unless the combination or coordination of such opportunities would enhance the fishing, hunting, or recreational shooting opportunities available to the public.

(e) FEDERAL LANDS.—

(1) LANDS OPEN.—Lands under the jurisdiction of the Bureau of Land Management and the Forest Service, including Wilderness Areas, Wilderness Study Areas, lands designated as wilderness or administratively classified as wilderness eligible or suitable and primitive or semi-primitive areas and National Monuments, but excluding lands on the Outer Continental Shelf, shall be open to fishing, hunting, and recreational shooting unless the managing Federal agency acts to close lands to such activity. Lands may be subject to closures or restrictions if determined by the head of the agency to be necessary and reasonable and supported by facts and evidence, for purposes including resource conservation, public safety, energy or mineral production, energy generation or transmission infrastructure, water supply facilities, protection of other permittees, protection of private property rights or interest, national security, or compliance with other law.

(2) RECREATIONAL SHOOTING RANGES.—

(A) IN GENERAL.—The head of each Federal agency shall use his or her authorities in a manner consistent with this Act and other applicable law, to—

(i) lease or permit use of lands under the jurisdiction of the agency for recreational shooting ranges; and

(ii) designate specific lands under the jurisdiction of the agency for recreational shooting activities.

(B) LIMITATION ON LIABILITY.—Any designation under subparagraph (A)(ii) shall not subject the United States to any civil action or claim for monetary damages for injury or loss of property or personal injury or death caused by any activity occurring at or on such designated lands.

(f) NECESSITY IN WILDERNESS AREAS AND ''WITHIN AND SUPPLEMENTAL TO'' WILDERNESS PURPOSES.—

(1) MINIMUM REQUIREMENTS FOR ADMINISTRATION.—The provision of opportunities for fishing, hunting, and recreational shooting, and the conservation of fish and wildlife to provide sustainable use recreational opportunities on designated Federal wilderness areas shall constitute measures necessary to meet the minimum requirements for the administration of the wilderness area, provided that this determination shall not authorize or facilitate commodity development, use, or extraction, motorized recreational access or use that is not otherwise allowed under the Wilderness Act (16 U.S.C. 1131 et seq.), or permanent road construction or maintenance within designated wilderness areas.

(2) APPLICATION OF WILDERNESS ACT.—Provisions of the Wilderness Act (16 U.S.C. 1131 et seq.), stipulating that wilderness purposes are ''within and supplemental to'' the purposes of the underlying Federal land unit are reaffirmed. When seeking to carry out fish and wildlife conservation programs and projects or provide fish and wildlife dependent recreation opportunities on designated wilderness areas, each Federal land management official shall implement these supplemental purposes so as to facilitate, enhance, or both, but not to impede the underlying Federal land purposes when seeking to carry out fish and wildlife conservation programs and projects or provide fish and wildlife dependent recreation opportunities in designated wilderness areas, provided that such implementation shall not authorize or facilitate commodity development, use or extraction, or permanent road construction or maintenance within designated wilderness areas.

(g) NO PRIORITY.—Nothing in this section requires a Federal land management official to give preference to fishing, hunting, or recreational shooting over other uses of Federal land or over land or water management priorities established by Federal law.

(h) CONSULTATION WITH COUNCILS.—In fulfilling the duties under this section, Federal land management officials shall consult with respective advisory councils as established in Executive Order Nos. 12962 and 13443.

(i) AUTHORITY OF THE STATES.—Nothing in this section shall be construed as interfering with, diminishing, or conflicting with the authority, jurisdiction, or responsibility of any State to exercise primary management, control, or regulation of fish and wildlife under State law (including regulations) on land or water within the State, including on Federal land.

(j) FEDERAL LICENSES.—Nothing in this section shall be construed to authorize a Federal land management official to require a license, fee, or permit to fish, hunt, or trap on land or water in a State, including on Federal land in the States, except that this subsection shall not affect the Migratory Bird Stamp requirement set forth in the Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718 et seq.).

SEC. 2064. VOLUNTEER HUNTERS; REPORTS; CLOSURES AND RESTRICTIONS.

(a) DEFINITIONS.—For the purposes of this section:

(1) PUBLIC LAND.—The term ''public land'' means—

(A) units of the National Park System;

(B) National Forest System lands; and

(C) land and interests in land owned by the United States and under the administrative jurisdiction of—

(i) the Fish and Wildlife Service; or

(ii) the Bureau of Land Management.

(2) SECRETARY.—The term ''Secretary'' means—

(A) the Secretary of the Interior and includes the Director of the National Park Service, with regard to units of the National Park System;

(B) the Secretary of the Interior and includes the Director of the Fish and Wildlife Service, with regard to Fish and Wildlife Service lands and waters;

(C) the Secretary of the Interior and includes the Director of the Bureau of Land Management, with regard to Bureau of Land Management lands and waters; and

(D) the Secretary of Agriculture and includes the Chief of the Forest Service, with regard to National Forest System lands.

(3) VOLUNTEER FROM THE HUNTING COMMUNITY.—The term ''volunteer from the hunting community'' means a volunteer who holds a valid hunting license issued by a State.

(b) VOLUNTEER HUNTERS.—When planning wildlife management involving reducing the size of a wildlife population on public land, the Secretary shall consider the use of and may use volunteers from the hunting community as agents to assist in carrying out wildlife management on public land. The Secretary shall not reject the use of volunteers from the hunting community as agents without the concurrence of the appropriate State wildlife management authorities.

(c) REPORT.—Beginning on the second October 1 after the date of the enactment of this Act and biennially on October 1 thereafter, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) any public land administered by the Secretary that was closed to fishing, hunting, and recreational shooting at any time during the preceding year; and

(2) the reason for the closure.

(d) CLOSURES OR SIGNIFICANT RESTRICTIONS.—

(1) IN GENERAL.—Other than closures established or prescribed by land planning actions referred to in section 2064(e) or emergency closures described in paragraph (2), a permanent or temporary withdrawal, change of classification, or change of management status of public land that effectively closes or significantly restricts any acreage of public land to access or use for fishing, hunting, recreational shooting, or activities related to fishing, hunting, or recreational shooting, or a combination of those activities, shall take effect only if, before the date of withdrawal or change, the Secretary—

(A) publishes appropriate notice of the withdrawal or change, respectively;

(B) demonstrates that coordination has occurred with a State fish and wildlife agency; and

(C) submits to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate written notice of the withdrawal or change, respectively.

(2) EMERGENCY CLOSURES.—Nothing in this Act prohibits the Secretary from establishing or implementing emergency closures or restrictions of the smallest practicable area to provide for public safety, resource conservation, national security, or other purposes authorized by law. Such an emergency closure shall terminate after a reasonable period of time unless converted to a permanent closure consistent with this Act.

Subtitle G—Farmer and Hunter Protection Act

SEC. 2071. SHORT TITLE.

This subtitle may be cited as the ''Hunter and Farmer Protection Act''.

SEC. 2072. BAITING OF MIGRATORY GAME BIRDS.

Section 3 of the Migratory Bird Treaty Act (16 U.S.C. 704) is amended by striking subsection (b) and inserting the following:

''(b) PROHIBITION OF BAITING.—

''(1) DEFINITIONS.—In this subsection:

''(A) BAITED AREA.—

''(i) IN GENERAL.—The term 'baited area' means—

''(I) any area on which salt, grain, or other feed has been placed, exposed, deposited, distributed, or scattered, if the salt, grain, or feed could lure or attract migratory game birds; and

''(II) in the case of waterfowl, cranes (family Gruidae), and coots (family Rallidae), a standing, unharvested crop that has been manipulated through activities such as mowing, discing, or rolling, unless the activities are normal agricultural practices.

''(ii) EXCLUSIONS.—An area shall not be considered to be a 'baited area' if the area—

''(I) has been treated with a normal agricultural practice;

''(II) has standing crops that have not been manipulated; or

''(III) has standing crops that have been or are flooded.

''(B) BAITING.—The term 'baiting' means the direct or indirect placing, exposing, depositing, distributing, or scattering of salt, grain, or other feed that could lure or attract migratory game birds to, on, or over any areas on which a hunter is attempting to take migratory game birds.

''(C) MIGRATORY GAME BIRD.—The term 'migratory game bird' means migratory bird species—

''(i) that are within the taxonomic families of Anatidae, Columbidae, Gruidae, Rallidae, and Scolopacidae; and

''(ii) for which open seasons are prescribed by the Secretary of the Interior.

''(D) NORMAL AGRICULTURAL PRACTICE.—

''(i) IN GENERAL.—The term 'normal agricultural practice' means any practice in 1 annual growing season that—

''(I) is carried out in order to produce a marketable crop, including planting, harvest, postharvest, or soil conservation practices; and

''(II) is recommended for the successful harvest of a given crop by the applicable State office of the Cooperative Extension System of the Department of Agriculture, in consultation with, and if requested, the concurrence of, the head of the applicable State department of fish and wildlife.

''(ii) INCLUSIONS.—

''(I) IN GENERAL.—Subject to subclause (II), the term 'normal agricultural practice' includes the destruction of a crop in accordance with practices required by the Federal Crop Insurance Corporation for agricultural producers to obtain crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) on land on which a crop during the current or immediately preceding crop year was not harvestable due to a natural disaster (including any hurricane, storm, tornado, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, drought, fire, snowstorm, or other catastrophe that is declared a major disaster by the President in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170)).

''(II) LIMITATIONS.—The term 'normal agricultural practice' only includes a crop described in subclause (I) that has been destroyed or manipulated through activities that include (but are not limited to) mowing, discing, or rolling if the Federal Crop Insurance Corporation certifies that flooding was not an acceptable method of destruction to obtain crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

''(E) WATERFOWL.—The term 'waterfowl' means native species of the family Anatidae.

''(2) PROHIBITION.—It shall be unlawful for any person—

''(A) to take any migratory game bird by baiting or on or over any baited area, if the person knows or reasonably should know that the area is a baited area; or

''(B) to place or direct the placement of bait on or adjacent to an area for the purpose of causing, inducing, or allowing any person to take or attempt to take any migratory game bird by baiting or on or over the baited area.

''(3) REGULATIONS.—The Secretary of the Interior may promulgate regulations to implement this subsection.

''(4) REPORTS.—Annually, the Secretary of Agriculture shall submit to the Secretary of the Interior a report that describes any changes to normal agricultural practices across the range of crops grown by agricultural producers in each region of the United States in which the recommendations are provided to agricultural producers.''.

Subtitle H—Transporting Bows Across National Park Service Lands

SEC. 2081. SHORT TITLE.

This subtitle may be cited as the ''Hunter Access Corridors Act''.

SEC. 2082. BOWHUNTING OPPORTUNITY AND WILDLIFE STEWARDSHIP.

(a) IN GENERAL.—Subchapter II of chapter 1015 of title 54, United States Code, is amended by adding at the end the following:

''§ 101513. Hunter access corridors

''(a) DEFINITIONS.—In this section:

''(1) NOT READY FOR IMMEDIATE USE.—The term 'not ready for immediate use' means—

''(A) a bow or crossbow, the arrows of which are secured or stowed in a quiver or other arrow transport case; and

''(B) with respect to a crossbow, uncocked.

''(2) VALID HUNTING LICENSE.—The term 'valid hunting license' means a State-issued hunting license that authorizes an individual to hunt on private or public land adjacent to the System unit in which the individual is located while in possession of a bow or crossbow that is not ready for immediate use.

''(b) TRANSPORTATION AUTHORIZED.—

''(1) IN GENERAL.—The Director shall not require a permit for, or promulgate or enforce any regulation that prohibits an individual from transporting bows and crossbows that are not ready for immediate use across any System unit if—

''(A) in the case of an individual traversing the System unit on foot—

''(i) the individual is not otherwise prohibited by law from possessing the bows and crossbows;

''(ii) the bows or crossbows are not ready for immediate use throughout the period during which the bows or crossbows are transported across the System unit;

''(iii) the possession of the bows and crossbows is in compliance with the law of the State in which the System unit is located; and

''(iv)(I) the individual possesses a valid hunting license;

''(II) the individual is traversing the System unit en route to a hunting access corridor established under subsection (c)(1); or

''(III) the individual is traversing the System unit in compliance with any other applicable regulations or policies; or

''(B) the bows or crossbows are not ready for immediate use and remain inside a vehicle.

''(2) ENFORCEMENT.—Nothing in this subsection limits the authority of the Director to enforce laws (including regulations) prohibiting hunting or the taking of wildlife in any System unit.

''(c) ESTABLISHMENT OF HUNTER ACCESS CORRIDORS.—

''(1) IN GENERAL.—On a determination by the Director under paragraph (2), the Director may establish and publish (in accordance with section 1.5 of title 36, Code of Federal Regulations (or a successor regulation)), on a publicly available map, hunter access corridors across System units that are used to access public land that is—

''(A) contiguous to a System unit; and

''(B) open to hunting.

''(2) DETERMINATION BY DIRECTOR.—The determination referred to in paragraph (1) is a determination that the hunter access corridor would provide wildlife management or visitor experience benefits within the boundary of the System unit in which the hunter access corridor is located.

''(3) HUNTING SEASON.—The hunter access corridors shall be open for use during hunting seasons.

''(4) EXCEPTION.—The Director may establish limited periods during which access through the hunter access corridors is closed for reasons of public safety, administration, or compliance with applicable law. Such closures shall be clearly marked with signs and dates of closures, and shall not include gates, chains, walls, or other barriers on the hunter access corridor.

''(5) IDENTIFICATION OF CORRIDORS.—The Director shall—

''(A) make information regarding hunter access corridors available on the individual website of the applicable System unit; and

''(B) provide information regarding any processes established by the Director for transporting legally taken game through individual hunter access corridors.

''(6) REGISTRATION; TRANSPORTATION OF GAME.—The Director may—

''(A) provide registration boxes to be located at the trailhead of each hunter access corridor for self-registration;

''(B) provide a process for online self-registration; and

''(C) allow nonmotorized conveyances to transport legally taken game through a hunter access corridor established under this subsection, including game carts and sleds.

''(7) CONSULTATION WITH STATES.—The Director shall consult with each applicable State wildlife agency to identify appropriate hunter access corridors.

''(d) EFFECT.—Nothing in this section—

''(1) diminishes, enlarges, or modifies any Federal or State authority with respect to recreational hunting, recreational shooting, or any other recreational activities within the boundaries of a System unit; or

''(2) authorizes—

''(A) the establishment of new trails in System units; or

''(B) authorizes individuals to access areas in System units, on foot or otherwise, that are not open to such access.

''(e) NO MAJOR FEDERAL ACTION.—

''(1) IN GENERAL.—Any action taken under this section shall not be considered a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(2) NO ADDITIONAL ACTION REQUIRED.—No additional identification, analyses, or consideration of environmental effects (including cumulative environmental effects) is necessary or required with respect to an action taken under this section.''.

(b) CLERICAL AMENDMENT.—The table of sections for title 54, United States Code, is amended by inserting after the item relating to section 101512 the following:

''101513. Hunter access corridors.''.

Subtitle I—Federal Land Transaction Facilitation Act Reauthorization (FLTFA)

SEC. 2091. SHORT TITLE.

This subtitle may be cited as the ''Federal Land Transaction Facilitation Act Reauthorization''.

SEC. 2092. FEDERAL LAND TRANSACTION FACILITATION ACT.

The Federal Land Transaction Facilitation Act is amended—

(1) in section 203(1) (43 U.S.C. 2302(1)), by striking ''cultural, or'' and inserting ''cultural, recreational access and use, or other'';

(2) in section 203(2) in the matter preceding subparagraph (A), by striking ''on the date of enactment of this Act was'' and inserting ''is'';

(3) in section 205 (43 U.S.C. 2304)—

(A) in subsection (a), by striking ''section 206'' and all that follows through the period and inserting the following: ''section 206—

''(1) to complete appraisals and satisfy other legal requirements for the sale or exchange of public land identified for disposal under approved land use plans under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712);

''(2) not later than 180 days after the date of the enactment of the Federal Land Transaction Facilitation Act Reauthorization, to establish and make available to the public, on the website of the Department of the Interior, a database containing a comprehensive list of all the land referred to in paragraph (1); and

''(3) to maintain the database referred to in paragraph (2).''; and

(B) in subsection (d), by striking ''11'' and inserting ''22'';

(4) by amending section 206(c)(1) (43 U.S.C. 2305(c)(1)) to read as follows:

''(1) USE OF FUNDS.—

''(A) IN GENERAL.—Funds in the Federal Land Disposal Account shall be expended, subject to appropriation, in accordance with this subsection.

''(B) PURPOSES.—Except as authorized under paragraph (2), funds in the Federal Land Disposal Account shall be used for one or more of the following purposes:

''(i) To purchase lands or interests therein that are otherwise authorized by law to be acquired and are one or more of the following:

''(I) Inholdings.

''(II) Adjacent to federally designated areas and contain exceptional resources.

''(III) Provide opportunities for hunting, recreational fishing, recreational shooting, and other recreational activities.

''(IV) Likely to aid in the performance of deferred maintenance or the reduction of operation and maintenance costs or other deferred costs.

''(ii) To perform deferred maintenance or other maintenance activities that enhance opportunities for recreational access.'';

(5) in section 206(c)(2) (43 U.S.C. 2305(c)(2))—

(A) by striking subparagraph (A);

(B) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively;

(C) in subparagraph (C) (as so redesignated by this paragraph)—

(i) by striking ''PURCHASES'' and inserting ''LAND PURCHASES AND PERFORMANCE OF DEFERRED MAINTENANCE ACTIVITIES'';

(ii) by striking ''subparagraph (C)'' and inserting ''subparagraph (B)''; and

(iii) by inserting ''for the activities outlined in paragraph (2)'' after ''generated''; and

(D) by adding at the end the following:

''(D) Any funds made available under subparagraph (C) that are not obligated or expended by the end of the fourth full fiscal year after the date of the sale or exchange of land that generated the funds may be expended in any State.'';

(6) in section 206(c)(3) (43 U.S.C. 2305(c)(3))—

(A) by inserting after subparagraph (A) the following:

''(B) the extent to which the acquisition of the land or interest therein will increase the public availability of resources for, and facilitate public access to, hunting, fishing, and other recreational activities;''; and

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D);

(7) in section 206(f) (43 U.S.C. 2305(f)), by amending paragraph (2) to read as follows:

''(2) any remaining balance in the account shall be deposited in the Treasury and used for deficit reduction, except that in the case of a fiscal year for which there is no Federal budget deficit, such amounts shall be used to reduce the Federal debt (in such manner as the Secretary of the Treasury considers appropriate).''; and

(8) in section 207(b) (43 U.S.C. 2306(b))—

(A) in paragraph (1)—

(i) by striking ''96–568'' and inserting ''96–586''; and

(ii) by striking ''; or'' and inserting a semicolon;

(B) in paragraph (2)—

(i) by inserting ''Public Law 105–263;'' before ''112 Stat.''; and

(ii) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(3) the White Pine County Conservation, Recreation, and Development Act of 2006 (Public Law 109–432; 120 Stat. 3028);

''(4) the Lincoln County Conservation, Recreation, and Development Act of 2004 (Public Law 108–424; 118 Stat. 2403);

''(5) subtitle F of title I of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 1132 note; Public Law 111–11);

''(6) subtitle O of title I of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 460www note, 1132 note; Public Law 111–11);

''(7) section 2601 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1108); or

''(8) section 2606 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1121).''.

Subtitle J—African Elephant Conservation and Legal Ivory Possession Act

SEC. 2101. SHORT TITLE.

This subtitle may be cited as the ''African Elephant Conservation and Legal Ivory Possession Act''.

SEC. 2102. REFERENCES.

Except as otherwise specifically provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a provision, the reference shall be considered to be made to a provision of the African Elephant Conservation Act (16 U.S.C. 4201 et seq.).

SEC. 2103. PLACEMENT OF UNITED STATES FISH AND WILDLIFE SERVICE LAW ENFORCEMENT OFFICERS IN EACH AFRICAN ELEPHANT RANGE COUNTRY.

Part I (16 U.S.C. 4211 et seq.) is amended by adding at the end the following:

''SEC. 2105. PLACEMENT OF UNITED STATES FISH AND WILDLIFE SERVICE LAW ENFORCEMENT OFFICERS IN EACH AFRICAN ELEPHANT RANGE COUNTRY.

''The Secretary, in coordination with the Secretary of State, may station United States Fish and Wildlife Service law enforcement officers in the primary United States diplomatic or consular post in each African country that has a significant population of African elephants, who shall assist local wildlife rangers in the protection of African elephants and facilitate the apprehension of individuals who illegally kill, or assist the illegal killing of, African elephants.''.

SEC. 2104. TREATMENT OF ELEPHANT IVORY.

Section 2203 (16 U.S.C. 4223) is further amended by adding at the end the following:

''(c) TREATMENT OF ELEPHANT IVORY.—Nothing in this Act or the Endangered Species Act of 1973 (16 U.S.C. 1538) shall be construed—

''(1) to prohibit, or to authorize prohibiting, the possession, sale, delivery, receipt, shipment, or transportation of African elephant ivory, or any product containing African elephant ivory, that is in the United States because it has been lawfully imported or crafted in the United States; or

''(2) to authorize using any means of determining for purposes of this Act or the Endangered Species Act of 1973 whether African elephant ivory that is present in the United States has been lawfully imported, including any presumption or burden of proof applied in such determination, other than such means used by the Secretary as of February 24, 2014.''.

SEC. 2105. AFRICAN ELEPHANT CONSERVATION ACT FINANCIAL ASSISTANCE PRIORITY AND REAUTHORIZATION.

(a) FINANCIAL ASSISTANCE PRIORITY.—Section 2101 (16 U.S.C. 4211) is amended by redesignating subsections (e) and (f) as subsections (f) and (g), respectively, and by inserting after subsection (d) the following:

''(e) PRIORITY.—In providing financial assistance under this section, the Secretary shall give priority to projects designed to facilitate the acquisition of equipment and training of wildlife officials in ivory producing countries to be used in anti-poaching efforts.''.

(b) REAUTHORIZATION.—Section 2306(a) (16 U.S.C. 4245(a)) is amended by striking ''2007 through 2012'' and inserting ''2016 through 2020''.

SEC. 2106. GOVERNMENT ACCOUNTABILITY OFFICE STUDY.

Not later than 90 days after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study examining the effects of a ban of the trade in of fossilized ivory from mammoths and mastodons on the illegal importation and trade of African and Asian elephant ivory within the United States, with the exception of importation or trade thereof related to museum exhibitions or scientific research, and report to Congress the findings of such study.

Subtitle K—Respect for Treaties and Rights

SEC. 2111. RESPECT FOR TREATIES AND RIGHTS.

Nothing in this Act or the amendments made by this Act shall be construed to affect or modify any treaty or other right of any federally recognized Indian tribe.

Subtitle L—State Approval of Fishing Restriction

SEC. 2131. STATE OR TERRITORIAL APPROVAL OF RESTRICTION OF RECREATIONAL OR COMMERCIAL FISHING ACCESS TO CERTAIN STATE OR TERRITORIAL WATERS.

(a) APPROVAL REQUIRED.—The Secretary of the Interior and the Secretary of Commerce shall not restrict recreational or commercial fishing access to any State or territorial marine waters or Great Lakes waters within the jurisdiction of the National Park Service or the Office of National Marine Sanctuaries, respectively, unless those restrictions are developed in coordination with, and approved by, the fish and wildlife management agency of the State or territory that has fisheries management authority over those waters.

(b) DEFINITION.—In this section, the term ''marine waters'' includes coastal waters and estuaries.

Subtitle M—Hunting and Recreational Fishing Within Certain National Forests

SEC. 2141. DEFINITIONS.

In this subtitle:

(1) HUNTING.—The term ''hunting'' means use of a firearm, bow, or other authorized means in the lawful pursuit, shooting, capture, collection, trapping, or killing of wildlife; attempt to pursue, shoot, capture, collect, trap, or kill wildlife; or the training and use of hunting dogs, including field trials.

(2) RECREATIONAL FISHING.—The term ''recreational fishing'' means the lawful pursuit, capture, collection, or killing of fish; or attempt to capture, collect, or kill fish.

(3) FOREST PLAN.—The term ''forest plan'' means a land and resource management plan prepared by the Forest Service for a unit of the National Forest System pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(4) NATIONAL FOREST SYSTEM.—The term ''National Forest System'' has the meaning given that term in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a))

SEC. 2142. HUNTING AND RECREATIONAL FISHING WITHIN THE NATIONAL FOREST SYSTEM.

(a) PROHIBITION OF RESTRICTIONS.—The Secretary of Agriculture or Chief of the Forest Service may not establish policies, directives, or regulations that restrict the type, season, or method of hunting or recreational fishing on lands within the National Forest System that are otherwise open to those activities and are consistent with the applicable forest plan.

(b) PRIOR RESTRICTIONS VOID.—Any restrictions imposed by the Secretary of Agriculture or Chief of the Forest Service regarding the type, season, or method of hunting or recreational fishing on lands within the National Forest System that are otherwise open to those activities in force on the date of the enactment of this Act shall be void and have no force or effect.

(c) APPLICABILITY.—This section shall apply only to the Kisatchie National Forest in the State of Louisiana, the De Soto National Forest in the State of Mississippi, the Mark Twain National Forest in the State of Missouri, and the Ozark National Forest, the St. Francis National Forest and the Ouachita National Forest in the States of Arkansas and Oklahoma.

(d) STATE AUTHORITY.—Nothing in this section, section 1 of the Act of June 4, 1897 (16 U.S.C. 551), or section 32 of the Act of July 22, 1937 (7 U.S.C. 1011) shall affect the authority of States to manage hunting or recreational fishing on lands within the National Forest System.

SEC. 2143. PUBLICATION OF CLOSURE OF ROADS IN FORESTS.

The Chief of the Forest Service shall publish a notice in the Federal Register for the closure of any public road on Forest System lands, along with a justification for the closure.

Subtitle N—Grand Canyon Bison Management Act

SEC. 2151. SHORT TITLE.

This subtitle may be cited as the ''Grand Canyon Bison Management Act''.

SEC. 2152. DEFINITIONS.

In this subtitle:

(1) MANAGEMENT PLAN.—The term ''management plan'' means the management plan published under section 2153(a).

(2) PARK.—The term ''Park'' means the Grand Canyon National Park.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) SKILLED PUBLIC VOLUNTEER.—The term ''skilled public volunteer'' means an individual who possesses—

(A) a valid hunting license issued by the State of Arizona; and

(B) such other qualifications as the Secretary may require, after consultation with the Arizona Game and Fish Commission.

SEC. 2153. BISON MANAGEMENT PLAN FOR GRAND CANYON NATIONAL PARK.

(a) PUBLICATION OF PLAN.—Not later than 180 days after the date of enactment of this Act, the Secretary shall publish a management plan to reduce, through humane lethal culling by skilled public volunteers and by other nonlethal means, the population of bison in the Park that the Secretary determines are detrimental to the use of the Park.

(b) REMOVAL OF ANIMAL.—Notwithstanding any other provision of law, a skilled public volunteer may remove a full bison harvested from the Park.

(c) COORDINATION.—The Secretary shall coordinate with the Arizona Game and Fish Commission regarding the development and implementation of the management plan.

(d) NEPA COMPLIANCE.—In developing the management plan, the Secretary shall comply with all applicable Federal environmental laws (including regulations), including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(e) LIMITATION.—Nothing in this subtitle applies to the taking of wildlife in the Park for any purpose other than the implementation of the management plan.

Subtitle O—Open Book on Equal Access to Justice

SEC. 2161. SHORT TITLE.

This subtitle may be cited as the ''Open Book on Equal Access to Justice Act''.

SEC. 2162. MODIFICATION OF EQUAL ACCESS TO JUSTICE PROVISIONS.

(a) AGENCY PROCEEDINGS.—Section 504 of title 5, United States Code, is amended—

(1) in subsection (c)(1), by striking '', United States Code'';

(2) by redesignating subsection (f) as subsection (i); and

(3) by striking subsection (e) and inserting the following:

''(e)(1) The Chairman of the Administrative Conference of the United States, after consultation with the Chief Counsel for Advocacy of the Small Business Administration, shall report to the Congress, not later than March 31 of each year through the 6th calendar year beginning after the initial report under this subsection is submitted, on the amount of fees and other expenses awarded during the preceding fiscal year pursuant to this section. The report shall describe the number, nature, and amount of the awards, the claims involved in the controversy, and any other relevant information that may aid the Congress in evaluating the scope and impact of such awards. The report shall be made available to the public online.

''(2)(A) The report required by paragraph (1) shall account for all payments of fees and other expenses awarded under this section that are made pursuant to a settlement agreement, regardless of whether the settlement agreement is sealed or otherwise subject to nondisclosure provisions.

''(B) The disclosure of fees and other expenses required under subparagraph (A) does not affect any other information that is subject to nondisclosure provisions in the settlement agreement.

''(f) The Chairman of the Administrative Conference shall create and maintain, during the period beginning on the date the initial report under subsection (e) is submitted and ending one year after the date on which the final report under that subsection is submitted, online a searchable database containing the following information with respect to each award of fees and other expenses under this section:

''(1) The case name and number of the adversary adjudication, if available.

''(2) The name of the agency involved in the adversary adjudication.

''(3) A description of the claims in the adversary adjudication.

''(4) The name of each party to whom the award was made, as such party is identified in the order or other agency document making the award.

''(5) The amount of the award.

''(6) The basis for the finding that the position of the agency concerned was not substantially justified.

''(g) The online searchable database described in subsection (f) may not reveal any information the disclosure of which is prohibited by law or court order.

''(h) The head of each agency shall provide to the Chairman of the Administrative Conference in a timely manner all information requested by the Chairman to comply with the requirements of subsections (e), (f), and (g).''.

(b) COURT CASES.—Section 2412(d) of title 28, United States Code, is amended by adding at the end the following:

''(5)(A) The Chairman of the Administrative Conference of the United States shall submit to the Congress, not later than March 31 of each year through the 6th calendar year beginning after the initial report under this paragraph is submitted, a report on the amount of fees and other expenses awarded during the preceding fiscal year pursuant to this subsection. The report shall describe the number, nature, and amount of the awards, the claims involved in each controversy, and any other relevant information that may aid the Congress in evaluating the scope and impact of such awards. The report shall be made available to the public online.

''(B)(i) The report required by subparagraph (A) shall account for all payments of fees and other expenses awarded under this subsection that are made pursuant to a settlement agreement, regardless of whether the settlement agreement is sealed or otherwise subject to nondisclosure provisions.

''(ii) The disclosure of fees and other expenses required under clause (i) does not affect any other information that is subject to nondisclosure provisions in the settlement agreement.

''(C) The Chairman of the Administrative Conference shall include and clearly identify in

the annual report under subparagraph (A), for each case in which an award of fees and other expenses is included in the report—

''(i) any amounts paid from section 1304 of title 31 for a judgment in the case;

''(ii) the amount of the award of fees and other expenses; and

''(iii) the statute under which the plaintiff filed suit.

''(6) The Chairman of the Administrative Conference shall create and maintain, during the period beginning on the date the initial report under paragraph (5) is submitted and ending one year after the date on which the final report under that paragraph is submitted, online a searchable database containing the following information with respect to each award of fees and other expenses under this subsection:

''(A) The case name and number.

''(B) The name of the agency involved in the case.

''(C) The name of each party to whom the award was made, as such party is identified in the order or other court document making the award.

''(D) A description of the claims in the case.

''(E) The amount of the award.

''(F) The basis for the finding that the position of the agency concerned was not substantially justified.

''(7) The online searchable database described in paragraph (6) may not reveal any information the disclosure of which is prohibited by law or court order.

''(8) The head of each agency (including the Attorney General of the United States) shall provide to the Chairman of the Administrative Conference of the United States in a timely manner all information requested by the Chairman to comply with the requirements of paragraphs (5), (6), and (7).''.

(c) CLERICAL AMENDMENTS.—Section 2412 of title 28, United States Code, is amended—

(1) in subsection (d)(3), by striking ''United States Code,''; and

(2) in subsection (e)—

(A) by striking ''of section 2412 of title 28, United States Code,'' and inserting ''of this section''; and

(B) by striking ''of such title'' and inserting ''of this title''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsections (a) and (b) shall first apply with respect to awards of fees and other expenses that are made on or after the date of the enactment of this Act.

(2) INITIAL REPORTS.—The first reports required by section 504(e) of title 5, United States Code, and section 2412(d)(5) of title 28, United States Code, shall be submitted not later than March 31 of the calendar year following the first calendar year in which a fiscal year begins after the date of the enactment of this Act.

(3) ONLINE DATABASES.—The online databases required by section 504(f) of title 5, United States Code, and section 2412(d)(6) of title 28, United States Code, shall be established as soon as practicable after the date of the enactment of this Act, but in no case later than the date on which the first reports under section 504(e) of title 5, United States Code, and section 2412(d)(5) of title 28, United States Code, are required to be submitted under paragraph (2) of this subsection.

Subtitle P—Utility Terrain Vehicles

SEC. 2171. UTILITY TERRAIN VEHICLES IN KISATCHIE NATIONAL FOREST.

(a) IN GENERAL.—The Forest Administrator shall amend the applicable travel plan to allow utility terrain vehicles access on all roads nominated by the Secretary of Louisiana Wildlife and Fisheries in the Kisatchie National Forest, except when such designation would pose an unacceptable safety risk, in which case the Forest Administrator shall publish a notice in the Federal Register with a justification for the closure.

(b) UTILITY TERRAIN VEHICLES DEFINED.—For purposes of this section, the term ''utility terrain vehicle''—

(1) means any recreational motor vehicle designed for and capable of travel over designated roads, traveling on four or more tires with a maximum tire width of 27 inches, a maximum wheel cleat or lug of ¾ of an inch, a minimum width of 50 inches but not exceeding 74 inches, a minimum weight of at least 700 pounds but not exceeding 2,000 pounds, and a minimum wheelbase of 61 inches but not exceeding 110 inches;

(2) includes vehicles not equipped with a certification label as required by part 567.4 of title 49, Code of Federal Regulations; and

(3) does not include golf carts, vehicles specially designed to carry a disabled person, or vehicles otherwise registered under section 32.299 of the Louisiana State statutes.

Subtitle Q—Good Samaritan Search and Recovery

SEC. 2181. SHORT TITLE.

This subtitle may be cited as the ''Good Samaritan Search and Recovery Act''.

SEC. 2182. EXPEDITED ACCESS TO CERTAIN FEDERAL LAND.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE.—The term ''eligible'', with respect to an organization or individual, means that the organization or individual, respectively, is—

(A) acting in a not-for-profit capacity; and

(B) composed entirely of members who, at the time of the good Samaritan search-and-recovery mission, have attained the age of majority under the law of the State where the mission takes place.

(2) GOOD SAMARITAN SEARCH-AND-RECOVERY MISSION.—The term ''good Samaritan search-and-recovery mission'' means a search conducted by an eligible organization or individual for 1 or more missing individuals believed to be deceased at the time that the search is initiated.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior or the Secretary of Agriculture, as applicable.

(b) PROCESS.—

(1) IN GENERAL.—Each Secretary shall develop and implement a process to expedite access to Federal land under the administrative jurisdiction of the Secretary for eligible organizations and individuals to request access to Federal land to conduct good Samaritan search-and-recovery missions.

(2) INCLUSIONS.—The process developed and implemented under this subsection shall include provisions to clarify that—

(A) an eligible organization or individual granted access under this section—

(i) shall be acting for private purposes; and

(ii) shall not be considered to be a Federal volunteer;

(B) an eligible organization or individual conducting a good Samaritan search-and-recovery mission under this section shall not be considered to be a volunteer under section 102301(c) of title 54, United States Code;

(C) chapter 171 of title 28, United States Code (commonly known as the ''Federal Tort Claims Act''), shall not apply to an eligible organization or individual carrying out a privately requested good Samaritan search-and-recovery mission under this section; and

(D) an eligible organization or entity who conducts a good Samaritan search-and-recovery mission under this section shall serve without pay from the Federal Government for such service.

(c) RELEASE OF FEDERAL GOVERNMENT FROM LIABILITY.—The Secretary shall not require an eligible organization or individual to have liability insurance as a condition of accessing Federal land under this section, if the eligible organization or individual—

(1) acknowledges and consents, in writing, to the provisions described in subparagraphs (A) through (D) of subsection (b)(2); and

(2) signs a waiver releasing the Federal Government from all liability relating to the access granted under this section and agrees to indemnify and hold harmless the United States from any claims or lawsuits arising from any conduct by the eligible organization or individual on Federal land.

(d) APPROVAL AND DENIAL OF REQUESTS.—

(1) IN GENERAL.—The Secretary shall notify an eligible organization or individual of the approval or denial of a request by the eligible organization or individual to carry out a good Samaritan search-and-recovery mission under this section by not later than 48 hours after the request is made.

(2) DENIALS.—If the Secretary denies a request from an eligible organization or individual to carry out a good Samaritan search-and-recovery mission under this section, the Secretary shall notify the eligible organization or individual of—

(A) the reason for the denial of the request; and

(B) any actions that the eligible organization or individual can take to meet the requirements for the request to be approved.

(e) PARTNERSHIPS.—Each Secretary shall develop search-and-recovery-focused partnerships with search-and-recovery organizations—

(1) to coordinate good Samaritan search-and-recovery missions on Federal land under the administrative jurisdiction of the Secretary; and

(2) to expedite and accelerate good Samaritan search-and-recovery mission efforts for missing individuals on Federal land under the administrative jurisdiction of the Secretary.

(f) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretaries shall submit to Congress a joint report describing—

(1) plans to develop partnerships described in subsection (e)(1); and

(2) efforts carried out to expedite and accelerate good Samaritan search-and-recovery mission efforts for missing individuals on Federal land under the administrative jurisdiction of each Secretary pursuant to subsection (e)(2).

Subtitle R—Interstate Transportation of Firearms or Ammunition

SEC. 2191. INTERSTATE TRANSPORTATION OF FIREARMS OR AMMUNITION.

(a) IN GENERAL.—Section 926A of title 18, United States Code, is amended to read as follows:

''§ 926A. Interstate transportation of firearms or ammunition

''(a) Notwithstanding any provision of any law, rule, or regulation of a State or any political subdivision thereof:

''(1) A person who is not prohibited by this chapter from possessing, transporting, shipping, or receiving a firearm or ammunition shall be entitled to transport a firearm for any lawful purpose from any place where the person may lawfully possess, carry, or transport the firearm to any other such place if, during the transportation, the firearm is unloaded, and—

''(A) if the transportation is by motor vehicle, the firearm is not directly accessible from the passenger compartment of the vehicle, and, if the vehicle is without a compartment separate from the passenger compartment, the firearm is in a locked container other than the glove compartment or console, or is secured by a secure gun storage or safety device; or

''(B) if the transportation is by other means, the firearm is in a locked container or secured by a secure gun storage or safety device.

''(2) A person who is not prohibited by this chapter from possessing, transporting, shipping, or receiving a firearm or ammunition shall be entitled to transport ammunition for any lawful purpose from any place where the person may lawfully possess, carry, or transport the ammunition, to any other such place if, during the transportation, the ammunition is not loaded into a firearm, and—

''(A) if the transportation is by motor vehicle, the ammunition is not directly accessible from the passenger compartment of the vehicle, and, if the vehicle is without a compartment separate from the passenger compartment, the ammunition is in a locked container other than the glove compartment or console; or

''(B) if the transportation is by other means, the ammunition is in a locked container.

''(b) In subsection (a), the term 'transport' includes staying in temporary lodging overnight, stopping for food, fuel, vehicle maintenance, an emergency, medical treatment, and any other activity incidental to the transport, but does not include transportation—

''(1) with the intent to commit a crime punishable by imprisonment for a term exceeding one year that involves the use or threatened use of force against another; or

''(2) with knowledge, or reasonable cause to believe, that such a crime is to be committed in the course of, or arising from, the transportation.

''(c)(1) A person who is transporting a firearm or ammunition may not be arrested or otherwise detained for violation of any law or any rule or regulation of a State or any political subdivision thereof related to the possession, transportation, or carrying of firearms, unless there is probable cause to believe that the person is doing so in a manner not provided for in subsection (a).

''(2) When a person asserts this section as a defense in a criminal proceeding, the prosecution shall bear the burden of proving, beyond a reasonable doubt, that the conduct of the person did not satisfy the conditions set forth in subsection (a).

''(3) When a person successfully asserts this section as a defense in a criminal proceeding, the court shall award the prevailing defendant a reasonable attorney's fee.

''(d)(1) A person who is deprived of any right, privilege, or immunity secured by this section, section 926B or 926C, under color of any statute, ordinance, regulation, custom, or usage of any State or any political subdivision thereof, may bring an action in any appropriate court against any other person, including a State or political subdivision thereof, who causes the person to be subject to the deprivation, for damages and other appropriate relief.

''(2) The court shall award a plaintiff prevailing in an action brought under paragraph (1) damages and such other relief as the court deems appropriate, including a reasonable attorney's fee.''.

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is amended in the item relating to section 926A by striking ''firearms'' and inserting ''firearms or ammunition''.

Subtitle S—Gray Wolves

SEC. 2201. REISSUANCE OF FINAL RULE REGARDING GRAY WOLVES IN THE WESTERN GREAT LAKES.

Before the end of the 60-day period beginning on the date of enactment of this Act, the Secretary of the Interior shall reissue the final rule published on December 28, 2011 (76 Fed. Reg. 81666), without regard to any other provision of statute or regulation that applies to issuance of such rule. Such reissuance shall not be subject to judicial review.

SEC. 2202. REISSUANCE OF FINAL RULE REGARDING GRAY WOLVES IN WYOMING.

Before the end of the 60-day period beginning on the date of enactment of this Act, the Secretary of the Interior shall reissue the final rule published on September 10, 2012 (77 Fed. Reg. 55530), without regard to any other provision of statute or regulation that applies to issuance of such rule. Such reissuance shall not be subject to judicial review.

Subtitle T—Miscellaneous Provisions

SEC. 2211. PROHIBITION ON ISSUANCE OF FINAL RULE.

The Director of the United States Fish and Wildlife Service shall not issue a final rule that—

(1) succeeds the proposed rule entitled ''Non-Subsistence Take of Wildlife, and Public Participation and Closure Procedures, on National Wildlife Refuges in Alaska'' (81 Fed. Reg. 887 (January 8, 2016)); or

(2) is substantially similar to that proposed rule.

SEC. 2212. WITHDRAWAL OF EXISTING RULE REGARDING HUNTING AND TRAPPING IN ALASKA.

The Director of the National Park Service shall withdraw the final rule entitled ''Alaska; Hunting and Trapping in National Preserves'' (80 Fed. Reg. 64325 (October 23, 2015)) by not later than 30 days after the date of the enactment of this Act, and shall not issue a rule that is substantially similar to that rule.

TITLE III—NATIONAL STRATEGIC AND CRITICAL MINERALS PRODUCTION ACT

SEC. 3001. SHORT TITLE.

This title may be cited as the ''National Strategic and Critical Minerals Production Act of 2015''.

SEC. 3002. FINDINGS.

Congress finds the following:

(1) The industrialization of developing nations has driven demand for nonfuel minerals necessary for telecommunications, military technologies, healthcare technologies, and conventional and renewable energy technologies.

(2) The availability of minerals and mineral materials are essential for economic growth, national security, technological innovation, and the manufacturing and agricultural supply chain.

(3) The exploration, production, processing, use, and recycling of minerals contribute significantly to the economic well-being, security, and general welfare of the Nation.

(4) The United States has vast mineral resources, but is becoming increasingly dependent upon foreign sources of these mineral materials, as demonstrated by the following:

(A) Twenty-five years ago the United States was dependent on foreign sources for 45 nonfuel mineral materials, 8 of which the United States imported 100 percent of the Nation's requirements, and for another 19 commodities the United States imported more than 50 percent of the Nation's needs.

(B) By 2014 the United States import dependence for nonfuel mineral materials increased from 45 to 65 commodities, 19 of which the United States imported for 100 percent of the Nation's requirements, and an additional 24 of which the United States imported for more than 50 percent of the Nation's needs.

(C) The United States share of worldwide mineral exploration dollars was 7 percent in 2014, down from 19 percent in the early 1990s.

(D) In the 2014 Ranking of Countries for Mining Investment (out of 25 major mining countries), found that 7- to 10-year permitting delays are the most significant risk to mining projects in the United States.

SEC. 3003. DEFINITIONS.

In this title:

(1) STRATEGIC AND CRITICAL MINERALS.—The term ''strategic and critical minerals'' means minerals that are necessary—

(A) for national defense and national security requirements;

(B) for the Nation's energy infrastructure, including pipelines, refining capacity, electrical power generation and transmission, and renewable energy production;

(C) to support domestic manufacturing, agriculture, housing, telecommunications, healthcare, and transportation infrastructure; or

(D) for the Nation's economic security and balance of trade.

(2) AGENCY.—The term ''agency'' means any agency, department, or other unit of Federal, State, local, or tribal government, or Alaska Native Corporation.

(3) MINERAL EXPLORATION OR MINE PERMIT.—The term ''mineral exploration or mine permit'' includes—

(A) Bureau of Land Management and Forest Service authorizations for pre-mining activities that require environmental analyses pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) plans of operation issued by the Bureau of Land Management and the Forest Service pursuant to 43 CFR 3809 and 36 CFR 228A or the authorities listed in 43 CFR 3503.13, respectively, as amended from time to time.

Subtitle A—Development of Domestic Sources of Strategic and Critical Minerals

SEC. 3011. IMPROVING DEVELOPMENT OF STRATEGIC AND CRITICAL MINERALS.

Domestic mines that will provide strategic and critical minerals shall be considered an ''infrastructure project'' as described in Presidential order ''Improving Performance of Federal Permitting and Review of Infrastructure Projects'' dated March 22, 2012.

SEC. 3012. RESPONSIBILITIES OF THE LEAD AGENCY.

(a) IN GENERAL.—The lead agency with responsibility for issuing a mineral exploration or mine permit shall appoint a project lead within the lead agency who shall coordinate and consult with cooperating agencies and any other agency involved in the permitting process, project proponents and contractors to ensure that agencies minimize delays, set and adhere to timelines and schedules for completion of the permitting process, set clear permitting goals and track progress against those goals.

(b) DETERMINATION UNDER NEPA.—

(1) IN GENERAL.—To the extent that the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) applies to the issuance of any mineral exploration or mine permit, the requirements of such Act shall be deemed to have been procedurally and substantively satisfied if the lead agency determines that any State and/or Federal agency acting pursuant to State or Federal (or both) statutory or procedural authorities, has addressed or will address the following factors:

(A) The environmental impact of the action to be conducted under the permit.

(B) Possible adverse environmental effects of actions under the permit.

(C) Possible alternatives to issuance of the permit.

(D) The relationship between local long- and short-term uses of man's environment and the maintenance and enhancement of long-term productivity.

(E) Any irreversible and irretrievable commitment of resources that would be involved in the proposed action.

(F) That public participation will occur during the decisionmaking process for authorizing actions under the permit.

(2) WRITTEN REQUIREMENT.—In reaching a determination under paragraph (1), the lead agency shall, by no later than 90 days after receipt of an application for the permit, in a written record of decision—

(A) explain the rationale used in reaching its determination;

(B) state the facts in the record that are the basis for the determination; and

(C) show that the facts in the record could allow a reasonable person to reach the same determination as the lead agency did.

(c) COORDINATION ON PERMITTING PROCESS.—The lead agency with responsibility for issuing a mineral exploration or mine permit shall enhance government coordination for the permitting process by avoiding duplicative reviews, minimizing paperwork, and engaging other agencies and stakeholders early in the process. For purposes of this subsection, the lead agency shall consider the following practices:

(1) Deferring to and relying upon baseline data, analyses and reviews performed by State agencies with jurisdiction over the proposed project.

(2) Conducting any consultations or reviews concurrently rather than sequentially to the extent practicable and when such concurrent review will expedite rather than delay a decision.

(d) MEMORANDUM OF AGENCY AGREEMENT.—If requested at any time by a State or local planning agency, the lead agency with responsibility for issuing a mineral exploration or mine permit, in consultation with other Federal agencies with relevant jurisdiction in the environmental review process, may establish memoranda of agreement with the project sponsor, State and local governments, and other appropriate entities to accomplish the early coordination activities described in subsection (c).

(e) SCHEDULE FOR PERMITTING PROCESS.—For any project for which the lead agency cannot make the determination described in 102(b), at the request of a project proponent the lead agency, cooperating agencies, and any other agencies involved with the mineral exploration or mine permitting process shall enter into an agreement with the project proponent that sets time limits for each part of the permitting process, including for the following:

(1) The decision on whether to prepare a document required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) A determination of the scope of any document required under the National Environmental Policy Act of 1969.

(3) The scope of and schedule for the baseline studies required to prepare a document required under the National Environmental Policy Act of 1969.

(4) Preparation of any draft document required under the National Environmental Policy Act of 1969.

(5) Preparation of a final document required under the National Environmental Policy Act of 1969.

(6) Consultations required under applicable laws.

(7) Submission and review of any comments required under applicable law.

(8) Publication of any public notices required under applicable law.

(9) A final or any interim decisions.

(f) TIME LIMIT FOR PERMITTING PROCESS.—In no case should the total review process described in subsection (d) exceed 30 months unless extended by the signatories of the agreement.

(g) LIMITATION ON ADDRESSING PUBLIC COMMENTS.—The lead agency is not required to address agency or public comments that were not submitted during any public comment periods or consultation periods provided during the permitting process or as otherwise required by law.

(h) FINANCIAL ASSURANCE.—The lead agency will determine the amount of financial assurance for reclamation of a mineral exploration or mining site, which must cover the estimated cost if the lead agency were to contract with a third party to reclaim the operations according to the reclamation plan, including construction and maintenance costs for any treatment facilities necessary to meet Federal, State or tribal environmental standards.

(i) APPLICATION TO EXISTING PERMIT APPLICATIONS.—This section shall apply with respect to a mineral exploration or mine permit for which an application was submitted before the date of the enactment of this Act if the applicant for the permit submits a written request to the lead agency for the permit. The lead agency shall begin implementing this section with respect to such application within 30 days after receiving such written request.

(j) STRATEGIC AND CRITICAL MINERALS WITHIN NATIONAL FORESTS.—With respect to strategic and critical minerals within a federally administered unit of the National Forest System, the lead agency shall—

(1) exempt all areas of identified mineral resources in Land Use Designations, other than Non-Development Land Use Designations, in existence as of the date of the enactment of this Act from the procedures detailed at and all rules promulgated under part 294 of title 36, Code of Federal Regulations;

(2) apply such exemption to all additional routes and areas that the lead agency finds necessary to facilitate the construction, operation, maintenance, and restoration of the areas of identified mineral resources described in paragraph (1); and

(3) continue to apply such exemptions after approval of the Minerals Plan of Operations for the unit of the National Forest System.

SEC. 3013. CONSERVATION OF THE RESOURCE.

In evaluating and issuing any mineral exploration or mine permit, the priority of the lead agency shall be to maximize the development of the mineral resource, while mitigating environmental impacts, so that more of the mineral resource can be brought to the marketplace.

SEC. 3014. FEDERAL REGISTER PROCESS FOR MINERAL EXPLORATION AND MINING PROJECTS.

(a) PREPARATION OF FEDERAL NOTICES FOR MINERAL EXPLORATION AND MINE DEVELOPMENT PROJECTS.—The preparation of Federal Register notices required by law associated with the issuance of a mineral exploration or mine permit shall be delegated to the organization level within the agency responsible for issuing the mineral exploration or mine permit. All Federal Register notices regarding official document availability, announcements of meetings, or notices of intent to undertake an action shall be originated and transmitted to the Federal Register from the office where documents are held, meetings are held, or the activity is initiated.

(b) DEPARTMENTAL REVIEW OF FEDERAL REGISTER NOTICES FOR MINERAL EXPLORATION AND MINING PROJECTS.—Absent any extraordinary circumstance or except as otherwise required by any Act of Congress, each Federal Register notice described in subsection (a) shall undergo any required reviews within the Department of the Interior or the Department of Agriculture and be published in its final form in the Federal Register no later than 30 days after its initial preparation.

Subtitle B—Judicial Review of Agency Actions Relating to Exploration and Mine Permits

SEC. 3021. DEFINITIONS FOR TITLE.

In this subtitle the term ''covered civil action'' means a civil action against the Federal Government containing a claim under section 702 of title 5, United States Code, regarding agency action affecting a mineral exploration or mine permit.

SEC. 3022. TIMELY FILINGS.

A covered civil action is barred unless filed no later than the end of the 60-day period beginning on the date of the final Federal agency action to which it relates.

SEC. 3023. RIGHT TO INTERVENE.

The holder of any mineral exploration or mine permit may intervene as of right in any covered civil action by a person affecting rights or obligations of the permit holder under the permit.

SEC. 3024. EXPEDITION IN HEARING AND DETERMINING THE ACTION.

The court shall endeavor to hear and determine any covered civil action as expeditiously as possible.

SEC. 3025. LIMITATION ON PROSPECTIVE RELIEF.

In a covered civil action, the court shall not grant or approve any prospective relief unless the court finds that such relief is narrowly drawn, extends no further than necessary to correct the violation of a legal requirement, and is the least intrusive means necessary to correct that violation.

SEC. 3026. LIMITATION ON ATTORNEYS' FEES.

Section 504 of title 5, United States Code, and section 2412 of title 28, United States Code (together commonly called the Equal Access to Justice Act) do not apply to a covered civil action, nor shall any party in such a covered civil action receive payment from the Federal Government for their attorneys' fees, expenses, and other court costs.

Subtitle C—Miscellaneous Provisions

SEC. 3031. SECRETARIAL ORDER NOT AFFECTED.

This title shall not apply to any mineral described in Secretarial Order No. 3324, issued by the Secretary of the Interior on December 3, 2012, in any area to which the order applies.

TITLE IV—NATIVE AMERICAN ENERGY ACT

SEC. 4001. SHORT TITLE.

This title may be cited as the ''Native American Energy Act''.

SEC. 4002. APPRAISALS.

(a) AMENDMENT.—Title XXVI of the Energy Policy Act of 1992 (25 U.S.C. 3501 et seq.) is amended by adding at the end the following:

''SEC. 2607. APPRAISAL REFORMS.

''(a) OPTIONS TO INDIAN TRIBES.—With respect to a transaction involving Indian land or the trust assets of an Indian tribe that requires the approval of the Secretary, any appraisal relating to fair market value required to be conducted under applicable law, regulation, or policy may be completed by—

''(1) the Secretary;

''(2) the affected Indian tribe; or

''(3) a certified, third-party appraiser pursuant to a contract with the Indian tribe.

''(b) TIME LIMIT ON SECRETARIAL REVIEW AND ACTION.—Not later than 30 days after the date on which the Secretary receives an appraisal conducted by or for an Indian tribe pursuant to paragraphs (2) or (3) of subsection (a), the Secretary shall—

''(1) review the appraisal; and

''(2) provide to the Indian tribe a written notice of approval or disapproval of the appraisal.

''(c) FAILURE OF SECRETARY TO APPROVE OR DISAPPROVE.—If, after 60 days, the Secretary has failed to approve or disapprove any appraisal received, the appraisal shall be deemed approved.

''(d) OPTION TO INDIAN TRIBES TO WAIVE APPRAISAL.—

''(1) An Indian tribe wishing to waive the requirements of subsection (a), may do so after it has satisfied the requirements of paragraphs (2) and (3).

''(2) An Indian tribe wishing to forego the necessity of a waiver pursuant to this section must provide to the Secretary a written resolution, statement, or other unambiguous indication of tribal intent, duly approved by the governing body of the Indian tribe.

''(3) The unambiguous indication of intent provided by the Indian tribe to the Secretary under paragraph (2) must include an express waiver by the Indian tribe of any claims for damages it might have against the United States as a result of the lack of an appraisal undertaken.

''(e) DEFINITION.—For purposes of this subsection, the term 'appraisal' includes appraisals and other estimates of value.

''(f) REGULATIONS.—The Secretary shall develop regulations for implementing this section, including standards the Secretary shall use for approving or disapproving an appraisal.''.

(b) CONFORMING AMENDMENT.—The table of contents of the Energy Policy Act of 1992 (42 U.S.C. 13201 note) is amended by adding at the end of the items relating to title XXVI the following:

''Sec. 2607. Appraisal reforms.''.

SEC. 4003. STANDARDIZATION.

As soon as practicable after the date of the enactment of this Act, the Secretary of the Interior shall implement procedures to ensure that each agency within the Department of the Interior that is involved in the review, approval, and oversight of oil and gas activities on Indian lands shall use a uniform system of reference numbers and tracking systems for oil and gas wells.

SEC. 4004. ENVIRONMENTAL REVIEWS OF MAJOR FEDERAL ACTIONS ON INDIAN LANDS.

Section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) is amended by inserting ''(a) IN GENERAL.—'' before the first sentence, and by adding at the end the following:

''(b) REVIEW OF MAJOR FEDERAL ACTIONS ON INDIAN LANDS.—

''(1) REVIEW AND COMMENT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the statement required under subsection (a)(2)(C) for a major Federal action regarding an activity on Indian lands of an Indian tribe shall only be available for review and comment by the members of the Indian tribe, other individuals residing within the affected area, and State, federally recognized tribal, and local governments within the affected area.

''(B) EXCEPTION.—Subparagraph (A) shall not apply to a statement for a major Federal action regarding an activity on Indian lands of an Indian tribe related to gaming under the Indian Gaming Regulatory Act.

''(2) REGULATIONS.—The Chairman of the Council on Environmental Quality shall develop regulations to implement this section, including descriptions of affected areas for specific major Federal actions, in consultation with Indian tribes.

''(3) DEFINITIONS.—In this subsection, each of the terms 'Indian land' and 'Indian tribe' has the meaning given that term in section 2601 of the Energy Policy Act of 1992 (25 U.S.C. 3501).

''(4) CLARIFICATION OF AUTHORITY.—Nothing in the Native American Energy Act, except section 6 of that Act, shall give the Secretary any additional authority over energy projects on Alaska Native Claims Settlement Act lands.''.

SEC. 4005. JUDICIAL REVIEW.

(a) TIME FOR FILING COMPLAINT.—Any energy related action must be filed not later than the end of the 60-day period beginning on the date of the final agency action. Any energy related action not filed within this time period shall be barred.

(b) DISTRICT COURT VENUE AND DEADLINE.—All energy related actions—

(1) shall be brought in the United States District Court for the District of Columbia; and

(2) shall be resolved as expeditiously as possible, and in any event not more than 180 days after such cause of action is filed.

(c) APPELLATE REVIEW.—An interlocutory order or final judgment, decree or order of the district court in an energy related action may be reviewed by the United States Court of Appeals for the District of Columbia Circuit. The District of Columbia Circuit Court of Appeals shall resolve such appeal as expeditiously as possible, and in any event not more than 180 days after such interlocutory order or final judgment, decree or order of the district court was issued.

(d) LIMITATION ON CERTAIN PAYMENTS.—Notwithstanding section 1304 of title 31, United States Code, no award may be made under section 504 of title 5, United States Code, or under section 2412 of title 28, United States Code, and no amounts may be obligated or expended from the Claims and Judgment Fund of the United States Treasury to pay any fees or other expenses under such sections, to any person or party in an energy related action.

(e) LEGAL FEES.—In any energy related action in which the plaintiff does not ultimately prevail, the court shall award to the defendant (including any intervenor-defendants), other than the United States, fees and other expenses incurred by that party in connection with the energy related action, unless the court finds that the position of the plaintiff was substantially justified or that special circumstances make an award unjust. Whether or not the position of the plaintiff was substantially justified shall be determined on the basis of the administrative record, as a whole, which is made in the energy related action for which fees and other expenses are sought.

(f) DEFINITIONS.—For the purposes of this section, the following definitions apply:

(1) AGENCY ACTION.—The term ''agency action'' has the same meaning given such term in section 551 of title 5, United States Code.

(2) INDIAN LAND.—The term ''Indian Land'' has the same meaning given such term in section 203(c)(3) of the Energy Policy Act of 2005 (Public Law 109–58; 25 U.S.C. 3501), including lands owned by Native Corporations under the Alaska Native Claims Settlement Act (Public Law 92–203; 43 U.S.C. 1601).

(3) ENERGY RELATED ACTION.—The term ''energy related action'' means a cause of action that—

(A) is filed on or after the effective date of this Act; and

(B) seeks judicial review of a final agency action to issue a permit, license, or other form of agency permission allowing:

(i) any person or entity to conduct activities on Indian Land, which activities involve the exploration, development, production or transportation of oil, gas, coal, shale gas, oil shale, geothermal resources, wind or solar resources, underground coal gasification, biomass, or the generation of electricity; or

(ii) any Indian Tribe, or any organization of two or more entities, at least one of which is an Indian tribe, to conduct activities involving the exploration, development, production or transportation of oil, gas, coal, shale gas, oil shale, geothermal resources, wind or solar resources, underground coal gasification, biomass, or the generation of electricity, regardless of where such activities are undertaken.

(4) ULTIMATELY PREVAIL.—The phrase ''ultimately prevail'' means, in a final enforceable judgment, the court rules in the party's favor on at least one cause of action which is an underlying rationale for the preliminary injunction, administrative stay, or other relief requested by the party, and does not include circumstances where the final agency action is modified or amended by the issuing agency unless such modification or amendment is required pursuant to a final enforceable judgment of the court or a court-ordered consent decree.

SEC. 4006. TRIBAL BIOMASS DEMONSTRATION PROJECT.

The Tribal Forest Protection Act of 2004 is amended by inserting after section 2 (25 U.S.C. 3115a) the following:

''SEC. 3. TRIBAL BIOMASS DEMONSTRATION PROJECT.

''(a) IN GENERAL.—For each of fiscal years 2016 through 2020, the Secretary shall enter into stewardship contracts or other agreements, other than agreements that are exclusively direct service contracts, with Indian tribes to carry out demonstration projects to promote biomass energy production (including biofuel, heat, and electricity generation) on Indian forest land and in nearby communities by providing reliable supplies of woody biomass from Federal land.

''(b) DEFINITIONS.—The definitions in section 2 shall apply to this section.

''(c) DEMONSTRATION PROJECTS.—In each fiscal year for which projects are authorized, the Secretary shall enter into contracts or other agreements described in subsection (a) to carry out at least 4 new demonstration projects that meet the eligibility criteria described in subsection (d).

''(d) ELIGIBILITY CRITERIA.—To be eligible to enter into a contract or other agreement under this subsection, an Indian tribe shall submit to the Secretary an application—

''(1) containing such information as the Secretary may require; and

''(2) that includes a description of—

''(A) the Indian forest land or rangeland under the jurisdiction of the Indian tribe; and

''(B) the demonstration project proposed to be carried out by the Indian tribe.

''(e) SELECTION.—In evaluating the applications submitted under subsection (c), the Secretary—

''(1) shall take into consideration the factors set forth in paragraphs (1) and (2) of section 2(e) of Public Law 108–278; and whether a proposed demonstration project would—

''(A) increase the availability or reliability of local or regional energy;

''(B) enhance the economic development of the Indian tribe;

''(C) improve the connection of electric power transmission facilities serving the Indian tribe with other electric transmission facilities;

''(D) improve the forest health or watersheds of Federal land or Indian forest land or rangeland; or

''(E) otherwise promote the use of woody biomass; and

''(2) shall exclude from consideration any merchantable logs that have been identified by the Secretary for commercial sale.

''(f) IMPLEMENTATION.—The Secretary shall—

''(1) ensure that the criteria described in subsection (c) are publicly available by not later than 120 days after the date of enactment of this section; and

''(2) to the maximum extent practicable, consult with Indian tribes and appropriate intertribal organizations likely to be affected in developing the application and otherwise carrying out this section.

''(g) REPORT.—Not later than one year subsequent to the date of enactment of this section, the Secretary shall submit to Congress a report that describes, with respect to the reporting period—

''(1) each individual tribal application received under this section; and

''(2) each contract and agreement entered into pursuant to this section.

''(h) INCORPORATION OF MANAGEMENT PLANS.—In carrying out a contract or agreement under this section, on receipt of a request from an Indian tribe, the Secretary shall incorporate into the contract or agreement, to the extent practicable, management plans (including forest management and integrated resource management plans) in effect on the Indian forest land or rangeland of the respective Indian tribe.

''(i) TERM.—A stewardship contract or other agreement entered into under this section—

''(1) shall be for a term of not more than 20 years; and

''(2) may be renewed in accordance with this section for not more than an additional 10 years.

''SEC. 4. TRIBAL FOREST MANAGEMENT DEMONSTRATION PROJECT.

''The Secretary of the Interior and the Secretary of Agriculture may carry out demonstration projects by which federally recognized Indian tribes or tribal organizations may contract to perform administrative, management, and other functions of programs of the Tribal Forest Protection Act of 2004 (25 U.S.C. 3115a et seq.) through contracts entered into under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).''.

SEC. 4007. TRIBAL RESOURCE MANAGEMENT PLANS.

Unless otherwise explicitly exempted by Federal law enacted after the date of the enactment of this Act, any activity conducted or resources harvested or produced pursuant to a tribal resource management plan or an integrated resource management plan approved by the Secretary of the Interior under the National Indian Forest Resources Management Act (25 U.S.C. 3101 et seq.) or the American Indian Agricultural Resource Management Act (25 U.S.C. 3701 et seq.), shall be considered a sustainable management practice for purposes of any Federal standard, benefit, or requirement that requires a demonstration of such sustainability.

SEC. 4008. LEASES OF RESTRICTED LANDS FOR THE NAVAJO NATION.

Subsection (e)(1) of the first section of the Act of August 9, 1955 (25 U.S.C. 415(e)(1); commonly

referred to as the ''Long-Term Leasing Act''), is amended—

(1) by striking '', except a lease for'' and inserting '', including leases for'';

(2) in subparagraph (A), by striking ''25'' the first place it appears and all that follows and inserting ''99 years;'';

(3) in subparagraph (B), by striking the period and inserting ''; and''; and

(4) by adding at the end the following:

''(C) in the case of a lease for the exploration, development, or extraction of mineral resources, including geothermal resources, 25 years, except that any such lease may include an option to renew for one additional term not to exceed 25 years.''.

SEC. 4009. NONAPPLICABILITY OF CERTAIN RULES.

No rule promulgated by the Department of the Interior regarding hydraulic fracturing used in the development or production of oil or gas resources shall have any effect on any land held in trust or restricted status for the benefit of Indians except with the express consent of the beneficiary on whose behalf such land is held in trust or restricted status.

TITLE V—NORTHPORT IRRIGATION EARLY REPAYMENT

SEC. 5001. EARLY REPAYMENT OF CONSTRUCTION COSTS.

(a) IN GENERAL.—Notwithstanding section 213 of the Reclamation Reform Act of 1982 (43 U.S.C. 390mm), any landowner within the Northport Irrigation District in the State of Nebraska (referred to in this section as the ''District'') may repay, at any time, the construction costs of project facilities allocated to the landowner's land within the District.

(b) APPLICABILITY OF FULL-COST PRICING LIMITATIONS.—On discharge, in full, of the obligation for repayment of all construction costs described in subsection (a) that are allocated to all land the landowner owns in the District in question, the parcels of land shall not be subject to the ownership and full-cost pricing limitations under Federal reclamation law (the Act of June 17, 1902, 32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.), including the Reclamation Reform Act of 1982 (13 U.S.C. 390aa et seq.).

(c) CERTIFICATION.—On request of a landowner that has repaid, in full, the construction costs described in subsection (a), the Secretary of the Interior shall provide to the landowner a certificate described in section 213(b)(1) of the Reclamation Reform Act of 1982 (43 U.S.C. 390mm(b)(1)).

(d) EFFECT.—Nothing in this section—

(1) modifies any contractual rights under, or amends or reopens, the reclamation contract between the District and the United States; or

(2) modifies any rights, obligations, or relationships between the District and landowners in the District under Nebraska State law.

TITLE VI—OCMULGEE MOUNDS NATIONAL HISTORICAL PARK BOUNDARY REVISION ACT

SEC. 6001. SHORT TITLE.

This title may be cited as the ''Ocmulgee Mounds National Historical Park Boundary Revision Act of 2016''.

SEC. 6002. DEFINITIONS.

In this Act:

(1) MAP.—The term ''map'' means the map entitled ''Ocmulgee National Monument Proposed Boundary Adjustment, numbered 363/125996'', and dated January 2016.

(2) HISTORICAL PARK.—The term ''Historical Park'' means the Ocmulgee Mounds National Historical Park in the State of Georgia, as redesignated in section 6003.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 6003. OCMULGEE MOUNDS NATIONAL HISTORICAL PARK.

(a) REDESIGNATION.—Ocmulgee National Monument, established pursuant to the Act of June 14, 1934 (48 Stat. 958), shall be known and designated as ''Ocmulgee Mounds National Historical Park''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to ''Ocmulgee National Monument'', other than in this Act, shall be deemed to be a reference to ''Ocmulgee Mounds National Historical Park''.

SEC. 6004. BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—The boundary of the Historical Park is revised to include approximately 2,100 acres, as generally depicted on the map.

(b) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service, the Department of the Interior.

SEC. 6005. LAND ACQUISITION; NO BUFFER ZONES.

(a) LAND ACQUISITION.—The Secretary is authorized to acquire land and interests in land within the boundaries of the Historical Park by donation or exchange only (and in the case of an exchange, no payment may be made by the Secretary to any landowner). The Secretary may not acquire by condemnation any land or interest in land within the boundaries of the Historical Park. No private property or non-Federal public property shall be included within the boundaries of the Historical Park without the written consent of the owner of such property.

(b) NO BUFFER ZONES.—Nothing in this Act, the establishment of the Historical Park, or the management of the Historical Park shall be construed to create buffer zones outside of the Historical Park. That an activity or use can be seen or heard from within the Historical Park shall not preclude the conduct of that activity or use outside the Historical Park.

SEC. 6006. ADMINISTRATION.

The Secretary shall administer any land acquired under section 6005 as part of the Historical Park in accordance with applicable laws and regulations.

SEC. 6007. OCMULGEE RIVER CORRIDOR SPECIAL RESOURCE STUDY.

(a) IN GENERAL.—The Secretary shall conduct a special resource study of the Ocmulgee River corridor between the cities of Macon, Georgia, and Hawkinsville, Georgia, to determine—

(1) the national significance of the study area;

(2) the suitability and feasibility of adding lands in the study area to the National Park System; and

(3) the methods and means for the protection and interpretation of the study area by the National Park Service, other Federal, State, local government entities, affiliated federally recognized Indian tribes, or private or nonprofit organizations.

(b) CRITERIA.—The Secretary shall conduct the study authorized by this Act in accordance with section 100507 of title 54, United States Code.

(c) RESULTS OF STUDY.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate—

(1) the results of the study; and

(2) any findings, conclusions, and recommendations of the Secretary.

TITLE VII—MEDGAR EVERS HOUSE STUDY ACT

SEC. 7001. SHORT TITLE.

This title may be cited as the ''Medgar Evers House Study Act''.

SEC. 7002. SPECIAL RESOURCE STUDY.

(a) STUDY.—The Secretary of the Interior shall conduct a special resource study of the home of the late civil rights activist Medgar Evers, located at 2332 Margaret Walker Alexander Drive in Jackson, Mississippi.

(b) CONTENTS.—In conducting the study under subsection (a), the Secretary shall—

(1) evaluate the national significance of the site;

(2) determine the suitability and feasibility of designating the site as a unit of the National Park System;

(3) consider other alternatives for preservation, protection, and interpretation of the site by Federal, State, or local governmental entities, or private and nonprofit organizations;

(4) consult with interested Federal, State, or local governmental entities, private and nonprofit organizations or any other interested individuals;

(5) determine the effect of the designation of the site as a unit of the National Park System on existing commercial and recreational uses, and the effect on State and local governments to manage those activities;

(6) identify any authorities, including condemnation, that will compel or permit the Secretary to influence or participate in local land use decisions (such as zoning) or place restrictions on non-Federal land if the site is designated a unit of the National Park System; and

(7) identify cost estimates for any Federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives.

(c) APPLICABLE LAW.—The study required under subsection (a) shall be conducted in accordance with section 100507 of title 54, United States Code.

(d) STUDY RESULTS.—Not later than 3 years after the date on which funds are first made available for the study under subsection (a), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate the results of the study and any conclusions and recommendations of the Secretary.

TITLE VIII—SKY POINT MOUNTAIN DESIGNATION

SEC. 8001. FINDINGS.

Congress finds the following:

(1) Staff Sergeant Sky Mote, USMC, grew up in El Dorado, California.

(2) Staff Sergeant Mote graduated from Union Mine High School.

(3) Upon graduation, Staff Sergeant Mote promptly enlisted in the Marine Corps.

(4) Staff Sergeant Mote spent 9 years serving his country in the United States Marine Corps, including a deployment to Iraq and two deployments to Afghanistan.

(5) By his decisive actions, heroic initiative, and resolute dedication to duty, Staff Sergeant Mote gave his life to protect fellow Marines on August 10, 2012, by gallantly rushing into action during an attack by a rogue Afghan policeman inside the base perimeter in Helmand province.

(6) Staff Sergeant Mote was awarded the Navy Cross, a Purple Heart, the Navy-Marine Corps Commendation Medal, a Navy-Marine Corps Achievement Medal, two Combat Action Ribbons, and three Good Conduct Medals.

(7) The Congress of the United States, in acknowledgment of this debt that cannot be repaid, honors Staff Sergeant Mote for his ultimate sacrifice and recognizes his service to his country, faithfully executed to his last, full measure of devotion.

(8) A presently unnamed peak in the center of Humphrey Basin holds special meaning to the friends and family of Sky Mote, as their annual hunting trips set up camp beneath this point; under the stars, the memories made beneath this rounded peak will be cherished forever.

SEC. 8002. SKY POINT.

(a) DESIGNATION.—The mountain in the John Muir Wilderness of the Sierra National Forest in California, located at 37°15′16.10091″N 118°43′39.54102″W, shall be known and designated as ''Sky Point''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, record, or other

paper of the United States to the mountain described in subsection (a) shall be considered to be a reference to ''Sky Point''.

TITLE IX—CHIEF STANDING BEAR TRAIL STUDY

SEC. 9001. CHIEF STANDING BEAR NATIONAL HISTORIC TRAIL FEASIBILITY STUDY.

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

''(46) CHIEF STANDING BEAR NATIONAL HISTORIC TRAIL.—

''(A) IN GENERAL.—The Chief Standing Bear Trail, extending approximately 550 miles from Niobrara, Nebraska, to Ponca City, Oklahoma, which follows the route taken by Chief Standing Bear and the Ponca people during Federal Indian removal, and approximately 550 miles from Ponca City, Oklahoma, through Omaha, Nebraska, to Niobrara, Nebraska, which follows the return route taken by Chief Standing Bear and the Ponca people, as generally depicted on the map entitled 'Chief Standing Bear National Historic Trail Feasibility Study', numbered 903/125,630, and dated November 2014.

''(B) AVAILABILITY OF MAP.—The map described in subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the Department of the Interior.

''(C) COMPONENTS.—The feasibility study conducted under subparagraph (A) shall include a determination on whether the Chief Standing Bear Trail meets the criteria described in subsection (b) for designation as a national historic trail.

''(D) CONSIDERATIONS.—In conducting the feasibility study under subparagraph (A), the Secretary of the Interior shall consider input from owners of private land within or adjacent to the study area.''.

TITLE X—JOHN MUIR NATIONAL HISTORIC SITE EXPANSION ACT

SEC. 10001. SHORT TITLE.

This title may be cited as the ''John Muir National Historic Site Expansion Act''.

SEC. 10002. JOHN MUIR NATIONAL HISTORIC SITE LAND ACQUISITION.

(a) ACQUISITION.—The Secretary of the Interior may acquire by donation the approximately 44 acres of land, and interests in such land, that are identified on the map entitled ''John Muir National Historic Site Proposed Boundary Expansion'', numbered 426/127150, and dated November, 2014.

(b) BOUNDARY.—Upon the acquisition of the land authorized by subsection (a), the Secretary of the Interior shall adjust the boundaries of the John Muir Historic Site in Martinez, California, to include the land identified on the map referred to in subsection (a).

(c) ADMINISTRATION.—The land and interests in land acquired under subsection (a) shall be administered as part of the John Muir National Historic Site established by the Act of August 31, 1964 (Public Law 88–547; 78 Stat. 753; 16 U.S.C. 461 note).

TITLE XI—ARAPAHO NATIONAL FOREST BOUNDARY ADJUSTMENT ACT

SEC. 11001. SHORT TITLE.

This title may be cited as the ''Arapaho National Forest Boundary Adjustment Act of 2015''.

SEC. 11002. ARAPAHO NATIONAL FOREST BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—The boundary of the Arapaho National Forest in the State of Colorado is adjusted to incorporate the approximately 92.95 acres of land generally depicted as ''The Wedge'' on the map entitled ''Arapaho National Forest Boundary Adjustment'' and dated November 6, 2013, and described as lots three, four, eight, and nine of section 13, Township 4 North, Range 76 West, Sixth Principal Meridian, Colorado. A lot described in this subsection may be included in the boundary adjustment only after the Secretary of Agriculture obtains written permission for such action from the lot owner or owners.

(b) BOWEN GULCH PROTECTION AREA.—The Secretary of Agriculture shall include all Federal land within the boundary described in subsection (a) in the Bowen Gulch Protection Area established under section 6 of the Colorado Wilderness Act of 1993 (16 U.S.C. 539j).

(c) LAND AND WATER CONSERVATION FUND.—For purposes of section 200306(a)(2)(B)(i) of title 54, United States Code, the boundaries of the Arapaho National Forest, as modified under subsection (a), shall be considered to be the boundaries of the Arapaho National Forest as in existence on January 1, 1965.

(d) PUBLIC MOTORIZED USE.—Nothing in this Act opens privately owned lands within the boundary described in subsection (a) to public motorized use.

(e) ACCESS TO NON-FEDERAL LANDS.—Notwithstanding the provisions of section 6(f) of the Colorado Wilderness Act of 1993 (16 U.S.C. 539j(f)) regarding motorized travel, the owners of any non-Federal lands within the boundary described in subsection (a) who historically have accessed their lands through lands now or hereafter owned by the United States within the boundary described in subsection (a) shall have the continued right of motorized access to their lands across the existing roadway.

TITLE XII—PRESERVATION RESEARCH AT INSTITUTIONS SERVING MINORITIES ACT

SEC. 12001. SHORT TITLE.

This title may be cited as the ''Preservation Research at Institutions Serving Minorities Act'' or the ''PRISM Act''.

SEC. 12002. ELIGIBILITY OF HISPANIC-SERVING INSTITUTIONS AND ASIAN AMERICAN AND NATIVE AMERICAN PACIFIC ISLANDER-SERVING INSTITUTIONS FOR ASSISTANCE FOR PRESERVATION EDUCATION AND TRAINING PROGRAMS.

Section 303903(3) of title 54, United States Code, is amended by inserting ''to Hispanic-serving institutions (as defined in section 502(a) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a))) and Asian American and Native American Pacific Islander-serving institutions (as defined in section 320(b) of the Higher Education Act of 1965 (20 U.S.C. 1059g(b))),'' after ''universities,''.

TITLE XIII—ELKHORN RANCH AND WHITE RIVER NATIONAL FOREST CONVEYANCE ACT

SEC. 13001. SHORT TITLE.

This title may be cited as the ''Elkhorn Ranch and White River National Forest Conveyance Act of 2015''.

SEC. 13002. LAND CONVEYANCE, ELKHORN RANCH AND WHITE RIVER NATIONAL FOREST, COLORADO.

(a) LAND CONVEYANCE REQUIRED.—Consistent with the purpose of the Act of March 3, 1909 (43 U.S.C. 772), all right, title, and interest of the United States (subject to subsection (b)) in and to a parcel of land consisting of approximately 148 acres as generally depicted on the map entitled ''Elkhorn Ranch Land Parcel–White River National Forest'' and dated March 2015 shall be conveyed by patent to the Gordman-Leverich Partnership, a Colorado Limited Liability Partnership (in this section referred to as ''GLP'').

(b) EXISTING RIGHTS.—The conveyance under subsection (a)—

(1) is subject to the valid existing rights of the lessee of Federal oil and gas lease COC–75070 and any other valid existing rights; and

(2) shall reserve to the United States the right to collect rent and royalty payments on the lease referred to in paragraph (1) for the duration of the lease.

(c) EXISTING BOUNDARIES.—The conveyance under subsection (a) does not modify the exterior boundary of the White River National Forest or the boundaries of Sections 18 and 19 of Township 7 South, Range 93 West, Sixth Principal Meridian, Colorado, as such boundaries are in effect on the date of the enactment of this Act.

(d) TIME FOR CONVEYANCE; PAYMENT OF COSTS.—The conveyance directed under subsection (a) shall be completed not later than 180 days after the date of the enactment of this Act. The conveyance shall be without consideration, except that all costs incurred by the Secretary of the Interior relating to any survey, platting, legal description, or other activities carried out to prepare and issue the patent shall be paid by GLP to the Secretary prior to the land conveyance.

TITLE XIV—NATIONAL LIBERTY MEMORIAL CLARIFICATION ACT

SEC. 14001. SHORT TITLE.

This title may be cited as the ''National Liberty Memorial Clarification Act of 2015''.

SEC. 14002. COMPLIANCE WITH CERTAIN STANDARDS FOR COMMEMORATIVE WORKS IN ESTABLISHMENT OF NATIONAL LIBERTY MEMORIAL.

Section 2860(c) of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 40 U.S.C. 8903 note) is amended by striking the period at the end and inserting the following: '', except that, under subsections (a)(2) and (b) of section 8905, the Secretary of Agriculture, rather than the Secretary of the Interior or the Administrator of General Services, shall be responsible for the consideration of site and design proposals and the submission of such proposals on behalf of the sponsor to the Commission of Fine Arts and National Capital Planning Commission.''.

TITLE XV—CRAGS, COLORADO LAND EXCHANGE ACT

SEC. 15001. SHORT TITLE.

This title may be cited as the ''Crags, Colorado Land Exchange Act of 2015''.

SEC. 15002. PURPOSES.

The purposes of this title are—

(1) to authorize, direct, expedite, and facilitate the land exchange set forth herein; and

(2) to promote enhanced public outdoor recreational and natural resource conservation opportunities in the Pike National Forest near Pikes Peak, Colorado, via acquisition of the non-Federal land and trail easement.

SEC. 15003. DEFINITIONS.

In this Act:

(1) BHI.—The term ''BHI'' means Broadmoor Hotel, Inc., a Colorado corporation.

(2) FEDERAL LAND.—The term ''Federal land'' means all right, title, and interest of the United States in and to approximately 83 acres of land within the Pike National Forest, El Paso County, Colorado, together with a non-exclusive perpetual access easement to BHI to and from such land on Forest Service Road 371, as generally depicted on the map entitled ''Proposed Crags Land Exchange–Federal Parcel–Emerald Valley Ranch'', dated March 2015.

(3) NON-FEDERAL LAND.—The term ''non-Federal land'' means the land and trail easement to be conveyed to the Secretary by BHI in the exchange and is—

(A) approximately 320 acres of land within the Pike National Forest, Teller County, Colorado, as generally depicted on the map entitled ''Proposed Crags Land Exchange–Non-Federal Parcel–Crags Property'', dated March 2015; and

(B) a permanent trail easement for the Barr Trail in El Paso County, Colorado, as generally depicted on the map entitled ''Proposed Crags Land Exchange–Barr Trail Easement to United States'', dated March 2015, and which shall be considered as a voluntary donation to the United States by BHI for all purposes of law.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture, unless otherwise specified.

SEC. 15004. LAND EXCHANGE.

(a) IN GENERAL.—If BHI offers to convey to the Secretary all right, title, and interest of BHI

in and to the non-Federal land, the Secretary shall accept the offer and simultaneously convey to BHI the Federal land.

(b) LAND TITLE.—Title to the non-Federal land conveyed and donated to the Secretary under this Act shall be acceptable to the Secretary and shall conform to the title approval standards of the Attorney General of the United States applicable to land acquisitions by the Federal Government.

(c) PERPETUAL ACCESS EASEMENT TO BHI.—The nonexclusive perpetual access easement to be granted to BHI as shown on the map referred to in section 15003(2) shall allow—

(1) BHI to fully maintain, at BHI's expense, and use Forest Service Road 371 from its junction with Forest Service Road 368 in accordance with historic use and maintenance patterns by BHI; and

(2) full and continued public and administrative access and use of FSR 371 in accordance with the existing Forest Service travel management plan, or as such plan may be revised by the Secretary.

(d) ROUTE AND CONDITION OF ROAD.—BHI and the Secretary may mutually agree to improve, relocate, reconstruct, or otherwise alter the route and condition of all or portions of such road as the Secretary, in close consultation with BHI, may determine advisable.

(e) EXCHANGE COSTS.—BHI shall pay for all land survey, appraisal, and other costs to the Secretary as may be necessary to process and consummate the exchange directed by this Act, including reimbursement to the Secretary, if the Secretary so requests, for staff time spent in such processing and consummation.

SEC. 15005. EQUAL VALUE EXCHANGE AND APPRAISALS.

(a) APPRAISALS.—The values of the lands to be exchanged under this Act shall be determined by the Secretary through appraisals performed in accordance with—

(1) the Uniform Appraisal Standards for Federal Land Acquisitions;

(2) the Uniform Standards of Professional Appraisal Practice;

(3) appraisal instructions issued by the Secretary; and

(4) shall be performed by an appraiser mutually agreed to by the Secretary and BHI.

(b) EQUAL VALUE EXCHANGE.—The values of the Federal and non-Federal land parcels exchanged shall be equal, or if they are not equal, shall be equalized as follows:

(1) SURPLUS OF FEDERAL LAND VALUE.—If the final appraised value of the Federal land exceeds the final appraised value of the non-Federal land parcel identified in section 15003(3)(A), BHI shall make a cash equalization payment to the United States as necessary to achieve equal value, including, if necessary, an amount in excess of that authorized pursuant to section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

(2) USE OF FUNDS.—Any cash equalization moneys received by the Secretary under paragraph (1) shall be—

(A) deposited in the fund established under Public Law 90–171 (commonly known as the ''Sisk Act''; 16 U.S.C. 484a); and

(B) made available to the Secretary for the acquisition of land or interests in land in Region 2 of the Forest Service.

(3) SURPLUS OF NON-FEDERAL LAND VALUE.—If the final appraised value of the non-Federal land parcel identified in section 15003(3)(A) exceeds the final appraised value of the Federal land, the United States shall not make a cash equalization payment to BHI, and surplus value of the non-Federal land shall be considered a donation by BHI to the United States for all purposes of law.

(c) APPRAISAL EXCLUSIONS.—

(1) SPECIAL USE PERMIT.—The appraised value of the Federal land parcel shall not reflect any increase or diminution in value due to the special use permit existing on the date of the enactment of this Act to BHI on the parcel and improvements thereunder.

(2) BARR TRAIL EASEMENT.—The Barr Trail easement donation identified in section 15003(3)(B) shall not be appraised for purposes of this Act.

SEC. 15006. MISCELLANEOUS PROVISIONS.

(a) WITHDRAWAL PROVISIONS.—

(1) WITHDRAWAL.—Lands acquired by the Secretary under this Act shall, without further action by the Secretary, be permanently withdrawn from all forms of appropriation and disposal under the public land laws (including the mining and mineral leasing laws) and the Geothermal Steam Act of 1930 (30 U.S.C. 1001 et seq.).

(2) WITHDRAWAL REVOCATION.—Any public land order that withdraws the Federal land from appropriation or disposal under a public land law shall be revoked to the extent necessary to permit disposal of the Federal land parcel to BHI.

(3) WITHDRAWAL OF FEDERAL LAND.—All Federal land authorized to be exchanged under this Act, if not already withdrawn or segregated from appropriation or disposal under the public lands laws upon enactment of this Act, is hereby so withdrawn, subject to valid existing rights, until the date of conveyance of the Federal land to BHI.

(b) POSTEXCHANGE LAND MANAGEMENT.—Land acquired by the Secretary under this Act shall become part of the Pike-San Isabel National Forest and be managed in accordance with the laws, rules, and regulations applicable to the National Forest System.

(c) EXCHANGE TIMETABLE.—It is the intent of Congress that the land exchange directed by this Act be consummated no later than 1 year after the date of the enactment of this Act.

(d) MAPS, ESTIMATES, AND DESCRIPTIONS.—

(1) MINOR ERRORS.—The Secretary and BHI may by mutual agreement make minor boundary adjustments to the Federal and non-Federal lands involved in the exchange, and may correct any minor errors in any map, acreage estimate, or description of any land to be exchanged.

(2) CONFLICT.—If there is a conflict between a map, an acreage estimate, or a description of land under this Act, the map shall control unless the Secretary and BHI mutually agree otherwise.

(3) AVAILABILITY.—Upon enactment of this Act, the Secretary shall file and make available for public inspection in the headquarters of the Pike-San Isabel National Forest a copy of all maps referred to in this Act.

TITLE XVI—REMOVE REVERSIONARY INTEREST IN ROCKINGHAM COUNTY LAND

SEC. 16001. REMOVAL OF USE RESTRICTION.

Public Law 101–479 (104 Stat. 1158) is amended—

(1) by striking section 2(d); and

(2) by adding at the end the following:

''SEC. 4. REMOVAL OF USE RESTRICTION.

''(a) The approximately 1-acre portion of the land referred to in section 3 that is used for purposes of a child care center, as authorized by this Act, shall not be subject to the use restriction imposed in the deed referred to in section 3.

''(b) Upon enactment of this section, the Secretary of the Interior shall execute an instrument to carry out subsection (a).''.

TITLE XVII—COLTSVILLE NATIONAL HISTORICAL PARK

SEC. 17001. AMENDMENT TO COLTSVILLE NATIONAL HISTORICAL PARK DONATION SITE.

Section 3032(b) of Public Law 113–291 (16 U.S.C. 410qqq) is amended—

(1) in paragraph (2)(B), by striking ''East Armory'' and inserting ''Colt Armory Complex''; and

(2) by adding at the end the following:

''(4) ADDITIONAL ADMINISTRATIVE CONDITIONS.—No non-Federal property may be included in the park without the written consent of the owner. The establishment of the park or the management of the park shall not be construed to create buffer zones outside of the park. That activities or uses can be seen, heard or detected from areas within the park shall not preclude, limit, control, regulate, or determine the conduct or management of activities or uses outside of the park.''.

TITLE XVIII—MARTIN LUTHER KING, JR. NATIONAL HISTORICAL PARK ACT

SEC. 18001. SHORT TITLE.

This title may be cited as the ''Martin Luther King, Jr. National Historical Park Act of 2016''.

SEC. 18002. MARTIN LUTHER KING, JR. NATIONAL HISTORICAL PARK.

The Act entitled ''An Act to establish the Martin Luther King, Junior, National Historic Site in the State of Georgia, and for other purposes'' (Public Law 96–428) is amended—

(1) in subsection (a) of the first section, by striking ''the map entitled 'Martin Luther King, Junior, National Historic Site Boundary Map', number 489/80,013B, and dated September 1992'' and inserting ''the map entitled 'Martin Luther King, Jr. National Historical Park Proposed Boundary Revision', numbered 489/128,786 and dated June 2015'';

(2) by striking ''Martin Luther King, Junior, National Historic Site'' each place it appears and inserting ''Martin Luther King, Jr. National Historical Park'';

(3) by striking ''national historic site'' each place it appears and inserting ''national historical park'';

(4) by striking ''historic site'' each place it appears and inserting ''historical park''; and

(5) by striking ''historic sites'' in section 2(a) and inserting ''historical parks''.

SEC. 18003. REFERENCES.

Any reference in a law (other than this Act), map, regulation, document, paper, or other record of the United States to ''Martin Luther King, Junior, National Historic Site'' shall be deemed to be a reference to ''Martin Luther King, Jr. National Historical Park''.

TITLE XIX—EXTENSION OF THE AUTHORIZATION FOR THE GULLAH/GEECHEE CULTURAL HERITAGE CORRIDOR COMMISSION

SEC. 19001. EXTENSION OF THE AUTHORIZATION FOR THE GULLAH/GEECHEE CULTURAL HERITAGE CORRIDOR COMMISSION.

Section 295D(d) of the Gullah/Geechee Cultural Heritage Act (Public Law 109–338; 120 Stat. 1833; 16 U.S.C. 461 note) is amended by striking ''10 years'' and inserting ''15 years''.

TITLE XX—9/11 MEMORIAL ACT

SEC. 20001. SHORT TITLE.

This title may be cited as the ''9/11 Memorial Act''.

SEC. 20002. DEFINITIONS.

For purposes of this Act:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means a nonprofit organization as defined in section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)) in existence on the date of enactment of this Act.

(2) MAP.—The term ''map'' means the map titled ''National September 11 Memorial Proposed Boundary'', numbered 903/128928, and dated June 2015.

(3) NATIONAL SEPTEMBER 11 MEMORIAL.—The term ''National September 11 Memorial'' means the area approximately bounded by Fulton, Greenwich, Liberty and West Streets as generally depicted on the map.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 20003. DESIGNATION OF MEMORIAL.

(a) DESIGNATION.—The National September 11 Memorial is hereby designated as a national memorial.

(b) MAP.—The map shall be available for public inspection and kept on file at the appropriate office of the Secretary.

(c) EFFECT OF DESIGNATION.—The national memorial designated under this section shall not be a unit of the National Park System and the designation of the national memorial shall not be construed to require or authorize Federal funds to be expended for any purpose related to the national memorial except as provided under section 20004.

SEC. 20004. COMPETITIVE GRANTS FOR CERTAIN MEMORIALS.

(a) COMPETITIVE GRANTS.—Subject to the availability of appropriations, the Secretary may award a single grant per year through a competitive process to an eligible entity for the operation and maintenance of any memorial located within the United States established to commemorate the events of and honor—

(1) the victims of the terrorist attacks on the World Trade Center, the Pentagon, and United Airlines Flight 93 on September 11, 2001; and

(2) the victims of the terrorist attack on the World Trade Center on February 26, 1993.

(b) AVAILABILITY.—Funds made available under this section shall remain available until expended.

(c) CRITERIA.—In awarding grants under this section, the Secretary shall give greatest weight in the selection of eligible entities using the following criteria:

(1) Experience in managing a public memorial that will benefit the largest number of visitors each calendar year.

(2) Experience in managing a memorial of significant size (4 acres or more).

(3) Successful coordination and cooperation with Federal, State, and local governments in operating and managing the memorial.

(4) Ability and commitment to use grant funds to enhance security at the memorial.

(5) Ability to use grant funds to increase the numbers of economically disadvantaged visitors to the memorial and surrounding areas.

(d) SUMMARIES.—Not later than 30 days after the end of each fiscal year in which an eligible entity obligates or expends any part of a grant under this section, the eligible entity shall prepare and submit to the Secretary and Congress a summary that—

(1) specifies the amount of grant funds obligated or expended in the preceding fiscal year;

(2) specifies the purpose for which the funds were obligated or expended; and

(3) includes any other information the Secretary may require to more effectively administer the grant program.

(e) SUNSET.—The authority to award grants under this section shall expire on the date that is 7 years after the date of the enactment of this Act.

TITLE XXI—KENNESAW MOUNTAIN NATIONAL BATTLEFIELD PARK BOUNDARY ADJUSTMENT ACT

SEC. 21001. SHORT TITLE.

This title may be cited as the ''Kennesaw Mountain National Battlefield Park Boundary Adjustment Act of 2015''.

SEC. 21002. FINDINGS.

The Congress finds the following:

(1) Kennesaw Mountain National Battlefield Park was authorized as a unit of the National Park System on June 26, 1935. Prior to 1935, parts of the park had been acquired and protected by Civil War veterans and the War Department.

(2) Kennesaw Mountain National Battlefield Park protects Kennesaw Mountain and Kolb's Farm, which are battle sites along the route of General Sherman's 1864 campaign to take Atlanta.

(3) Most of the park protects Confederate positions and strategy. The Wallis House is one of the few original structures remaining from the Battle of Kennesaw Mountain associated with Union positions and strategy.

(4) The Wallis House is strategically located next to a Union signal station at Harriston Hill.

SEC. 21003. BOUNDARY ADJUSTMENT; LAND ACQUISITION; ADMINISTRATION.

(a) BOUNDARY ADJUSTMENT.—The boundary of the Kennesaw Mountain National Battlefield Park is modified to include the approximately 8 acres identified as ''Wallis House and Harriston Hill'', and generally depicted on the map titled ''Kennesaw Mountain National Battlefield Park, Proposed Boundary Adjustment'', numbered 325/80,020, and dated February 2010.

(b) MAP.—The map referred to in subsection (a) shall be on file and available for inspection in the appropriate offices of the National Park Service.

(c) LAND ACQUISITION.—The Secretary of the Interior is authorized to acquire, from willing owners only, land or interests in land described in subsection (a) by donation or exchange.

(d) ADMINISTRATION OF ACQUIRED LANDS.—The Secretary of the Interior shall administer land and interests in land acquired under this section as part of the Kennesaw Mountain National Battlefield Park in accordance with applicable laws and regulations.

(e) WRITTEN CONSENT OF OWNER.—No non-Federal property may be included in the Kennesaw Mountain National Battlefield Park without the written consent of the owner. This provision shall apply only to those portions of the Park added under subsection (a).

(f) NO USE OF CONDEMNATION.—The Secretary of the Interior may not acquire by condemnation any land or interests in land under this Act or for the purposes of this Act.

(g) NO BUFFER ZONE CREATED.—Nothing in this Act, the establishment of the Kennesaw Mountain National Battlefield Park, or the management plan for the Kennesaw Mountain National Battlefield Park shall be construed to create buffer zones outside of the Park. That activities or uses can be seen, heard, or detected from areas within the Kennesaw Mountain National Battlefield Park shall not preclude, limit, control, regulate or determine the conduct or management of activities or uses outside the Park.

TITLE XXII—VEHICLE ACCESS AT DELAWARE WATER GAP NATIONAL RECREATION AREA

SEC. 22001. VEHICULAR ACCESS AND FEES.

Section 4 of the Delaware Water Gap National Recreation Area Improvement Act (Public Law 109–156) is amended to read as follows:

''SEC. 4. USE OF CERTAIN ROADS WITHIN THE RECREATION AREA.

''(a) IN GENERAL.—Except as otherwise provided in this section, Highway 209, a federally owned road within the boundaries of the Recreation Area, shall be closed to all commercial vehicles.

''(b) EXCEPTION FOR LOCAL BUSINESS USE.—Until September 30, 2020, subsection (a) shall not apply with respect to the use of commercial vehicles that have four or fewer axles and are—

''(1) owned and operated by a business physically located in—

''(A) the Recreation Area; or

''(B) one or more adjacent municipalities; or

''(2) necessary to provide services to businesses or persons located in—

''(A) the Recreation Area; or

''(B) one of more adjacent municipalities.

''(c) FEE.—The Secretary shall establish a fee and permit program for the use by commercial vehicles of Highway 209 under subsection (b). The program shall include an annual fee not to exceed $200 per vehicle. All fees received under the program shall be set aside in a special account and be available, without further appropriation, to the Secretary for the administration and enforcement of the program, including registering vehicles, issuing permits and vehicle identification stickers, and personnel costs.

''(d) EXCEPTIONS.—The following vehicles may use Highway 209 and shall not be subject to a fee or permit requirement under subsection (c):

''(1) Local school buses.

''(2) Fire, ambulance, and other safety and emergency vehicles.

''(3) Commercial vehicles using Federal Road Route 209, from—

''(A) Milford to the Delaware River Bridge leading to U.S. Route 206 in New Jersey; and

''(B) mile 0 of Federal Road Route 209 to Pennsylvania State Route 2001.''.

SEC. 22002. DEFINITIONS.

Section 2 of the Delaware Water Gap National Recreation Area Improvement Act (Public Law 109–156) is amended—

(1) by redesignating paragraphs (1) through (5) as paragraphs (2) through (6), respectively; and

(2) by inserting before paragraph (2) (as so redesignated by paragraph (1) of this section) the following:

''(1) ADJACENT MUNICIPALITIES.—The term 'adjacent municipalities' means Delaware Township, Dingman Township, Lehman Township, Matamoras Borough, Middle Smithfield Township, Milford Borough, Milford Township, Smithfield Township and Westfall Township, in Pennsylvania.''.

SEC. 22003. CONFORMING AMENDMENT.

Section 702 of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333) is repealed.

TITLE XXIII—GULF ISLANDS NATIONAL SEASHORE LAND EXCHANGE ACT

SEC. 23001. SHORT TITLE.

This title may be cited as the ''Gulf Islands National Seashore Land Exchange Act of 2016''.

SEC. 23002. LAND EXCHANGE, GULF ISLANDS NATIONAL SEASHORE, JACKSON COUNTY, MISSISSIPPI.

(a) LAND EXCHANGE AUTHORIZED.—The Secretary of the Interior, acting through the Director of the National Park Service (in this section referred to as the ''Secretary'') may convey to the Veterans of Foreign Wars Post 5699 (in this section referred to as the ''Post'') all right, title, and interest of the United States in and to a parcel of real property, consisting of approximately 1.542 acres and located within the Gulf Islands National Seashore in Jackson County, Mississippi, section 34, township 7 north, range 8 east.

(b) LAND TO BE ACQUIRED.—In exchange for the property described in subsection (a), the Post shall convey to the Secretary all right, title, and interest of the Post in and to a parcel of real property, consisting of approximately 2.161 acres and located in Jackson County, Mississippi, section 34, township 7 north, range 8 east.

(c) EQUAL VALUE EXCHANGE.—The values of the parcels of real property to be exchanged under this section are deemed to be equal.

(d) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the Post to cover costs to be incurred by the Secretary, or to reimburse the Secretary for such costs incurred by the Secretary, to carry out the land exchange under this section, including survey costs, costs related to environmental documentation, and any other administrative costs related to the land exchange. If amounts are collected from the Secretary in advance of the Secretary incurring the actual costs and the amount collected exceeds the costs actually incurred by the Secretary to carry out the land exchange, the Secretary shall refund the excess amount to the Post.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the land exchange. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of property to be

exchanged under this section shall be determined by surveys satisfactory to the Secretary and the Post.

(f) CONVEYANCE AGREEMENT.—The exchange of real property under this section shall be accomplished using a quit claim deed or other legal instrument and upon terms and conditions mutually satisfactory to the Secretary and the Post, including such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(g) TREATMENT OF ACQUIRED LAND.—Land and interests in land acquired by the United States under subsection (b) shall be administered by the Secretary as part of the Gulf Islands National Seashore.

(h) MODIFICATION OF BOUNDARY.—Upon completion of the land exchange under this section, the Secretary shall modify the boundary of the Gulf Islands National Seashore to reflect such land exchange.

TITLE XXIV—KOREAN WAR VETERANS MEMORIAL WALL OF REMEMBRANCE ACT

SEC. 24001. SHORT TITLE.

This title may be cited as the ''Korean War Veterans Memorial Wall of Remembrance Act of 2016''.

SEC. 24002. WALL OF REMEMBRANCE.

Section 1 of the Act titled ''An Act to authorize the erection of a memorial on Federal Land in the District of Columbia and its environs to honor members of the Armed Forces of the United States who served in the Korean War'', approved October 25, 1986 (Public Law 99–572), is amended by adding at the end the following: ''Such memorial shall include a Wall of Remembrance, which shall be constructed without the use of Federal funds. The American Battle Monuments Commission shall request and consider design recommendations from the Korean War Veterans Memorial Foundation, Inc. for the establishment of the Wall of Remembrance. The Wall of Remembrance shall include—

''(1) a list by name of members of the Armed Forces of the United States who died in theatre in the Korean War;

''(2) the number of members of the Armed Forces of the United States who, in regards to the Korean War—

''(A) were wounded in action;

''(B) are listed as missing in action; or

''(C) were prisoners of war; and

''(3) the number of members of the Korean Augmentation to the United States Army, the Republic of Korea Armed Forces, and the other nations of the United Nations Command who, in regards to the Korean War—

''(A) were killed in action;

''(B) were wounded in action;

''(C) are listed as missing in action; or

''(D) were prisoners of war.''.

TITLE XXV—NATIONAL FOREST SMALL TRACTS ACT AMENDMENTS ACT

SEC. 25001. SHORT TITLE.

This title may be cited as the ''National Forest Small Tracts Act Amendments Act of 2015''.

SEC. 25002. ADDITIONAL AUTHORITY FOR SALE OR EXCHANGE OF SMALL PARCELS OF NATIONAL FOREST SYSTEM LAND.

(a) INCREASE IN MAXIMUM VALUE OF SMALL PARCELS.—Section 3 of Public Law 97–465 (commonly known as the Small Tracts Act; 16 U.S.C. 521e) is amended in the matter preceding paragraph (1) by striking ''$150,000'' and inserting ''$500,000''.

(b) ADDITIONAL CONVEYANCE PURPOSES.—Section 3 of Public Law 97–465 (16 U.S.C. 521e) is further amended—

(1) in the matter preceding paragraph (1), by striking ''which are—'' and inserting ''which involve any one of the following:'';

(2) in paragraph (1)—

(A) by striking ''parcels'' and inserting ''Parcels''; and

(B) by striking the semicolon at the end and inserting a period;

(3) in paragraph (2)—

(A) by striking ''parcels'' the first place it appears and inserting ''Parcels''; and

(B) by striking ''; or'' at the end and inserting a period;

(4) in paragraph (3), by striking ''road'' and inserting ''Road''; and

(5) by adding at the end the following new paragraphs:

''(4) Parcels of 40 acres or less which are determined by the Secretary to be physically isolated, to be inaccessible, or to have lost their National Forest character.

''(5) Parcels of 10 acres or less which are not eligible for conveyance under paragraph (2), but which are encroached upon by permanent habitable improvements for which there is no evidence that the encroachment was intentional or negligent.

''(6) Parcels used as a cemetery, a landfill, or a sewage treatment plant under a special use authorization issued by the Secretary. In the case of a cemetery expected to reach capacity within 10 years, the sale, exchange, or interchange may include, in the sole discretion of the Secretary, up to 1 additional acre abutting the permit area to facilitate expansion of the cemetery.''.

(c) DISPOSITION OF PROCEEDS.—Section 2 of Public Law 97–465 (16 U.S.C. 521d) is amended—

(1) by striking ''The Secretary is authorized'' and inserting the following:

''(a) CONVEYANCE AUTHORITY; CONSIDERATION.—The Secretary is authorized'';

(2) by striking ''The Secretary shall insert'' and inserting the following:

''(b) INCLUSION OF TERMS, COVENANTS, CONDITIONS, AND RESERVATIONS.—The Secretary shall insert'';

(3) by striking ''convenants'' and inserting ''covenants''; and

(4) by adding at the end the following new subsection:

''(c) DISPOSITION OF PROCEEDS.—

''(1) DEPOSIT IN SISK FUND.—The net proceeds derived from any sale or exchange conducted under the authority of paragraph (4), (5), or (6) of section 3 shall be deposited in the fund established by Public Law 90–171 (commonly known as the Sisk Act; 16 U.S.C. 484a).

''(2) USE.—Amounts deposited under paragraph (1) shall be available to the Secretary until expended for—

''(A) the acquisition of land or interests in land for administrative sites for the National Forest System in the State from which the amounts were derived;

''(B) the acquisition of land or interests in land for inclusion in the National Forest System in that State, including land or interests in land which enhance opportunities for recreational access;

''(C) the performance of deferred maintenance on administrative sites for the National Forest System in that State or other deferred maintenance activities in that State which enhance opportunities for recreational access; or

''(D) the reimbursement of the Secretary for costs incurred in preparing a sale conducted under the authority of section 3 if the sale is a competitive sale.''.

TITLE XXVI—WESTERN OREGON TRIBAL FAIRNESS ACT

SEC. 26001. SHORT TITLE.

This title may be cited as the ''Western Oregon Tribal Fairness Act''.

Subtitle A—Cow Creek Umpqua Land Conveyance

SEC. 26011. SHORT TITLE.

This subtitle may be cited as the ''Cow Creek Umpqua Land Conveyance Act''.

SEC. 26012. DEFINITIONS.

In this subtitle:

(1) COUNCIL CREEK LAND.—The term ''Council Creek land'' means the approximately 17,519 acres of land, as generally depicted on the map entitled ''Canyon Mountain Land Conveyance'' and dated June 27, 2013.

(2) TRIBE.—The term ''Tribe'' means the Cow Creek Band of Umpqua Tribe of Indians.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 26013. CONVEYANCE.

(a) IN GENERAL.—Subject to valid existing rights, including rights-of-way, all right, title, and interest of the United States in and to the Council Creek land, including any improvements located on the land, appurtenances to the land, and minerals on or in the land, including oil and gas, shall be—

(1) held in trust by the United States for the benefit of the Tribe; and

(2) part of the reservation of the Tribe.

(b) SURVEY.—Not later than 1 year after the date of enactment of this Act, the Secretary shall complete a survey of the boundary lines to establish the boundaries of the land taken into trust under subsection (a).

SEC. 26014. MAP AND LEGAL DESCRIPTION.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of the Council Creek land with—

(1) the Committee on Energy and Natural Resources of the Senate; and

(2) the Committee on Natural Resources of the House of Representatives.

(b) FORCE AND EFFECT.—The map and legal description filed under subsection (a) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any clerical or typographical errors in the map or legal description.

(c) PUBLIC AVAILABILITY.—The map and legal description filed under subsection (a) shall be on file and available for public inspection in the Office of the Secretary.

SEC. 26015. ADMINISTRATION.

(a) IN GENERAL.—Unless expressly provided in this subtitle, nothing in this subtitle affects any right or claim of the Tribe existing on the date of enactment of this Act to any land or interest in land.

(b) PROHIBITIONS.—

(1) EXPORTS OF UNPROCESSED LOGS.—Federal law (including regulations) relating to the export of unprocessed logs harvested from Federal land shall apply to any unprocessed logs that are harvested from the Council Creek land.

(2) NON-PERMISSIBLE USE OF LAND.—Any real property taken into trust under section 26013 shall not be eligible, or used, for any gaming activity carried out under Public Law 100–497 (25 U.S.C. 2701 et seq.).

(c) FOREST MANAGEMENT.—Any forest management activity that is carried out on the Council Creek land shall be managed in accordance with all applicable Federal laws.

SEC. 26016. LAND RECLASSIFICATION.

(a) IDENTIFICATION OF OREGON AND CALIFORNIA RAILROAD GRANT LAND.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture and the Secretary shall identify any Oregon and California Railroad grant land that is held in trust by the United States for the benefit of the Tribe under section 26013.

(b) IDENTIFICATION OF PUBLIC DOMAIN LAND.—Not later than 18 months after the date of enactment of this Act, the Secretary shall identify public domain land in the State of Oregon that—

(1) is approximately equal in acreage and condition as the Oregon and California Railroad grant land identified under subsection (a); and

(2) is located in the vicinity of the Oregon and California Railroad grant land.

(c) MAPS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress and publish in the Federal Register one or more maps depicting the land identified in subsections (a) and (b).

(d) RECLASSIFICATION.—

(1) IN GENERAL.—After providing an opportunity for public comment, the Secretary shall reclassify the land identified in subsection (b) as Oregon and California Railroad grant land.

(2) APPLICABILITY.—The Act of August 28, 1937 (43 U.S.C. 1181a et seq.), shall apply to land reclassified as Oregon and California Railroad grant land under paragraph (1).

Subtitle B—Coquille Forest Fairness

SEC. 26021. SHORT TITLE.

This subtitle may be cited as the ''Coquille Forest Fairness Act''.

SEC. 26022. AMENDMENTS TO COQUILLE RESTORATION ACT.

Section 5(d) of the Coquille Restoration Act (25 U.S.C. 715c(d)) is amended—

(1) by striking paragraph (5) and inserting the following:

''(5) MANAGEMENT.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary, acting through the Assistant Secretary for Indian Affairs, shall manage the Coquille Forest in accordance with the laws pertaining to the management of Indian trust land.

''(B) ADMINISTRATION.—

''(i) UNPROCESSED LOGS.—Unprocessed logs harvested from the Coquille Forest shall be subject to the same Federal statutory restrictions on export to foreign nations that apply to unprocessed logs harvested from Federal land.

''(ii) SALES OF TIMBER.—Notwithstanding any other provision of law, all sales of timber from land subject to this subsection shall be advertised, offered, and awarded according to competitive bidding practices, with sales being awarded to the highest responsible bidder.'';

(2) by striking paragraph (9); and

(3) by redesignating paragraphs (10) through (12) as paragraphs (9) through (11), respectively.

Subtitle C—Oregon Coastal Lands

SEC. 26031. SHORT TITLE.

This subtitle may be cited as the ''Oregon Coastal Lands Act''.

SEC. 26032. DEFINITIONS.

In this subtitle:

(1) CONFEDERATED TRIBES.—The term ''Confederated Tribes'' means the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians.

(2) OREGON COASTAL LAND.—The term ''Oregon Coastal land'' means the approximately 14,408 acres of land, as generally depicted on the map entitled ''Oregon Coastal Land Conveyance'' and dated March 27, 2013.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 26033. CONVEYANCE.

(a) IN GENERAL.—Subject to valid existing rights, including rights-of-way, all right, title, and interest of the United States in and to the Oregon Coastal land, including any improvements located on the land, appurtenances to the land, and minerals on or in the land, including oil and gas, shall be—

(1) held in trust by the United States for the benefit of the Confederated Tribes; and

(2) part of the reservation of the Confederated Tribes.

(b) SURVEY.—Not later than 1 year after the date of enactment of this Act, the Secretary shall complete a survey of the boundary lines to establish the boundaries of the land taken into trust under subsection (a).

SEC. 26034. MAP AND LEGAL DESCRIPTION.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of the Oregon Coastal land with—

(1) the Committee on Energy and Natural Resources of the Senate; and

(2) the Committee on Natural Resources of the House of Representatives.

(b) FORCE AND EFFECT.—The map and legal description filed under subsection (a) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any clerical or typographical errors in the map or legal description.

(c) PUBLIC AVAILABILITY.—The map and legal description filed under subsection (a) shall be on file and available for public inspection in the Office of the Secretary.

SEC. 26035. ADMINISTRATION.

(a) IN GENERAL.—Unless expressly provided in this subtitle, nothing in this subtitle affects any right or claim of the Confederated Tribes existing on the date of enactment of this Act to any land or interest in land.

(b) PROHIBITIONS.—

(1) EXPORTS OF UNPROCESSED LOGS.—Federal law (including regulations) relating to the export of unprocessed logs harvested from Federal land shall apply to any unprocessed logs that are harvested from the Oregon Coastal land taken into trust under section 26033.

(2) NON-PERMISSIBLE USE OF LAND.—Any real property taken into trust under section 26033 shall not be eligible, or used, for any gaming activity carried out under Public Law 100–497 (25 U.S.C. 2701 et seq.).

(c) LAWS APPLICABLE TO COMMERCIAL FORESTRY ACTIVITY.—Any commercial forestry activity that is carried out on the Oregon Coastal land taken into trust under section 26033 shall be managed in accordance with all applicable Federal laws.

(d) AGREEMENTS.—The Confederated Tribes shall consult with the Secretary and other parties as necessary to develop agreements to provide for access to the Oregon Coastal land taken into trust under section 26033 that provide for—

(1) honoring existing reciprocal right-of-way agreements;

(2) administrative access by the Bureau of Land Management; and

(3) management of the Oregon Coastal lands that are acquired or developed under chapter 2003 of title 54, United States Code (commonly known as the ''Land and Water Conservation Fund Act of 1965''), consistent with section 200305(f)(3) of that title.

(e) LAND USE PLANNING REQUIREMENTS.—Except as provided in subsection (c), once the Oregon Coastal land is taken into trust under section 26033, the land shall not be subject to the land use planning requirements of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) or the Act of August 28, 1937 (43 U.S.C. 1181a et seq.).

SEC. 26036. LAND RECLASSIFICATION.

(a) IDENTIFICATION OF OREGON AND CALIFORNIA RAILROAD GRANT LAND.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture and the Secretary shall identify any Oregon and California Railroad grant land that is held in trust by the United States for the benefit of the Confederated Tribes under section 26033.

(b) IDENTIFICATION OF PUBLIC DOMAIN LAND.—Not later than 18 months after the date of enactment of this Act, the Secretary shall identify public domain land in the State of Oregon that—

(1) is approximately equal in acreage and condition as the Oregon and California Railroad grant land identified under subsection (a); and

(2) is located in the vicinity of the Oregon and California Railroad grant land.

(c) MAPS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress and publish in the Federal Register one or more maps depicting the land identified in subsections (a) and (b).

(d) RECLASSIFICATION.—

(1) IN GENERAL.—After providing an opportunity for public comment, the Secretary shall reclassify the land identified in subsection (b) as Oregon and California Railroad grant land.

(2) APPLICABILITY.—The Act of August 28, 1937 (43 U.S.C. 1181a et seq.), shall apply to land reclassified as Oregon and California Railroad grant land under paragraph (1).

DIVISION D—SCIENCE

TITLE V—DEPARTMENT OF ENERGY SCIENCE

SEC. 501. MISSION.

Section 209 of the Department of Energy Organization Act (42 U.S.C. 7139) is amended by adding at the end the following:

''(c) MISSION.—The mission of the Office of Science shall be the delivery of scientific discoveries, capabilities, and major scientific tools to transform the understanding of nature and to advance the energy, economic, and national security of the United States. In support of this mission, the Director shall carry out programs on basic energy sciences, advanced scientific computing research, high energy physics, biological and environmental research, fusion energy sciences, and nuclear physics, including as provided under subtitle A of title V of the America COMPETES Reauthorization Act of 2015, through activities focused on—

''(1) fundamental scientific discoveries through the study of matter and energy;

''(2) science in the national interest, including—

''(A) advancing an agenda for American energy security through research on energy production, storage, transmission, efficiency, and use; and

''(B) advancing our understanding of the Earth's climate through research in atmospheric and environmental sciences; and

''(3) National Scientific User Facilities to deliver the 21st century tools of science, engineering, and technology and provide the Nation's researchers with the most advanced tools of modern science including accelerators, colliders, supercomputers, light sources and neutron sources, and facilities for studying materials science.

''(d) COORDINATION WITH OTHER DEPARTMENT OF ENERGY PROGRAMS.—The Under Secretary for Science and Energy shall ensure the coordination of Office of Science activities and programs with other activities of the Department.''.

SEC. 502. BASIC ENERGY SCIENCES.

(a) PROGRAM.—The Director shall carry out a program in basic energy sciences, including materials sciences and engineering, chemical sciences, physical biosciences, and geosciences, for the purpose of providing the scientific foundations for new energy technologies.

(b) MISSION.—The mission of the program described in subsection (a) shall be to support fundamental research to understand, predict, and ultimately control matter and energy at the electronic, atomic, and molecular levels in order to provide the foundations for new energy technologies and to support Department missions in energy, environment, and national security.

(c) BASIC ENERGY SCIENCES USER FACILITIES.—The Director shall carry out a subprogram for the development, construction, operation, and maintenance of national user facilities to support the program under this section. As practicable, these facilities shall serve the needs of the Department, industry, the academic community, and other relevant entities to create and examine new materials and chemical processes for the purposes of advancing new energy technologies and improving the competitiveness of the United States. These facilities shall include—

(1) x-ray light sources;

(2) neutron sources;

(3) nanoscale science research centers; and

(4) other facilities the Director considers appropriate, consistent with section 209 of the Department of Energy Organization Act (42 U.S.C. 7139).

(d) LIGHT SOURCE LEADERSHIP INITIATIVE.—

(1) ESTABLISHMENT.—In support of the subprogram authorized in subsection (c), the Director shall establish an initiative to sustain and advance global leadership of light source user facilities.

(2) LEADERSHIP STRATEGY.—Not later than 9 months after the date of enactment of this Act,

and biennially thereafter, the Director shall prepare, in consultation with relevant stakeholders, and submit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a light source leadership strategy that—

(A) identifies, prioritizes, and describes plans for the development, construction, and operation of light sources over the next decade;

(B) describes plans for optimizing management and use of existing light source facilities; and

(C) assesses the international outlook for light source user facilities and describes plans for United States cooperation in such projects.

(3) ADVISORY COMMITTEE FEEDBACK AND RECOMMENDATIONS.—Not later than 45 days after submission of the strategy described in paragraph (2), the Basic Energy Sciences Advisory Committee shall provide the Director, the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Energy and Natural Resources of the Senate a report of the Advisory Committee's analyses, findings, and recommendations for improving the strategy, including a review of the most recent budget request for the initiative.

(4) PROPOSED BUDGET.—The Director shall transmit annually to Congress a proposed budget corresponding to the activities identified in the strategy.

(e) ACCELERATOR RESEARCH AND DEVELOPMENT.—The Director shall carry out research and development on advanced accelerator and storage ring technologies relevant to the development of Basic Energy Sciences user facilities, in consultation with the Office of Science's High Energy Physics and Nuclear Physics programs.

(f) ENERGY FRONTIER RESEARCH CENTERS.—

(1) IN GENERAL.—The Director shall carry out a program to provide awards, on a competitive, merit-reviewed basis, to multi-institutional collaborations or other appropriate entities to conduct fundamental and use-inspired energy research to accelerate scientific breakthroughs.

(2) COLLABORATIONS.—A collaboration receiving an award under this subsection may include multiple types of institutions and private sector entities.

(3) SELECTION AND DURATION.—

(A) IN GENERAL.—A collaboration under this subsection shall be selected for a period of 5 years. An Energy Frontier Research Center already in existence and supported by the Director on the date of enactment of this Act may continue to receive support for a period of 5 years beginning on the date of establishment of that center.

(B) REAPPLICATION.—After the end of the period described in subparagraph (A), an awardee may reapply for selection for a second period of 5 years on a competitive, merit-reviewed basis.

(C) TERMINATION.—Consistent with the existing authorities of the Department, the Director may terminate an underperforming center for cause during the performance period.

(4) NO FUNDING FOR CONSTRUCTION.—No funding provided pursuant to this subsection may be used for the construction of new buildings or facilities.

SEC. 503. ADVANCED SCIENTIFIC COMPUTING RESEARCH.

(a) PROGRAM.—The Director shall carry out a research, development, and demonstration program to advance computational and networking capabilities to analyze, model, simulate, and predict complex phenomena relevant to the development of new energy technologies and the competitiveness of the United States.

(b) FACILITIES.—The Director, as part of the program described in subsection (a), shall develop and maintain world-class computing and network facilities for science and deliver critical research in applied mathematics, computer science, and advanced networking to support the Department's missions.

(c) DEFINITIONS.—Section 2 of the Department of Energy High-End Computing Revitalization Act of 2004 (15 U.S.C. 5541) is amended by striking paragraphs (1) through (5) and inserting the following:

''(1) CO-DESIGN.—The term 'co-design' means the joint development of application algorithms, models, and codes with computer technology architectures and operating systems to maximize effective use of high-end computing systems.

''(2) DEPARTMENT.—The term 'Department' means the Department of Energy.

''(3) EXASCALE.—The term 'exascale' means computing system performance at or near 10 to the 18th power floating point operations per second.

''(4) HIGH-END COMPUTING SYSTEM.—The term 'high-end computing system' means a computing system with performance that substantially exceeds that of systems that are commonly available for advanced scientific and engineering applications.

''(5) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

''(6) LEADERSHIP SYSTEM.—The term 'leadership system' means a high-end computing system that is among the most advanced in the world in terms of performance in solving scientific and engineering problems.

''(7) NATIONAL LABORATORY.—The term 'National Laboratory' means any one of the seventeen laboratories owned by the Department.

''(8) SECRETARY.—The term 'Secretary' means the Secretary of Energy.

''(9) SOFTWARE TECHNOLOGY.—The term 'software technology' includes optimal algorithms, programming environments, tools, languages, and operating systems for high-end computing systems.''.

(d) DEPARTMENT OF ENERGY HIGH-END COMPUTING RESEARCH AND DEVELOPMENT PROGRAM.—Section 3 of the Department of Energy High-End Computing Revitalization Act of 2004 (15 U.S.C. 5542) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''program'' and inserting ''coordinated program across the Department'';

(B) by striking ''and'' at the end of paragraph (1);

(C) by striking the period at the end of paragraph (2) and inserting ''; and''; and

(D) by adding at the end the following new paragraph:

''(3) partner with universities, National Laboratories, and industry to ensure the broadest possible application of the technology developed in this program to other challenges in science, engineering, medicine, and industry.'';

(2) in subsection (b)(2), by striking ''vector'' and all that follows through ''architectures'' and inserting ''computer technologies that show promise of substantial reductions in power requirements and substantial gains in parallelism of multicore processors, concurrency, memory and storage, bandwidth, and reliability''; and

(3) by striking subsection (d) and inserting the following:

''(d) EXASCALE COMPUTING PROGRAM.—

''(1) IN GENERAL.—The Secretary shall conduct a coordinated research program to develop exascale computing systems to advance the missions of the Department.

''(2) EXECUTION.—The Secretary shall, through competitive merit review, establish two or more National Laboratory-industry-university partnerships to conduct integrated research, development, and engineering of multiple exascale architectures, and—

''(A) conduct mission-related co-design activities in developing such exascale platforms;

''(B) develop those advancements in hardware and software technology required to fully realize the potential of an exascale production system in addressing Department target applications and solving scientific problems involving predictive modeling and simulation and large-scale data analytics and management; and

''(C) explore the use of exascale computing technologies to advance a broad range of science and engineering.

''(3) ADMINISTRATION.—In carrying out this program, the Secretary shall—

''(A) provide, on a competitive, merit-reviewed basis, access for researchers in United States industry, institutions of higher education, National Laboratories, and other Federal agencies to these exascale systems, as appropriate; and

''(B) conduct outreach programs to increase the readiness for the use of such platforms by domestic industries, including manufacturers.

''(4) REPORTS.—

''(A) INTEGRATED STRATEGY AND PROGRAM MANAGEMENT PLAN.—The Secretary shall submit to Congress, not later than 90 days after the date of enactment of the America COMPETES Reauthorization Act of 2015, a report outlining an integrated strategy and program management plan, including target dates for prototypical and production exascale platforms, interim milestones to reaching these targets, functional requirements, roles and responsibilities of National Laboratories and industry, acquisition strategy, and estimated resources required, to achieve this exascale system capability. The report shall include the Secretary's plan for Departmental organization to manage and execute the Exascale Computing Program, including definition of the roles and responsibilities within the Department to ensure an integrated program across the Department. The report shall also include a plan for ensuring balance and prioritizing across ASCR subprograms in a flat or slow-growth budget environment.

''(B) STATUS REPORTS.—At the time of the budget submission of the Department for each fiscal year, the Secretary shall submit a report to Congress that describes the status of milestones and costs in achieving the objectives of the exascale computing program.

''(C) EXASCALE MERIT REPORT.—At least 18 months prior to the initiation of construction or installation of any exascale-class computing facility, the Secretary shall transmit a plan to the Congress detailing—

''(i) the proposed facility's cost projections and capabilities to significantly accelerate the development of new energy technologies;

''(ii) technical risks and challenges that must be overcome to achieve successful completion and operation of the facility; and

''(iii) an independent assessment of the scientific and technological advances expected from such a facility relative to those expected from a comparable investment in expanded research and applications at terascale-class and petascale-class computing facilities, including an evaluation of where investments should be made in the system software and algorithms to enable these advances.''.

SEC. 504. HIGH ENERGY PHYSICS.

(a) PROGRAM.—The Director shall carry out a research program on the fundamental constituents of matter and energy and the nature of space and time.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the Director should incorporate the findings and recommendations of the Particle Physics Project Prioritization Panel's report entitled ''Building for Discovery: Strategic Plan for U.S. Particle Physics in the Global Context'', into the Department's planning process as part of the program described in subsection (a);

(2) the Director should prioritize domestically hosted research projects that will maintain the United States position as a global leader in particle physics and attract the world's most talented physicists and foreign investment for international collaboration; and

(3) the nations that lead in particle physics by hosting international teams dedicated to a common scientific goal attract the world's best talent and inspire future generations of physicists and technologists.

(c) NEUTRINO RESEARCH.—As part of the program described in subsection (a), the Director shall carry out research activities on rare decay processes and the nature of the neutrino, which may include collaborations with the National Science Foundation or international collaborations.

(d) DARK ENERGY AND DARK MATTER RESEARCH.—As part of the program described in subsection (a), the Director shall carry out research activities on the nature of dark energy and dark matter, which may include collaborations with the National Aeronautics and Space Administration or the National Science Foundation, or international collaborations.

(e) ACCELERATOR RESEARCH AND DEVELOPMENT.—The Director shall carry out research and development in advanced accelerator concepts and technologies, including laser technologies, to reduce the necessary scope and cost for the next generation of particle accelerators. The Director shall ensure access to national laboratory accelerator facilities, infrastructure, and technology for users and developers of accelerators that advance applications in energy and the environment, medicine, industry, national security, and discovery science.

(f) INTERNATIONAL COLLABORATION.—The Director, as practicable and in coordination with other appropriate Federal agencies as necessary, shall ensure the access of United States researchers to the most advanced accelerator facilities and research capabilities in the world, including the Large Hadron Collider.

SEC. 505. BIOLOGICAL AND ENVIRONMENTAL RESEARCH.

(a) PROGRAM.—The Director shall carry out a program of research, development, and demonstration in the areas of biological systems science and climate and environmental science to support the energy and environmental missions of the Department.

(b) PRIORITY RESEARCH.—In carrying out this section, the Director shall prioritize fundamental research on biological systems and genomics science with the greatest potential to enable scientific discovery.

(c) ASSESSMENT.—Not later than 12 months after the date of enactment of this Act, the Comptroller General shall submit a report to Congress identifying climate science-related initiatives under this section that overlap or duplicate initiatives of other Federal agencies and the extent of such overlap or duplication.

(d) LIMITATION.—The Director shall not approve new climate science-related initiatives to be carried out through the Office of Science without making a determination that such work is unique and not duplicative of work by other Federal agencies. Not later than 3 months after receiving the assessment required under subsection (c), the Director shall cease those climate science-related initiatives identified in the assessment as overlapping or duplicative, unless the Director justifies that such work is critical to achieving American energy security.

(e) LOW DOSE RADIATION RESEARCH PROGRAM.—

(1) IN GENERAL.—The Director of the Department of Energy Office of Science shall carry out a research program on low dose radiation. The purpose of the program is to enhance the scientific understanding of and reduce uncertainties associated with the effects of exposure to low dose radiation in order to inform improved risk management methods.

(2) STUDY.—Not later than 60 days after the date of enactment of this Act, the Director shall enter into an agreement with the National Academies to conduct a study assessing the current status and development of a long-term strategy for low dose radiation research. Such study shall be completed not later than 18 months after the date of enactment of this Act. The study shall be conducted in coordination with Federal agencies that perform ionizing radiation effects research and shall leverage the most current studies in this field. Such study shall—

(A) identify current scientific challenges for understanding the long-term effects of ionizing radiation;

(B) assess the status of current low dose radiation research in the United States and internationally;

(C) formulate overall scientific goals for the future of low-dose radiation research in the United States;

(D) recommend a long-term strategic and prioritized research agenda to address scientific research goals for overcoming the identified scientific challenges in coordination with other research efforts;

(E) define the essential components of a research program that would address this research agenda within the universities and the National Laboratories; and

(F) assess the cost-benefit effectiveness of such a program.

(3) RESEARCH PLAN.—Not later than 90 days after the completion of the study performed under paragraph (2) the Secretary of Energy shall deliver to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a 5-year research plan that responds to the study's findings and recommendations and identifies and prioritizes research needs.

(4) DEFINITION.—In this subsection, the term ''low dose radiation'' means a radiation dose of less than 100 millisieverts.

(5) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to subject any research carried out by the Director under the research program under this subsection to any limitations described in section 977(e) of the Energy Policy Act of 2005 (42 U.S.C. 16317(e)).

SEC. 506. FUSION ENERGY.

(a) PROGRAM.—The Director shall carry out a fusion energy sciences research program to expand the fundamental understanding of plasmas and matter at very high temperatures and densities and to build the scientific foundation necessary to enable fusion power.

(b) FUSION MATERIALS RESEARCH AND DEVELOPMENT.—As part of the activities authorized in section 978 of the Energy Policy Act of 2005 (42 U.S.C. 16318)—

(1) the Director, in coordination with the Assistant Secretary for Nuclear Energy of the Department, shall carry out research and development activities to identify, characterize, and demonstrate materials that can endure the neutron, plasma, and heat fluxes expected in a fusion power system; and

(2) the Secretary shall—

(A) provide an assessment of the need for a facility or facilities that can examine and test potential fusion and next generation fission materials and other enabling technologies relevant to the development of fusion power; and

(B) provide an assessment of whether a single new facility that substantially addresses magnetic fusion and next generation fission materials research needs is feasible, in conjunction with the expected capabilities of facilities operational as of the date of enactment of this Act.

(c) TOKAMAK RESEARCH AND DEVELOPMENT.—

(1) IN GENERAL.—As part of the program described in subsection (a), the Director shall support research and development activities and facility operations to optimize the tokamak approach to fusion energy.

(2) ITER.—

(A) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report providing an assessment of—

(i) the most recent schedule for ITER that has been approved by the ITER Council; and

(ii) progress of the ITER Council and the ITER Director General toward implementation of the recommendations of the Third Biennial International Organization Management Assessment Report.

(B) FAIRNESS IN COMPETITION FOR SOLICITATIONS FOR INTERNATIONAL PROJECT ACTIVITIES.—Section 33 of the Atomic Energy Act of 1954 (42 U.S.C. 2053) is amended by adding at the end the following: ''For purposes of this section, with respect to international research projects, the term 'private facilities or laboratories' shall refer to facilities or laboratories located in the United States.''.

(C) SENSE OF CONGRESS.—It is the sense of Congress that the United States should support a robust, diverse fusion program. It is further the sense of Congress that developing the scientific basis for fusion, providing research results key to the success of ITER, and training the next generation of fusion scientists are of critical importance to the United States and should in no way be diminished by participation of the United States in the ITER project.

(d) INERTIAL FUSION ENERGY RESEARCH AND DEVELOPMENT PROGRAM.—The Secretary shall carry out a program of research and technology development in inertial fusion for energy applications, including ion beam, laser, and pulsed power fusion systems.

(e) ALTERNATIVE AND ENABLING CONCEPTS.—

(1) IN GENERAL.—As part of the program described in subsection (a), the Director shall support research and development activities and facility operations at United States universities, national laboratories, and private facilities for a portfolio of alternative and enabling fusion energy concepts that may provide solutions to significant challenges to the establishment of a commercial magnetic fusion power plant, prioritized based on the ability of the United States to play a leadership role in the international fusion research community. Fusion energy concepts and activities explored under this paragraph may include—

(A) high magnetic field approaches facilitated by high temperature superconductors;

(B) advanced stellarator concepts;

(C) non-tokamak confinement configurations operating at low magnetic fields;

(D) magnetized target fusion energy concepts;

(E) liquid metals to address issues associated with fusion plasma interactions with the inner wall of the encasing device;

(F) immersion blankets for heat management and fuel breeding;

(G) advanced scientific computing activities; and

(H) other promising fusion energy concepts identified by the Director.

(2) COORDINATION WITH ARPA–E.—The Under Secretary and the Director shall coordinate with the Director of the Advanced Research Projects Agency–Energy (in this paragraph referred to as ''ARPA–E'') to—

(A) assess the potential for any fusion energy project supported by ARPA–E to represent a promising approach to a commercially viable fusion power plant;

(B) determine whether the results of any fusion energy project supported by ARPA–E merit the support of follow-on research activities carried out by the Office of Science; and

(C) avoid unintentional duplication of activities.

(f) GENERAL PLASMA SCIENCE AND APPLICATIONS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall provide to Congress an assessment of opportunities in which the United States can provide world-leading contributions to advancing plasma science and non-fusion energy applications, and identify opportunities for partnering with other Federal agencies both within and outside of the Department of Energy.

(g) IDENTIFICATION OF PRIORITIES.—

(1) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the Department's proposed fusion energy research and development activities over the following 10 years under at least 3 realistic budget scenarios, including a scenario based on 3 percent annual

growth in the non-ITER portion of the budget for fusion energy research and development activities. The report shall—

(A) identify specific areas of fusion energy research and enabling technology development in which the United States can and should establish or solidify a lead in the global fusion energy development effort;

(B) identify priorities for initiation of facility construction and facility decommissioning under each of those scenarios; and

(C) assess the ability of the United States fusion workforce to carry out the activities identified in subparagraphs (A) and (B), including the adequacy of college and university programs to train the leaders and workers of the next generation of fusion energy researchers.

(2) PROCESS.—In order to develop the report required under paragraph (1), the Secretary shall leverage best practices and lessons learned from the process used to develop the most recent report of the Particle Physics Project Prioritization Panel of the High Energy Physics Advisory Panel. No member of the Fusion Energy Sciences Advisory Committee shall be excluded from participating in developing or voting on final approval of the report required under paragraph (1).

SEC. 507. NUCLEAR PHYSICS.

(a) PROGRAM.—The Director shall carry out a program of experimental and theoretical research, and support associated facilities, to discover, explore, and understand all forms of nuclear matter.

(b) ISOTOPE DEVELOPMENT AND PRODUCTION FOR RESEARCH APPLICATIONS.—The Director shall carry out a program for the production of isotopes, including the development of techniques to produce isotopes, that the Secretary determines are needed for research, medical, industrial, or other purposes. In making this determination, the Secretary shall—

(1) ensure that, as has been the policy of the United States since the publication in 1965 of Federal Register notice 30 Fed. Reg. 3247, isotope production activities do not compete with private industry unless critical national interests necessitate the Federal Government's involvement;

(2) ensure that activities undertaken pursuant to this section, to the extent practicable, promote the growth of a robust domestic isotope production industry; and

(3) consider any relevant recommendations made by Federal advisory committees, the National Academies, and interagency working groups in which the Department participates.

SEC. 508. SCIENCE LABORATORIES INFRASTRUCTURE PROGRAM.

(a) PROGRAM.—The Director shall carry out a program to improve the safety, efficiency, and mission readiness of infrastructure at Office of Science laboratories. The program shall include projects to—

(1) renovate or replace space that does not meet research needs;

(2) replace facilities that are no longer cost effective to renovate or operate;

(3) modernize utility systems to prevent failures and ensure efficiency;

(4) remove excess facilities to allow safe and efficient operations; and

(5) construct modern facilities to conduct advanced research in controlled environmental conditions.

(b) APPROACH.—In carrying out this section, the Director shall utilize all available approaches and mechanisms, including capital line items, minor construction projects, energy savings performance contracts, utility energy service contracts, alternative financing, and expense funding, as appropriate.

SEC. 509. DOMESTIC MANUFACTURING.

Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the current ability of domestic manufacturers to meet the procurement requirements for major ongoing projects funded by the Office of Science of the Department, including a calculation of the percentage of equipment acquired from domestic manufacturers for this purpose.

SEC. 510. AUTHORIZATION OF APPROPRIATIONS.

(a) FISCAL YEAR 2016.—There are authorized to be appropriated to the Secretary for the Office of Science for fiscal year 2016 $5,339,800,000, of which—

(1) $1,850,000,000 shall be for Basic Energy Science;

(2) $788,000,000 shall be for High Energy Physics;

(3) $550,000,000 shall be for Biological and Environmental Research;

(4) $624,700,000 shall be for Nuclear Physics;

(5) $621,000,000 shall be for Advanced Scientific Computing Research;

(6) $488,000,000 shall be for Fusion Energy Sciences;

(7) $113,600,000 shall be for Science Laboratories Infrastructure;

(8) $181,000,000 shall be for Science Program Direction;

(9) $103,000,000 shall be for Safeguards and Security; and

(10) $20,500,000 shall be for Workforce Development for Teachers and Scientists.

(b) FISCAL YEAR 2017.—There are authorized to be appropriated to the Secretary for the Office of Science for fiscal year 2017 $5,339,800,000, of which—

(1) $1,850,000,000 shall be for Basic Energy Science;

(2) $788,000,000 shall be for High Energy Physics;

(3) $550,000,000 shall be for Biological and Environmental Research;

(4) $624,700,000 shall be for Nuclear Physics;

(5) $621,000,000 shall be for Advanced Scientific Computing Research;

(6) $488,000,000 shall be for Fusion Energy Sciences;

(7) $113,600,000 shall be for Science Laboratories Infrastructure;

(8) $181,000,000 shall be for Science Program Direction;

(9) $103,000,000 shall be for Safeguards and Security; and

(10) $20,500,000 shall be for Workforce Development for Teachers and Scientists.

SEC. 511. DEFINITIONS.

In this title—

(1) the term ''Department'' means the Department of Energy;

(2) the term ''Director'' means the Director of the Office of Science of the Department; and

(3) the term ''Secretary'' means the Secretary of Energy.

TITLE VI—DEPARTMENT OF ENERGY APPLIED RESEARCH AND DEVELOPMENT

Subtitle A—Crosscutting Research and Development

SEC. 601. CROSSCUTTING RESEARCH AND DEVELOPMENT.

(a) CROSSCUTTING RESEARCH AND DEVELOPMENT.—The Secretary shall, through the Under Secretary for Science and Energy, utilize the capabilities of the Department to identify strategic opportunities for collaborative research, development, demonstration, and commercial application of innovative science and technologies for—

(1) advancing the understanding of the energy-water-land use nexus;

(2) modernizing the electric grid by improving energy transmission and distribution systems security and resiliency;

(3) utilizing supercritical carbon dioxide in electric power generation;

(4) subsurface technology and engineering;

(5) high performance computing;

(6) cybersecurity; and

(7) critical challenges identified through comprehensive energy studies, evaluations, and reviews.

(b) CROSSCUTTING APPROACHES.—To the maximum extent practicable, the Secretary shall seek to leverage existing programs, and consolidate and coordinate activities, throughout the Department to promote collaboration and crosscutting approaches within programs.

(c) ADDITIONAL ACTIONS.—The Secretary shall—

(1) prioritize activities that promote the utilization of all affordable domestic resources;

(2) develop a rigorous and realistic planning, evaluation, and technical assessment framework for setting objective, long-term strategic goals and evaluating progress that ensures the integrity and independence to insulate planning from political influence and the flexibility to adapt to market dynamics;

(3) ensure that activities shall be undertaken in a manner that does not duplicate other activities within the Department or other Federal Government activities; and

(4) identify programs that may be more effectively left to the States, industry, nongovernmental organizations, institutions of higher education, or other stakeholders.

SEC. 602. STRATEGIC RESEARCH PORTFOLIO ANALYSIS AND COORDINATION PLAN.

Section 994 of Energy Policy Act of 2005 (42 U.S.C. 16358) is amended to read as follows:

''SEC. 994. STRATEGIC RESEARCH PORTFOLIO ANALYSIS AND COORDINATION PLAN.

''(a) IN GENERAL.—The Secretary shall periodically review all of the science and technology activities of the Department in a strategic framework that takes into account the frontiers of science to which the Department can contribute, the national needs relevant to the Department's statutory missions, and global energy dynamics.

''(b) COORDINATION ANALYSIS AND PLAN.—As part of the review under subsection (a), the Secretary shall develop a plan to improve coordination and collaboration in research, development, demonstration, and commercial application activities across Department organizational boundaries.

''(c) PLAN CONTENTS.—The plan shall describe—

''(1) crosscutting scientific and technical issues and research questions that span more than one program or major office of the Department;

''(2) how the applied technology programs of the Department are coordinating their activities, and addressing those questions;

''(3) ways in which the technical interchange within the Department, particularly between the Office of Science and the applied technology programs, can be enhanced, including limited ways in which the research agendas of the Office of Science and the applied programs can better interact and assist each other;

''(4) a description of how the Secretary will ensure that the Department's overall research agenda include, in addition to fundamental, curiosity-driven research, fundamental research related to topics of concern to the applied programs, and applications in Departmental technology programs of research results generated by fundamental, curiosity-driven research;

''(5) critical assessments of any ongoing programs that have experienced sub-par performance or cost over-runs of 10 percent or more over 1 or more years;

''(6) activities that may be more effectively left to the States, industry, nongovernmental organizations, institutions of higher education, or other stakeholders; and

''(7) detailed proposals for innovation hubs, institutes, and research centers prior to establishment or renewal by the Department, including—

''(A) certification that all hubs, institutes, and research centers will advance the mission of

the Department, and prioritize research, development, and demonstration;

''(B) certification that the establishment or renewal of hubs, institutes, or research centers will not diminish funds available for basic research and development within the Office of Science; and

''(C) certification that all hubs, institutes, and research centers established or renewed within the Office of Science are consistent with the mission of the Office of Science as described in section 209(c) of the Department of Energy Organization Act (42 U.S.C. 7139(c)).

''(d) PLAN TRANSMITTAL.—Not later than 1 year after the date of enactment of the America COMPETES Reauthorization Act of 2015, and every 4 years thereafter, the Secretary shall transmit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate the results of the review under subsection (a) and the coordination plan under subsection (b).''.

SEC. 603. STRATEGY FOR FACILITIES AND INFRASTRUCTURE.

(a) AMENDMENTS.—Section 993 of the Energy Policy Act of 2005 (42 U.S.C. 16357) is amended—

*(1) by amending the section heading to read as follows: ''**STRATEGY FOR FACILITIES AND INFRASTRUCTURE**''; and*

(2) in subsection (b)(1), by striking ''2008'' and inserting ''2018''.

(b) TABLE OF CONTENTS AMENDMENT.—The item relating to section 993 in the table of contents of the Energy Policy Act of 2005 is amended to read as follows:

''Sec. 993. Strategy for facilities and infrastructure.''.

SEC. 604. ENERGY INNOVATION HUBS.

(a) AUTHORIZATION OF PROGRAM.—

(1) IN GENERAL.—The Secretary of Energy shall carry out a program to enhance the Nation's economic, environmental, and energy security by making awards to consortia for establishing and operating Energy Innovation Hubs to conduct and support, whenever practicable at one centralized location, multidisciplinary, collaborative research, development, and demonstration of advanced energy technologies.

(2) TECHNOLOGY DEVELOPMENT FOCUS.—The Secretary shall designate for each Hub a unique advanced energy technology focus.

(3) COORDINATION.—The Secretary shall ensure the coordination of, and avoid unnecessary duplication of, the activities of Hubs with those of other Department of Energy research entities, including the National Laboratories, the Advanced Research Projects Agency-Energy, Energy Frontier Research Centers, and within industry.

(b) CONSORTIA.—

(1) ELIGIBILITY.—To be eligible to receive an award under this section for the establishment and operation of a Hub, a consortium shall—

(A) be composed of no fewer than two qualifying entities; and

(B) operate subject to an agreement entered into by its members that documents—

(i) the proposed partnership agreement, including the governance and management structure of the Hub;

(ii) measures to enable cost-effective implementation of the program under this section;

(iii) a proposed budget, including financial contributions from non-Federal sources;

(iv) a plan for managing intellectual property rights; and

(v) an accounting structure that enables the Secretary to ensure that the consortium has complied with the requirements of this section.

(2) APPLICATION.—A consortium seeking to establish and operate a Hub under this section, acting through a prime applicant, shall transmit to the Secretary an application at such time, in such form, and accompanied by such information as the Secretary shall require, including a detailed description of the elements of the consortium agreement required under paragraph (1)(B). If the consortium members will not be located at one centralized location, such application shall include a communications plan that ensures close coordination and integration of the Hub's activities.

(c) SELECTION AND SCHEDULE.—The Secretary shall select consortia for awards for the establishment and operation of Hubs through competitive selection processes. In selecting consortia, the Secretary shall consider the information a consortium must disclose according to subsection (b), as well as any existing facilities a consortium will provide for Hub activities. Awards made to a Hub shall be for a period not to exceed 5 years, subject to the availability of appropriations, after which the award may be renewed, subject to a rigorous merit review. A Hub already in existence on the date of enactment of this Act may continue to receive support for a period of 5 years, subject to the availability of appropriations, beginning on the date of establishment of that Hub.

(d) HUB OPERATIONS.—

(1) IN GENERAL.—Each Hub shall conduct or provide for multidisciplinary, collaborative research, development, and demonstration of advanced energy technologies within the technology development focus designated under subsection (a)(2). Each Hub shall—

(A) encourage collaboration and communication among the member qualifying entities of the consortium and awardees by conducting activities whenever practicable at one centralized location;

(B) develop and publish on the Department of Energy's website proposed plans and programs;

(C) submit an annual report to the Secretary summarizing the Hub's activities, including detailing organizational expenditures, and describing each project undertaken by the Hub; and

(D) monitor project implementation and coordination.

(2) CONFLICTS OF INTEREST.—

(A) PROCEDURES.—Hubs shall maintain conflict of interest procedures, consistent with those of the Department of Energy, to ensure that employees and consortia designees for Hub activities who are in decisionmaking capacities disclose all material conflicts of interest, and avoid such conflicts.

(B) DISQUALIFICATION AND REVOCATION.—The Secretary may disqualify an application or revoke funds distributed to a Hub if the Secretary discovers a failure to comply with conflict of interest procedures established under subparagraph (A).

(3) PROHIBITION ON CONSTRUCTION.—

(A) IN GENERAL.—No funds provided pursuant to this section may be used for construction of new buildings or facilities for Hubs. Construction of new buildings or facilities shall not be considered as part of the non-Federal share of a Hub cost-sharing agreement.

(B) TEST BED AND RENOVATION EXCEPTION.—Nothing in this subsection shall prohibit the use of funds provided pursuant to this section, or non-Federal cost share funds, for research or for the construction of a test bed or renovations to existing buildings or facilities for the purposes of research if the Secretary determines that the test bed or renovations are limited to a scope and scale necessary for the research to be conducted.

(e) TERMINATION.—Consistent with the existing authorities of the Department, the Secretary may terminate an underperforming Hub for cause during the performance period.

(f) DEFINITIONS.—For purposes of this section:

(1) ADVANCED ENERGY TECHNOLOGY.—The term ''advanced energy technology'' means—

(A) an innovative technology—

(i) that produces energy from solar, wind, geothermal, biomass, tidal, wave, ocean, or other renewable energy resources;

(ii) that produces nuclear energy;

(iii) for carbon capture and sequestration;

(iv) that enables advanced vehicles, vehicle components, and related technologies that result in significant energy savings;

(v) that generates, transmits, distributes, utilizes, or stores energy more efficiently than conventional technologies, including through Smart Grid technologies; or

(vi) that enhances the energy independence and security of the United States by enabling improved or expanded supply and production of domestic energy resources, including coal, oil, and natural gas;

(B) research, development, and demonstration activities necessary to ensure the long-term, secure, and sustainable supply of energy critical elements; or

(C) another innovative energy technology area identified by the Secretary.

(2) HUB.—The term ''Hub'' means an Energy Innovation Hub established or operating in accordance with this section, including any Energy Innovation Hub existing as of the date of enactment of this Act.

(3) QUALIFYING ENTITY.—The term ''qualifying entity'' means—

(A) an institution of higher education;

(B) an appropriate State or Federal entity, including the Department of Energy Federally Funded Research and Development Centers;

(C) a nongovernmental organization with expertise in advanced energy technology research, development, demonstration, or commercial application; or

(D) any other relevant entity the Secretary considers appropriate.

Subtitle B—Electricity Delivery and Energy Reliability Research and Development

SEC. 611. DISTRIBUTED ENERGY AND ELECTRIC ENERGY SYSTEMS.

Section 921 of the Energy Policy Act of 2005 (42 U.S.C. 16211) is amended to read as follows:

''SEC. 921. DISTRIBUTED ENERGY AND ELECTRIC ENERGY SYSTEMS.

''(a) IN GENERAL.—The Secretary shall carry out programs of research, development, demonstration, and commercial application on distributed energy resources and systems reliability and efficiency, to improve the reliability and efficiency of distributed energy resources and systems, integrating advanced energy technologies with grid connectivity, including activities described in this subtitle. The programs shall address advanced energy technologies and systems and advanced grid security, resiliency, and reliability technologies.

''(b) OBJECTIVES.—To the maximum extent practicable, the Secretary shall seek to—

''(1) leverage existing programs;

''(2) consolidate and coordinate activities throughout the Department to promote collaboration and crosscutting approaches;

''(3) ensure activities are undertaken in a manner that does not duplicate other activities within the Department or other Federal Government activities; and

''(4) identify programs that may be more effectively left to the States, industry, nongovernmental organizations, institutions of higher education, or other stakeholders.''.

SEC. 612. ELECTRIC TRANSMISSION AND DISTRIBUTION RESEARCH AND DEVELOPMENT.

(a) AMENDMENTS.—Section 925 of the Energy Policy Act of 2005 (42 U.S.C. 16215) is amended—

*(1) by amending the section heading to read as follows: ''**ELECTRIC TRANSMISSION AND DISTRIBUTION RESEARCH AND DEVELOPMENT**'';*

(2) by amending subsection (a) to read as follows:

''(a) PROGRAM.—The Secretary shall establish a comprehensive research, development, and demonstration program to ensure the reliability, efficiency, and environmental integrity of electrical transmission and distribution systems, which shall include innovations for—

''(1) advanced energy delivery technologies, energy storage technologies, materials, and systems;

''(2) advanced grid reliability and efficiency technology development;

''(3) technologies contributing to significant load reductions;

''(4) advanced metering, load management, and control technologies;

''(5) technologies to enhance existing grid components;

''(6) the development and use of high-temperature superconductors to—

''(A) enhance the reliability, operational flexibility, or power-carrying capability of electric transmission or distribution systems; or

''(B) increase the efficiency of electric energy generation, transmission, distribution, or storage systems;

''(7) integration of power systems, including systems to deliver high-quality electric power, electric power reliability, and combined heat and power;

''(8) supply of electricity to the power grid by small scale, distributed, and residential-based power generators;

''(9) the development and use of advanced grid design, operation, and planning tools;

''(10) technologies to enhance security for electrical transmission and distributions systems; and

''(11) any other infrastructure technologies, as appropriate.''; and

(3) by amending subsection (c) to read as follows:

''(c) IMPLEMENTATION.—

''(1) CONSORTIUM.—The Secretary shall consider implementing the program under this section using a consortium of participants from industry, institutions of higher education, and National Laboratories.

''(2) OBJECTIVES.—To the maximum extent practicable the Secretary shall seek to—

''(A) leverage existing programs;

''(B) consolidate and coordinate activities, throughout the Department to promote collaboration and crosscutting approaches;

''(C) ensure activities are undertaken in a manner that does not duplicate other activities within the Department or other Federal Government activities; and

''(D) identify programs that may be more effectively left to the States, industry, nongovernmental organizations, institutions of higher education, or other stakeholders.''.

(b) TABLE OF CONTENTS AMENDMENT.—The item relating to section 925 in the table of contents of the Energy Policy Act of 2005 is amended to read as follows:

''Sec. 925. Electric transmission and distribution research and development.''.

Subtitle C—Nuclear Energy Research and Development

SEC. 621. OBJECTIVES.

Section 951 of the Energy Policy Act of 2005 (42 U.S.C. 16271) is amended—

(1) by amending subsection (a) to read as follows:

''(a) IN GENERAL.—The Secretary shall conduct programs of civilian nuclear energy research, development, demonstration, and commercial application, including activities described in this subtitle. Such programs shall take into consideration the following objectives:

''(1) Enhancing nuclear power's viability as part of the United States energy portfolio.

''(2) Reducing used nuclear fuel and nuclear waste products generated by civilian nuclear energy.

''(3) Supporting technological advances in areas that industry by itself is not likely to undertake because of technical and financial uncertainty.

''(4) Providing the technical means to reduce the likelihood of nuclear proliferation.

''(5) Maintaining a cadre of nuclear scientists and engineers.

''(6) Maintaining National Laboratory and university nuclear programs, including their infrastructure.

''(7) Supporting both individual researchers and multidisciplinary teams of researchers to pioneer new approaches in nuclear energy, science, and technology.

''(8) Developing, planning, constructing, acquiring, and operating special equipment and facilities for the use of researchers.

''(9) Supporting technology transfer and other appropriate activities to assist the nuclear energy industry, and other users of nuclear science and engineering, including activities addressing reliability, availability, productivity, component aging, safety, and security of nuclear power plants.

''(10) Reducing the environmental impact of nuclear energy-related activities.

''(11) Researching and developing technologies and processes to meet Federal and State requirements and standards for nuclear power systems.'';

(2) by striking subsections (b) through (d); and

(3) by redesignating subsection (e) as subsection (b).

SEC. 622. PROGRAM OBJECTIVES STUDY.

Section 951 of the Energy Policy Act of 2005 (42 U.S.C. 16271) is further amended by adding at the end the following new subsection:

''(c) PROGRAM OBJECTIVES STUDY.—In furtherance of the program objectives listed in subsection (a) of this section, the Government Accountability Office shall, within 1 year after the date of enactment of this subsection, transmit to the Congress a report on the results of a study on the scientific and technical merit of major Federal and State requirements and standards, including moratoria, that delay or impede the further development and commercialization of nuclear power, and how the Department can assist in overcoming such delays or impediments.''.

SEC. 623. NUCLEAR ENERGY RESEARCH AND DEVELOPMENT PROGRAMS.

Section 952 of the Energy Policy Act of 2005 (42 U.S.C. 16272) is amended by striking subsections (c) through (e) and inserting the following:

''(c) REACTOR CONCEPTS.—

''(1) IN GENERAL.—The Secretary shall carry out a program of research, development, demonstration, and commercial application to advance nuclear power systems as well as technologies to sustain currently deployed systems.

''(2) DESIGNS AND TECHNOLOGIES.—In conducting the program under this subsection, the Secretary shall examine advanced reactor designs and nuclear technologies, including those that—

''(A) have higher efficiency, lower cost, and improved safety compared to reactors in operation as of the date of enactment of the America COMPETES Reauthorization Act of 2015;

''(B) utilize passive safety features;

''(C) minimize proliferation risks;

''(D) substantially reduce production of high-level waste per unit of output;

''(E) increase the life and sustainability of reactor systems currently deployed;

''(F) use improved instrumentation;

''(G) are capable of producing large-scale quantities of hydrogen or process heat;

''(H) minimize water usage or use alternatives to water as a cooling mechanism; or

''(I) use nuclear energy as part of an integrated energy system.

''(3) INTERNATIONAL COOPERATION.—In carrying out the program under this subsection, the Secretary shall seek opportunities to enhance the progress of the program through international cooperation through such organizations as the Generation IV International Forum or any other international collaboration the Secretary considers appropriate.

''(4) EXCEPTIONS.—No funds authorized to be appropriated to carry out the activities described in this subsection shall be used to fund the activities authorized under sections 641 through 645.''.

SEC. 624. SMALL MODULAR REACTOR PROGRAM.

Section 952 of the Energy Policy Act of 2005 (42 U.S.C. 16272) is further amended by adding at the end the following new subsection:

''(d) SMALL MODULAR REACTOR PROGRAM.—

''(1) IN GENERAL.—The Secretary shall carry out a small modular reactor program to promote research, development, demonstration, and commercial application of small modular reactors, including through cost-shared projects for commercial application of reactor systems designs.

''(2) CONSULTATION.—The Secretary shall consult with and utilize the expertise of the Secretary of the Navy in establishing and carrying out such program.

''(3) ADDITIONAL ACTIVITIES.—Activities may also include development of advanced computer modeling and simulation tools, by Federal and non-Federal entities, which demonstrate and validate new design capabilities of innovative small modular reactor designs.

''(4) DEFINITION.—For the purposes of this subsection, the term 'small modular reactor' means a nuclear reactor meeting generally accepted industry standards—

''(A) with a rated capacity of less than 300 electrical megawatts;

''(B) with respect to which most parts can be factory assembled and shipped as modules to a reactor plant site for assembly; and

''(C) that can be constructed and operated in combination with similar reactors at a single site.''.

SEC. 625. FUEL CYCLE RESEARCH AND DEVELOPMENT.

(a) AMENDMENTS.—Section 953 of the Energy Policy Act of 2005 (42 U.S.C. 16273) is amended—

(1) in the section heading by striking ''**ADVANCED FUEL CYCLE INITIATIVE**'' and inserting ''**FUEL CYCLE RESEARCH AND DEVELOPMENT**'';

(2) by striking subsection (a);

(3) by redesignating subsections (b) through (d) as subsections (d) through (f), respectively; and

(4) by inserting before subsection (d), as so redesignated by paragraph (3) of this subsection, the following new subsections:

''(a) IN GENERAL.—The Secretary shall conduct a fuel cycle research, development, demonstration, and commercial application program (referred to in this section as the 'program') on fuel cycle options that improve uranium resource utilization, maximize energy generation, minimize nuclear waste creation, improve safety, mitigate risk of proliferation, and improve waste management in support of a national strategy for spent nuclear fuel and the reactor concepts research, development, demonstration, and commercial application program under section 952(c).

''(b) FUEL CYCLE OPTIONS.—Under this section the Secretary may consider implementing the following initiatives:

''(1) OPEN CYCLE.—Developing fuels, including the use of nonuranium materials and alternate claddings, for use in reactors that increase energy generation, improve safety performance and margins, and minimize the amount of nuclear waste produced in an open fuel cycle.

''(2) RECYCLE.—Developing advanced recycling technologies, including advanced reactor concepts to improve resource utilization, reduce proliferation risks, and minimize radiotoxicity, decay heat, and mass and volume of nuclear waste to the greatest extent possible.

''(3) ADVANCED STORAGE METHODS.—Developing advanced storage technologies for both onsite and long-term storage that substantially prolong the effective life of current storage devices or that substantially improve upon existing nuclear waste storage technologies and methods, including repositories.

''(4) FAST TEST REACTOR.—Investigating the potential research benefits of a fast test reactor user facility to conduct experiments on fuels and materials related to fuel forms and fuel cycles that will increase fuel utilization, reduce proliferation risks, and reduce nuclear waste products.

''(5) ADVANCED REACTOR INNOVATION.—Developing an advanced reactor innovation testbed where national laboratories, universities, and industry can address advanced reactor design challenges to enable construction and operation of privately funded reactor prototypes to resolve technical uncertainty for United States-based designs for future domestic and international markets.

''(6) OTHER TECHNOLOGIES.—Developing any other technology or initiative that the Secretary determines is likely to advance the objectives of the program.

''(c) ADDITIONAL ADVANCED RECYCLING AND CROSSCUTTING ACTIVITIES.—In addition to and in support of the specific initiatives described in paragraphs (1) through (5) of subsection (b), the Secretary may support the following activities:

''(1) Development and testing of integrated process flow sheets for advanced nuclear fuel recycling processes.

''(2) Research to characterize the byproducts and waste streams resulting from fuel recycling processes.

''(3) Research and development on reactor concepts or transmutation technologies that improve resource utilization or reduce the radiotoxicity of waste streams.

''(4) Research and development on waste treatment processes and separations technologies, advanced waste forms, and quantification of proliferation risks.

''(5) Identification and evaluation of test and experimental facilities necessary to successfully implement the advanced fuel cycle initiative.

''(6) Advancement of fuel cycle-related modeling and simulation capabilities.

''(7) Research to understand the behavior of high-burnup fuels.''.

(b) CONFORMING AMENDMENT.—The item relating to section 953 in the table of contents of the Energy Policy Act of 2005 is amended to read as follows:

''Sec. 953. Fuel cycle research and development.''.

SEC. 626. NUCLEAR ENERGY ENABLING TECHNOLOGIES PROGRAM.

(a) AMENDMENT.—Subtitle E of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16271 et seq.) is amended by adding at the end the following new section:

''SEC. 958. NUCLEAR ENERGY ENABLING TECHNOLOGIES.

''(a) IN GENERAL.—The Secretary shall conduct a program to support the integration of activities undertaken through the reactor concepts research, development, demonstration, and commercial application program under section 952(c) and the fuel cycle research and development program under section 953, and support crosscutting nuclear energy concepts. Activities commenced under this section shall be concentrated on broadly applicable research and development focus areas.

''(b) ACTIVITIES.—Activities conducted under this section may include research involving—

''(1) advanced reactor materials;

''(2) advanced radiation mitigation methods;

''(3) advanced proliferation and security risk assessment methods;

''(4) advanced sensors and instrumentation;

''(5) high performance computation modeling, including multiphysics, multidimensional modeling simulation for nuclear energy systems, and continued development of advanced modeling simulation capabilities through national laboratory, industry, and university partnerships for operations and safety performance improvements of light water reactors for currently deployed and near-term reactors and advanced reactors and for the development of small modular reactors; and

''(6) any crosscutting technology or transformative concept aimed at establishing substantial and revolutionary enhancements in the performance of future nuclear energy systems that the Secretary considers relevant and appropriate to the purpose of this section.

''(c) REPORT.—The Secretary shall submit, as part of the annual budget submission of the Department, a report on the activities of the program conducted under this section, which shall include a brief evaluation of each activity's progress.''.

(b) CONFORMING AMENDMENT.—The table of contents of the Energy Policy Act of 2005 is amended by adding at the end of the items for subtitle E of title IX the following new item:

''Sec. 958. Nuclear energy enabling technologies.''.

SEC. 627. TECHNICAL STANDARDS COLLABORATION.

(a) IN GENERAL.—The Director of the National Institute of Standards and Technology shall establish a nuclear energy standards committee (in this section referred to as the ''technical standards committee'') to facilitate and support, consistent with the National Technology Transfer and Advancement Act of 1995, the development or revision of technical standards for new and existing nuclear power plants and advanced nuclear technologies.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The technical standards committee shall include representatives from appropriate Federal agencies and the private sector, and be open to materially affected organizations involved in the development or application of nuclear energy-related standards.

(2) CO-CHAIRS.—The technical standards committee shall be co-chaired by a representative from the National Institute of Standards and Technology and a representative from a private sector standards organization.

(c) DUTIES.—The technical standards committee shall, in cooperation with appropriate Federal agencies—

(1) perform a needs assessment to identify and evaluate the technical standards that are needed to support nuclear energy, including those needed to support new and existing nuclear power plants and advanced nuclear technologies, including developing the technical basis for regulatory frameworks for advanced reactors;

(2) formulate, coordinate, and recommend priorities for the development of new technical standards and the revision of existing technical standards to address the needs identified under paragraph (1);

(3) facilitate and support collaboration and cooperation among standards developers to address the needs and priorities identified under paragraphs (1) and (2);

(4) as appropriate, coordinate with other national, regional, or international efforts on nuclear energy-related technical standards in order to avoid conflict and duplication and to ensure global compatibility; and

(5) promote the establishment and maintenance of a database of nuclear energy-related technical standards.

(d) AUTHORIZATION OF APPROPRIATIONS.—To the extent provided for in advance by appropriations Acts, the Secretary may transfer to the Director of the National Institute of Standards and Technology not to exceed $1,000,000 for fiscal year 2016 for the Secretary of Commerce to carry out this section from amounts appropriated for nuclear energy research and development within the Nuclear Energy Enabling Technologies account for the Department.

SEC. 628. AVAILABLE FACILITIES DATABASE.

The Secretary shall prepare a database of non-Federal user facilities receiving Federal funds that may be used for unclassified nuclear energy research. The Secretary shall make this database accessible on the Department's website.

Subtitle D—Energy Efficiency and Renewable Energy Research and Development

SEC. 641. ENERGY EFFICIENCY.

Section 911 of the Energy Policy Act of 2005 (42 U.S.C. 16191) is amended to read as follows:

''SEC. 911. ENERGY EFFICIENCY.

''(a) OBJECTIVES.—The Secretary shall conduct programs of energy efficiency research, development, demonstration, and commercial application, including activities described in this subtitle. Such programs shall prioritize activities that industry by itself is not likely to undertake because of technical challenges or regulatory uncertainty, and take into consideration the following objectives:

''(1) Increasing energy efficiency.

''(2) Reducing the cost of energy.

''(3) Reducing the environmental impact of energy-related activities.

''(b) PROGRAMS.—Programs under this subtitle shall include research, development, demonstration, and commercial application of—

''(1) innovative, affordable technologies to improve the energy efficiency and environmental performance of vehicles, including weight and drag reduction technologies, technologies, modeling, and simulation for increasing vehicle connectivity and automation, and whole-vehicle design optimization;

''(2) cost-effective technologies, for new construction and retrofit, to improve the energy efficiency and environmental performance of buildings, using a whole-buildings approach;

''(3) advanced technologies to improve the energy efficiency, environmental performance, and process efficiency of energy-intensive and waste-intensive industries;

''(4) technologies to improve the energy efficiency of appliances and mechanical systems for buildings in extreme climates, including cogeneration, trigeneration, and polygeneration units;

''(5) advanced battery technologies; and

''(6) fuel cell and hydrogen technologies.''.

SEC. 642. NEXT GENERATION LIGHTING INITIATIVE.

Section 912 of the Energy Policy Act of 2005 (42 U.S.C. 16192) and the item relating thereto in the table of contents of that Act are repealed.

SEC. 643. BUILDING STANDARDS.

Section 914 of the Energy Policy Act of 2005 (42 U.S.C. 16194) is amended by striking subsection (c).

SEC. 644. SECONDARY ELECTRIC VEHICLE BATTERY USE PROGRAM.

Section 915 of the Energy Policy Act of 2005 (42 U.S.C. 16195) and the item relating thereto in the table of contents of that Act are repealed.

SEC. 645. NETWORK FOR MANUFACTURING INNOVATION PROGRAM.

To the extent provided for in advance by appropriations Acts, the Secretary may transfer to the National Institute of Standards and Technology up to $150,000,000 for the period encompassing fiscal years 2015 through 2017 from amounts appropriated for advanced manufacturing research and development under this subtitle (and the amendments made by this subtitle) for the Secretary of Commerce to carry out the Network for Manufacturing Innovation Program authorized under section 34 of the National Institute of Standards and Technology Act (15 U.S.C. 278s).

SEC. 646. ADVANCED ENERGY TECHNOLOGY TRANSFER CENTERS.

Section 917 of the Energy Policy Act of 2005 (42 U.S.C. 16197) is amended—

(1) in subsection (a)—

(A) by inserting ''and'' at the end of paragraph (2)(B);

(B) by striking ''; and'' at the end of paragraph (3) and inserting a period; and

(C) by striking paragraph (4);

(2) in subsection (b)—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively; and

(C) by striking paragraph (6);

(3) by amending subsection (g) to read as follows:

''(g) PROHIBITION.—None of the funds awarded under this section may be used for the construction of facilities or the deployment of commercially available technologies.''; and

(4) by striking subsection (i).

SEC. 647. RENEWABLE ENERGY.

Section 931 of the Energy Policy Act of 2005 (42 U.S.C. 16231) is amended to read as follows:

"SEC. 931. RENEWABLE ENERGY.

''(a) IN GENERAL.—

''(1) OBJECTIVES.—The Secretary shall conduct programs of renewable energy research, development, demonstration, and commercial application, including activities described in this subtitle. Such programs shall prioritize discovery research and development and take into consideration the following objectives:

''(A) Increasing the conversion efficiency of all forms of renewable energy through improved technologies.

''(B) Decreasing the cost of renewable energy generation and delivery.

''(C) Promoting the diversity of the energy supply.

''(D) Decreasing the dependence of the United States on foreign mineral resources.

''(E) Decreasing the environmental impact of renewable energy-related activities.

''(F) Increasing the export of renewable generation technologies from the United States.

''(2) PROGRAMS.—

''(A) SOLAR ENERGY.—The Secretary shall conduct a program of research, development, demonstration, and commercial application for solar energy, including innovations in—

''(i) photovoltaics;

''(ii) solar heating;

''(iii) concentrating solar power;

''(iv) lighting systems that integrate sunlight and electrical lighting in complement to each other; and

''(v) development of technologies that can be easily integrated into new and existing buildings.

''(B) WIND ENERGY.—The Secretary shall conduct a program of research, development, demonstration, and commercial application for wind energy, including innovations in—

''(i) low speed wind energy;

''(ii) testing and verification technologies;

''(iii) distributed wind energy generation; and

''(iv) transformational technologies for harnessing wind energy.

''(C) GEOTHERMAL.—The Secretary shall conduct a program of research, development, demonstration, and commercial application for geothermal energy, including technologies for—

''(i) improving detection of geothermal resources;

''(ii) decreasing drilling costs;

''(iii) decreasing maintenance costs through improved materials;

''(iv) increasing the potential for other revenue sources, such as mineral production; and

''(v) increasing the understanding of reservoir life cycle and management.

''(D) HYDROPOWER.—The Secretary shall conduct a program of research, development, demonstration, and commercial application for technologies that enable the development of new and incremental hydropower capacity, including:

''(i) Advanced technologies to enhance environmental performance and yield greater energy efficiencies.

''(ii) Ocean energy, including wave energy.

''(E) MISCELLANEOUS PROJECTS.—The Secretary shall conduct research, development, demonstration, and commercial application programs for—

''(i) the combined use of renewable energy technologies with one another and with other energy technologies, including the combined use of renewable power and fossil technologies;

''(ii) renewable energy technologies for cogeneration of hydrogen and electricity; and

''(iii) kinetic hydro turbines.

''(b) RURAL DEMONSTRATION PROJECTS.—In carrying out this section, the Secretary, in consultation with the Secretary of Agriculture, shall give priority to demonstrations that assist in delivering electricity to rural and remote locations including—

''(1) advanced renewable power technology, including combined use with fossil technologies;

''(2) biomass; and

''(3) geothermal energy systems.

''(c) ANALYSIS AND EVALUATION.—

''(1) IN GENERAL.—The Secretary shall conduct analysis and evaluation in support of the renewable energy programs under this subtitle. These activities shall be used to guide budget and program decisions, and shall include—

''(A) economic and technical analysis of renewable energy potential, including resource assessment;

''(B) analysis of past program performance, both in terms of technical advances and in market introduction of renewable energy;

''(C) assessment of domestic and international market drivers, including the impacts of any Federal, State, or local grants, loans, loan guarantees, tax incentives, statutory or regulatory requirements, or other government initiatives; and

''(D) any other analysis or evaluation that the Secretary considers appropriate.

''(2) FUNDING.—The Secretary may designate up to 1 percent of the funds appropriated for carrying out this subtitle for analysis and evaluation activities under this subsection.

''(3) SUBMITTAL TO CONGRESS.—This analysis and evaluation shall be submitted to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate at least 30 days before each annual budget request is submitted to Congress.''.

SEC. 648. BIOENERGY PROGRAM.

Section 932 of the Energy Policy Act of 2005 (42 U.S.C. 16232) is amended to read as follows:

"SEC. 932. BIOENERGY PROGRAM.

''(a) PROGRAM.—The Secretary shall conduct a program of research, development, demonstration, and commercial application for bioenergy, including innovations in—

''(1) biopower energy systems;

''(2) biofuels;

''(3) bioproducts;

''(4) integrated biorefineries that may produce biopower, biofuels, and bioproducts; and

''(5) crosscutting research and development in feedstocks.

''(b) BIOFUELS AND BIOPRODUCTS.—The goals of the biofuels and bioproducts programs shall be to develop, in partnership with industry and institutions of higher education—

''(1) advanced biochemical and thermochemical conversion technologies capable of making fuels from lignocellulosic feedstocks that are price-competitive with fossil-based fuels and fully compatible with either internal combustion engines or fuel cell-powered vehicles;

''(2) advanced conversion of biomass to biofuels and bioproducts as part of integrated biorefineries based on either biochemical processes, thermochemical processes, or hybrids of these processes; and

''(3) other advanced processes that will enable the development of cost-effective bioproducts, including biofuels.

''(c) RETROFIT TECHNOLOGIES FOR THE DEVELOPMENT OF ETHANOL FROM CELLULOSIC MATERIALS.—The Secretary shall establish a program of research, development, demonstration, and commercial application for technologies and processes to enable biorefineries that exclusively use corn grain or corn starch as a feedstock to produce ethanol to be retrofitted to accept a range of biomass, including lignocellulosic feedstocks.

''(d) LIMITATIONS.—None of the funds authorized for carrying out this section may be used to fund commercial biofuels production for defense purposes.

''(e) DEFINITIONS.—In this section:

''(1) BIOMASS.—The term 'biomass' means—

''(A) any organic material grown for the purpose of being converted to energy;

''(B) any organic byproduct of agriculture (including wastes from food production and processing) that can be converted into energy; or

''(C) any waste material that can be converted to energy, is segregated from other waste materials, and is derived from—

''(i) any of the following forest-related resources: mill residues, precommercial thinnings, slash, brush, or otherwise nonmerchantable material;

''(ii) wood waste materials, including waste pallets, crates, dunnage, manufacturing and construction wood wastes (other than pressure-treated, chemically treated, or painted wood wastes), and landscape or right-of-way tree trimmings, but not including municipal solid waste, gas derived from the biodegradation of municipal solid waste, or paper that is commonly recycled; or

''(iii) solids derived from waste water treatment processes.

''(2) LIGNOCELLULOSIC FEEDSTOCK.—The term 'lignocellulosic feedstock' means any portion of a plant or coproduct from conversion, including crops, trees, forest residues, grasses, and agricultural residues not specifically grown for food, including from barley grain, grapeseed, rice bran, rice hulls, rice straw, soybean matter, cornstover, and sugarcane bagasse.''.

SEC. 649. CONCENTRATING SOLAR POWER RESEARCH PROGRAM.

Section 934 of the Energy Policy Act of 2005 (42 U.S.C. 16234) and the item relating thereto in the table of contents of that Act are repealed.

SEC. 650. RENEWABLE ENERGY IN PUBLIC BUILDINGS.

Section 935 of the Energy Policy Act of 2005 (42 U.S.C. 16235) and the item relating thereto in the table of contents of that Act are repealed.

Subtitle E—Fossil Energy Research and Development

SEC. 661. FOSSIL ENERGY.

Section 961 of Energy Policy Act of 2005 (42 U.S.C. 16291) is amended to read as follows:

"SEC. 961. FOSSIL ENERGY.

''(a) IN GENERAL.—The Secretary shall carry out research, development, demonstration, and commercial application programs in fossil energy, including activities under this subtitle, with the goal of improving the efficiency, effectiveness, and environmental performance of fossil energy production, upgrading, conversion, and consumption. Such programs shall take into consideration the following objectives:

''(1) Increasing the energy conversion efficiency of all forms of fossil energy through improved technologies.

''(2) Decreasing the cost of all fossil energy production, generation, and delivery.

''(3) Promoting diversity of energy supply.

''(4) Decreasing the dependence of the United States on foreign energy supplies.

''(5) Decreasing the environmental impact of energy-related activities.

''(6) Increasing the export of fossil energy-related equipment, technology, and services from the United States.

''(b) OBJECTIVES.—To the maximum extent practicable, the Secretary shall seek to—

''(1) leverage existing programs;

''(2) consolidate and coordinate activities throughout the Department to promote collaboration and crosscutting approaches;

''(3) ensure activities are undertaken in a manner that does not duplicate other activities within the Department or other Federal Government activities; and

''(4) identify programs that may be more effectively left to the States, industry, nongovernmental organizations, institutions of higher education, or other stakeholders.

''(c) LIMITATIONS.—

''(1) USES.—None of the funds authorized for carrying out this section may be used for Fossil Energy Environmental Restoration.

''(2) INSTITUTIONS OF HIGHER EDUCATION.—Not less than 20 percent of the funds appropriated

for carrying out section 964 of this Act for each fiscal year shall be dedicated to research and development carried out at institutions of higher education.

''(3) USE FOR REGULATORY ASSESSMENTS OR DETERMINATIONS.—The results of any research, development, demonstration, or commercial application projects or activities of the Department authorized under this subtitle may not be used for regulatory assessments or determinations by Federal regulatory authorities.

''(d) ASSESSMENTS.—

''(1) CONSTRAINTS AGAINST BRINGING RESOURCES TO MARKET.—Not later than 1 year after the date of enactment of the America COMPETES Reauthorization Act of 2015, the Secretary shall transmit to Congress an assessment of the technical, institutional, policy, and regulatory constraints to bringing new domestic fossil resources to market.

''(2) TECHNOLOGY CAPABILITIES.—Not later than 2 years after the date of enactment of the America COMPETES Reauthorization Act of 2015, the Secretary shall transmit to Congress a long-term assessment of existing and projected technological capabilities for expanded production from domestic unconventional oil, gas, and methane reserves.''.

SEC. 662. COAL RESEARCH, DEVELOPMENT, DEMONSTRATION, AND COMMERCIAL APPLICATION PROGRAMS.

(a) IN GENERAL.—Section 962 of the Energy Policy Act of 2005 (42 U.S.C. 16292) is amended—

(1) in subsection (a)—

(A) in paragraph (10), by striking ''and'' at the end;

(B) in paragraph (11), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(12) specific additional programs to address water use and reuse;

''(13) the testing, including the construction of testing facilities, of high temperature materials for use in advanced systems for combustion or use of coal; and

''(14) innovations to application of existing coal conversion systems designed to increase efficiency of conversion, flexibility of operation, and other modifications to address existing usage requirements.'';

(2) by redesignating subsections (b) through (d) as subsections (c) through (e), respectively;

(3) by inserting after subsection (a) the following:

''(b) TRANSFORMATIONAL COAL TECHNOLOGY PROGRAM.—

''(1) IN GENERAL.—As part of the program established under subsection (a), the Secretary may carry out a program designed to undertake research, development, demonstration, and commercial application of technologies, including the accelerated development of—

''(A) chemical looping technology;

''(B) supercritical carbon dioxide power generation cycles;

''(C) pressurized oxycombustion, including new and retrofit technologies; and

''(D) other technologies that are characterized by the use of—

''(i) alternative energy cycles;

''(ii) thermionic devices using waste heat;

''(iii) fuel cells;

''(iv) replacement of chemical processes with biotechnology;

''(v) nanotechnology;

''(vi) new materials in applications (other than extending cycles to higher temperature and pressure), such as membranes or ceramics;

''(vii) carbon utilization, such as in construction materials, using low quality energy to reconvert back to a fuel, or manufactured food;

''(viii) advanced gas separation concepts; and

''(ix) other technologies, including—

''(I) modular, manufactured components; and

''(II) innovative production or research techniques, such as using 3–D printer systems, for the production of early research and development prototypes.

''(2) COST SHARE.—In carrying out the program described in paragraph (1), the Secretary shall enter into partnerships with private entities to share the costs of carrying out the program. The Secretary may reduce the non-Federal cost share requirement if the Secretary determines that the reduction is necessary and appropriate considering the technological risks involved in the project.''; and

(4) in subsection (c) (as so redesignated) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—In carrying out programs authorized by this section, the Secretary shall identify cost and performance goals for coal-based technologies that would permit the continued cost-competitive use of coal for the production of electricity, chemical feedstocks, transportation fuels, and other marketable products.''.

(b) ADVISORY COMMITTEE; AUTHORIZATION OF APPROPRIATIONS.—Section 963 of the Energy Policy Act of 2005 (42 U.S.C. 16293) is amended—

(1) by amending paragraph (6) of subsection (c) to read as follows:

''(6) ADVISORY COMMITTEE.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall establish an advisory committee to undertake, not less frequently than once every 3 years, a review and prepare a report on the progress being made by the Department of Energy to achieve the goals described in subsections (a) and (b) of section 962 and subsection (b) of this section.

''(B) MEMBERSHIP REQUIREMENTS.—Members of the advisory committee established under subparagraph (A) shall be appointed by the Secretary, except that three members shall be appointed by the Speaker of the House of Representatives and two members shall be appointed by the Majority Leader of the Senate. The total number of members of the advisory committee shall be 15.''; and

(2) by amending subsection (d) to read as follows:

''(d) STUDY OF CARBON DIOXIDE PIPELINES.—Not later than 1 year after the date of enactment of the America COMPETES Reauthorization Act of 2015, the Secretary shall transmit to Congress the results of a study to assess the cost and feasibility of engineering, permitting, building, maintaining, regulating, and insuring a national system of carbon dioxide pipelines.''.

SEC. 663. HIGH EFFICIENCY GAS TURBINES RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary, through the Office of Fossil Energy, shall carry out a multiyear, multiphase program of research, development, demonstration, and commercial application to innovate technologies to maximize the efficiency of gas turbines used in power generation systems.

(b) PROGRAM ELEMENTS.—The program under this section shall—

(1) support innovative engineering and detailed gas turbine design for megawatt-scale and utility-scale electric power generation, including—

(A) high temperature materials, including superalloys, coatings, and ceramics;

(B) improved heat transfer capability;

(C) manufacturing technology required to construct complex three-dimensional geometry parts with improved aerodynamic capability;

(D) combustion technology to produce higher firing temperature while lowering nitrogen oxide and carbon monoxide emissions per unit of output;

(E) advanced controls and systems integration;

(F) advanced high performance compressor technology; and

(G) validation facilities for the testing of components and subsystems;

(2) include technology demonstration through component testing, subscale testing, and full scale testing in existing fleets;

(3) include field demonstrations of the developed technology elements so as to demonstrate technical and economic feasibility; and

(4) assess overall combined cycle and simple cycle system performance.

(c) PROGRAM GOALS.—The goals of the multiphase program established under subsection (a) shall be—

(1) in phase I—

(A) to develop the conceptual design of advanced high efficiency gas turbines that can achieve at least 62 percent combined cycle efficiency or 47 percent simple cycle efficiency on a lower heating value basis; and

(B) to develop and demonstrate the technology required for advanced high efficiency gas turbines that can achieve at least 62 percent combined cycle efficiency or 47 percent simple cycle efficiency on a lower heating value basis; and

(2) in phase II, to develop the conceptual design for advanced high efficiency gas turbines that can achieve at least 65 percent combined cycle efficiency or 50 percent simple cycle efficiency on a lower heating value basis.

(d) PROPOSALS.—Within 180 days after the date of enactment of this Act, the Secretary shall solicit grant and contract proposals from industry, small businesses, universities, and other appropriate parties for conducting activities under this section. In selecting proposals, the Secretary shall emphasize—

(1) the extent to which the proposal will stimulate the creation or increased retention of jobs in the United States; and

(2) the extent to which the proposal will promote and enhance United States technology leadership.

(e) COMPETITIVE AWARDS.—The provision of funding under this section shall be on a competitive basis with an emphasis on technical merit.

(f) COST SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to an award of financial assistance made under this section.

Subtitle F—Advanced Research Projects Agency–Energy

SEC. 671. ARPA–E AMENDMENTS.

Section 5012 of the America COMPETES Act (42 U.S.C. 16538) is amended—

(1) by amending paragraph (1) of subsection (c) to read as follows:

''(1) IN GENERAL.—The goals of ARPA–E shall be to enhance the economic and energy security of the United States and to ensure that the United States maintains a technological lead through the development of advanced energy technologies.'';

(2) in subsection (i)(1), by inserting ''ARPA–E shall not provide funding for a project unless the prospective grantee demonstrates sufficient attempts to secure private financing or indicates that the project is not independently commercially viable.'' after ''relevant research agencies.'';

(3) in subsection (l)(1), by inserting ''and once every 6 years thereafter,'' after ''operation for 6 years,''; and

(4) by redesignating subsection (n) as subsection (o) and inserting after subsection (m) the following new subsection:

''(n) PROTECTION OF PROPRIETARY INFORMATION.—

''(1) IN GENERAL.—The following categories of information collected by the Advanced Research Projects Agency–Energy from recipients of financial assistance awards shall be considered privileged and confidential and not subject to disclosure pursuant to section 552 of title 5, United States Code:

''(A) Plans for commercialization of technologies developed under the award, including business plans, technology to market plans, market studies, and cost and performance models.

''(B) Investments provided to an awardee from third parties, such as venture capital, hedge fund, or private equity firms, including amounts and percentage of ownership of the awardee provided in return for such investments.

''(C) Additional financial support that the awardee plans to invest or has invested into the technology developed under the award, or that the awardee is seeking from third parties.

''(D) Revenue from the licensing or sale of new products or services resulting from the research conducted under the award.

''(2) EFFECT OF SUBSECTION.—Nothing in this subsection affects—

''(A) the authority of the Secretary to use information without publicly disclosing such information; or

''(B) the responsibility of the Secretary to transmit information to Congress as required by law.''.

Subtitle G—Authorization of Appropriations

SEC. 681. AUTHORIZATION OF APPROPRIATIONS.

(a) ELECTRICITY DELIVERY AND ENERGY RELIABILITY RESEARCH AND DEVELOPMENT.—There are authorized to be appropriated to the Secretary for research, development, demonstration, and commercial application for electrical delivery and energy reliability technology activities within the Office of Electricity $113,000,000 for each of fiscal years 2016 and 2017.

(b) NUCLEAR ENERGY.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary for research, development, demonstration, and commercial application for nuclear energy technology activities within the Office of Nuclear Energy $504,600,000 for each of fiscal years 2016 and 2017.

(2) LIMITATION.—Any amounts made available pursuant to the authorization of appropriations under paragraph (1) shall not be derived from the Nuclear Waste Fund established under section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)).

(c) ENERGY EFFICIENCY AND RENEWABLE ENERGY.—There are authorized to be appropriated to the Secretary for research, development, demonstration, and commercial application for energy efficiency and renewable energy technology activities within the Office of Energy Efficiency and Renewable Energy $1,193,500,000 for each of fiscal years 2016 and 2017.

(d) FOSSIL ENERGY.—There are authorized to be appropriated to the Secretary for research, development, demonstration, and commercial application for fossil energy technology activities within the Office of Fossil Energy $605,000,000 for each of fiscal years 2016 and 2017.

(e) ARPA–E.—There are authorized to be appropriated to the Secretary for the Advanced Research Projects Agency–Energy $140,000,000 for each of fiscal years 2016 and 2017.

Subtitle H—Definitions

SEC. 691. DEFINITIONS.

In this title—

(1) the term ''Department'' means the Department of Energy; and

(2) the term ''Secretary'' means the Secretary of Energy.

TITLE VII—DEPARTMENT OF ENERGY TECHNOLOGY TRANSFER

Subtitle A—In General

SEC. 701. DEFINITIONS.

In this title:

(1) DEPARTMENT.—The term ''Department'' means the Department of Energy.

(2) NATIONAL LABORATORY.—The term ''National Laboratory'' means a Department of Energy nonmilitary national laboratory, including—

(A) Ames Laboratory;

(B) Argonne National Laboratory;

(C) Brookhaven National Laboratory;

(D) Fermi National Accelerator Laboratory;

(E) Idaho National Laboratory;

(F) Lawrence Berkeley National Laboratory;

(G) National Energy Technology Laboratory;

(H) National Renewable Energy Laboratory;

(I) Oak Ridge National Laboratory;

(J) Pacific Northwest National Laboratory;

(K) Princeton Plasma Physics Laboratory;

(L) Savannah River National Laboratory;

(M) Stanford Linear Accelerator Center;

(N) Thomas Jefferson National Accelerator Facility; and

(O) any laboratory operated by the National Nuclear Security Administration, but only with respect to the civilian energy activities thereof.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

SEC. 702. SAVINGS CLAUSE.

Nothing in this title or an amendment made by this title abrogates or otherwise affects the primary responsibilities of any National Laboratory to the Department.

Subtitle B—Innovation Management at Department of Energy

SEC. 712. TECHNOLOGY TRANSFER AND TRANSITIONS ASSESSMENT.

Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall transmit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report which shall include—

(1) an assessment of the Department's current ability to carry out the goals of section 1001 of the Energy Policy Act of 2005 (42 U.S.C. 16391), including an assessment of the role and effectiveness of the Director of the Office of Technology Transitions; and

(2) recommended departmental policy changes and legislative changes to section 1001 of the Energy Policy Act of 2005 (42 U.S.C. 16391) to improve the Department's ability to successfully transfer new energy technologies to the private sector.

SEC. 713. SENSE OF CONGRESS.

It is the sense of the Congress that the Secretary should encourage the National Laboratories and federally funded research and development centers to inform small businesses of the opportunities and resources that exist pursuant to this title.

SEC. 714. NUCLEAR ENERGY INNOVATION.

Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the National Laboratories, relevant Federal agencies, and other stakeholders, shall transmit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report assessing the Department's capabilities to authorize, host, and oversee privately funded fusion and non-light water reactor prototypes and related demonstration facilities at Department-owned sites. For purposes of this report, the Secretary shall consider the Department's capabilities to facilitate privately-funded prototypes up to 20 megawatts thermal output. The report shall address the following:

(1) The Department's safety review and oversight capabilities.

(2) Potential sites capable of hosting research, development, and demonstration of prototype reactors and related facilities for the purpose of reducing technical risk.

(3) The Department's and National Laboratories' existing physical and technical capabilities relevant to research, development, and oversight.

(4) The efficacy of the Department's available contractual mechanisms, including cooperative research and development agreements, work for others agreements, and agreements for commercializing technology.

(5) Potential cost structures related to physical security, decommissioning, liability, and other long-term project costs.

(6) Other challenges or considerations identified by the Secretary, including issues related to potential cases of demonstration reactors up to 2 gigawatts of thermal output.

Subtitle C—Cross-Sector Partnerships and Grant Competitiveness

SEC. 721. AGREEMENTS FOR COMMERCIALIZING TECHNOLOGY PILOT PROGRAM.

(a) IN GENERAL.—The Secretary shall carry out the Agreements for Commercializing Technology pilot program of the Department, as announced by the Secretary on December 8, 2011, in accordance with this section.

(b) TERMS.—Each agreement entered into pursuant to the pilot program referred to in subsection (a) shall provide to the contractor of the applicable National Laboratory, to the maximum extent determined to be appropriate by the Secretary, increased authority to negotiate contract terms, such as intellectual property rights, payment structures, performance guarantees, and multiparty collaborations.

(c) ELIGIBILITY.—

(1) IN GENERAL.—Any director of a National Laboratory may enter into an agreement pursuant to the pilot program referred to in subsection (a).

(2) AGREEMENTS WITH NON-FEDERAL ENTITIES.—To carry out paragraph (1) and subject to paragraph (3), the Secretary shall permit the directors of the National Laboratories to execute agreements with a non-Federal entity, including a non-Federal entity already receiving Federal funding that will be used to support activities under agreements executed pursuant to paragraph (1), provided that such funding is solely used to carry out the purposes of the Federal award.

(3) RESTRICTION.—The requirements of chapter 18 of title 35, United States Code (commonly known as the ''Bayh-Dole Act'') shall apply if—

(A) the agreement is a funding agreement (as that term is defined in section 201 of that title); and

(B) at least one of the parties to the funding agreement is eligible to receive rights under that chapter.

(d) SUBMISSION TO SECRETARY.—Each affected director of a National Laboratory shall submit to the Secretary, with respect to each agreement entered into under this section—

(1) a summary of information relating to the relevant project;

(2) the total estimated costs of the project;

(3) estimated commencement and completion dates of the project; and

(4) other documentation determined to be appropriate by the Secretary.

(e) CERTIFICATION.—The Secretary shall require the contractor of the affected National Laboratory to certify that each activity carried out under a project for which an agreement is entered into under this section—

(1) is not in direct competition with the private sector; and

(2) does not present, or minimizes, any apparent conflict of interest, and avoids or neutralizes any actual conflict of interest, as a result of the agreement under this section.

(f) EXTENSION.—The pilot program referred to in subsection (a) shall be extended until October 31, 2017.

(g) REPORTS.—

(1) OVERALL ASSESSMENT.—Not later than 60 days after the date described in subsection (f), the Secretary, in coordination with directors of the National Laboratories, shall submit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that—

(A) assesses the overall effectiveness of the pilot program referred to in subsection (a);

(B) identifies opportunities to improve the effectiveness of the pilot program;

(C) assesses the potential for program activities to interfere with the responsibilities of the National Laboratories to the Department; and

(D) provides a recommendation regarding the future of the pilot program.

(2) TRANSPARENCY.—The Secretary, in coordination with directors of the National Laboratories, shall submit to the Committee on Science,

Space, and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate an annual report that accounts for all incidences of, and provides a justification for, non-Federal entities using funds derived from a Federal contract or award to carry out agreements pursuant to this section.

SEC. 722. PUBLIC-PRIVATE PARTNERSHIPS FOR COMMERCIALIZATION.

(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary shall delegate to directors of the National Laboratories signature authority with respect to any agreement described in subsection (b) the total cost of which (including the National Laboratory contributions and project recipient cost share) is less than $1 million.

(b) AGREEMENTS.—Subsection (a) applies to—

(1) a cooperative research and development agreement;

(2) a non-Federal work-for-others agreement; and

(3) any other agreement determined to be appropriate by the Secretary, in collaboration with the directors of the National Laboratories.

(c) ADMINISTRATION.—

(1) ACCOUNTABILITY.—The director of the affected National Laboratory and the affected contractor shall carry out an agreement under this section in accordance with applicable policies of the Department, including by ensuring that the agreement does not compromise any national security, economic, or environmental interest of the United States.

(2) CERTIFICATION.—The director of the affected National Laboratory and the affected contractor shall certify that each activity carried out under a project for which an agreement is entered into under this section does not present, or minimizes, any apparent conflict of interest, and avoids or neutralizes any actual conflict of interest, as a result of the agreement under this section.

(3) AVAILABILITY OF RECORDS.—On entering an agreement under this section, the director of a National Laboratory shall submit to the Secretary for monitoring and review all records of the National Laboratory relating to the agreement.

(4) RATES.—The director of a National Laboratory may charge higher rates for services performed under a partnership agreement entered into pursuant to this section, regardless of the full cost of recovery, if such funds are used exclusively to support further research and development activities at the respective National Laboratory.

(d) EXCEPTION.—This section does not apply to any agreement with a majority foreign-owned company.

(e) CONFORMING AMENDMENT.—Section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting the subparagraphs appropriately;

(B) by striking ''Each Federal agency'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), each Federal agency''; and

(C) by adding at the end the following:

''(2) EXCEPTION.—Notwithstanding paragraph (1), in accordance with section 722(a) of the America COMPETES Reauthorization Act of 2015, approval by the Secretary of Energy shall not be required for any technology transfer agreement proposed to be entered into by a National Laboratory of the Department of Energy, the total cost of which (including the National Laboratory contributions and project recipient cost share) is less than $1 million.''; and

(2) in subsection (b), by striking ''subsection (a)(1)'' each place it appears and inserting ''subsection (a)(1)(A)''.

SEC. 723. INCLUSION OF EARLY-STAGE TECHNOLOGY DEMONSTRATION IN AUTHORIZED TECHNOLOGY TRANSFER ACTIVITIES.

Section 1001 of the Energy Policy Act of 2005 (42 U.S.C. 16391) is amended by—

(1) redesignating subsection (g) as subsection (h); and

(2) inserting after subsection (f) the following:

''(g) EARLY-STAGE TECHNOLOGY DEMONSTRATION.—The Secretary shall permit the directors of the National Laboratories to use funds authorized to support technology transfer within the Department to carry out early-stage and pre-commercial technology demonstration activities to remove technology barriers that limit private sector interest and demonstrate potential commercial applications of any research and technologies arising from National Laboratory activities.''.

SEC. 724. FUNDING COMPETITIVENESS FOR INSTITUTIONS OF HIGHER EDUCATION AND OTHER NONPROFIT INSTITUTIONS.

Section 988(b) of the Energy Policy Act of 2005 (42 U.S.C. 16352(b)) is amended—

(1) in paragraph (1), by striking ''Except as provided in paragraphs (2) and (3)'' and inserting ''Except as provided in paragraphs (2), (3), and (4)''; and

(2) by adding at the end the following:

''(4) EXEMPTION FOR INSTITUTIONS OF HIGHER EDUCATION AND OTHER NONPROFIT INSTITUTIONS.—

''(A) IN GENERAL.—Paragraph (1) shall not apply to a research or development activity performed by an institution of higher education or nonprofit institution (as defined in section 4 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703)).

''(B) TERMINATION DATE.—The exemption under subparagraph (A) shall apply during the 6-year period beginning on the date of enactment of this paragraph.''.

SEC. 725. PARTICIPATION IN THE INNOVATION CORPS PROGRAM.

The Secretary may enter into an agreement with the Director of the National Science Foundation to enable researchers funded by the Department to participate in the National Science Foundation Innovation Corps program.

Subtitle D—Assessment of Impact

SEC. 731. REPORT BY GOVERNMENT ACCOUNTABILITY OFFICE.

Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report—

(1) describing the results of the projects developed under sections 721, 722, and 723, including information regarding—

(A) partnerships initiated as a result of those projects and the potential linkages presented by those partnerships with respect to national priorities and other taxpayer-funded research; and

(B) whether the activities carried out under those projects result in—

(i) fiscal savings;

(ii) expansion of National Laboratory capabilities;

(iii) increased efficiency of technology transfers; or

(iv) an increase in general efficiency of the National Laboratory system; and

(2) assess the scale, scope, efficacy, and impact of the Department's efforts to promote technology transfer and private sector engagement at the National Laboratories, and make recommendations on how the Department can improve these activities.

TITLE XXXIII—NUCLEAR ENERGY INNOVATION CAPABILITIES

SEC. 3301. SHORT TITLE.

This title may be cited as the ''Nuclear Energy Innovation Capabilities Act''.

SEC. 3302. NUCLEAR ENERGY.

Section 951 of the Energy Policy Act of 2005 (42 U.S.C. 16271) is amended to read as follows:

''SEC. 951. NUCLEAR ENERGY.

''(a) MISSION.—The Secretary shall conduct programs of civilian nuclear research, development, demonstration, and commercial application, including activities in this subtitle. Such programs shall take into consideration the following objectives:

''(1) Providing research infrastructure to promote scientific progress and enable users from academia, the National Laboratories, and the private sector to make scientific discoveries relevant for nuclear, chemical, and materials science engineering.

''(2) Maintaining National Laboratory and university nuclear energy research and development programs, including their infrastructure.

''(3) Providing the technical means to reduce the likelihood of nuclear weapons proliferation and increasing confidence margins for public safety of nuclear energy systems.

''(4) Reducing the environmental impact of nuclear energy related activities.

''(5) Supporting technology transfer from the National Laboratories to the private sector.

''(6) Enabling the private sector to partner with the National Laboratories to demonstrate novel reactor concepts for the purpose of resolving technical uncertainty associated with the aforementioned objectives in this subsection.

''(b) DEFINITIONS.—In this subtitle:

''(1) ADVANCED NUCLEAR REACTOR.—The term 'advanced nuclear reactor' means—

''(A) a nuclear fission reactor with significant improvements over the most recent generation of nuclear fission reactors, which may include inherent safety features, lower waste yields, greater fuel utilization, superior reliability, resistance to proliferation, and increased thermal efficiency; or

''(B) a nuclear fusion reactor.

''(2) FAST NEUTRON.—The term 'fast neutron' means a neutron with kinetic energy above 100 kiloelectron volts.

''(3) NATIONAL LABORATORY.—The term 'National Laboratory' has the meaning given that term in paragraph (3) of section 2, except that with respect to subparagraphs (G), (H), and (N) of such paragraph, for purposes of this subtitle the term includes only the civilian activities thereof.

''(4) NEUTRON FLUX.—The term 'neutron flux' means the intensity of neutron radiation measured as a rate of flow of neutrons applied over an area.

''(5) NEUTRON SOURCE.—The term 'neutron source' means a research machine that provides neutron irradiation services for research on materials sciences and nuclear physics as well as testing of advanced materials, nuclear fuels, and other related components for reactor systems.''.

SEC. 3303. NUCLEAR ENERGY RESEARCH PROGRAMS.

Section 952 of the Energy Policy Act of 2005 (42 U.S.C. 16272) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 3304. ADVANCED FUEL CYCLE INITIATIVE.

Section 953(a) of the Energy Policy Act of 2005 (42 U.S.C. 16273(a)) is amended by striking '', acting through the Director of the Office of Nuclear Energy, Science and Technology,''.

SEC. 3305. UNIVERSITY NUCLEAR SCIENCE AND ENGINEERING SUPPORT.

Section 954(d)(4) of the Energy Policy Act of 2005 (42 U.S.C. 16274(d)(4)) is amended by striking ''as part of a taking into consideration effort that emphasizes'' and inserting ''that emphasize''.

SEC. 3306. DEPARTMENT OF ENERGY CIVILIAN NUCLEAR INFRASTRUCTURE AND FACILITIES.

Section 955 of the Energy Policy Act of 2005 (42 U.S.C. 16275) is amended—

(1) by striking subsections (c) and (d); and

(2) by adding at the end the following:

''(c) VERSATILE NEUTRON SOURCE.—

''(1) MISSION NEED.—Not later than December 31, 2016, the Secretary shall determine the mission need for a versatile reactor-based fast neutron source, which shall operate as a national user facility. During this process, the Secretary shall consult with the private sector, universities, National Laboratories, and relevant Federal agencies to ensure that this user facility will meet the research needs of the largest possible majority of prospective users.

''(2) ESTABLISHMENT.—Upon the determination of mission need made under paragraph (1), the Secretary shall, as expeditiously as possible, provide to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a detailed plan for the establishment of the user facility.

''(3) FACILITY REQUIREMENTS.—

''(A) CAPABILITIES.—The Secretary shall ensure that this user facility will provide, at a minimum, the following capabilities:

''(i) Fast neutron spectrum irradiation capability.

''(ii) Capacity for upgrades to accommodate new or expanded research needs.

''(B) CONSIDERATIONS.—In carrying out the plan provided under paragraph (2), the Secretary shall consider the following:

''(i) Capabilities that support experimental high-temperature testing.

''(ii) Providing a source of fast neutrons at a neutron flux, higher than that at which current research facilities operate, sufficient to enable research for an optimal base of prospective users.

''(iii) Maximizing irradiation flexibility and irradiation volume to accommodate as many concurrent users as possible.

''(iv) Capabilities for irradiation with neutrons of a lower energy spectrum.

''(v) Multiple loops for fuels and materials testing in different coolants.

''(vi) Additional pre-irradiation and post-irradiation examination capabilities.

''(vii) Lifetime operating costs and lifecycle costs.

''(4) REPORTING PROGRESS.—The Department shall, in its annual budget requests, provide an explanation for any delay in its progress and otherwise make every effort to complete construction and approve the start of operations for this facility by December 31, 2025.

''(5) COORDINATION.—The Secretary shall leverage the best practices for management, construction, and operation of national user facilities from the Office of Science.''.

SEC. 3307. SECURITY OF NUCLEAR FACILITIES.

Section 956 of the Energy Policy Act of 2005 (42 U.S.C. 16276) is amended by striking '', acting through the Director of the Office of Nuclear Energy, Science and Technology,''.

SEC. 3308. HIGH-PERFORMANCE COMPUTATION AND SUPPORTIVE RESEARCH.

Section 957 of the Energy Policy Act of 2005 (42 U.S.C. 16277) is amended to read as follows:

''SEC. 957. HIGH-PERFORMANCE COMPUTATION AND SUPPORTIVE RESEARCH.

''(a) MODELING AND SIMULATION.—The Secretary shall carry out a program to enhance the Nation's capabilities to develop new reactor technologies through high-performance computation modeling and simulation techniques. This program shall coordinate with relevant Federal agencies through the National Strategic Computing Initiative created under Executive Order No. 13702 (July 29, 2015) while taking into account the following objectives:

''(1) Utilizing expertise from the private sector, universities, and National Laboratories to develop computational software and capabilities that prospective users may access to accelerate research and development of advanced nuclear reactor systems, and reactor systems for space exploration.

''(2) Developing computational tools to simulate and predict nuclear phenomena that may be validated through physical experimentation.

''(3) Increasing the utility of the Department's research infrastructure by coordinating with the Advanced Scientific Computing Research program within the Office of Science.

''(4) Leveraging experience from the Energy Innovation Hub for Modeling and Simulation.

''(5) Ensuring that new experimental and computational tools are accessible to relevant research communities.

''(b) SUPPORTIVE RESEARCH ACTIVITIES.—The Secretary shall consider support for additional research activities to maximize the utility of its research facilities, including physical processes to simulate degradation of materials and behavior of fuel forms and for validation of computational tools.''.

SEC. 3309. ENABLING NUCLEAR ENERGY INNOVATION.

Subtitle E of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16271 et seq.) is amended by adding at the end the following:

''SEC. 958. ENABLING NUCLEAR ENERGY INNOVATION.

''(a) NATIONAL REACTOR INNOVATION CENTER.—The Secretary shall carry out a program to enable the testing and demonstration of reactor concepts to be proposed and funded by the private sector. The Secretary shall leverage the technical expertise of relevant Federal agencies and National Laboratories in order to minimize the time required to enable construction and operation of privately funded experimental reactors at National Laboratories or other Department-owned sites. Such reactors shall operate to meet the following objectives:

''(1) Enabling physical validation of novel reactor concepts.

''(2) Resolving technical uncertainty and increasing practical knowledge relevant to safety, resilience, security, and functionality of first-of-a-kind reactor concepts.

''(3) General research and development to improve nascent technologies.

''(b) REPORTING REQUIREMENT.—Not later than 180 days after the date of enactment of the Nuclear Energy Innovation Capabilities Act, the Secretary, in consultation with the National Laboratories, relevant Federal agencies, and other stakeholders, shall transmit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report assessing the Department's capabilities to authorize, host, and oversee privately funded experimental advanced nuclear reactors as described under subsection (a). The report shall address the following:

''(1) The Department's oversight capabilities, including options to leverage expertise from the Nuclear Regulatory Commission and National Laboratories.

''(2) Potential sites capable of hosting activities described under subsection (a).

''(3) The efficacy of the Department's available contractual mechanisms to partner with the private sector and Federal agencies, including cooperative research and development agreements, strategic partnership projects, and agreements for commercializing technology.

''(4) Potential cost structures related to long-term projects, including physical security, distribution of liability, and other related costs.

''(5) Other challenges or considerations identified by the Secretary.''.

SEC. 3310. BUDGET PLAN.

(a) IN GENERAL.—Subtitle E of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16271 et seq.) is further amended by adding at the end the following:

''SEC. 959. BUDGET PLAN.

''Not later than 12 months after the date of enactment of the Nuclear Energy Innovation Capabilities Act, the Department shall transmit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate 2 alternative 10-year budget plans for civilian nuclear energy research and development by the Department. The first shall assume constant annual funding for 10 years at the appropriated level for the Department's civilian nuclear energy research and development for fiscal year 2016. The second shall be an unconstrained budget. The two plans shall include—

''(1) a prioritized list of the Department's programs, projects, and activities to best support the development of advanced nuclear reactor technologies;

''(2) realistic budget requirements for the Department to implement sections 955(c), 957, and 958 of this Act; and

''(3) the Department's justification for continuing or terminating existing civilian nuclear energy research and development programs.''.

(b) REPORT ON FUSION INNOVATION.—Not later than 6 months after the date of enactment of this title, the Secretary of the Department of Energy shall transmit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that will identify engineering designs for innovative fusion energy systems that have the potential to demonstrate net energy production not later than 15 years after the start of construction. In this report, the Secretary will identify budgetary requirements that would be necessary for the Department to carry out a fusion innovation initiative to accelerate research and development of these designs.

SEC. 3311. CONFORMING AMENDMENTS.

The table of contents for the Energy Policy Act of 2005 is amended by striking the item relating to section 957 and inserting the following:

''957. High-performance computation and supportive research.
''958. Enabling nuclear energy innovation.
''959. Budget plan.''.

The SPEAKER pro tempore. The bill shall be debatable for 1 hour, equally divided among and controlled by the chair and ranking minority member of the Committee on Energy and Commerce and the chair and ranking minority member of the Committee on Natural Resources.

The gentleman from Kentucky (Mr. WHITFIELD), the gentleman from Illinois (Mr. RUSH), the gentleman from Arkansas (Mr. WESTERMAN), and the gentleman from California (Mr. HUFFMAN) each will control 15 minutes.

The Chair recognizes the gentleman from Kentucky.

GENERAL LEAVE

Mr. WHITFIELD. 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 S. 2012.

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

There was no objection.

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

Mr. Speaker, today I rise in support of the House amendment to S. 2012, the Energy Policy Modernization Act of 2016.

In December of last year, the House passed H.R. 8, the North American Energy Security and Infrastructure Act of 2015, which is a large portion of the language we are considering today. This legislation, together with provisions from the Committee on Natural Resources and the Committee on

Science, Space, and Technology, would be the first major piece of energy legislation in 8 years, and it addresses many outdated aspects of our Federal energy policy.

Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. UPTON), the chairman of the Committee on Energy and Commerce.

Mr. UPTON. Mr. Speaker, I would like to wish the chairman a happy birthday.

It has been nearly a decade since we last considered an energy package like this. In that time, a lot has changed. Continued innovation and discovery across the energy sector have brought about a new landscape of abundant supply and tremendous potential for economic growth. This has been a multiyear, multi-Congress effort, and a lot of work has gone in to make sure that the bill that we put forward to support the future of American energy is truly comprehensive. Together with our colleagues, I am proud to be moving this legislation one step closer to becoming the new reality for energy producers and consumers across the country.

This bill is about jobs. It is about keeping energy affordable. It is about boosting our energy security here and across the globe. H.R. 8 is the embodiment of an all-of-the-above energy strategy. One of the most important provisions is, in fact, modernizing and protecting critical energy infrastructure, including the electric grid, from new threats, including severe weather from climate, cyber threats, and physical attacks as well.

It helps to foster and promote new 21st century energy jobs by ensuring that the Department of Energy and our labs and universities work together to train the energy workforce and entrepreneurs of tomorrow. It makes energy efficiency, including Federal Government energy efficiency, a priority, and focuses less on creating new mandates and subsidies to incentivize behavior and more on market changes and using the government as an example.

Finally, it helps update existing laws that bring some added certainty to permitting processes and helps to promote using our abundant resources to aid in diplomacy. For example, by streamlining the approval process for projects such as the interstate natural gas pipelines and LNG export facilities, the legislation will allow businesses at the cutting edge of research to keep putting the full scope of energy abundance to work for consumers both here and abroad. This allows us to provide an energy lifeline to our allies across the globe.

Provisions within H.R. 8 and others that have been included in the amendment under consideration today also seek to capitalize on energy sources that the administration has rejected. H.R. 8 brings much-needed reforms to the hydropower licensing process as well, a clean energy source that, together with nuclear, provides some 25 percent of the United States' electricity, with no greenhouse gas emissions. It is imperative that hydropower remains a vital part of any future.

The all-of-the-above energy strategy also means that the future of American energy does not need to be a series of choices between the environment and the economy. By introducing 21st century regulatory reforms that reflect our energy abundance, and with the DOE's Quadrennial Energy Review as a guide, this bill will help bring about needed reforms and continued innovation across the energy sector.

The legislation before us today is the product of a thorough assessment of the gap that we face between our stale energy regulations and our budding energy supply. H.R. 8 closes the gap. I urge my colleagues to support it.

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

Mr. Speaker, when members of the Committee on Energy and Commerce first began to address a comprehensive bipartisan energy bill in the beginning of 2015, there was a sense of hopefulness, a sense of optimism that the committee would once again set the standard for working together to get things done on behalf of the American people in a spirit of bipartisan cooperation.

At that time, Mr. Speaker, many of us on the minority side had enormous expectations that we would draft a bill that would move our energy policy forward in a manner befitting the challenges facing our Nation in this, the 21st century.

Specifically, Mr. Speaker, from my perspective, a comprehensive energy bill would need to modernize the Nation's aging energy infrastructure, train a 21st century workforce, and address the critically important issue of manmade climate change. Unfortunately, Mr. Speaker, none of these issues are addressed in the bill that we are voting on here today.

This 800-page hodgepodge of Republican and corporate priorities is nothing more than a majority wish list of strictly ideological bills, many of which the minority party opposes and the Obama administration and the American people do not support.

Outside of just a few minor crumbs thrown in to represent the priorities of the minority party, including my workforce development legislation, the bill almost contains nothing that the American people could support or rally behind. Specifically, Mr. Speaker, the underlying bill, H.R. 8, does little more than take us backwards in terms of energy policy, while also providing loopholes to help industry avoid accountability and to avoid further regulation.

H.R. 8 contains efficiency provisions that will actually increase energy use and energy costs to consumers, putting industry interests above the public interest.

The bill's hydropower title weakens longstanding environmental review procedures and curtails State, local, and tribal authority over projects in their respective lands.

Mr. Speaker, the bill flagrantly binds the U.S. to an outdated dependency on fossil fuels while failing to offer any constructive, forward-looking policies to incentivize the development and the deployment of clean energy.

As you know, Mr. Speaker, many of the bills contained in the House amendment include controversial provisions that the minority party has repeatedly opposed at both the committee level as well as here on the House floor. Additionally, Mr. Speaker, many of these same poison pill amendments in the bill have already received veto threats from the Obama administration.

So, Mr. Speaker, with a bill that fails to modernize our energy infrastructure, that fails to invest in job-creating clean energy technologies, and that fails to cut carbon pollution, it is safe, Mr. Speaker, to proclaim to this body that we still have a long, hard, and cumbersome road ahead if we are ever to reach a point of finding consensus, bipartisan consensus.

Unfortunately, Mr. Speaker, I cannot support this bill before us. I urge my colleagues to oppose it as well.

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

Mr. WHITFIELD. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Oregon (Mr. WALDEN), who is a member of the Committee on Energy and Commerce and is quite familiar with energy issues.

Mr. WALDEN. I thank my colleague from Kentucky for his great work on this legislation and his thoughtful leadership on these issues over many years.

Mr. Speaker, for all your work on this legislation to make much-needed reforms to modernize energy policy into something that better promotes affordability, reliability, and ensures we have the energy we need to continue growing jobs in our communities, I say thank you.

Among the many strong provisions in this bill, several are particularly important to the West and our rural communities across central, eastern, and southern Oregon.

For farmers and ranchers in the Klamath Basin, this bill ensures that they will actually get a formal seat at the table when there is consultation with Federal agencies on decisions under the ESA. Irrigators in this area have long been impacted by these decisions, and it is only fair they should have an equal seat at the table with other entities during these discussions.

Perhaps one of the timeliest provisions, Mr. Speaker, as we head into forest fire season in the West, are the provisions that provide for streamlined planning and would reduce frivolous lawsuits and speed up the pace of forest management across our public lands.

This House, 4 years in a row now, after we pass this, has considered much-needed legislation to fix the management of our Federal forests. Now the Senate will have an opportunity to join us in this effort, as we

amend this legislation and send it on over to the Senate. Our forested, rural communities, Mr. Speaker, have waited long enough. They have choked on smoke summer after summer long enough. They have seen their watersheds get destroyed by catastrophic fire. It is time to fix the problem.

Now, a couple other specifics, Mr. Speaker, on national forests across eastern Oregon.

Forest managers' hands are tied by a one-size-fits-all rule prohibiting the harvest of trees over 21 inches in diameter. This measure was implemented temporarily in 1997 but still has not been lifted 20 years later, just about. It represents really poor science. It only serves as a source of frequent appeals and litigation. Repealing this will give our forest managers the flexibility they need to use modern science to actually manage the forests for healthier conditions.

□ 1430

Last month the Bureau of Land Management released their proposed resource management plan for Oregon's unique O&C lands in southern and western Oregon. Frankly, it is a terrible plan.

Despite a clear statutory requirement that they manage these lands for sustainable timber production and revenue to the counties—dare I say, jobs in the community—the BLM's plan goes the other way. It locks up 75 percent of the lands and harvests less than half the minimum level directed by the O&C Act. This is a job killer.

This bill includes bipartisan legislation that I wrote, working with my colleagues from Oregon, Representatives DEFAZIO and SCHRADER, to cut costs, increase timber harvest and revenue to local counties, and direct BLM to revise their flawed management plan to actually reflect the underlying act.

Mr. Speaker, this is good energy legislation. This is good natural resource legislation. This is sound environmental legislation. I urge its passage.

Mr. RUSH. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. PALLONE), the outstanding ranking member of the full committee.

Mr. PALLONE. Mr. Speaker, I want to thank Mr. RUSH for managing the opposition to the bill so successfully.

Mr. Speaker, today we are considering the House amendment to S. 2012, the mistitled North American Energy Security Act of 2016. This legislation once again shows us the vastly different paths taken by the two Chambers of Congress.

On the one hand is the Senate energy bill that the House intends to go to conference on. It passed by a vote of 85–15 because it is balanced and because it contains a number of nonenergy provisions that the public supports overwhelmingly, such as permanent funding for the Land and Water Conservation Fund. On the other hand, the House energy bill was the result of a highly partisan process that the President threatened to veto.

As we prepare to head to conference, we have a second chance to do things right and to produce a new, bipartisan energy bill. Unfortunately, that is not what we are doing today. The Republican majority has decided to replace the consensus Senate bill with a new pro-polluter package that dwarfs the original H.R. 8.

When crafting the House amendment before us today, the Republican caucus decided to tack on over 30 extraneous bills to an already bad piece of energy legislation that the President promised to veto. While a number of these new additions are noncontroversial bills, many of these provisions are divisive, dangerous, and have drawn veto threats of their own.

The House amendment to S. 2012 weakens protections for public health and the environment, undermines existing laws designed to promote efficiency, and does nothing to help realize the clean and renewable energy policies of the future.

And, of course, this so-called energy infrastructure bill provides absolutely no money to modernize the grid or our pipeline infrastructure.

The House amendment is a backward-looking piece of energy legislation at a time when we need to move forward.

Let me highlight some of the most harmful provisions solely from the jurisdiction of the Energy and Commerce Committee.

This bill eliminates the current Presidential permitting process for energy projects that cross the U.S. border. Such action would create a new, weaker process that effectively rubber-stamps permit applications and allows the Keystone pipeline to rise from the grave.

It makes dangerous and unnecessary changes to the FERC natural gas pipeline siting process at the expense of private landowners, the environment, and our national parks.

It harms electricity consumers at all levels by interfering with competitive markets to subsidize uneconomic generating facilities. These facilities would otherwise be rejected by the market in favor of lower cost natural gas and renewable options.

It strikes language in current law that requires Federal buildings to be designed to reduce consumption of fossil fuels.

It creates loopholes that would permit hydropower operators to dodge compliance with environmental laws, including the Clean Water Act, and gives preferential treatment to electric utilities at the expense of States, tribes, farmers, and sportsmen.

It contains an energy efficiency title that, if enacted, would result in a net increase in consumption and greenhouse gas emissions compared to current law.

Frankly, Mr. Speaker, this is not a legitimate exercise in legislating, and it speaks volumes about the total lack of seriousness with which House Republicans are approaching this conference. We should be trying to narrow the differences and move closer to the bipartisan Senate product.

Instead, we are going in the opposite direction, voting on an 800-page monstrosity energy package that the Republican leadership has stitched together from pieces of pro-polluter bills that passed the Senate only to die in the Senate or on the President's desk.

Voting once on these fundamentally flawed ideas was more than enough. We shouldn't make a mockery of the conference process and be using the House floor to try to raise the dead.

The House amendment to S. 2012 has one central theme binding its energy provisions: an unerring devotion to the energy of the past. It is the Republican Party's 19th century vision for the future of U.S. energy policy in the 21st century.

I strongly oppose the House amendment, obviously, and I urge my colleagues to do the same.

Mr. WHITFIELD. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. SMITH), who is a real expert on energy issues.

Mr. SMITH of Texas. Mr. Speaker, first of all, I want to thank the gentleman from Kentucky, Chairman WHITFIELD, for yielding me time.

I am pleased to support the House amendment to the Senate Energy Policy Modernization Act.

Division D of this legislation includes the three energy titles from the Science Committee's House-passed legislation, H.R. 1806, the America Competes Reauthorization Act of 2015, and H.R. 4084, the Nuclear Energy Innovation Capabilities Act. Division D is both pro-science and fiscally responsible and sets America on a path to remain the world's leader in innovation.

America's economic and productivity growth relies on government support of basic research to enable the scientific breakthroughs that fuel technological innovation, new industries, enhanced international competitiveness, and job creation.

Title V reauthorizes the Department of Energy Office of Science for 2 years. It prioritizes the National Laboratories' basic research that enables researchers in all 50 States to have access to world-class user facilities, including supercomputers and high-intensity light sources.

The bill prevents duplication and requires DOE to certify that its climate science work is unique and not replicated by other Federal agencies.

Title VI likewise reauthorizes DOE's applied research and developmental programs and activities for fiscal year 2016 and fiscal year 2017. It restrains the unjustified growth in spending on late-stage commercialization efforts and focuses instead on basic and applied research efforts.

Division D also requires DOE to provide a regular strategic analysis of science and technology activities within the Department, identifying key

areas for collaboration across science and applied research programs.

This will reduce waste and duplication and identify activities that could be better undertaken by States, institutions of higher education or the private sector, and areas of subpar performance that should be eliminated.

Title VII proposes to cut red tape and bureaucracy in the DOE technology transfer process. It allows contractor operators of DOE National Laboratories to work with the private sector more efficiently by delegating signature authority to the directors of the National Labs themselves rather than DOE contracting officers for cooperative agreements valued at less than $1 million.

Also included is H.R. 4084, Energy Subcommittee Chairman RANDY WEBER's House-passed Nuclear Energy Innovation Capabilities Act. It provides a clear timeline for DOE to complete a research reactor user facility within 10 years. This research reactor will enable proprietary and academic research to develop supercomputing models and design next generation nuclear energy technology.

H.R. 4084 creates a reliable mechanism for the private sector to partner with DOE labs to build fission and fusion prototype reactors at DOE sites.

Overall, Division D sets the right priorities for Federal civilian research, which enhances U.S. competitiveness while reducing spending and the Federal deficit by over $550 million.

I encourage my colleagues to support this bill.

Mr. RUSH. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. CASTOR), an outstanding and hardworking member of the Energy and Power Subcommittee and the Energy and Commerce full committee.

Ms. CASTOR of Florida. I thank the gentleman, Ranking Member RUSH, for his leadership on energy solutions for America.

Mr. Speaker, I rise in opposition to the Republican amendment because it is a giveaway to special interests and it is a missed opportunity to craft a bipartisan package of energy policies that meet the challenges of the 21st century and boost America's clean energy economy.

The GOP-led Congress is out of sync with the American public and out of touch with what is happening in electricity generation across America.

The future is about energy efficiency and geothermal, renewables like solar, wind power, and biomass. In fact, the U.S. Energy Information Administration says renewable energy is the world's fastest growing energy source.

That means innovative, cost-saving energy investments for our neighbors and businesses back home. That means we are going to create jobs through the clean energy economy and, at the same time, reduce carbon pollution.

Instead, in this amendment, the GOP doubles down on dirty fuel sources. It logrolls 36 bills into a single package that, in many cases, eliminates environmental reviews, and the experts say the bill will actually accelerate climate change.

So if the Republican energy package was a car, it wouldn't just be stuck in neutral, it would be stuck in reverse because it harkens back to the energy policies of decades ago rather than America's growing clean energy economy of the future.

Let's not go backwards. Let's move Americans forward and put money back into the pockets of our hardworking neighbors.

I urge the House to reject the GOP amendment.

Mr. WHITFIELD. Mr. Speaker, I would like to inquire how much time is remaining on both sides.

The SPEAKER pro tempore. The gentleman from Kentucky has 4¾ minutes remaining. The gentleman from Illinois has 4 minutes remaining.

Mr. WHITFIELD. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. VALADAO).

Mr. VALADAO. Mr. Speaker, I want to thank my colleagues on both committees of jurisdiction here, Energy and Commerce and Natural Resources. The language that they allowed to be put into this energy bill from my water bill is something that truly makes a difference for the constituents of the Central Valley.

We have been suffering over these last few years, and what it has done is devastated our communities. We have unemployment numbers reaching as high as 30 and 40 percent. We see numbers even in some smaller communities as high as 50 percent. To see these things happen in our communities is a total tragedy, and it doesn't have to happen. All we need is some commonsense legislation.

We have tried reaching out. We have passed legislation out of the House a few different times. We have negotiated and tried to get somewhere, but we weren't able to do it.

So finding another way to get this onto our Senators' desks so that they can actually take some action and get it to the President's desk is of the utmost importance.

I appreciate all the leadership and all the help from both committees to help this move forward.

Mr. RUSH. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. MCNERNEY).

Mr. MCNERNEY. Mr. Speaker, I thank Ranking Member RUSH. I also want to thank my colleagues on the Energy and Commerce Committee, including the chairman of the subcommittee, for their hard work.

I am pleased to have several bipartisan measures included in the legislation, including reforming hydropower licensing, addressing efficiency in Federal buildings, enhancing the energy-water nexus, verification of cyber-resilient products for the grid, authorization of water programs, an update of our national policy on the future of the grid, and smart grid-capable labels on products to enhance consumer choice.

These are items I believe should remain in any final energy package. Unfortunately, the Republicans have loaded the bill with nonconstructive language.

One such provision is language from H.R. 2898 that would harm California's delta and the economies of the families, farmers, and communities I represent. There is no way this language should be part of an energy package. It is just an add-on. It just shows how desperate the Republicans are to push through this bad policy.

Because of this, I regretfully oppose this legislation.

Mr. Speaker, our Nation's energy and electricity systems need upgrades and modernization. Climate change needs to be addressed. The Senate companion bill does not address these issues.

So, again, unfortunately, I have to oppose this legislation.

□ 1445

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

Mr. RUSH. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. Mr. Speaker, I want to say we have been here before. Last night we argued about undertaking the water wars of California. Once again, here we are. This time, as last night, legislation dumped into this energy bill that will gut the environmental protections of the delta and San Francisco Bay, destroy the fisheries, destroy the economy of the delta and water for millions of people.

Why would we want to do this?

Well, presumably, to take care of the water interests of the San Joaquin Valley, not southern California, but the San Joaquin Valley alone. It makes no sense whatsoever. It is the wrong policy.

We have to let science govern the delta. We have to operate the delta based upon the very best possible science available, do the pumping, do the exports, consistent with the protection of the ecology and the environment of the delta; that is fish, that is the land, that is the water systems.

The ESA, the Clean Water Act, and the biological opinions, cannot be overrun. Yet, this legislation does exactly that.

We ought to vote ''no'' on this bill. These particular sections should be removed.

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

Mr. RUSH. Mr. Speaker, may I inquire how much time I have remaining?

The SPEAKER pro tempore. The gentleman from Illinois has 1½ minutes remaining.

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

Mr. Speaker, I just want to reemphasize that, for the minority side to support this bill and its going forward,

there must be provisions included in the bill that will address the deeply felt concern that our Members have continually expressed.

Specifically, Mr. Speaker, our Members would like to see funding to modernize the Nation's energy infrastructure. Our Members want to see investment in clean energy technology. Our Members want to see resources to train a 21st century workforce. Our Members want to see policies to transition our economy away from the energy sources of the past and towards the sustainable energy sources of the future.

Mr. Speaker, without these provisions, this bill won't go very far.

Mr. Speaker, I encourage all Members of this House to vote ''no'' on this so-called energy bill. It is a relic. It is backwards-looking. It puts the Nation on a reverse course.

Mr. Speaker, I yield back the balance of my time.

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

To our friends on the other side of the aisle, I want to thank them for working with us on this legislation. I know it is difficult to please everyone.

Any time you talk about energy today, of course, people raise the issue of climate change. And I might say that America does not have to take a back seat to any country in the world on climate change. We have 64 different government programs addressing climate change, so I think America is doing more on that issue than anyone else.

But we have other problems that we have to deal with as well. For example, the U.S. Energy Information Administration estimates that power outages in America cost Americans at least $150 billion annually. One of the reasons we have a lot of power outages is because of our infrastructure needs, but also because of regulations coming out of this administration.

One of the provisions in this bill requires FERC to analyze the impact on electric reliability of new Federal regulations that have many experts concerned. So we want an analysis of all these regulations and its impact on reliability.

We have heard a lot of discussion about the need for work-training programs for people to work in energy, in the renewable sector, and all sectors. And we had a serious discussion with our friends on the other side of the aisle as we were marking up this legislation. We had basically agreed on a provision to provide training for African Americans, for Hispanics, for women, and for other minorities, to get them involved in the energy field, which we all wanted to do. We even provided some money for that training program.

But we had said, if we do this, we want to change a couple of provisions in the 2005 Energy Policy Act. For example, in that act, there was a prohibition against the Federal government in Federal buildings using any fossil fuels after the year 2030.

We think that is pretty draconian. So we said we are not going to mandate the use of fossil fuels, but in keeping even with the President's statements about an all-of-the-above energy policy, we wanted a provision in there that would repeal that so if there was a time in the future when we needed fossil fuels because fossil fuels are still providing about 50 to 60 percent of all the electricity in America—even more than that—coal and natural gas.

So this provision simply says we are going to allow it. We are not mandating it, but the government has the option, after 2030, of using fossil fuel in government buildings. We think that is a sensible approach, but our friends on the other side of the aisle had dug in the sand so much, they refused that: We will not support it if that is in there.

So some of these provisions that we all wanted, we don't have in here, but we are trying to do the best that we can do.

I think this is a major step forward for the American people, and I would urge everyone to support S. 2012, the Energy Policy Modernization Act of 2016, and the House amendment to it.

Mr. Speaker, I yield back the balance of my time.

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

I rise in strong support for the inclusion of H.R. 2647, the Resilient Federal Forests Act, in the House amendment to S. 2012.

The House passed H.R. 2647 with 262 bipartisan votes last July, and it has been waiting for Senate action since then.

When we passed the bill nearly a year ago, we knew we were facing a severe wildfire season. We were correct. More than 10.1 million acres of forest land burned across the country, the largest number of acres ever recorded. Over 4,500 homes and other structures were destroyed.

Mr. Speaker, these fires destroyed valuable resources, and emitted in the order of magnitude of 100 million tons of carbon into the atmosphere while burning up the equivalent renewable energy stored in our forests of 20 to 30 billion gallons of gasoline. Tragically, these fires also claimed the lives of seven firefighters who worked courageously to stop the spread of these wildfires into communities.

When the House passed H.R. 2647 last summer, we hoped that the passage would spur action from the Senate. Unfortunately, that has not been the case. We have waited patiently for the Senate to offer its own legislation so we could sit down and negotiate a compromise. However, that has not been the case, so we should again ask the Senate to act on forestry reform.

H.R. 2647 is premised on a simple idea: that the Forest Service and the BLM need to do more work to restore the health and resilience of our Nation's forests.

We understand the problem clearly. Our forests are overgrown due to years of neglect. This problem cannot be solved immediately, but we have an obligation to our rural communities to do everything we can to help mitigate the problem.

In drafting this bill, we included provisions which would allow our Federal land management agencies to be able to shorten lengthy environmental review periods when they already understand the environmental impacts of a proposed management action. This bill also encourages and rewards collaboration between diverse stakeholder groups.

The Natural Resources Committee recognizes the chilling effect of unnecessary litigation and how that can prevent needed restoration work from occurring in our Nation's forests. The committee heard testimony from a variety of experts who testified about how restoration work is not being proposed by the Forest Service for fear that it will be litigated.

My bill takes the simple step of requiring anyone who litigates a forest management project to post a bond if they are challenging a project put forth by a collaborative effort. It is not unreasonable to ask a litigant who threatens an urgently needed project that is put forth by a diverse group of stakeholders to have some skin in the game.

This bill also recognizes the reality that we must rethink the manner in which we fund the fighting of catastrophic wildfires. The Forest Service is burdened with having to transfer funds from other accounts in order to cover the cost of wildfire suppression. Just last year, the Forest Service was forced to transfer $243 million from other agency accounts during 1 week in August in order to pay for firefighting costs. These transfers disrupt the very work that reduces the risk of wildfires in the first place.

H.R. 2647 addresses this issue by allowing catastrophic wildfires to be treated like any other natural disaster. The Department of Agriculture and the Department of the Interior would be able to access FEMA's Disaster Relief Fund to help fight wildfires when all appropriated accounts are exhausted. This provision was drafted in a fiscally responsible manner to ensure that fighting these fires does not become a drain on our budget.

Mr. Speaker, this bill will not make a difference in the health of our Nation's Federal forests overnight, but it provides urgently needed tools to help our land management agencies to reduce the threat of catastrophic wildfires in our communities and to be good stewards of a treasured national resource.

I urge my colleagues to support the House amendment to S. 2012 so that we can go to conference and work out a solution to the many problems facing our Nation's Federal forests.

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

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

Today I rise in opposition to the litany of bad, environmentally harmful bills that the House Republican leadership is offering in place of the bipartisan Senate energy bill.

Now, the Senate bill, S. 2012, was sound policy and represented real progress on many important issues, but the package we are considering today is a dangerous threat. Not only is this package bad for drought-stricken States like California, but it includes a wish list of giveaways for the fossil fuel and mining industries, it undermines vital Endangered Species Act protections, and it undermines public review.

□ 1500

This is not a promising start to conference negotiations. Why are we wasting our time on a package of partisan bills that we have considered before and which we all know will never be signed into law?

Even worse than the substance, Republicans shot down the request to consider this bill under an open amendment process. Now, I, for one, would have recommended many changes if we were allowed to consider this very controversial omnibus bill under regular order. Just to name a few:

The House amendment we are considering today continues the unending threats that Congress poses under current management to the health of the bay delta and the vital salmon runs that are so important to California and to my district, not to mention specific threats to the San Joaquin River and to the Klamath and Trinity River systems, their salmon fisheries, and the people that depend upon them;

The House amendment we are considering today would bring back from the dead the undeniably harmful Keystone XL pipeline;

The House amendment we are considering today would roll back building codes;

It would be harmful to forest management policy and wildfire mitigation because it uses a short-sighted model for funding instead of bringing forward the actual fix to the fire borrowing problem, the bipartisan legislation by Representatives SIMPSON and SCHRADER that I have supported each of the last several years but we never seem to be able to actually bring to a vote in this House.

I urge my colleagues today to vote for the Senate energy bill in its current form, in its original form, which is the result of true, bipartisan compromise, so we can actually get that legislation and all of its useful provisions over the finish line.

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

Mr. WESTERMAN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Wyoming (Mrs. LUMMIS).

Mrs. LUMMIS. Mr. Speaker, I am pleased this amendment will improve the stewardship of public lands, water, and natural resources throughout the West.

I am pleased to see Western priorities included in this bill, from the drought-stricken California to the responsible production of strategic and critical minerals on Federal lands. They are critical to national defense and make possible modern amenities like smartphones and tablets.

On tribal lands, the House amendment will empower tribes with more authority over their own land. The best forestry bill we have seen in years came from Mr. WESTERMAN, and he just talked about it.

Finally, the sportsmen's title will restore much-needed attorney fee transparency under the Equal Access to Justice Act. This law was created to help small businesses, veterans, and Social Security beneficiaries when they have to take the Federal Government to court. But it is being used on endless public lands litigation with consequences for sportsmen's access and other multiple use of public lands.

Finally, this would reinstate the Fish and Wildlife Service's own rulemaking regarding gray wolves in Wyoming and Western States.

Mr. Speaker, I urge my colleagues' support.

Mr. HUFFMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Stockton, California (Mr. MCNERNEY), who continuously fights for his district's water interests and the interests of California as they pertain to our most important estuary, the bay-delta system.

Mr. MCNERNEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, we had a debate last night about a familiar issue—California's drought. It is something that impacts all of us, including Oregon and Washington State, not just people south of the delta.

Unfortunately, H.R. 2898 was included in the Energy and Water Development appropriations bill, and it is alarming that the House Republicans have tacked the same language onto the energy bill. This shows the desperation of the House Republicans to force this bad legislation through.

As I said last night, these provisions would further drain freshwater from the California delta. These provisions would damage the delta's ecosystem and harm the communities I represent. It harms some people to benefit others just because one side has the power to do it.

I represent the seventh largest agricultural county in the Nation, so I understand the needs of farmers and ranchers and the impact that water has on the ability to produce the Nation's fruits, nuts, and vegetables.

Unfortunately, H.R. 2898 would weaken the Endangered Species Act and set a precedent of undermining environmental protections. It also exacerbates a water war in the West just at a time when we are working to bridge those divides. In fact, the State and Federal agencies have been working effectively over the past few years to maximize water deliveries to the delta to communities down south.

Federal and State agencies have maximized what little water exists in the State. A lack of water is our biggest threat, not operational flexibility. Last night we heard about wasted water. What hasn't been said is that water that flows to the ocean pushes the saltwater out away from our farms and allows a path for salmon to the ocean.

The majority hasn't reauthorized WaterSmart. They haven't supported investments in recycling. They have cut funding for the Department of the Interior's efforts to boost water assistance. They haven't voted on water infrastructure improvements. How do we prepare for the future either in wet or dry years? This House isn't willing to make those kinds of investments.

Our Nation loses approximately 2 trillion gallons of water because of aging infrastructure. That is about 6 billion gallons of water wasted every day.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HUFFMAN. Mr. Speaker, I yield the gentleman from California an additional 30 seconds.

Mr. MCNERNEY. There are investments that can be made to recycle water and find wasteful leakage. For example, the State of Israel recycles 90 percent of its water. California recycles only 15 percent. Instead, the Republicans have pushed language that results in diminished fish populations and worsens saltwater intrusion, which affects the water being exported that permanently damages some of our most productive farmland in the world.

Mr. Speaker, this is not a solution. It is a step backward. I am disappointed with this bill, and I urge my colleagues to oppose it.

Mr. WESTERMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. WITTMAN).

Mr. WITTMAN. Mr. Speaker, I rise to support the House amendment to S. 2012, the Energy Policy Modernization Act of 2016.

The House amendment includes the Sportsmen's Heritage and Recreational Enhancement Act of 2016, better known as the SHARE Act, which passed with bipartisan support in February in the House.

The SHARE Act is part of a group of commonsense bills that will eliminate unneeded regulatory impediments, safeguard against new regulations that impede outdoor sporting activities, and protect Second Amendment rights. These packages were similarly introduced and passed in the 112th and 113th Congresses.

Outdoor sporting activities, including hunting, fishing, and recreational shooting are deeply engrained in the fabric of the United States' culture and heritage. Values instilled by partaking

in these activities are passed down from generation to generation and play a significant part in the lives of millions of Americans.

Much of America's outdoor sporting activity occurs on our Nation's Federal lands. Unfortunately, Federal agencies like the U.S. Forest Service and the Bureau of Land Management often prevent or impede access to Federal land for outdoor sporting activities. Because lack of access is one of the key reasons sportsmen and -women stop participating in outdoor sporting activities, ensuring the public has reliable access to our Nation's Federal lands must remain a top priority. The SHARE Act does just that.

One of the key provisions of this bill, the Recreational Fishing and Hunting Heritage Opportunities Act, will increase and sustain access for hunting, fishing, and recreational shooting on Federal lands for generations to come. Specifically, it protects sportsmen and -women from arbitrary efforts by the Federal Government to block Federal lands from hunting and fishing activities by implementing an open-until-closed management policy.

It also, in the package, provides tools to jointly create and maintain recreational shooting ranges on Federal lands and allows the Department of the Interior to designate hunter access corridors through National Park units so that sportsmen and -women can hunt and fish on adjacent Federal lands.

The package also protects Second Amendment rights and the use of traditional ammunition and fishing tackle. It defends law-abiding individuals' constitutional rights to keep and bear arms on lands managed by the Corps of Engineers and ensures that hunters are not burdened by outdated laws preventing bows and crossbows from being transported across national parks.

This important legislation will sustain America's rich hunting and fishing traditions, improve access to our Federal lands for responsible outdoor sporting activities, and help ensure that current and future generations of sportsmen and -women are able to enjoy the sporting activities this country holds dear.

Mr. Speaker, I strongly encourage my colleagues to vote ''yes'' on this important achievement.

Mr. HUFFMAN. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Fresno, California (Mr. COSTA).

Mr. COSTA. Mr. Speaker, I thank Mr. HUFFMAN for yielding me the time.

Mr. Speaker, I rise to support the amendment in the Energy Policy Modernization Act that was reflected in Congressman VALADAO's legislation, H.R. 2898, of which I am a cosponsor. It is an important effort to try to fix California's broken water system.

We cannot continue to kick this can down the road as we have for the last several years. Unfortunately, that is what has continued to happen. Farms, farm communities, and farmworkers are desperate to have Washington recognize that we cannot continue the status quo.

Our Nation's food supply is an issue of national security, and we are dependent upon it. We don't think about it that way, but it is a fact. The drought impacts in California and the West are not going to get better. With climate change, they are going to continue to get worse. Passing this bill is part of a continuing effort to try to get something done. The Federal Government cannot continue to ignore the drought and the devastating impacts not only in the San Joaquin Valley, but statewide and Western States-wide.

Parts of the valley are parched and without water, and we must continue to raise this issue every way we can. That is why we are doing this. Getting this legislation passed is part of an effort to fix California's broken water system.

There was talk about issuing an allocation, and we were hoping for an El Nino. Guess what. It didn't happen. We got a 5 percent water allocation on the West side. Last year it was zero. The year before it was zero. Zero is zero. It means no water.

So let's try to work together. Let's put aside our talking points and the political posturing for not only California farmers, farmworkers, and farm communities, but American families who count on having nutritious, healthy, and affordable food on their dinner table every night.

Mr. WESTERMAN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. LAMALFA).

Mr. LAMALFA. Mr. Speaker, I thank the gentleman from Arkansas for his help and for all his good work and for his vast knowledge of trees and forestry. I appreciate it.

Mr. Speaker, today the House has an opportunity to advance real reforms and modernize the outdated policies that are preventing responsible management of California's water resources.

Title I of division C of this measure includes language developed through exhaustive bipartisan, bicameral negotiations passed repeatedly by the House with bipartisan support. While the House has taken action on this issue, including this language today ensures that California's Senators can no longer ignore the crisis facing our State.

This Chamber has heard quite a bit about California's water woes over the last few years, including some claims that don't meet the threshold of fact, and it is time we set the record straight.

Some falsely claim this bill prioritizes one area over another. As the sole Representative of the source of the vast majority of California's usable water, I can state this measure includes the strongest possible protections for northern California area of origin and senior water rights. It safeguards the most fundamental water right of all: that those who live where water originates have access to it. That is why northern California water districts and farmers in my area strongly support this bill.

The measure accelerates surface water storage infrastructure projects that over two-thirds of Californians voted to fund, updating the system last expanded four decades ago. One of these projects, Sites Reservoir, would have saved 1 million acre-feet of water this winter alone, enough to supply 8 million Californians for a year. We simply can't expect 40 million people to survive on infrastructure designed for half that, yet that is exactly what members of the minority party argue for.

We have heard wild claims about how this measure could harm endangered species, but in reality it lives within the ESA and the biological opinions. Rather than alter the ESA—and believe me, I would like to—this measure improves population monitoring techniques and technology. Wildlife agencies currently base orders to cut off water on hunches, not data. This bill would provide actual facts to end the arbitrary decisions we have seen in recent years.

Finally, this bill sensibly allows more water to be stored and used during winter storms when river flows are highest and there is no impact to fish populations. Even as delta outflows surpassed 100,000 acre-feet per second this year, as we see in this graphic here, during 2016, the water saved was even less by a percent than during low-flow years.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WESTERMAN. Mr. Speaker, I yield the gentleman an additional 30 seconds.

Mr. LAMALFA. As a result, the lost opportunity of filling one of our largest reservoirs. San Luis Reservoir is barely half full. This bill ensures that, when we have more water, it is saved for later use, which helps all Californians. Why wouldn't we want to do this?

Mr. Speaker, we can't wait any longer. It is time that we end the rhetoric, end the obstruction, and address the crisis that threatens our State's strong economic livelihood.

If Marin County and San Francisco can get all the water they need, how is it fair that districts in the Central Valley get only 5 percent of their allocation when water is aplenty?

□ 1515

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

Calling the Valadao water bill bipartisan does not make it genuinely so.

Let me just share with my colleagues what Senator DIANNE FEINSTEIN has said about this bill. She said it contains ''provisions that would violate environmental law,'' which she cannot support.

California Senator BARBARA BOXER said the bill is ''the same-old, same-old and will only reignite the water wars.''

The Obama administration opposes this bill. The State of California not only opposes these provisions, but has opposed all previous incarnations of this bill, which has been bouncing around for some time, long before the current drought gave it a new drought-related title.

I will just close with what the Fresno Bee has said about this bill.

The Fresno Bee says about this bill: ''In some cases, it's an unabashed GOP wish list'' that has ''little, if anything, in common with a 140-page draft water bill floated by Democrats.''

Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. MATSUI), who has long fought to protect the delta and the interests of her region.

Ms. MATSUI. Mr. Speaker, I rise in strong opposition to the House amendment to S. 2012, the Energy Policy Modernization Act.

Although this bill contains some important provisions overall, it raises barriers to our clean energy future by reversing important progress we have made to curb emissions and combat climate change. House Republicans have made a bad bill worse by attaching harmful provisions that will have a negative impact on consumers, public health, and our environment.

Mr. Speaker, I am particularly concerned that this energy package is being used to advance irresponsible, short-term policies in response to California's drought. The provisions included in this bill will pit one region of our great State against another instead of providing a balanced, long-term solution.

We need to be taking an all-of-the-above approach to our drought by advancing wastewater recycling projects, investing in groundwater storage, and encouraging new technologies that allow us to responsibly manage our water usage.

I actually grew up on a Central Valley farm. My grandparents farmed in Reedley, California, and I grew up in Dinuba. So I understand that the debate over water is complicated and personal to so many, but I believe that we can balance the needs of our farmers and urban centers while protecting our drinking water supply and our ecosystems. Our American families deserve an energy package that brings us forward, not backwards.

I urge my colleagues to vote ''no'' on the Energy Policy Modernization Act of 2015.

Mr. WESTERMAN. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. MCCARTHY), our distinguished, hardworking, and, above all, compassionate and fair majority leader.

Mr. MCCARTHY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, there are places in this world that hold people's imagination—Washington, D.C., New York City, and Paris, the great rolling plains crossed by American pioneers, and the Himalayan mountains touching into the heavens.

I was blessed, blessed more than I knew, to grow up in such a place, a place called California. It is so distinctive and impressive, it is unreal. Warm, sun-drenched beaches, snowcapped mountains, great cities, forests, deserts, farmland growing fruits, nuts, and vegetables stretching as far as the eye can see. It is a place that is always filled with promise and potential. In many ways, California's history mirrors the history of America. It started as nothing much, but people came and they built it. We grew and prospered. We became the envy of the world.

Like America, today, California faces great uncertainty. Some problems are the same, shared by the entire Nation, but California and almost the entire Western United States are enduring something much worse—the drought. The drought has lingered for years. El Nino helped alleviate some of the problem, but the drought continues. Communities have less water, farmland that once fed the world now sits dry. People are losing their livelihoods and their hope. There is no way to end the drought, but it doesn't have to be as bad as it is.

Now, water that can be stored is being lost. Bureaucrats release freshwater out to the sea. Our most valuable resource is being wasted.

This matters today because we are considering a bill from our colleagues in the Senate—the Energy Policy Modernization Act. Before the Senate passed this bill, they added several provisions, including language to address water issues in Washington State.

I have to say, Mr. Speaker, that I am very happy that the Senate brought this up. After all, if we are going to address the water issue in Washington State, we should address the water issue across the West. So we included in our amendment to the legislation Representative VALADAO's Western Water and American Food Security Act. We passed this last year in the House so we could build more water storage and increase our reservoirs while still allowing water to flow through the Sacramento delta.

Water is so necessary for our constituents that we aren't stopping with this bill. We have already began consideration of the Energy and Water Appropriations bill, which includes even more provisions to deal with the drought.

So there is a simple message for our Democrat colleagues in the Senate. House Republicans won't stop. We will keep passing bills until our people get the water they need. Because once we get water, so much of the uncertainty facing California and the entire West will be brushed aside.

You see, California and America as a whole face a crisis of bad governance. Many look around and see life isn't getting any better. They wonder if our Nation is in decline.

But that is not who we are, not as Americans and not as Californians. Our best days are not behind us. We will not quietly manage our decline. I reject the idea that we have reached the heights of our shining city on a hill, and that it is time to come back down to a world of limits and uncertainty. The choice is ours to make because as Americans we write our own future. That is what this vote means for me and for every Californian. The laws governing water are broken. The bureaucracy is working against the people. The system is holding us back, but this is not how it has to be.

California has long been a reflection of America's promise. We also helped America to realize its promise. We led the way in media, technology, agriculture, and even space. Bring the water back and I know we will lead America once again, and help to restore hope in our future.

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

I share the majority leader's view that California is a unique and iconic and majestic place. I would only add that part of what makes it so includes the great rivers and iconic salmon runs in California from the Central Valley to the North Coast, where I represent, and the incredibly important bay-delta estuary, the most ecologically important estuary on the West Coast of the Americas, which despite all of the damage we have done to it over the past 100-plus years, still teams with waterfowl and wildlife and still supports salmon that are the staple of the commercial salmon fishing industry, not just in California, but in Washington and Oregon.

That is why groups who advocate for these fisheries, folks who make their living by depending on these fish, are uniformly against the Republican water bill that has been added in by way of this amendment. Fishing jobs matter, too. It is part of what makes California great. There is no one that understands that better than my colleague, MIKE THOMPSON.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. Mr. Speaker, I thank my friend for yielding time.

Mr. Speaker, I rise in opposition to the amendment to the Senate bill that is before us.

California is in a true state of emergency when it comes to water. We are in a multiyear drought. And even after this winter's El Nino, only one of our State's reservoirs are filled to capacity.

The drought is having a serious impact on families, on farms, on farmers, on fishers, and on businesses across California. We need science-based, long-term solutions to our State's water challenges, and this bill is not the solution.

It won't help our State to improve water efficiency and make the most of the water that we have. It is based on the misguided assumption that our

water crisis can be remedied by pumping more water south. The truth is we haven't pumped more water south because there simply isn't enough water. We are in a drought.

The provisions we are debating today redefine the standard by which the Endangered Species Act is applied. This will weaken the law, increase the risk of species extinction, and lead to costly litigation.

You will hear the other side talk about how this is necessary because we are letting millions of gallons of water wash out to sea in order to protect fish when that water could have been pumped to farmers in California's Central Valley.

The reality is that water needs to keep moving through the delta so that saltwater doesn't wash in, jeopardizing water quality for farms and for communities, including cities in my district that rely on the delta for their freshwater supply.

It is important to note that this bill sets a dangerous precedent for every other State in our country. California has a system of water management rules that have endured for a long time, but this bill overrides water regulations developed by Californians themselves, and tells local resource managers and water districts how to administer their water supplies.

If we pass this bill, we are telling every State in America that we are okay with the Federal Government undermining local experts and State laws from coast to coast.

We need real solutions that are based on science and that work for everyone. If you can set the science aside in California, you can do it anywhere. You have no protection for your resources.

This isn't about farmers versus fish. It is about saving salmon, saving cities in the delta, delta farmers, north of delta farmers, and resources across our country.

I am not insensitive to the supply and demand reality of California's water. I understand the concerns of Central Valley farmers. Remember, I am one. Ag is big in my district, too. But if your well runs dry, the solution isn't to steal water from your neighbors.

This bill isn't the solution. It is bad for the millions who depend on the delta for their livelihoods, it is bad for California, and it is bad for States across our country.

I urge all of my colleagues to vote ''no'' on this measure.

Mr. WESTERMAN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. VALADAO).

Mr. VALADAO. Mr. Speaker, I always enjoy listening to my friends on the other side of the aisle say that this is theft, that we are stealing water.

This graph has been used a few times. This is the amount of water going through the delta in 2015, and this is when it was exported; in 2016, the amount of water going out into the ocean. This is not stealing from one person's well in their community to another community. This is water that is going out into the ocean that they are advocating that we go and spend more taxpayer money and desalinate so that we can bring it right back.

When it comes to protecting the delta, which we all want to do, I would actually recommend that the communities around the delta stop dumping their sewage in it. With over 300 million gallons of sewage being dumped in the delta on a daily basis, you would think that would have a bigger impact on the delta species and everything else that is going on there than a little bit of water being pumped.

There were periods this past winter alone where there was 150,000 cubic feet of water per second going through that delta. We are asking for 5,000, and at those high periods maybe 7,500. Think about that. 150,000 cubic feet per second, and we are asking for 7,500, as if we are going to pump a delta dry and have a huge impact. I would still argue that dumping your sewage in the delta would have a bigger impact on those species than anything else.

□ 1530

If you are truly concerned with protecting those species, you would think you would take some of the legislation that we have in there that has to do with the invasive species, the predator species, the striped bass that is actually consuming baby salmon and is also consuming the delta smelt.

We know that it is happening. I have seen studies that point to as much as 98 percent of delta smelt being consumed by this striped bass.

Why don't we take a look at the legislation that is in this bill now and actually adopt it and have a real impact and save these species for our future generations. It is time top stop playing games and hurting other communities.

We are looking to capture a little bit of water that goes to the delta. Obviously, a lot was wasted this year. We are not trying to steal from anybody else. It is a fair and very equitable ask. It has little impact on the delta.

If there are those who really want to protect the delta, let's look at every part of it, including the sewage, including the invasive species. I think there is a lot of room to compromise, and I would appreciate the opportunity.

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

When I hear my colleagues across the aisle continually describe outflow through the delta estuary as water that is somehow wasted and available to be taken for any purpose, it requires us often to remind them that this delta water system without that outflow would not be available to millions of Californians for drinking water and it would not be available to the Central Valley for agricultural irrigation because that outflow maintains salinity control and water quality in this very complex water system.

It is also incorrect—and, yet, we continue to hear it regularly—that huge amounts of water in the last few years have been wasted for environmental purposes.

The State Water Resources Control Board in California estimates that, in 2014, only 4 percent of all runoff in the bay-delta watershed flowed into the San Francisco Bay solely for environmental protection, again, because there are other values, other benefits, to this outflow that sustains water quality and other values in the system.

In 2015, the State estimates that it was only 2 percent of the runoff in the watershed that made it through the system for environmental purposes only. It is important that we bear those facts in mind.

The SPEAKER pro tempore. The gentleman from California has 45 seconds remaining.

Mr. HUFFMAN. Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. DESAULNIER) from Contra Costa County.

Mr. DESAULNIER. I thank my colleague. I will try to be brief.

Mr. Speaker, this debate reminds me of the old expression by Mark Twain that, in California, whiskey is for drinking and water is for fighting.

So for those of you who are listening, as somebody who has represented the delta in local and State government and now at the Federal level for 25 years, I think we are doing well in California.

In a recent op-ed by Charles Fishman, who is an expert on water resources of the United States, the title of it is ''How California is Winning the Drought.''

He writes in this article that it has been the driest 4-year period in California history and the hottest, too. Yet, by almost every measure, except perception, California is doing fine—not just fine—California is doing fabulously. It has grown 27 percent more than the rest of the country, and the agricultural industry has also grown.

He goes on to write that more than half of the fruits and vegetables that are grown in the United States come from California farms and that last year, 2014, in the third growing season of the drought, both farm employment and farm revenue increased slightly.

I ask my colleagues to oppose the bill because it jeopardizes not just the delta, but California's economy.

Mr. HUFFMAN. I yield back the balance of my time.

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

Perfect policy is rare or even impossible. Good policy requires hard work, sound science, good data and data analytics, common sense, and a little bit of give-and-take. Mr. Speaker, this is good policy, fair policy. Most importantly, it will provide for a better way of life for Americans.

I urge support for S. 2012, as amended.

Mr. Speaker, I yield back the balance of my time.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to express my concerns with the Energy Policy Modernization Act of 2016. This bill passed the Senate with overwhelming bipartisan support; however this bill contains unnecessarily controversial language which will jeopardize its passage here in the House. Many of the bills included in today's House amendment have passed largely along party lines and have received veto threats from the White House.

For example, the House Amendment contains The Western Water and American Food Security Act, a bill which aims to address California's record drought. As we all know, California has been in a severe drought which has devastated its water supply. Although this bill includes language to address California's current water crisis, I do not believe that it takes into account the concerns of all major stakeholders. Yes, we need to increase storage sites, reexamine infrastructure to move water to the south, and take immediate steps to provide water to the farmers who put food on our tables. We also cannot afford to ignore the environment as our kids and their kids will have to live in it.

I believe we must put everything on the table. All community stakeholders should be involved as we address California's short-term and long-term water future—and this must be done immediately. Last week during National Infrastructure Week, I spoke about the importance of investing in California's water infrastructure. We should utilize our resources to capture, reuse, and recycle our precious water for future generations.

The House amendment also contains harmful language from the National Strategic and Critical Minerals Production Act of 2015. This legislation would allow mining companies to set their own rules regarding environmental reviews. It would also cripple the permitting authority under the National Environmental Policy Act, or NEPA. Another bill added into this package, the North American Energy and Infrastructure Act, increases our reliance on fossil fuels and cripples the Department of Energy's ability to enforce energy efficiency standards.

Further provisions in this bill would curtail NEPA even further, threaten wildlife protections, and ban the results of Department of Energy-supported research from being used to create assessments. Mr. Speaker, this legislation hurts our environment, our wildlife, our public health, and our energy independence.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 744, the previous question is ordered on the bill, as amended.

The question is on the third reading of the bill.

The bill was ordered to be read a third time, and was read the third time.

MOTION TO COMMIT

Mr. PETERS. Mr. Speaker, I have a motion to commit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. PETERS. I am opposed in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to commit.

The Clerk read as follows:

Mr. Peters moves to commit the bill S. 2012, as amended, to the Committee on Energy and Commerce, with instructions to report the same back to the House forthwith, with the following amendment:

Add at the end the following:

TITLE XI—CONSIDERATION OF IMPACTS

SEC. 11001. CONSIDERATION OF IMPACTS.

Because the scientific consensus is unequivocal that climate change is real, nothing in this Act shall prevent a Federal agency from considering potential climate impacts during any permitting, siting, or approval process undertaken pursuant to this Act.

Mr. PETERS (during the reading). Mr. Speaker, I ask unanimous consent that the reading be dispensed with.

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

There was no objection.

Mr. WHITFIELD. Mr. Speaker, I reserve a point of order.

The SPEAKER pro tempore. A point of order is reserved.

Pursuant to the rule, the gentleman from California is recognized for 5 minutes in support of his motion.

Mr. PETERS. Mr. Speaker, my amendment simply expresses something scientists know to be true and something that is recognized everywhere in the world but in these halls of the United States Congress, that climate change is real and influenced by human activity. We need Congress to get on board with a response, not to stand in the way. That is important for at least three reasons.

First, if we are to lower the rate and impact of greenhouse gas emissions, we need Federal action.

The largest source of greenhouse gas emissions in the United States is from burning fossil fuels, which raises atmospheric levels of CO_2.

Super pollutants like methane and HFCs are many times more potent than CO_2 and are the most significant drivers of climate change. Greenhouse gas emissions can affect coastal regions, energy, defense, food supplies, wildfire preparedness, and our quality of life.

That is why just last month the United States signed the historic Paris climate agreement so as to reduce emissions by at least 26 percent by 2025. As a country that contributes 17 percent of the world's greenhouse gas emissions, we pledge to do our part.

This follows President Obama's executive order on climate change, which established national sustainability goals for the Federal Government. We need Congress to support these efforts, not to get in the way.

Second, all new national plans and projects should consider these effects of climate change as we make decisions about what and where to build infrastructure and to permit projects.

Extreme weather conditions are at an all-time high. One of my first votes as a Member of Congress was to fund a response to Superstorm Sandy with an appropriation of $60 billion off budget.

That is just going to keep happening, folks. Regions around the world are experiencing intense droughts, longer wildfire seasons, and water shortages and flooding, and sea levels are rising at twice the rate they were 20 years ago, threatening to cause destructive erosion, powerful storms, the contamination of agriculture, and lost habitat for wildlife.

We have to make sure that Federal permitting and construction learns the lessons from these trends and these events and that we account for the effect of rising seas, increased winds, and drought on the buildings and infrastructure that we approve and build.

We have to build resiliency into Federal decisionmaking, not dodge the question. A bipartisan Bloomberg report estimated that, if we do not address climate change, between $66 billion and $106 billion worth of coastal property in the United States will be below sea level by 2050.

Third, we need to bring our Federal practices into line with what is already happening outside of the United States Congress, the only entity in the world with its collective head in the sand on the reality of climate change.

There are 175 countries that are on board. That is how many signed the historic Paris Agreement on the first day it was open for signature. There are 154 companies that are on board with Paris, and businesses across the country have committed to putting forward climate targets by reducing carbon emissions and becoming more energy efficient.

PepsiCo, Apple, Qualcomm, Nestle, Kellogg's, and Starbucks are among the private businesses that have included sustainability and alternative energy as smart business practice, and the Department of Defense, our own military, is on board, acting now to address the impacts of climate change.

In January, the Pentagon released a directive stating:

> The Department of Defense must be able to adapt current and future operations to address the impacts of climate change in order to maintain an effective and efficient United States military.

Mr. Speaker, let's take a cue from the rest of the world, the American private sector, and the Pentagon and consider climate change in permitting and siting.

For some of my colleagues on the other side, the politics of simple facts may be frightening, but U.S. leadership to curb climate change is not about politics or ideology.

It is about security, ensuring the health of our citizens and of our families, and seizing the unprecedented economic opportunity of the clean energy revolution. The stakes of climate change have never been higher. The time to act is now.

I yield back the balance of my time.

Mr. WHITFIELD. Mr. Speaker, I withdraw my reservation of a point of order.

The SPEAKER pro tempore. The reservation of a point of order is withdrawn.

Mr. WHITFIELD. Mr. Speaker, I rise in opposition to the gentleman's motion to commit.

The SPEAKER pro tempore. The gentleman from Kentucky is recognized for 5 minutes in opposition to the motion to commit.

Mr. WHITFIELD. Mr. Speaker, the main objection here and the basis of the motion to commit relates to climate change. Contrary to the gentleman's statement that the House does not recognize climate change, all of us recognize that the climate is changing.

We do, however, have some significant differences with the President of the United States and with some other Members of the House and Senate in that we, many people, do not believe that climate change is the number one issue facing mankind. There are many other issues as well.

The United States does not have to take a backseat to anyone on this issue. The Congressional Research Service recently reported that over 18 Federal agencies are already administering climate change programs. There are over 67 individual climate change programs in the Federal Government. We are already spending in excess of $15 billion a year on climate change.

One of the problems that we have is that the President has been acting unilaterally on this issue. He went to Copenhagen and made agreements. He went to Paris and unilaterally entered the United States into an agreement without there being any consultation with the U.S. Congress, without discussing it with U.S. Congress on what he was agreeing to. He used that agreement in order to have the EPA issue its Clean Power Plan.

In the Clean Power Plan, the EPA arbitrarily sets CO_2 limits for every State in America and each State would have had to have had its State implementation plan adopted by this September except that, since Congress was not involved and since many people throughout the country were vitally concerned about this unilateral action, they took the only thing available to them, and that was to file a lawsuit to stop it.

What happened? It went all the way to the United States Supreme Court.

I might add that the Supreme Court issued an injunction to prohibit the implementation of the President's clean energy plan until there could be further discussion about it.

I might also say that Congress had many hearings on the clean energy plan. That was our only involvement. We certainly were not a part of the plan. It was interesting that a professor from Harvard University who is generally considered pretty liberal and who taught the President constitutional law came to Congress and testified that the President's clean energy plan, to use not the President's words, but the professor's words, ''was like tearing up the Constitution and throwing it away.''

We agree that climate change is an issue. We simply disagree with this President's unilateral action in trying to decide the way it is addressed.

We are amending the Senate bill because we want to use some commonsense approaches so that we can continue to bring down CO_2 emissions. We can also allow our economy to expand, to create jobs, and we don't have to take a backseat to any country in the world. The U.S. is doing as much as any country in the world on climate change.

I might also say that we expect that our carbon dioxide emissions will remain below our 2005 levels through the year 2040. Now, if you look at India, if you look at China, if you look at many developing countries and even at parts of Europe, they do not meet that standard.

Let's be pragmatic. Let's use common sense. That is precisely what we attempt to do with our amendments to S. 2012, the Energy Policy Modernization Act of 2016.

I would respectfully request that we deny this motion to commit.

Mr. Speaker, I yield back the balance of my time.

□ 1545

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to commit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to commit.

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

Mr. PETERS. 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.

CLARIFYING CONGRESSIONAL INTENT IN PROVIDING FOR DC HOME RULE ACT OF 2016

Mr. CHAFFETZ. Mr. Speaker, pursuant to House Resolution 744, I call up 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 ask for its immediate consideration in the House.

The Clerk will report the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 744, the bill is considered read.

The text of the bill is as follows:

H.R. 5233

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 ''Clarifying Congressional Intent in Providing for DC Home Rule Act of 2016''.

SEC. 2. REPEAL OF LOCAL BUDGET AUTONOMY AMENDMENT ACT OF 2012.

Effective with respect to fiscal year 2013 and each succeeding fiscal year, the Local Budget Autonomy Amendment Act of 2012 (D.C. Law 19–321) is hereby repealed, and any provision of law amended or repealed by such Act shall be restored or revived as if such Act had not been enacted into law.

SEC. 3. CLARIFICATION OF ROLES OF DISTRICT GOVERNMENT AND CONGRESS IN LOCAL BUDGET PROCESS.

(a) CLARIFICATION OF APPLICATION OF FEDERAL APPROPRIATIONS PROCESS TO GENERAL FUND.—Section 450 of the District of Columbia Home Rule Act (sec. 1–204.50, D.C. Official Code) is amended—

(1) in the first sentence, by striking ''The General Fund'' and inserting ''(a) IN GENERAL.—The General Fund''; and

(2) by adding at the end the following new subsection:

''(b) APPLICATION OF FEDERAL APPROPRIATIONS PROCESS.—Nothing in this Act shall be construed as creating a continuing appropriation of the General Fund described in subsection (a). All funds provided for the District of Columbia shall be appropriated on an annual fiscal year basis through the Federal appropriations process. For each fiscal year, the District shall be subject to all applicable requirements of subchapter III of chapter 13 and subchapter II of chapter 15 of title 31, United States Code (commonly known as the 'Anti-Deficiency Act'), the Budget and Accounting Act of 1921, and all other requirements and restrictions applicable to appropriations for such fiscal year.''.

(b) CLARIFICATION OF LIMITATION ON AUTHORITY OF DISTRICT OF COLUMBIA TO CHANGE EXISTING BUDGET PROCESS LAWS.—Section 603(a) of such Act (sec. 1–206.03(a), D.C. Official Code) is amended—

(1) by striking ''existing''; and

(2) by striking the period at the end and inserting the following: '', or as authorizing the District of Columbia to make any such change.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the District of Columbia Home Rule Act.

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 Oversight and Government Reform.

The gentleman from Utah (Mr. CHAFFETZ) and the gentlewoman from the District of Columbia (Ms. NORTON), each will control 30 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. CHAFFETZ. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include any extraneous material on H.R. 5233.

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

There was no objection.

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

I want to start, Mr. Speaker, by thanking the Delegate from the District of Columbia (Ms. NORTON). She pours her heart and soul into her passion for this country and certainly for the District itself. We happen to disagree probably on this issue. We have

agreed on some issues, on some topics; and we disagree on others. But I just want to note, Mr. Speaker, how much I appreciate her passion, her commitment, and her desire to represent her constituents as vigorously as she does.

I also thank the gentleman from North Carolina (Mr. MEADOWS) for introducing H.R. 5233, the Clarifying Congressional Intent in Providing for DC Home Rule Act of 2016, and his leadership on this issue. He is the subcommittee chairman who deals with this issue. He has spent a considerable amount of time working on this topic, working with city leaders, getting to know the city, and working with them. I appreciate his proactive approach and the manner in which he approaches this and his thoughtfulness on this sensitive but important topic.

We are here today to discuss the bill that would do, just as the title says: clarify the congressional intent behind the D.C. Home Rule Act passed in 1974.

First, a little bit of background about the need for this legislation. In December of 2012, the District of Columbia Council disregarded clear limitations found in the Home Rule Act of 1973. In doing so, it passed the Local Budget Autonomy Act, or the LBAA, in an attempt to remove Congress from the District's budgeting process.

If the bill is implemented, it would allow the District government to appropriate money without the need for any Federal action. In doing so, the Council violated clear legislative authority granted to Congress by the Constitution.

Article I, section 8, clause 17 of the Constitution gives Congress plenary authority over the District of Columbia. As with its other powers, Congress may delegate some of its authority to the local District government, which it did when it passed the Home Rule Act back in 1974. Absent the congressional delegation, the District has no legislative power.

As enacted more than 40 years ago, the Home Rule Act was designed to allow the District to self-govern on truly local matters. At the same time, Home Rule preserved a necessary role of Congress in matters that could affect the Federal Government, including congressional authority over the District's overall budget. The LBAA, however, violates the Home Rule Act and removes Congress from the District's budgeting process.

Today's legislation clarifies the original intent behind the Home Rule Act and reinforces the intent of Congress, our Founding Fathers, and the Constitution.

Importantly, the language of the Home Rule Act makes it clear it is not authorizing the District authority over its budget.

In fact, Mr. Jacques DePuy, then counsel to the House subcommittee that drafted the Home Rule Act, testified this month at our committee. He said: ''Congress did not intend to delegate the D.C. Council or District voters any authority over local revenues through the charter amendment or any other process.'' And then it went on.

His recollections are supported by the legislative history, particularly a dear colleague letter sent by then-Chairman Diggs. Chairman Diggs' letter indicated the comprise language that became the Home Rule Act was drafted with the explicit intention of maintaining the congressional appropriations process for the District funds.

I believe Chairman Diggs' letter leaves no confusion as to whether Congress intended to give the District budget autonomy in the Home Rule Act. Therefore, it is clear the District acted beyond its own authority to grant itself budget authority.

Today's legislation will clarify the original intent of the Home Rule Act and address any pending legal questions currently working their way through the courts.

H.R. 5233 will make clear the Local Budget Autonomy Act of 2012 is not legally valid and will ensure the congressional intent behind the Home Rule Act is preserved. It will also prevent a potential violation of the Antideficiency Act protecting District government employees from administrative and criminal penalties.

Ultimately, the unilateral action, as taken by the District in this instance, to subsume congressional authority is unacceptable. H.R. 5233 recognizes this need for exclusive congressional authority and stewardship.

I, therefore, urge my colleagues to support the bill and place budget authority for the District firmly back in the hands of Congress, the sole place where it was intended to be located.

I reserve the balance of my time.

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

I am happy to speak of my friendship with the chairman of our full committee, and I thank him for his kind words. I only hope he will come to where the two past immediate Republican chairs of the committee—former-Chairman Davis and former-Chairman DARRELL ISSA—have come and, that is, to support budget autonomy for the District of Columbia.

I rise in strong opposition to this bill. This bill, that would repeal a law approved by 83 percent of the District of Columbia voters, would nullify a court ruling and would permanently take away the authority of the 700,000 D.C. citizens and their elected officials to spend their local funds without congressional approval.

This bill manages to be unprincipled and impractical at the same time. It is profoundly undemocratic for any Member of Congress in the 21st century to declare that he has authority over any other jurisdiction except his own. It also would harm the finances and operations of the District of Columbia.

As a matter of fact, the District of Columbia Budget Autonomy Act is already in effect. The District Council has begun the process of passing its first local budget without the assistance of Federal overseers. Therefore, this bill would be the most significant reduction in the District's authority to govern itself since Congress granted the District limited home rule in 1973.

Now, as a lawyer myself, I am the first to concede that lawyers differ about the validity of the Budget Autonomy Act, even when the District was in the process of enacting it.

What is indisputable, though, Mr. Speaker, is that the Budget Autonomy Act is now law; the Budget Autonomy Act has been litigated; and there is only one judicial opinion in effect.

In March, the D.C. Superior Court upheld the Budget Autonomy Act. Do you believe in the rule of law? It upheld the Budget Autonomy Act. No appeal was filed, and the court ordered D.C. officials to implement it.

The Superior Court of the District of Columbia then evaluated each and every legal and constitutional argument you will hear brought forward today about whether the Budget Autonomy Act violates the U.S. Constitution, the District of Columbia Home Rule Act, the Federal Antideficiency Act, and the Federal Budget and Accounting Act. All of that, every last one of it, every last provision has been litigated.

The House leadership made the very same arguments in an amicus brief they filed. There are a whole gang of Members anxious to see that this one jurisdiction can't handle its own money. The court, nevertheless, found—indeed, disposed of—all of these arguments.

Specifically, the court upheld the Budget Autonomy Act and held that the Home Rule Act preserved the then-existing 1973 budget process, but did not—and this is essential here—did not prohibit the District from changing the local process in the future. The charter does not. The charter is like the Constitution. Congress knew how to say: Don't change budget matters discussed in this document. It did not do so. So it had to be interpreted, and it was interpreted by the District.

The Senate of the United States, at the time of the Home Rule Act, passed budget autonomy for the District of Columbia. So you can cite the Diggs Compromise all you want to. The compromise was that budget control now is in the hands of the Congress. But you will note they have left room in the charter for budget control to come from the District. That was the compromise.

There was no compromise that said that the District can never have any jurisdiction, any final say, over its local budget.

This is, after all, the country that went to war over taxation without representation. Imagine saying: you folks, you can raise all the money you want to; but it doesn't mean anything unless the Congress of the United States passes your budget.

The District followed the charter procedure that was in the Diggs budget

to pass the Budget Autonomy Act. And as the court noted, Congress had the authority to pass a disapproval resolution while the referendum was in the Congress for 30 days but this Congress did not disapprove it.

The Federal courts also have evaluated the validity of the Budget Autonomy Act. A Federal district court, indeed, did find the act to be invalid.

But then look at what the U.S. Court of Appeals for the District of Columbia did. After receiving briefs, reading them hopefully and hearing oral argument, the higher court, the Court of Appeals for the District of Columbia, vacated the district court decision altogether, meaning that that initial decision against the Budget Autonomy Act had no force or effect.

□ 1600

Instead of issuing a decision on the merits or sending the case back to the lower Federal court, the Federal appeals court, without explanation, simply remanded the case to the Superior Court of the District of Columbia, which then issued the only existing court ruling on the validity of the D.C. Budget Autonomy Act.

Is there a rational reason for opposition to budget autonomy?

After all, budget autonomy is not statehood, it is not independence, it doesn't take away any of your much-vaunted power. The D.C. budget autonomy act has no effect, indeed, on congressional authority over the District.

Under the Budget Autonomy Act, the D.C. Council must transmit the local D.C. budget to Congress for a review period before that budget would take effect, like all other D.C. legislation under the Home Rule Act, and that is about to happen, as I speak. During the review period Congress can use expedited procedures to disapprove the budget.

You see, what the District was doing here was not committing revolution. It was using the procedures in place in order to gain greater control over its own local budget. In addition, under the U.S. Constitution, Congress has total legislative authority over the District. Congress can legislate on any District matter at any time, but Congress can also delegate any or all of its legislative authority over the District, and it can take back any delegated authority at any time.

In 1973, under the Home Rule Act, Congress did just that. It delegated most of its authority, its legislative authority over the District to an elected local government. Congress can delegate more or it can delegate less authority than provided in the Home Rule Act. It can repeal the Home Rule Act at any time. It can even abolish the government of the District of Columbia.

My friends, I ask you: Is that enough authority for you? Over 700,000 American citizens who are not your constituents, is that enough for you? Is that enough power? Why is that not enough to satisfy any Congress of the United States?

Until this Congress, Democrats were not alone in supporting budget autonomy. President George W. Bush supported D.C. budget autonomy. The Republican-controlled Senate passed a budget autonomy bill by unanimous consent in 2003. The last two Republican chairmen, of whom I spoke today as I began to speak myself, who had the jurisdiction that Chairman CHAFFETZ now has—Tom Davis and DARRELL ISSA—actually fought for, not simply supported, but fought for budget autonomy. I think they recognized that this is a set of principles we have in common.

I always thought that local control was a cardinal principle of the Republican Party. Even the Republicans' own witnesses at the hearing on this bill who took a position on the policy of budget autonomy—and that was most of them—supported budget action.

Control over the dollars raised by local taxpayers is a much-cited principle of congressional Republicans, and it happens to be central to our form of government as held by Democrats and Republicans. The exalted status of local control for Republicans, though, keeps being announced as if we need to be retaught.

The Republicans did so again in their recently released budget. I quote you only one sentence: ''We are humble enough,'' Republicans said, ''to admit that the Federal Government does not have all the answers.'' That was their latest abeyance to local control for every single American jurisdiction, except the American jurisdiction that happens to be the capital of the United States.

Beyond this core principle, budget autonomy has practical benefits that I don't see how any Member of Congress can ignore. In a recent amicus brief filed by former Congressman Davis: ''The benefits of budget autonomy for the District are numerous, real, and much needed. There is no drawback.''

One of the other signatories of the brief was Alice Rivlin, a former Director of the Congressional Budget Office, also a former Director of the White House Office of Management and Budget.

It is with some irony and real pain that I see come to this floor even to speak against this bill Members whose budgets are not as large as the budget of the District of Columbia, even though they come from entire, big States. The District's budget is bigger than the budgets of 14 States. We raise that money ourselves. The District raises more than $7 billion in local funds. The District contributes more Federal taxes to the Treasury of the United States than 22 States. The District of Columbia is number one in federal taxes per capita paid to the Federal Government, and the District is in better financial shape than most cities and States in the United States, with a rainy day fund of $2.17 billion on a total budget of $13.4 billion. Budget autonomy will make the District—which, after all, has no State to fall back on—even stronger.

How?

Budget autonomy gives the District what every other local government in the United States enjoys: lower borrowing costs on Wall Street. Imagine having to do what the District has to do: pay a penalty because your budget has to come to a Congress that knows nothing of your city or your budget, and they get to vote on it even though your own Member does not. D.C. will also have improved agency operations, and in D.C.'s case, the removal of the threat of Federal Government shutdowns, shutting down the entire D.C. government just because Members of Congress can't figure out what to do about the Federal Government. The Federal Government has benefits, too. Congress would no longer waste time on a budget it never amends.

So budget autonomy has no downside. I am trying to figure out why anybody would want to deal with my budget. Heavens.

Don't Members have enough to do?

Congress maintains total legislative control over the District, with all the Federal financial controls in place. Congress has nothing to lose, can step in at anytime they don't like it. We are not asking for very much. It is for some loosening of Congressional control. So, for example, we would not have to pay more when we borrow on Wall Street because we are seen as involved in a two-step budgetary process; one, I might add, that is far more problematic, the Federal process, than the other, the local process. It also is ironic to note that Congress granted D.C. budget autonomy during its early years.

Yesterday the Committee on Rules prevented my amendment to make the text of the Budget Autonomy Act Federal law from getting a vote. Today the appropriations subcommittee passed an appropriation rider containing the text of the very bill that is before us on this floor right now. That makes 2 days, 2 identical provisions. Just in case—just in case anybody would think that Republicans don't mean it, they are doing it twice.

What do they need? An insurance policy of identical language in case, God forbid, the Senate does not pass this bill?

I predict that the Senate won't pass this bill. So it is on you, Members of the House of Representatives, the people's House, to take the lead in denying for the people who live in your Nation's Capital the same control over their local budget that you, yourselves, hold so dear. You can stand on what you do today, but you won't stand up straight because what you do today, if you vote to take away our budget autonomy bill, will not be standing on principle.

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

Mr. CHAFFETZ. Mr. Speaker, I yield such time as he may consume to the

gentleman from North Carolina (Mr. MEADOWS), the chief sponsor of this bill.

Mr. MEADOWS. Mr. Speaker, I would like to thank the gentleman from Utah, Chairman CHAFFETZ, for his strong statement in support of H.R. 5233, the Clarifying Congressional Intent in Providing for DC Home Rule Act of 2016.

As we begin debate on this important bill, I would like to first take the opportunity to reiterate that I firmly believe that the Local Budget Autonomy Act is, indeed, unlawful and null and void. The Home Rule Act clearly provides that the District's budget shall pass through the Federal appropriations process, preserving Congress' role in the passage of that budget.

However, because of the precedent that allowing the District to usurp the congressional authority may set, and the potential negative consequences that the District government employees may face for enforcing the Local Budget Autonomy Act, I have introduced H.R. 5233.

I would further say that my good friend, the Delegate from the District of Columbia, Ms. ELEANOR HOLMES NORTON, indeed is a friend, and I appreciate her passionate way that she always represents her constituency. While we disagree on the debate and the merits of that debate, I can't help but acknowledge my friendship with her and, truly, her passion for the people who she serves.

H.R. 5233 will repeal the Local Budget Autonomy Act and reinforce Congress' intended role in the budgetary process. As many of you know, Congress was granted that exclusive legislative authority over the District in Article 1, section 8, clause 17. This exclusive authority was explained further in the Federalist 43 as being a crucial component in keeping the Federal Government free from potential influence by any State housing the government's seat.

There was a distinct worry that placing the seat of the Federal Government in a territory where Congress was not the sole sovereign would, indeed, impact its integrity. Therefore, the Founding Fathers saw fit to authorize Congress to create the District and act as the sole legislative authority for the District.

As seen in Federalist 43, the Founding Fathers believed that Congress would delegate some of those exclusive authorities to the District, specifically the power to deal with solely local matters. In 1973, Congress made a decision to enact such legislation when they passed the Home Rule Act.

□ 1615

In that act, Congress provided the District with the authority to have the jurisdiction over legislative matters on a limited basis. But—and this is a critically important point—Congress reserved for itself, and prohibited the District from altering, the role of Congress in the budgetary process.

There can be little doubt that Congress intended to reserve that power for itself. The language of the Home Rule Act itself is clear. Both the former and the current attorney general for the District, as well as the former Mayor, believe the Local Budget Autonomy Act to be unlawful and contrary to the Home Rule Act.

Mr. Irvin Nathan, the former attorney general, testified before the House Committee on Oversight and Government Reform that numerous sections of the Home Rule Act prohibit the District's action.

Mr. Nathan, who supports the policy, as my good friend acknowledged, who actually supports the policy of budget autonomy, even stated that he believed the Federal District Court's opinion invalidating the Local Budget Autonomy Act was, indeed, a correct opinion.

Beyond the clear language, the legislative history makes it clear, Mr. Speaker, that Congress had no intent to delegate to the District the authority for the budgetary process. In fact, Mr. Jacques DePuy, who participated in the drafting of the Home Rule Act itself, made it clear in testimony before Congress that, indeed, Congress did not intend to delegate the appropriations powers to the District. The legislative record of the Home Rule Act supports Mr. DePuy.

One such piece of the record is, indeed, the Diggs letter, which the chairman referenced earlier, that was issued by Chairman Charles Diggs. The letter describes how it was clarifying the intent of Congress by making several changes, including reserving Congress' role in the budgetary process.

The Diggs letter highlighted a pivotal aspect of the congressional intent in the Home Rule Act. It represents a compromise in response to the Senate's Home Rule Act, which actually included a form of budget autonomy.

The compromise does not indicate that Congress intended to grant the District budget autonomy. To the contrary, what the Diggs compromise represents is that there could be no Home Rule Act, absent an express reservation of the role of Congress in the District's budget process.

I believe there can be no stronger statement that Congress intended to reserve its appropriation role than the fact that the Home Rule Act would have failed, absent that reservation.

Importantly, both of these men, Mr. Irvin and Mr. DePuy, who support budget autonomy further believe that the District's action is illegal and, therefore, null and void.

I want to be clear on this. We are not here today to make a power grab against the District, as some would suggest. We are here, Mr. Speaker, to uphold the rule of law.

At the committee's hearing, even the chairman of the Council of the District of Columbia was forced to acknowledge that it was clear that the majority of the Members of Congress who passed the Home Rule Act intended to reserve the complete appropriations for Congress. Again, another individual who supports budget autonomy recognizes the intent of Congress.

So, in moving ahead with the Local Budget Autonomy Act, the District government is usurping congressional authority, and inaction would undermine not only this institution, but all organs of government across this Nation.

To suggest that any city council's action, whether it be here in the District or in any other city in the country, could unilaterally overturn the intent of Congress would set a bad precedent. Regardless of the precedent, however, such action by local government is a blatant violation of the Supremacy Clause and, therefore, unconstitutional.

Moreover, as a result of the unlawful way in which the budget autonomy is purported to have been achieved, District government employees are now at risk of the Antideficiency Act and the sanctions therein.

Under the Antideficiency Act, absent a congressional appropriation, the District may not expend or obligate funds. Doing so will result in potential criminal or administrative penalties for not only the District's elected officials, but the line level employees charged with purchasing items for the District.

The GAO testified that they maintain that the Local Budget Autonomy Act violates the Home Rule Act and the Antideficiency Act, despite the superior court's decision. H.R. 5233 would repeal the Local Budget Autonomy Act and prevent the District government employees from having to worry that the purchases they make on behalf of the District may indeed violate the law.

H.R. 5233 will also augment the already clear prohibitions on the District in altering the role of Congress in the budget process, ensuring that Congress' intent and constitutional authority, Mr. Speaker, remains in place.

Ms. NORTON. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER) the Democratic Whip and my good friend from a neighboring jurisdiction.

(Mr. HOYER asked and was given permission to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, I thank the gentlewoman for yielding, and I thank the gentleman from North Carolina for outlining his position.

We are a nation of laws. The gentleman has indicated a court has ruled on this issue—an opinion with which he disagrees—and we have a mechanism for overturning or clarifying or changing such a ruling, and that is the court system. That case may well reach the Supreme Court.

I rise in opposition to this piece of legislation, which, in my opinion, is an exercise in hypocrisy. Why do I say that? That can be a harsh word. We are witnessing the party that proclaims itself to be the champion of local autonomy and less Federal Government

involvement in local affairs—we hear that all the time—bring to this floor legislation that would do exactly the opposite.

The District of Columbia's over 700,000 American citizens deserve a form of home rule not characterized by constant and intrusive micromanaging by congressional Republicans or Democrats.

Now, if I were to ask unanimous consent that we substitute the District of Columbia and perhaps include Milwaukee, Wisconsin—now, I am not going to ask for that—I am sure I would get objection. Or, if I might ask that Salt Lake City be substituted or perhaps even Baltimore, Maryland, my own city in my State, or maybe even Charlotte, North Carolina, those of us who represent those four cities would stand and say: This is not your role, Congress of the United States.

Speaker RYAN just released a statement in which he said: ''The current D.C. government needs to be reined in.''

From where? From balanced budgets? From surpluses in their budgets? Reined in? They are a model, I would suggest, of fiscal responsibility. Not always, but today. But then again, none of our jurisdictions have always been such a model.

The SPEAKER pro tempore (Mr. HULTGREN). The time of the gentleman has expired.

Mr. CHAFFETZ. Mr. Speaker, I yield an additional 1 minute to the gentleman from Maryland.

Mr. HOYER. I would say to the Speaker, in response, quite the opposite. The government and the people of the District of Columbia need to be allowed to chart their own course, which is what I think most of you say on a regular basis.

It is a mystery to me—and ought to be a mystery to every American who believes in the premise that people ought to govern themselves—why House Republicans are determined to strip that ability from the 700,000 Americans who live in our Nation's Capital. They pay taxes. They pay taxes to their local government. And we want to make that decision.

I understand what the court has said and that courts may rule that way, but shouldn't we have the patience to let the court system decide whether or not this referendum of the people of the District of Columbia is adjudged to be appropriate? The locally raised revenues from taxes and fees do not originate from the Federal Government, but from the hardworking residents of Washington.

The District of Columbia has proven Congress' wisdom in enacting the 1973 D.C. Home Rule Act time and again by managing its affairs in a fiscally responsible, democratic way.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. CHAFFETZ. Mr. Speaker, I yield the gentleman an additional 1 minute.

Mr. HOYER. The gentleman is very generous, and I appreciate it.

I would say to my friends, the District of Columbia deserves the same respect that any of our governments deserve and that, in fact, we demand for them. And I always lament how the District is demeaned.

When I was the majority leader, I made sure that Ms. NORTON had a vote on the floor of this House and that the Virgin Islands' Representative had a vote on the floor of this House. One of the first things you did when you took the majority was take that away.

It was not a vote that made a difference. It was a vote that was symbolic. But it gave them the opportunity to have their name as our equals, as Americans, on that board and express their opinion.

Let us not take this degree of autonomy away from them. Let us respect these local citizens as you would want your local citizens respected.

I urge the defeat of this legislation. If the courts tell us that they could not do this, so be it, but let us let the system work its will.

Mr. Speaker, I rise in opposition to this bill, which is an exercise in Republican hypocrisy.

We are witnessing the party that proclaims itself to be a champion of local autonomy and less Federal Government involvement in local affairs bring to this floor legislation that would do exactly the opposite.

The District of Columbia deserves a form of home rule not characterized by constant and intrusive micromanaging by congressional Republicans.

Speaker Ryan just released a statement in which he said—and I quote: ''The current D.C. Government needs to be reined in.''

I would say to the Speaker in response: Quite the opposite; the government and people of the District of Columbia need to be allowed to chart their own course.

It is a mystery to me—and ought to be a mystery to every American who believes in the premise that people ought to govern themselves—Why House Republicans are determined to strip that ability away from the 670,000 Americans who live in our Nation's Capital.

The locally raised revenues from taxes and fees do not originate from the Federal Government but from hardworking residents of Washington.

The District of Columbia has proven Congress's wisdom in enacting the 1973 D.C. Home Rule Act time and again by managing its affairs in a fiscally responsible, democratic way.

That is what this bill is, Mr. Speaker—a reminder to the people of this city that they remain unrepresented in this House and a Federal colony within a nation dedicated to democracy and fair representation.

When Democrats were in the majority, we worked to give District of Columbia residents a greater voice in the Committee of the Whole.

And when Republicans took the majority, one of the first acts was taking this small but important democratic tool and indication of respect away from the District's representative and the other representatives of our U.S. territories.

Now Republicans want to erode the District of Columbia's hard-earned right to govern itself.

I thank my friend the gentlewoman from the District of Columbia, Ms. HOLMES NORTON, for her impassioned defense of Washingtonians' unalienable right to have a say.

And I will continue to stand with her to demand that right be recognized—and in seeking for the District of Columbia the real budget autonomy, home rule, and representation in Congress that its people deserve.

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

Mr. CHAFFETZ. Mr. Chairman, I have no additional speakers, and I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, how much time does each side have remaining?

The SPEAKER pro tempore. The gentlewoman from the District of Columbia has 8 minutes remaining. The gentleman from Utah has 1 minute remaining.

Ms. NORTON. Mr. Speaker, I yield 2 minutes to the gentlewoman from the Virgin Islands (Ms. PLASKETT), my very good friend.

Ms. PLASKETT. Mr. Speaker, I thank the gentlewoman from the District of Columbia, and I thank all of the speakers here today for expressing their opinions.

Today, I rise in support of retaining local budget autonomy for the District of Columbia and to express my strong opposition to H.R. 5233, Clarifying Congressional Intent in Providing for DC Home Rule Act of 2016.

Now, this partisan bill would repeal a District of Columbia referendum that allowed the District to implement its own local budget without affirmative congressional approval.

While this bill passed the Oversight and Government Reform Committee on a party-line vote of 22–14, I would remind this body that the committee's last four chairmen—including Republican Chairmen, Representatives Tom Davis and DARRELL ISSA, who have studied and had substantial oversight over the D.C. government—each worked to give the District of Columbia budget autonomy.

Now, some of my colleagues here may argue that the District of Columbia will loose its financial discipline under budget autonomy; however, this could not be further from the truth. Budget autonomy actually improves the operations and finances for the District of Columbia government because the District would employ financial budget experts who are focused solely on the economic growth, fiscal soundness, and stability of the District, not Members of Congress intent on ideological posturing or voting on budgets of constituencies that are not their own, with Members of those districts or those jurisdictions prohibited from voting on those measures.

□ 1630

Autonomy would, in fact, lower borrowing costs, allow more accurate revenue and expenditure forecasts, improve agency operations and the removal of the threat that the Federal Government shutdowns would also shut down the District of Columbia's government.

Congress also loses no authority under budget autonomy because this body can use expedited procedures during the 30-day review period or other measures that are in there.

The U.S. Constitution also provides for Congress to retain authority to legislate any D.C. matter, including its local budget, at any time.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Ms. NORTON. I yield the gentlewoman an additional 30 seconds.

Ms. PLASKETT. Now, I fear, when we leave the well-being of the District of Columbia to this body, this body seems to lack the will or fortitude to make equitable decisions for everyday people of this country or, more particularly, the historically disenfranchised people.

This Congress seems intent on stripping away what little power those who don't have a vote on this floor have been able to wring from the hands of the majority.

It is my belief that Congress should stop wasting its time debating legislation that continues to subjugate the District of Columbia to its authority and work on passing a Federal budget that would boost the economy of the entire American people.

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

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

Before I recognize the ranking member of the Committee on Oversight and Government Reform, I cannot help but note, when I listen to my friend, Ms. PLASKETT, speak up for the District of Columbia, she, who comes from what is known as a territory, the Virgin Islands—isn't it interesting—and I know she must understand it—that the Virgin Islands does not have to submit a budget to the Congress of the United States. I never have had to debate the gentlewoman's budget here. I have never had to debate the gentlewoman's legislation here.

There is a unique denial here in the District of Columbia. That is one reason it is so roundly resented.

Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. CUMMINGS), my good friend, the ranking member of the Oversight and Government Reform Committee.

Mr. CUMMINGS. I thank the gentlewoman for yielding.

Mr. Speaker, I strongly oppose this bill, which would repeal the District of Columbia's Local Budget Autonomy Act and prohibit D.C. from passing such laws in the future.

I do not believe there is a Member of Congress who would stand for the Federal Government dictating the local budget of a city in his or her district, and D.C. should be treated no differently.

Granting D.C. local budget autonomy is not only the right thing to do, it would also have significant financial benefits for the District, such as lowering borrowing costs.

It would also mean an end to the threat of a cutoff of D.C. municipal services in the event of a Federal Government shutdown.

I also want to express my disappointment that some Members have threatened jail for D.C. employees who implement the Autonomy Act. The threat is backwards. The only court ruling in effect on this law upheld it and ordered all District employees to implement it.

House Republicans have taken a regrettable turn in their approach to D.C. home rule. The last four chairmen of the Oversight and Government Reform Committee, including Republicans Tom Davis and DARRELL ISSA, sought to give the District more home rule and more budget autonomy, not less.

Yet, in this Congress, the Oversight and Government Reform Committee has passed legislation to overturn a District law that prohibits employment discriminating based on reproductive health decisions and launched an investigation into the District's marijuana legalization initiative. This bill is not only unprincipled. It is simply bad policy.

The former counsel for the District of Columbia Committee and the majority's own hearing witness said this: ''It is the duly elected representatives for the citizens of the District of Columbia who should determine how taxpayer money is spent.''

We hear a lot of rhetoric about devolving authority to local governments. Yet, this bill tramples on local government and the will of their local citizens.

Mr. Speaker, I urge Members to reject this bill.

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

I want to be clear about my motives and intentions. I find it curious when other Members try to prescribe my feelings and my approach to this issue.

It is my belief, and support of this legislation is based on the Constitution. It is that simple to me. Article I, section 8, clause 17, says: ''To exercise exclusive Legislation in all Cases whatsoever, over such District,'' and it continues on.

The District of Columbia is more than just a local jurisdiction. It is more than just a local city. It is our Nation's Capital.

I think what the founders were intending to do was to understand and allow participation for Members all over this country in the affairs of the city. That was the intention, and that is what is in the Constitution.

Don't be confused or misled or allow anybody else to prescribe my motives and my motivation, my belief, in the District of Columbia because it is rooted, first and foremost, in the Constitution.

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

Ms. NORTON. Mr. Speaker, how much time remains on both sides, please?

The SPEAKER pro tempore. The gentlewoman from the District of Columbia has 2 minutes remaining. The gentleman from Utah has 13 minutes remaining.

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

Just as lawyers have disagreed about whether or not the District could proceed with budget autonomy, lawyers have disagreed from the beginning of our Nation on what the Constitution says.

I would take at his word what James Madison said in speaking of the District of Columbia: ''A municipal legislature for local purposes, derived from their own suffrages, will of course be allowed to them.''

That is what, according to Madison, the Constitution said.

Now, my friends have cited all manner of lawyers and their own views on whether this matter is legal or constitutional. They have even cited the interpretation of staff who helped draft the Home Rule Act.

Well, we stand this afternoon on the only authoritative opinion, the opinion of the Superior Court and its court order. And I leave with you that order.

Ordered that all members of the Council of the District of Columbia, Mayor Muriel E. Bowser, Chief Financial Officer, Jeffrey S. DeWitt, their successors in office, and all officers, agents, servants, employees, and all persons in active concert or participation with the Government of the District of Columbia shall forthwith enforce all provisions of the Local Budget Autonomy Act of 2012.

That is the law. Respect the rule of law.

Mr. Speaker, I yield back the balance of my time.

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

Mr. Speaker, I stand in support of H.R. 5233. I am proud of the fact that, in the Oversight and Government Reform Committee, we had a hearing, we had a proper markup, and we are bringing it here to the floor today for all Members to vote on.

I would urge my colleagues to adhere to the Constitution. Do what the Constitution says and support the bill, H.R. 5233.

I want to thank again Mr. MEADOWS for his work and leadership on this and getting us to this point. I urge its passage.

Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS. Mr. Speaker, I rise today in strong opposition to H.R. 5233, the Clarifying Congressional Intent in Providing for DC Home Rule Act of 2016.

The legislation seeks to overturn a local statute in Washington, D.C., the Local Budget Autonomy Amendment Act of 2012, a measure that was passed by the Washington, D.C.

City Council, approved by the Mayor, and subsequently ratified by D.C. voters by ballot initiative with an overwhelming 83 percent of the vote.

The Local Budget Autonomy Amendment Act of 2012, the BAA, gave the District of Columbia authority to determine its own budget without getting approval from Congress. H.R. 5233 removes this authority and prohibits D.C. from passing any budget autonomy legislation in the future.

Washington, D.C. voters want budget autonomy. Washington D.C. voters deserve budget autonomy. They have already voted for it, passed it, and ratified it. When it was challenged by the Government Accountability Office (GAO), the U.S. Court of Appeals for the District of Columbia Circuit and the D.C. Superior Court upheld its validity. This should be a done deal.

But instead of focusing on the critical issues facing this body—passing a budget for instance, which we were required by law to do last month—the House of Representatives has decided to focus on this.

I remind those here today and watching at home that Washington D.C. is a Federal District. Congress maintains the power to overturn laws approved by the D.C. Council and can vote to impose laws on the district, as it is trying to do right with this particular measure. Washington D.C.'s Delegate to the House of Representatives, my good friend ELEANOR HOLMES NORTON, who has served in this body for 24 years, is not permitted to vote on final passage of any legislation, let alone legislation directly intended to govern the jurisdiction which she was elected to serve.

Congresswoman NORTON described the measure in question as "the most significant abuse of congressional authority over the District of Columbia since passage of the Home Rule Act in 1973."

One might hope that Congress would consider the wishes of the sole Representative of Washington, D.C. and the nearly 700,000 residents of the District. But, as we see today, that simply isn't the case.

Congress is currently undergoing its own appropriations process, and I need not remind everyone here that Republicans haven't even passed a budget. We have missed deadline after deadline and are now moving ahead without setting a budget at all. How can anyone tell me that the District of Columbia should yield to the budgetary wisdom of the House Majority when they can't even get their own act together to pass a budget?

The issue of Home Rule has come up before in this body. In recent years, House Republicans have challenged the District of Columbia on issues ranging from the legalization of marijuana, access to reproductive health care, and charter schools, in all three instances forcing their will over the desires of the residents of D.C. This needs to stop.

Given the numerous pressing and time-sensitive matters facing this body, I can't help but feel bewildered as to why we are spending our time on this measure. What is more confusing is our current efforts to undo a measure that was passed by an overwhelming majority of D.C. residents and subsequently upheld in the courts.

Meanwhile, Republicans continue to ignore our nation's crumbling infrastructure, income inequality, the need for jobs, immigration reform, and sensible gun control, not to mention the Federal budget, yet we are debating a measure that would further roll-back the clock on the rights of D.C. residents. Where are our priorities?

Let me put it another way—why should Congressional dysfunction keep the District government from using tax revenues paid by District residents to pick up trash? Why should Congressional dysfunction keep the District from spending its own money on its own priorities?

I will note that Representatives Tom Davis and DARRELL ISSA, both members of the Majority and former Chairmen of the House Committee on Oversight and Government Reform each supported the idea of budget autonomy for Washington, D.C.

Budget autonomy means lower borrowing costs and more accurate revenue and expenditure forecasts. It means improved government operations and removing the threat of government shutdown for Washington, D.C.'s local government. It means streamlining Congressional operations. Most importantly, it means giving residents of Washington, D.C., the right to make decisions for themselves.

These are all things we should all be overwhelmingly support of. We should move on and focus on the real issues before us. It is past time for Congress to get out of the way of the will of the residents of D.C.

Ms. NORTON. Mr. Speaker, I submit the following:

MAY 25, 2016.

Hon. MITCH MCCONNELL,
Majority Leader, U.S. Senate.
Hon. PAUL RYAN,
Speaker, House of Representatives.
Hon. HARRY REID,
Democratic Leader, U.S. Senate.
Hon. NANCY PELOSI,
Democratic Leader, House of Representatives.

DEAR MAJORITY LEADER MCCONNELL, DEMOCRATIC LEADER REID, SPEAKER RYAN, AND DEMOCRATIC LEADER PELOSI: This week, the House of Representatives is voting on H.R. 5233, the Clarifying Congressional Intent in Providing for DC Home Rule Act of 2016. I strongly oppose this legislation as well as any effort to overturn the District of Columbia's budget autonomy law with a rider to any appropriations bill.

Budget autonomy was approved by the voters and upheld in the courts. I have proposed our 21st consecutive balanced budget in accordance with the prevailing law and I expect the Council of the District of Columbia to do the same. As is the case with all DC laws, the approved 2017 DC budget will be submitted to Congress for passive review. The American people expect their congressional representatives to focus on the issues affecting our nation—safety and security, fair wages, and growing the middle class—not on the local budget of DC.

The District has a strong track record of administering our government finances responsibly. We have passed and implemented a balanced budget every year for the last 21 years and our General Fund balance—which currently stands at $2.17 billion—is the envy of other jurisdictions. Our bond rating is AA by S&P and Fitch and Aa1 by Moody's as a result of the District's strong, institutionalized and disciplined financial management and long track record of balanced budgets and clean audits. Our debt obligations remain within the 12 percent limit of total General Fund expenditures and the District's pension and Other Post-Employment Benefit Plan (OPEB) remain well-funded.

The vast majority of the District of Columbia's budget is locally-generated revenue (such as property and sales taxes) or federal grant funds received in the same manner as any other state. In fact, the vast majority of our $13.4 billion budget is raised locally. In recent years, only about one percent, or about $130 million, has been a direct federal payment to the District, and that amount remains subject to active appropriation by Congress. About 25 percent of our budget, or $3.3 billion, is federal grants and Medicaid payments that are made to every other state.

The District of Columbia operates as a state, county, and city, administering federal block grant programs, health and human services programs, transportation infrastructure, homeland security services, and other governmental duties typically overseen by governors. It is time that Congress recognizes the District's financial maturity and responsibility and allows us to approve our own budget without first seeking a congressional appropriation.

Budget autonomy also supports good government by helping the District of Columbia plan its finances more efficiently. For instance, tying our budgeting process to the congressional appropriations process requires us to rely on outdated revenue and uncertain expenditure projections, which in turn results in more uncertainty and budget reprogramming. Also, Congress has not completed its appropriations process on time since 1996. Without budget autonomy, each time congressional appropriations are delayed, the finalization of the District's budget is also delayed. If the District cannot spend its own locally-raised revenue (as occurred in 2013) by the start of the fiscal year, the operations of the District and the well-being of its residents are put at risk. Budget autonomy relieves us of this inefficiency and uncertainty.

Budget autonomy will also improve our already excellent bond ratings. The rating agencies are keenly interested in predictability. Tying the District's budget to the congressional appropriations process hurts our credit rating which unjustly punishes District taxpayers who have no voting representation in either the U.S. House of Representatives or the U.S. Senate.

Further, it is important to note that budget autonomy does not exclude Congress from the District's budget approval process. Each annual budget for the District of Columbia will be submitted to Congress for a 30-day period of review under the Home Rule Act. During that time period (and, for that matter, even after that time period), Congress is able to reject the District's budget or modify it as Congress sees fit. Budget autonomy does not mean that Congress no longer has a say in the District's budget. It just means that we have a more efficient and productive way of passing our budget and thus a more efficient and productive way to serve the residents, visitors, and businesses in the District.

With the move to pass H.R. 5233, Congress is unnecessarily restricting local government control and further denying democracy to the residents of the District of Columbia. I ask for your support in putting aside any attempts to overturn local control of our budget and our ability to operate our government more efficiently.

Sincerely,

MURIEL BOWSER,
Mayor.

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA CIVIL DIVISION

Council of the District of Columbia, Plaintiff, and Muriel E. Bowser, in her official capacity as Mayor of the District of Columbia, Intervenor-Plaintiff, v. Jeffrey S. DeWitt, in

his official capacity as Chief Financial Officer of the District of Columbia, Defendant.

Case No. 2014 CA 2371 B, Calendar 12, Judge Brian F. Holeman.

ORDER OF JUDGMENT

Upon consideration of the Omnibus Order of March 18, 2016, it is on this 18th day of March 2016, hereby

ORDERED, that Judgment is entered in favor of Plaintiff Council of the District of Columbia and Intervenor-Plaintiff Muriel E. Bowser, in her official capacity as Mayor of the District of Columbia and against Defendant Jeffrey S. DeWitt, in his official capacity as Chief Financial Officer of the District of Columbia; and it is further

ORDERED, that all members of the Council of the District of Columbia, Mayor Muriel E. Bowser, Chief Financial Officer Jeffrey S. DeWitt, their successors in office, and all officers, agents, servants, employees, and all persons in active concert or participation with the Government of the District of Columbia SHALL FORTHWITH enforce all provisions of the Local Budget Autonomy Act of 2012.

BRIAN F. HOLEMAN,
Judge.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 744, the previous question is ordered on the bill.

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. CONNOLLY. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CONNOLLY. I am in its current form.

Mr. MEADOWS. Mr. Speaker, I reserve a point of order.

The SPEAKER pro tempore. A point of order is reserved.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Connolly moves to recommit the bill H.R. 5233 to the Committee on Oversight and Government Reform with instructions to report the same back to the House forthwith with the following amendment:

In section 2 of the bill—

(1) strike ''Effective with respect to fiscal year 2013'' and insert ''(a) REPEAL.—Except as provided in subsection (b), effective with respect to fiscal year 2013''; and

(2) add at the end the following new subsection:

(b) EXCEPTION FOR USE OF LOCAL FUNDS TO PREVENT AND TREAT ZIKA.—The Local Budget Autonomy Amendment Act of 2012, together with any applicable provision of law amended or repealed by such Act, shall remain in effect with respect to the use of local funds by the District of Columbia government to prevent and treat the Zika virus.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia is recognized for 5 minutes in support of his motion.

Mr. CONNOLLY. Mr. Speaker, I have listened with great, rapt attention this afternoon to my friends, Mr. CHAFFETZ and Mr. MEADOWS, who have gone on eloquently about protecting the Constitution of the United States at, of course, the collateral expense of the people of the District of Columbia.

They cite the Constitution as if the Constitution and the Founders who wrote it were fully cognizant of the evolution that was going to take place in the District of Columbia when we know, as a historical fact, the Constitution was actually written before there was a District of Columbia, let alone almost 700,000 American citizens still denied voting representation in this body today.

In fact, that very Constitution my friends cite protected slavery, decided that certain people of color were only worth three-fifths of the normal mortal, but allowed the South to count them for the purposes of representation in this body.

The same Constitution. We changed it. We took cognizance of changes in reality. The fact that you exercise your will over an entire city just because you can does not make it right or noble.

In fact, if we follow the logic of my friends on the other side of the aisle, why not just take over the day-to-day mechanics of running the government of the city?

So let's do rezoning. Let's do emergency preparedness. Let's run the police department. Let's run the EMT and the fire department. Let's take over mental health facilities and human services.

Why go only halfway? Why go only halfway? I am curious. What is it about the budget that is so sacred? All the rest you are going to let go.

This final amendment, Mr. Speaker, will preserve a small modicum of the District's control over local taxpayer dollars to prevent and treat the emerging threat of Zika. If adopted, we can move to immediate final passage of the bill.

Although we may disagree—and do—on the underlying purpose of the bill, surely we can agree on the seriousness of the Zika threat. There have already been 4 reported cases of travel-associated Zika here in the District, 15 in the Commonwealth of Virginia, my home State, and 17 in Maryland.

It may seem foreign to some of my colleagues on the other side of the aisle, but in the National Capital Region, the two States, D.C., and the region's local governments actually have a rich tradition of working together, including in public health.

Working through the Council of Governments, which I used to chair, our local and State partners regularly come together. The District of Columbia needs to be a full partner in those regional efforts so that it cannot be placed in a position of having to come to Congress to actually ask for permission before spending its own local dollars on Zika prevention and education.

□ 1645

I might add, it is not just the people of the District of Columbia who will be at risk if we are not addressing Zika in an efficacious way; it is the 12 million constituents, the people my friend from North Carolina (Mr. MEADOWS) represents and that I represent who come to this city every year to visit the Nation's Capital. Will we protect them? Or will we dither here in Congress?

There is irony in that, isn't there? Because we can't get our own budget together. We can't pass our own appropriations bills, but we are going to second-guess the local government here in the District of Columbia because somehow we do it better? I don't think there is a neutral observer who would conclude that.

But we are going to do it cloaked in the respectability of a constitutional argument that is, I believe, false and antiquated—not because the Constitution is antiquated, but because what was known in the late 18th century at the time of the writing of the Constitution is different today.

Are we going to return to the plantation mentality Congress used to have with respect to the District of Columbia? Or are we actually going to act on principle here, not ideology? We are not going to fire up our base or the right-wing radio talk show hosts. We are actually going to do the right thing—the right thing for 700,000 fellow citizens—and let them have an ounce of decency with respect to their own self-determination.

Mr. Speaker, I yield back the balance of my time.

Mr. MEADOWS. Mr. Speaker, I withdraw my reservation of a point of order.

The SPEAKER pro tempore. The reservation of the point of order is withdrawn.

Mr. MEADOWS. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from North Carolina is recognized for 5 minutes.

Mr. MEADOWS. Mr. Speaker, my friend opposite—and I say that in the most authentic and complete terms because, indeed, the gentleman is my friend—raises a point of debate about the Constitution and the fact that explicitly in the Constitution, our Founding Fathers reserved this particular authority in Article I, section 8, clause 17, which shows the wisdom of our Founding Fathers to anticipate what, indeed, we are debating here today.

For many of the other arguments that my good friend has made in terms of what we need to change, there is the appropriate place for those changes to be made, and that is exactly what this debate has been about. It is about the rule of law; it is about the Constitution; and it is about this institution being the proper place to make those determinations on behalf of the will of We the People.

Now, the motion to recommit talks about Zika funding. And I might remind the gentleman that, indeed, in this very body within the last few days,

we have already passed funding to address the Zika virus' potential healthcare concern; and, indeed, this is the correct body for us to do that. It is not the District of Columbia or any other municipality across the country. It is, indeed, this body, the role for this particular body that has been reserved constitutionally; and it has been that way since the very founding of this great country we all call home.

I would also add that, as we start to look at this, the debate has been over local control. And when we start to see the debate that continues to play out, this particular issue was reserved in the Constitution, and it was solely that of Congress to have all legislative power over the District.

Now, is that somehow inconsistent with the fact that we want to make sure that all control is local? It is not. Because as we look at that, we must, indeed, make sure that we stand up.

And I would ask all of my colleagues to look at the very foundation of who we are as an institution, as Members of Congress. To allow the Budget Autonomy Act to stand in place would not only usurp the authority—the congressional authority—that has been given to us in our Constitution but, indeed, it would undermine it for future Congresses to come.

So it is with great humility, but also with great passion, that I would urge my colleagues to defeat the motion to recommit, knowing that we have already addressed the particular funding requirement that the gentleman from Virginia brings up—defeat the motion to recommit, and support the underlying bill.

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 SPEAKER pro tempore. 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. CONNOLLY. 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 and the order of the House of today, this 15-minute vote on adoption of the motion to recommit will be followed by 5-minute votes on passage of the bill, if ordered; adoption of the motion to commit on S. 2012; and passage of S. 2012, if ordered.

The vote was taken by electronic device, and there were—yeas 179, nays 239, not voting 15, as follows:

[Roll No. 247]

YEAS—179

Adams
Aguilar
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Butterfield
Capps
Capuano
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
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
Jackson Lee
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
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
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)

NAYS—239

Abraham
Aderholt
Allen
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 (GA)
Collins (NY)
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Crenshaw
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
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
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
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
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
Scott, Austin
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—15

Bustos
Cárdenas
Castro (TX)
Fattah
Fincher
Granger
Hanna
Herrera Beutler
Jenkins (KS)
Mooney (WV)
O'Rourke
Rice (NY)
Speier
Takai
Yarmuth

□ 1711

Messrs. NEUGEBAUER and FITZPATRICK changed their vote from ''yea'' to ''nay.''

Messrs. VARGAS, COHEN, PRICE of North Carolina, and POCAN changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. BUSTOS. Mr. Speaker, on the Legislative Day of May 25, 2016, a series of votes was held. Had I been present for these rollcall votes, I would have cast the following vote:

Rollcall 247—I vote "yes."

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

Ms. NORTON. 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 240, noes 179, not voting 14, as follows:

[Roll No. 248]

AYES—240

Abraham
Aderholt
Allen
Amash
Amodei
Ashford
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 (GA)
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)
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
Guinta
Guthrie
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
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
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
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
Scott, Austin
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

NOES—179

Adams
Aguilar
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
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
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
Jackson Lee
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
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
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
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
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)

NOT VOTING—14

Cárdenas
Castro (TX)
Fattah
Fincher
Granger
Grothman
Hanna
Herrera Beutler
Jenkins (KS)
Mooney (WV)
O'Rourke
Rice (NY)
Takai
Yarmuth

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1717

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GROTHMAN. Mr. Speaker, on rollcall No. 248, I was in a very important meeting. Had I been present, I would have voted "yes."

ENERGY POLICY MODERNIZATION ACT OF 2016

The SPEAKER pro tempore. The unfinished business is the vote on the motion to commit on the bill (S. 2012) to provide for the modernization of the energy policy of the United States, and for other purposes, offered by the gentleman from California (Mr. PETERS), 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 commit.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 178, nays 239, not voting 16, as follows:

[Roll No. 249]

YEAS—178

Adams
Aguilar
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
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
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
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
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
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
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
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)

NAYS—239

Abraham
Aderholt
Allen
Amash
Amodei
Babin
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 (GA)
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)
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
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
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
Loudermilk
Love

Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
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
Scott, Austin
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—16

Barletta
Cárdenas
Castro (TX)
Fattah
Fincher
Granger
Hanna
Herrera Beutler
Jenkins (KS)
Kaptur
Mooney (WV)
O'Rourke
Rice (NY)
Scott, David
Takai
Yarmuth

□ 1723

So the motion to commit 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

Mr. McGOVERN. 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 241, noes 178, not voting 14, as follows:

[Roll No. 250]

AYES—241

Abraham
Aderholt
Allen
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
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Costa
Costello (PA)
Cramer
Crawford
Crenshaw
Cuellar
Culberson
Curbelo (FL)
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
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
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
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
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nolan
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
Rush
Russell
Salmon
Sanford
Scalise
Schrader
Schweikert
Scott, Austin
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)
Zinke

NOES—178

Adams
Aguilar
Amash
Bass
Beatty
Becerra
Bera
Beyer
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Carney
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
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Dold
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fitzpatrick
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
Jackson Lee
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
Massie
Matsui
McCollum
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Norcross
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
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
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Zeldin

NOT VOTING—14

Cárdenas
Castro (TX)
Fattah
Fincher
Granger
Hanna
Herrera Beutler
Jenkins (KS)
McDermott
Mooney (WV)
O'Rourke
Rice (NY)
Takai
Yarmuth

□ 1731

Mr. FRANKS of Arizona changed his vote from ''no'' to ''aye.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. RUSH. Mr. Speaker, during rollcall Vote No. 250 on S. 2012, I mistakenly recorded my vote as "yea" when I should have voted "nay."

REPORT ON H.R. 5325, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2017

Mr. GRAVES of Georgia, from the Committee on Appropriations, submitted a privileged report (Rept. No. 114–594) on the bill (H.R. 5325) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2017, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

MOTION TO GO TO CONFERENCE ON S. 2012, ENERGY POLICY MODERNIZATION ACT OF 2016

Mr. BARTON. Mr. Speaker, pursuant to House Resolution 744, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Barton moves that the House insist on its amendment to S. 2012 and request a conference with the Senate thereon.

The SPEAKER pro tempore. The gentleman from Texas (Mr. BARTON) is recognized for 1 hour.

Mr. BARTON. Mr. Speaker, I won't take nearly that much time.

This motion authorizes a conference on S. 2012. This is a bill that will update our national energy policy.

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

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BARTON).

The motion was agreed to.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT OFFERED BY MR. GRIJALVA

Mr. GRIJALVA. Mr. Speaker, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Grijalva moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the bill S. 2012 (an Act to provide for the modernization of the energy policy of the United States, and for other purposes) be instructed to insist on inclusion of section 5002 of S. 2012.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Utah (Mr. BISHOP) each will control 30 minutes.

The Chair recognizes the gentleman from Arizona (Mr. GRIJALVA).

Mr. GRIJALVA. Mr. Speaker, the Democratic motion would instruct House conferees to insist that section 5002 of S. 2012 be included in the final conference report on this energy package. Section 5002 of the Senate bill would permanently reauthorize the Land and Water Conservation Fund and make other minor changes to the program.

The Land and Water Conservation Fund Act of 1965 is based on a simple idea. If we are going to allow Big Oil to make huge profits from drilling off our coasts, then a small percentage of those profits should be set aside for parks and recreational opportunities onshore. The oil and gas on the Outer Continental Shelf belongs to all our constituents, so it is only right that all of our constituents should see the same benefit when Big Oil develops these resources.

Fifty years later, the program has been a huge success. More than $36 billion has accrued to the fund. Millions of acres have been conserved and projects have been funded in every State in the Union.

Meanwhile, the companies paying into the fund have become some of the most profitable multinational conglomerates in human history. Over the same five decades, States with large amounts of public land have developed robust tourism and recreation economies, with job and economic opportunities and a quality of life attractive enough to make them among the fastest growing communities in the country.

By investing and expanding recreational opportunities, Congress gets a significant return on its investment as outdoor recreation generates $646 billion in spending each year, supports 6.1 million jobs, and $39.9 billion in tax revenue.

The Land and Water Conservation Fund benefits people. It benefits the environment. It benefits companies and allows them to drill off our shores. It benefits the Federal budget. It benefits those mainly western States with lots of public land. It is a win-win-win.

Our colleagues in the Senate saw fit to include permanent reauthorization for LWCF in the Senate-passed energy bill, a bill which received overwhelming support, including most Republicans.

The Land and Water Conservation Fund is pretty popular here in the House as well. My legislation to permanently reauthorize the program, H.R. 1814, has 207 bipartisan cosponsors.

There is no doubt that many of the provisions in the House and Senate energy bills are controversial. It is, frankly, difficult to see a path toward a bipartisan conference report. In such a contentious conference situation, a provision reauthorizing a program as widely popular as LWCF would play a constructive role in moving toward consensus.

Section 5002 from the Senate bill should be absolutely included in the conference report.

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

I rise in opposition to the motion. I appreciate that this is a nonbinding resolution, so I have to appreciate the fact that—hopefully, I think I will be one of the conferees—the instructions tell me to do what I already can do.

At this time, we are looking at a program that does not necessarily fit with the goal of the rest of the bill. Look, everything that we are doing in this entire bill that we just passed was to support House-endorsed programs. This now asks us to do something that has never been endorsed by the House. In fact, it is quite the opposite.

So, when the Land and Water Conservation Fund was first established back in 1965, the goal was that 60 percent of all the revenue that is generated would go to local governments to build what they call the state assistance grant program. That program is widely popular. In fact, unfortunately, most people think that that 60 percent, as originally intended, is the entire Land and Water Conservation Fund.

The sad part is that, over the years, that 60 percent has dwindled away and is no longer a statutory mandate. It dwindled down to like 16 percent of all that money was going to those stateside widely popular programs to help local governments come up with recreation opportunities for their citizens. That part that everyone supports had dwindled from 60 down to 16 percent. The rest of the money went for the Federal Government to acquire more property.

Now, if you think about this rationally for a second, we are putting more money into the Federal Government to acquire more property when the Federal Government already has a $20 billion backlog in the maintenance of what we already have. Park Service alone has a $12 billion backlog in the maintenance of the programs we already have.

So what we are basically trying to do in this motion to instruct is to tell us to go in there and fight for money to go to a program to get more land when we can't actually manage what we want.

If the program was to go and say it would be mandatory for local governments to be able to pick and choose their recreation opportunity, then you have got something that makes sense, but that is not what the Senate has tried to do in their appropriations.

Now, last December, the House did vote on this issue when it reauthorized the Land and Water Conservation Fund for 3 more years. But what they did in that process is do, at least, the first step of the reform by saying, if you are going to do it for 3 more years, at least, at least as a minimum 50 percent has to go to the States, and then you can spend the other 50 percent for this quixotic effort to control all the land in America. But at least do that. Now, unfortunately, that, at least, is a reform to make the process better.

But this motion to instruct would tell us to even go back from that and would not even put that modest type of reform into the program. At the minimum, that should be the way. It should not be a process where we try and walk back from what we have already done. It should not be a process where we forget what the original intent of this program is. It should not be a process in which we add to the Federal estate when we can't manage what we already have. It should not be a process that basically has been abused from the intent of 1965.

So, with that, I appreciate the offer to instruct me to do what I can already do. I appreciate that this is still nonbinding. It is a nice concept, nice spirit. There is a better way. We did a better way before. We can come up with a better way now.

Mr. Speaker, I have no other speakers. Let's move this stuff along as quickly as we can. I already said what we are supposed to do.

If we are really serious about these instructions, let's do an instruction that actually moves us forward. I know that they are still just simply nonbinding issues. It is kind of cute, but it doesn't move the body forward and it certainly does not support House-backed positions.

I yield back the balance of my time.

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

Some of the claims that the Land and Water Conservation Fund is some kind of a slush fund are completely false. All LWCF expenditures are approved by Congress through the appropriations process. The proposed land acquisitions are developed over many years after a public land management

planning process. This is a far more responsible and transparent process than many Federal expenditures, and it is opposite of a slush fund.

The allegation that the Land and Water Conservation Fund has drifted from its original intent is also false. The purpose of the program is to provide balance. As we allow oil companies to reap massive profits from Federal oil reserves, we should set some of the revenue aside for conservation purposes, and that is still what LWCF does today.

Funding for State matching grants has fluctuated over the years, but that is not a drift. That is the result of previous Congress' appropriations decisions, many of which were made during Republican Congresses.

□ 1745

The truth is, LWCF is under attack precisely because for 50 years it has not drifted from its conservation goals. We do not need to rob LWCF in order to pay the maintenance costs. Federal land management agencies have maintenance backlogs because Congress refuses to give them the funding they deserve and need. Any Member concerned about backlogged maintenance should contact the Committee on Appropriations immediately and express support for an increase in maintenance budgets. You can do this without gutting LWCF.

Finally, LWCF is not a Federal land grab. At least 40 percent of LWCF money goes to States in the form of matching grants. The Federal funding is targeted at in-holdings, already surrounded by Federal land. Acquiring an in-holding does not increase the size of the Federal footprint. Buying in-holdings can provide access to parcels that are closed because there is no public access route. These purchases are from willing sellers. These are people who want to sell their land.

Those who oppose this motion to instruct or oppose LWCF are part of a larger campaign to hand over all remaining open space to private development. Oil and gas companies, mining conglomerates, timber companies, real estate developers, and large scale agribusinesses would love to get their hands on the open space in the West. Some in Congress want to help them, and they see LWCF standing in the way because it conserves open space for public and not private use.

Congress should reauthorize and strengthen this program. We face more habitat fragmentation, greater urban sprawl, and more severe climate change than ever before. It is time to double down on the promise of the Land and Water Conservation Fund, not fold so developers can cash out.

The energy bill is the place to do that, and I urge the adoption of the motion to instruct.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct.

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

Mr. GRIJALVA. 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.

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 include extraneous material on the further consideration of H.R. 5055, and that I may include tabular material on the same.

The SPEAKER pro tempore. 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 further consideration of the bill, H.R. 5055.

Will the gentleman from Illinois (Mr. HULTGREN) kindly take the chair.

□ 1849

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 further 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 Mr. HULTGREN (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, an amendment offered by the gentleman from Colorado (Mr. POLIS) had been disposed of, and the bill had been read through page 80, line 12.

VACATING DEMAND FOR RECORDED VOTE ON AMENDMENT OFFERED BY MR. WELCH

Ms. KAPTUR. Mr. Chair, I ask unanimous consent that the request for a recorded vote on the amendment offered by the gentleman from Vermont (Mr. WELCH) be withdrawn to the end that the Chair put the question de novo.

The Acting CHAIR. The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The Acting CHAIR. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Vermont (Mr. WELCH).

The amendment was rejected.

AMENDMENT NO. 34 OFFERED BY MR. PITTENGER

Mr. PITTENGER. 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:

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.

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from North Carolina (Mr. PITTENGER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. PITTENGER. Mr. Chairman, I rise today in full support of this very critical amendment. The objective of this amendment is to prohibit the President of the United States from restricting funds to go to North Carolina.

The President's emissaries have stated through the Department of Transportation, Department of Education, Department of Justice, Department of Housing and Urban Development, and, yes, through Valerie Jarrett and through his press secretary, Josh Earnest, that funds should not be dispensed to North Carolina until North Carolina is coerced into complying with the legal beliefs of the President and his political views.

We believe that this is an egregious abuse of executive power and that the State of North Carolina should not be required to comply with the President's wishes. The President is not a monarch; he is not a dictator; he doesn't issue fiats. We are a constitutional divided government.

This amendment I am offering today stops the President from bullying States, stops the President from bullying North Carolina. What he seeks to do in North Carolina, he has sought to do around the country. He has sent letters to the Departments of Education in every State giving them guidelines. Already 11 States in the country have sued the Federal Government over the abuse of these egregious powers.

This is not a fight about a city ordinance with wording that was poorly edited or about a legislature. This is about a constitutional divided government. To that end, I would submit to our colleagues in the House of Representatives that it is critical that we address this and we rein in this President, who has time and again used his authority and abused his power; that we must submit to the President and to the will of the people that we are a country of the people, by the people, and for the people, and this is a constitutionally divided government.

I yield such time as he may consume to the gentleman from North Carolina (Mr. WALKER).

Mr. WALKER. Mr. Chairman, today I rise in support of this amendment.

President Obama and his administration are threatening to remove Federal funding to North Carolina's educators, law enforcement, and critical infrastructure as punishment for its passage of the Public Facilities Privacy & Security Act. This is despite the fact that this administration's lawsuit against North Carolina is still pending and unresolved. Simply put, our courts have not yet found North Carolina in violation of the law.

To punish or to threaten to punish North Carolina before our courts have properly ruled on the case violates our Constitution. It is for our courts, not President Obama, to adjudicate whether someone has violated the law.

Further, our Nation was founded on the strength of diverse values. During this time of heated rhetoric, we must focus on maintaining a civil society where the government does not punish people for what they believe, but allows an open discourse to all where all are free to follow their beliefs.

This is why this amendment is necessary—to protect North Carolinians from President Obama's executive overreach and maintain our constitutional system.

Mr. PITTENGER. Mr. Chairman, I submit to my colleagues in the House of Representatives that now is the time that we must stand. We cannot allow the President of the United States to continue to bully. We must wait on the adjudication by this court action with the Department of Justice. We must wait and allow the people to decide and make these determinations through its constitutionally divided government.

I thank my colleagues, and I thank Mr. SIMPSON for his leadership on this bill.

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

PARLIAMENTARY INQUIRY

Ms. KAPTUR. Mr. Chairman, I have a parliamentary inquiry.

The Acting CHAIR. The gentlewoman will state her parliamentary inquiry.

Ms. KAPTUR. Mr. Chairman, I would like to assure the Members that the following amendment is the one that we are debating: ''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.''

Is this the amendment that the gentleman is offering?

The Acting CHAIR. Amendment No. 34, as printed in the CONGRESSIONAL RECORD, is pending.

Ms. KAPTUR. Okay. I thank the Chair so very much. In such case, I 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 rise in strong opposition to this amendment which ties the hands of several departments—certainly the Department of Energy, the Army Corps of Engineers, the Bureau of Reclamation, all of our independent agencies that are contained in the bill, like Denali and Northern Border—from making responsible financial decisions and basic oversight of Federal dollars going into North Carolina.

I find it interesting that my colleagues on the other side of the aisle support this amendment, as they normally are such strong supporters of fiscal responsibility and government accountability and fiscal oversight. Prohibiting the Federal Government from being able to withhold or revoke funding in a particular State would abandon that principle.

How do we know that contractors are meeting their obligations? How do we know that criminal activity is not occurring inside the State of North Carolina related to Federal expenditures in that State?

If this amendment were accepted, the Department of Energy, the Army Corps of Engineers—these are huge contracting departments—would be prohibited from conducting investigations of performance issues related to contracts or financial assistance awards. The departments could not terminate financial assistance agreements for material noncompliance.

I don't think that the gentleman wishes to promote irresponsibility, but I think that is what his amendment actually does. If an award winner wanted to terminate their relationship with one of the departments or agencies under our bill for whatever reason, the Federal Government could not accept that termination. This throws a wrench into every Federal project inside of your State. I don't think the gentleman really wants to do that.

If an organization which receives funding, for example, from the Department of Energy commits fraud, the Department of Energy has no recourse. They can't report on the performance of the organization because it could prevent them from winning future awards.

I can think of no greater irresponsible or unjust system than building on restrictions that deny the American people a proper functioning oversight by the Federal Government, including the literally billions of dollars that go into the State of North Carolina. Those don't only come from our committee or our subcommittee, but they are significant.

I must oppose this amendment. I urge my colleagues to vote ''no.''

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

Mr. PITTENGER. Mr. Chairman, I yield such time as he may consume to the gentleman from Idaho (Mr. SIMPSON).

□ 1800

Mr. SIMPSON. I thank the gentleman for yielding.

I actually support this amendment, and I don't think it was as drastic as was just characterized by the ranking member. The fact is you can still have oversight; you can still do what is necessary to make sure that contractors at various sites are doing their job; it doesn't mean that you just have to pay them no matter what.

The reality is that this administration, as we all know, is using its pen and phone to execute executive orders, and they are punishing the State of North Carolina because they don't like something that North Carolina did. It is in a court. And the Federal Government should not have the ability to come in and prejudge the outcome of that determination by the court by withholding funds from the State of North Carolina simply because it doesn't like what North Carolina did.

So this is a good amendment, and I compliment the gentleman for bringing it forward.

We have got numerous provisions in this bill to stop the administration and their efforts to impose policies without regard to current law or the support of the Congress. I compliment the gentleman.

Mr. PITTENGER. Mr. Chairman, I submit this is a good amendment. I do believe that what we do with this amendment is prevent the egregious abuse of power by our President and allow the adjudication of this process to be completed by the Justice Department.

I yield back the balance of my time.

The Acting CHAIR (Mr. LOUDERMILK). The gentleman will avoid inappropriate references to the President.

Ms. KAPTUR. Mr. Chair, may I inquire how much time I have remaining, please?

The Acting CHAIR. The gentlewoman from Ohio has 2 minutes remaining.

Ms. KAPTUR. Mr. Chair, I hate to disagree with the chairman of our subcommittee. But let me just say that the amendment actually reads: ''None of the funds made available by this act may be used to revoke funding previously awarded.''

''None of the funds.'' That means there can be no oversight. If criminal activity is occurring, none of the funds may be used to revoke funding previously awarded.

What kind of an amendment is this? This is a very irresponsible amendment, and it shouldn't be on this bill. If the gentleman has got some problem down there he wants to solve, we will be happy to work with him on that on. But I think to tie the hands of our government in making sure that every taxpayer dollar is properly managed and has oversight is really wrongheaded.

Again, I urge my colleagues to vote ''no'' on the Pittenger 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 North Carolina (Mr. PITTENGER).

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 North Carolina will be postponed.

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 by the Bureau of Reclamation to issue a permit for California WaterFix or, with respect to California WaterFix, to provide for compliance under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) or section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536).

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, I yield myself such time as I may consume.

About an hour ago, this House of Representatives kicked off a new quarter in the ongoing California water war. This House passed a piece of legislation that will ultimately gut the Endangered Species Act; the Clean Water Act; the biological opinions protecting salmon and smelt; the health of the largest estuary on the West Coast of the Western Hemisphere, the San Francisco Bay; and salmon up and down the Pacific Coast.

This amendment is designed to stop the ultimate threat to the California Sacramento-San Joaquin Delta and San Francisco Bay. The ultimate threat is the twin tunnels that are being proposed by the Brown administration, tunnels that are sized at 15,000-cubic-feet-per-second capacity, tunnels that have the capability to take half or take all of the water out of the Sacramento River.

Six months of the year, the Sacramento River flows somewhere between 12,000 and 18,000 cubic feet per second. These tunnels, if ever built, will be capable of literally sucking the Sacramento River dry and destroying the largest estuary on the West Coast of the Western Hemisphere.

This amendment is designed to protect the delta by denying the State of California the opportunity to use the Federal Government to build such a destructive system. We don't need that system.

There are solutions to the delta problem. There are solutions that are capable of addressing the water issues of California. They have been proposed for many, many years. But this particular proposal that has been on the books for, now, nearly half a decade is the ultimate vampire ditch that will suck the Sacramento River dry and destroy the largest estuary on the West Coast of the Western Hemisphere. It is not needed. It is, at a minimum, a $15 billion boondoggle that will not create 1 gallon of new water. It will only destroy. It will be the ultimate death.

Some day, what was proved here in the House of Representatives not more than an hour ago, some day the votes will be there both in the House of Representatives and in the Senate and a bill will be sent to the President that will not be able to be vetoed. We will see the death of the largest estuary, the most important estuary on the West Coast of the Western Hemisphere from Alaska to Chile. There is no other place like this.

The solutions are known. They have been proposed. They have been out there. Build the infrastructure.

I have introduced a bill that would provide the Federal Government to work with the State government, in proposition 1 at the State level, to bring into harmony reservoirs, underground aquifers, conservation, recycling, desalinization, community water supplies.

It is in the legislation. It is available to us today. All of that, without destroying the delta and also operating it in such a manner that we let science determine what to do—not legislation, not legislation here, not the desire of the Governor of California, but, rather, science.

Where are the fish? Are they going to be harmed? Ramp the pumps down. If they are not going to be harmed, then turn the pumps on—very simple. But the solution that passed the House today doesn't do that. Oh, it gives some bypassing words to the Endangered Species Act, to the biological opinions. But, in reality, what it does, it says turn the dam pumps on anyway. Let them rip. Let them destroy the delta.

This bill speaks to the second threat to the delta—not the legislation that was passed today, but the issue that is before the California voters in November, the issue that is before the California Legislature and others today—and that issue is: Should the tunnels be built?

The tunnels must never be built. They must never be built because they are the ultimate existential threat to the delta. With their size, 15,000 cubic feet per second, they are perfectly capable of taking all of the water out of the Sacramento River half of the year. Don't ever build something that is so destructive.

Mr. Chairman, I yield back the balance of my time.

Mr. VALADAO. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. VALADAO. Mr. Chairman, I really wish on this floor that there was a requirement that we had to tell the whole truth and nothing but the truth.

Mr. Chairman, the amendment that is being offered here, there is a huge exaggeration that is going on now. There were periods this past year alone, just in the last few months, that there were 150,000 cubic feet per second flowing through that delta.

Now, these tunnels, I do not believe are the ultimate solution for the delta and for the valley, but I do believe that taking more options off the table and an option that, actually, the Governor of California—a close friend of the person that offered this amendment—does support, and making sure that we have an honest debate as we go forward to solve the problems of the delta, that we have to have all options on the table.

I have looked for every opportunity to have an honest dialogue across the aisle. We have had those conversations. Those who were in the room with us walked away and told the press they never existed or were never a part of them. Now they are coming back and asking for those same private conversations again, and we are not going to play that game anymore. We want to make sure we have an honest dialogue.

In conference, as this bill moves forward and as long as language is there, we have the opportunity to have that dialogue and keep those options on the table that the Governor of California actually supports. Anybody who supports this amendment is actually closing more opportunities for us to have that open dialogue, so I rise in opposition to this.

I yield such time as he may consume to the gentleman from California (Mr. CALVERT), the chairman.

Mr. CALVERT. Mr. Chair, here we go. This last winter, as the gentleman pointed out, actually upwards of 200,000 cubic feet per second were moving through the delta. On days like that, we were pumping 2,300 cubic feet per second at the pumps.

Now, the Governor believes—and many believe—that the solution, because they were afraid it was going to reverse flow, the delta, when 200,000 cubic feet are moving through the delta, is to build these tunnels. And now, if these tunnels are built, we are saying we are going to suck dry the Sacramento River. Come on. That couldn't happen. We can't even pump up to the biological opinion.

We are not talking about eviscerating the Endangered Species Act. We are talking about pumping water up to the biological opinion of 5,000 cubic feet per second. We all know that those pumps are capable of pumping up to 11,000 cubic feet per second. They couldn't even pump 15,000 cubic feet per second, because they can only go up to 11,000 cubic feet.

Saying that, this is a solution that is on the table. It has been thought out. It costs a lot of money. I know there are some questions that have to be answered. But the solution that the gentleman keeps bringing up is a solution that nobody can agree to.

So we are doing the best we can in the majority to make sure that we

have water for the people in the Central Valley—and, by the way, for southern California, where our economy is suffering because of this; certainly, the Central Valley is suffering because of this—and to come up with solutions that can work.

Mr. VALADAO. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman from California has 1½ minutes remaining.

Mr. VALADAO. Mr. Chairman, again, I have to rise in opposition to this. I think we have to have an open dialogue on water legislation going forward, and it obviously needs to be transparent and open for the world to see.

We have tried working quietly with some folks and, obviously, that didn't produce anything. This is the next best option: having that option to have an open dialogue with all options on the table. We already have the option that is being performed today, where my district is suffering, unemployment is through the roof, and people are truly suffering, and that needs to be fixed.

We are asking for a simple solution to this. Legislation has been introduced. It has been part of a couple pieces of legislation now. I think it is a very reasonable request, and I strongly recommend a ''no'' 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 California (Mr. GARAMENDI).

The amendment was rejected.

□ 1815

AMENDMENT OFFERED BY MR. GOSAR

Mr. GOSAR. 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 prepare, propose, or promulgate any regulation or guidance that references or relies on 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).

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 today to offer a commonsense amendment that will protect American jobs and our economy by prohibiting funds from being used to implement the Obama administration's flawed social cost of carbon valuation.

This job killing and unlawful guidance sneakily attempts to pave the way for cap-and-trade-like mandates. Congress and the American people have repeatedly rejected cap-and-trade proposals.

Knowing that he can't lawfully enact a carbon tax plan, President Obama is attempting to circumvent Congress by playing loose and fast with the Clean Air Act and unilaterally implementing this unlawful new requirement under the guise of guidance.

The committee was wise to raise concern about the administration's abuse of the social cost of carbon valuation in the report. My amendment explicitly prohibits funds from being used to implement this deeply flawed guidance in the bill text.

The House voted in favor of similar measures to reject the social cost of carbon four times last Congress and multiple times over the past couple of years.

Roger Martella, a self-described, lifelong environmentalist and career environmental lawyer, testified at the May 2015 House Natural Resources Committee hearing on the revised guidance and the flaws associated with the social cost of carbon model, stating that the social cost of carbon estimates suffer from a number of significant flaws that should exclude them from the NEPA process.

Among these flaws are:

One: The projected costs of carbon emissions can be manipulated by changing key parameters, such as timeframes, discount rates, and other values that have no relation to a given project undergoing review.

Two: OMB and other Federal agencies developed the draft social cost of carbon estimates without any known peer review or opportunity for public comment during the developmental process.

Three: OMB's draft social cost of carbon estimates are based primarily on global rather than domestic costs and benefits.

Four: There is still considerable uncertainty in many of the assumptions and data elements used to create the draft social cost of carbon estimates, such as the damage functions and the modeled time horizons.

Mr. Martella's testimony was spot on. Congress, not Washington bureaucrats, at the behest of the President should dictate our country's climate change policy.

The sweeping changes that the White House is utilizing did not go through the normal regulatory process, and there was no public comment.

Unfortunately, this administration just doesn't get it and continues to try to circumvent Congress to impose an extremist environmental agenda that is not based on the best available science.

Worse yet, the model utilized to predict the social cost of carbon can be easily manipulated to arrive at the desired outcome.

For instance, the administration recently attempted to justify the EPA's methane rule using the social cost of carbon. Using this flawed metric, they claim that the EPA's methane rule will yield climate benefits of $690 million in 2025 and that those benefits will outweigh the $530 million that the rule will cost businesses and job creators that year alone.

Clearly, the social cost of carbon is the administration's latest unconstitutional tool to deceive the American people and to enact job-killing regulations.

The House voted in favor of similar measures to reject the social cost of carbon four times last Congress and multiple times over the last couple of years.

This amendment is supported by the Americans for Limited Government, Americans for Tax Reform, Arch Coal, the Council for Citizens Against Government Waste, FreedomWorks, the National Taxpayers Union, the Taxpayers Protection Alliance, and the Gila County Cattle Growers Association.

I ask that all Members join me once again in rejecting this flawed proposal and in protecting job rights here in America.

I commend the chairman and the committee for their efforts on this legislation and for recognizing that the NEPA process is in desperate need of reform.

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

Ms. KAPTUR. Mr. Chairman, I rise to claim the time in opposition to this amendment.

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. Mr. Chairman and Members, this amendment tells the Department of Energy to ignore the latest climate change science. Even worse, the amendment denies that carbon pollution is harmful.

According to this amendment, the cost of carbon pollution is zero. That is science denial at its worst, and, frankly, it is just simply wrong.

Tell homeowners in Arizona or those who live up in Canada, where the wildfires have just raged and who have seen their homes ravaged by drought-stoked wildfires, that there are no costs from climate change.

If you are a gardener, like I am, even the backs of seed packets have changed, because what used to be a

Tennessee tomato, now we grow it in Ohio. The climate zones are moving north. It is getting warmer.

Tell that to the firefighters who have to put everything else on the line to fight those fires that rage in California and points west or north.

Tell that to the children and the elderly that will be plagued by heat stress and vulnerable to increased disease.

Tell that to the people evacuated from the Isle de Jean Charles in Louisiana who will lose homes as their island vanishes under the rising sea.

Or how about Houston, Texas, with the flash flooding? That is one of the most recent.

These people are looking to us to protect America and to protect them, and they are looking to the Republicans to finally be reasonable.

The truth is that no one will escape the effects of unmitigated climate change. It will have an impact on all of us, and, frankly, it is having an impact on all of us.

But this amendment waves a magic wand and decrees that climate change imposes no costs at all. House Republicans can vote for this amendment. They can try to block the Department from recognizing the damage caused by climate change and the potential damage, but they cannot overturn the laws of nature. They are powerful.

We should be heeding the warnings of the climate scientists, not denying reality. Thank God we have them. We don't have to operate in ignorance.

Recently, our Nation's leading climate scientists released the National Climate Assessment, which continues to show evidence confirming the ongoing impacts of climate change.

Leading scientists around the world, not just here, agree the evidence is unambiguous. This amendment tells the Department to ignore some of the wisest people in the world.

The latest science shows that climate change is expected to exacerbate heat waves—those have been felt around the country—droughts—look at Lake Mead in Las Vegas. Look at the rings going down.

Look at millions and millions of acres now enduring wildfires. Look at the added floods, water- and vector-borne diseases, which will be greater risks to human health and lives around the world.

The security of our food supply will diminish, resulting in reductions in production and increases in prices.

According to a leading climate science body, the IPCC, increasing global temperatures and drastic changes in water availability, which we have just heard about on this floor, in California, for heaven's sake, combined with an increase in food demand poses large risks to food security globally and regionally.

When I was born, there were 146 million people in this country. By 2050, we will have 500 million. It takes more animals, it takes more machines, it takes more energy, to feed that population, and it takes much more to feed the global population.

Human beings and our way of life do have an impact on what happens on this very, very suspended planet in the Milky Way galaxy.

This amendment tells the Department to ignore these and many other impacts, and, frankly, I view that as irresponsible.

Federal agencies have a responsibility to calculate the costs of climate change and take them into account. It is plain common sense, and it is a life-and-death matter.

That is exactly what the Obama administration is doing. An interagency task force worked over the course of several years to estimate the costs of the harm from carbon pollution.

The cost calculation was first issued in 2010 and updated in 2014 and continues to be refined by incorporating new scientific and technical information and soliciting input from leading experts.

This was a very constructive calculation and a conservative one at that, with the full costs of climate change almost certainly being higher. But it is better than the previous estimate and much, much better than assuming the costs are nothing.

Unfortunately, that is what this amendment would require the government to assume: zero harm, zero costs, zero danger, from carbon pollution and climate change.

The truth is that unchecked climate change would have a catastrophic economic and human impact here and across the world.

I urge my colleagues to oppose this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. GOSAR. Mr. Chairman, if I could inquire from the Chair how much time I have.

The Acting CHAIR. The gentleman from Arizona has 1½ minutes remaining.

Mr. GOSAR. Mr. Chairman, the Earth's climate has been changing since the beginning of time, and that is something on which I think we can all agree.

MIT researchers have looked at a massive extinction some 252 million years ago as a result of a massive buildup of carbon dioxide. Funny, man wasn't around.

The nonpartisan Congressional Research Service estimates that the administration squandered $77 billion, with a B, between fiscal year 2008 and fiscal year 2013 in trying to study all this.

Now, if the President, the emperor himself, would like to bypass Congress, that is fine. But Congress has a fiduciary duty and a responsibility legislatively to actually pass something that the agency should enforce.

We talked about wildfires. Well, there we go again. It has been mismanagement of our forests that have created these catastrophic wildfires. Take it from somebody in Arizona who should know.

So I ask all of my colleagues to vote for 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 Arizona (Mr. GOSAR).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Ms. KAPTUR. 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 Arizona will be postponed.

AMENDMENT NO. 29 OFFERED BY MR. GARAMENDI

Mr. GARAMENDI. Mr. Chairman, I have amendment No. 29 at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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.

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, I believe this is known as amendment 116.

I think most of us should be aware that we are well into the first quarter of a new nuclear arms race this time with not only Russia, but with China. And perhaps there are some others out there that would like to build nuclear weapons and armaments.

This amendment goes directly to one of the critical parts of that arms race, which is the development of what is essentially a new nuclear bomb. Some would like to say it is simply a refurbishment of an older weapon, and I guess you can get away with that if you stretch the words a bit.

But this is the W80–4 nuclear bomb. It is the warhead that will go on the new cruise missile, sometimes called the LSRO. It is a very expensive proposition.

This particular budget calls for $240 million to be spent this year on the

early stages of the refurbishment. We are probably looking at twice that level of funding over the next decade to develop a few hundred of these weapons or these bombs.

We need to wake up. We need to be paying attention to this trillion-dollar enterprise. Over the next 25 years, we will be spending $1 trillion on a new nuclear arms race.

To what effect? Well, some would say that what we have is old and we ought to have something that is new. Well, what is old actually continues to work for many, many years.

So it is not just the nuclear bombs that will be refurbished or rebuilt or life-extended or whatever words you want to use, but they are new and are extraordinary expensive and, obviously, extraordinarily dangerous.

□ 1830

We are going to develop an entire new array of delivery systems. Discussed on the House floor not so long ago in debate was the question of whether we ought to have new intercontinental ballistic missiles in the silos in the upper Midwest. It was an interesting debate. The result of the debate was, well, we ought to build new ICBMs for those silos without paying too much attention to the cost, and we ought to have a whole new array of nuclear-armed submarines, a new Stealth Bomber, and a new cruise missile.

So what are we talking about here? A trillion dollars. At the same time, we debate on the floor whether we have any money for Zika. Apparently, we don't; although that is a real threat, and it is real today. We talk about our community water systems, and we don't have any money for those either. I will tell you where the money is. It is in this nuclear arms race.

It is not about disarmament. Nobody is suggesting that. It is about are we going to spend all this money and perpetuate what is already underway without giving thought to the impact it is going to have on the things that we know we must do—educate our children, provide the infrastructure for our communities, our water, our sanitation systems, and our transportation systems—or are we going to go about building new nuclear bombs.

Apparently, that is what we are going to do because there is $240 million right here, money that we didn't have available for Zika, money that we don't have for the water systems of Flint, Michigan, or our own State of California. But it is here.

The W80—keep that number in mind, ladies and gentlemen. You are going to see that coming back before you as we appropriate more and more dollars for not only this new nuclear bomb, but for many others.

So I draw your attention to this issue. I ask that we move about $100 million of this money out of this nuclear bomb that we really don't need for another decade. We don't need it tomorrow. We may never need it. It won't be on any piece of equipment for at least a decade. So why don't we spend this money on our communities? Why don't we spend it on Flint, Michigan? Why don't we spend it on the communities in Central Valley, California, that we have heard so much about?

There are communities that don't have water systems, communities in the San Joaquin Valley that we heard so much about just a moment ago where the children have to take their water out of a horse water trough, not out of a tap.

No, we are going to spend our money building a new nuclear bomb. I think that is wrong. I think it is not necessary. In fact, I know it is not necessary. But that is what we are going to do.

So I ask you to make a choice, to make a choice to spend our money on what we need today: clean water systems, transportation, and education, not on a new nuclear bomb.

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, I respect the gentleman's comments, and I respect the gentleman.

He mentioned many of the functions that are necessary for the government that we should be doing. The one he didn't mention was defending the security of the United States. That is one of the fundamental purposes of the Federal Government.

What this amendment would do is take money out of the program to continue the life extension program of the W80 warhead, the only cruise missile in the U.S. nuclear arsenal. The gentleman says we don't need it now, so let's spend the money somewhere else; and if we need it next year, I guess we can just spend the money next year.

But you can't develop this, and you don't do these life-extension programs in just a year. These are long-term investments. The life extension program will replace the nonnuclear and other components to support the Air Force's plan to develop the long-range standoff cruise missile, or the LRSO. If the gentleman believes the LRSO is not necessary, I would point him at the Air Force, whose leadership has testified on numerous occasions before Congress that we need to sustain our nuclear capabilities and we need to make these investments.

We must do the work that is needed to extend the life of this warhead as long as there is a clear defense requirement for maintaining a nuclear cruise missile capability. While the LRSO is still at an early stage of development, these warheads are very complex, and there is a considerable amount of work to accomplish between now and then. Performing development work earlier in the schedule will allow the NNSA to reduce technical risks and limit any cost growth by validating the military requirements at an early stage.

The gentleman's amendment will not stop the program but would only add additional risks into the schedule and raise the cost for modernizing the warhead down the line.

I should point out also that the gentleman's amendment also proposes to move defense funding to nondefense without any regard to the firewalls negotiated in previous budget deals.

Mr. Chairman, I urge Members to vote against this amendment.

I yield back the balance of my time.

Mr. GARAMENDI. 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 amendment was rejected.

AMENDMENT OFFERED BY MR. GOSAR

Mr. GOSAR. Mr. Chairman, I have an amendment at the desk, Gosar 221.

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 for the Department of Energy's Climate Model Development and Validation program.

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 today to offer an amendment to save taxpayer money, help the Department of Energy avoid duplicative programs, and ensure the agency's limited resources are focused on programs directly related to its mission to ensure energy security for the United States.

This simple amendment would prohibit the use of funds for the Climate Model Development and Validation program within the Department of Energy. This exact same amendment passed this body in fiscal year 2015 and 2016.

This year, this amendment is even more important because, despite this amendment getting approval from this body multiple years in a row and being denied funding from the bipartisan Appropriations Committee multiple years in a row, the President was given access to about half of what he requested previously to create this new duplicitous and wasteful program.

With our Nation more than $19 trillion in debt, the question must be asked: Why would Congress give millions of dollars to the President for new computer-generated climate models? The administration is already manipulating the social cost of carbon models to deceive the American people and to enact job-killing regulations.

For example, the administration recently attempted to justify the EPA's methane rule using the social cost of carbon valuation model. Using this flawed metric, they claimed that the EPA's methane rule will yield climate benefits of $690 million in 2025 and that those benefits will outweigh the $530

million that the rule would cost businesses and job creators that year alone.

If funded, the Climate Model Development and Validation program will be yet another addition to the President's ever-growing list of duplicative global warming, research, and modeling programs currently being hijacked by the EPA to manufacture alleged climate benefits and force new regulations like the EPA's Clean Power Plan and WOTUS down the throats of the American people. The nonpartisan Congressional Research Service estimates this administration has already squandered $77 billion from fiscal year 2008 through fiscal year 2013 studying and trying to develop global climate change regulations.

This amendment is about fiscal responsibility and priorities. While research and modeling of the Earth's climate—including how and why Earth's climate is changing—can be of value, it is not central to the department's mission and is already being done by dozens of government, academic, business, and nonprofit organizations around the world. With more than 50 universities and academic institutions around the globe engaged in climate modeling, this particular issue is being addressed very well by the academic and nonprofit sector with much greater efficiency and speed than any government bureaucracy can offer. Further, the research and models utilized by our universities are not being manipulated to impose a partisan agenda.

Regardless of your opinion on climate change, I feel strongly that the House of Representatives must continue its firm position that we should not be wasting precious taxpayer resources on programs that are duplicitous in nature and compete with programs funded by private investment.

The wastefulness of the Climate Model and Validation program has been recognized by several outside spending and watchdog groups. This amendment proposal has been supported in the past by the Council for Citizens Against Government Waste, the American Conservative Union, Eagle Forum, and the Taxpayers Protection Alliance.

The House of Representatives has wisely declined to fund this program in fiscal years 2014, 2015, and 2016. Considering the extensive work being done to research, model, and forecast climate change trends by other areas in government, the private sector, and internationally, funding for this specific piece of President Obama's climate agenda is not only redundant, but inefficient. Considering the Nation's $19 trillion in debt, it is also irresponsible

I thank the chairman, ranking member, and committee for their work.

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

Ms. KAPTUR. Mr. Chairman, I rise in opposition to this amendment.

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. Mr. Chair, years ago, there were people that served in this body that denied that America should pass a Clean Water Act. Today, in many places in our country when we turn on the tap, we trust what we drink. We had to change our way of life. Yes, we had to make investments, but we produced a stronger country.

There were those who fought against the Clean Air Act. You can go back and read the RECORD. There are always those folks who have difficulty embracing the future.

This amendment blocks funding for the Department of Energy's Climate Model Development and Validation program. This is climate science denial at its worst.

It used to be that people said, well, it is okay that industry dumps in the water. It kind of washes everything out somewhere. Well, when the bald eagle became an endangered species, it became pretty clear that all of that pollution was causing long-term damage. Now the world's top scientists are telling us that we have a rapidly closing window to reduce our carbon pollution before the catastrophic impacts of climate change cannot be avoided.

So far, the world has already warmed by 0.9 degrees Celsius, and we are already seeing the effects of climate change. Most scientists agree that 2 degrees Celsius is the maximum amount we can warm without really dangerous tipping points, although many scientists now believe that even 2 degrees is far too much, given the effects we are already experiencing all around the world. But absent dramatic action, we are on track to warm 4 to 6 degrees Celsius by midcentury. That is more than 10 degrees Fahrenheit.

Even with the pledges to reduce carbon emissions as part of COP 21, we are still in danger of experiencing the drastic consequences of climate change, including increased frequency and intensity of extreme weather events and drought. The International Energy Agency has concluded that increased efforts are still needed—in addition to existing pledges—to stay within the 2-degree limit.

We are already seeing the devastation from climate change, including, recently, the evacuation of climate refugees from the Isle de Jean Charles near New Orleans. So you sort of think to the world you knew versus the world of the future, and you have to embrace the future, and you have to help those who are going to follow us.

There are multiple lines of evidence, including direct measurements, that life is changing. The projections that these models anticipate are critical as they provide the guideposts to understanding how quickly and how steeply the world needs to cut carbon pollution in order to avoid the worst effects of climate change.

The goal of the Department of Energy's Climate Model Development and Validation program is to further improve the reliability of climate models and equip policymakers and citizens with tools to predict the current and future effects of climate change, such as sea level rise, extreme weather events, and drought.

This amendment scraps this program. It says ''no'' to enhancing the reliability of our climate models. Who wouldn't want that? It says ''no'' to investing in the security of the people of this Nation and the Nation's assets themselves. It says ''no'' to improving our understanding of how the climate is changing, and it says ''no'' to informing policymakers about the consequences of unmitigated climate change. That is absolutely irresponsible and an outcome this Nation cannot afford.

It is interesting. There is an author, Richard Louv, who has written a book, ''Last Child in the Woods.'' What it talks about is how America has become so technologically sophisticated that most people have lost a real connection to nature, especially our children, who spend 8 hours in front of a blue screen. But perhaps it is because of that technological advancement and lack of connection to nature that we do not have a population—including, perhaps, some who serve in this Chamber—that observe what nature is actually doing in her powerful force.

I would urge our colleagues to read that book and to think a little bit about reconnecting to nature, paying attention to what the temperature is of the lake near you or the ocean near you. Pay attention to what is happening in our coastal communities. Pay attention to what is happening in agriculture and our ability to produce food for the future because of changes in weather.

What is happening with rainfall? There is a lot going on. What happens to clouds in your region of the country? How close do they come to the Earth? When the rain falls, how severe are those weather events? These events are happening around our country and around our world.

Mr. Chairman, I have to rise in opposition, obviously, to this amendment and urge a ''no'' vote on this amendment because I don't think it leads us into the future. I think it takes us back into the past, to a world that does not exist anymore.

Mr. Chairman, I yield back the balance of my time.

□ 1845

Mr. GOSAR. Mr. Chairman, could I inquire how much time I have remaining?

The Acting CHAIR. The gentleman from Arizona has 1½ minutes remaining.

Mr. GOSAR. Mr. Chairman, this amendment is not about making a statement about climate change or the validity of science. This amendment is about fiscal responsibility and efficiency.

More than 50 universities and institutions around the globe are engaged in

climate modeling. This particular issue is being addressed very well by the academic and nonprofit sector, with much greater efficiency and speed than government bureaucracy can offer.

Can I remind you of the VA? The government doesn't do anything very well at all, and we need to start looking at this.

When we talk about responsibility, $19 trillion in debt, there are some apples that we need to start coming to look at. When we start looking at institutions that are actually doing this, they are hardly second-tier institutions—the Massachusetts Institute of Technology, MIT for short; the University of California, Berkeley. There are some really good people out there doing this work on our behalf.

When we start looking at efficacies and effectiveness, we need to look no further than the private sector and the universities that are already doing this. This is something we don't need to be duplicitous in and be partisan in our outcomes.

I ask my colleagues to vote for 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.

AMENDMENT NO. 24 OFFERED BY MR. AL GREEN OF TEXAS

Mr. AL GREEN of Texas. 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:

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.

Mr. SIMPSON. Mr. Chairman, 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 Texas and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. AL GREEN of Texas. Mr. Chairman, as a preamble to my amendment, please allow me to thank the chairman, Mr. SIMPSON, for his courtesies. I would also like to thank the ranking member, Ms. KAPTUR, for her courtesies.

Mr. Chairman, if you live in Houston, Texas, you monitor the weather. You monitor the weather, Mr. Chairman, because, over the last year, Houston, Texas, has been declared a disaster area not once, but twice. If you live in Houston, Texas, you monitor the weather because, in the last year, we have spent billions in recovery damages. If you live in Houston, Texas, you monitor the weather because, in the last year, we have lost 17 lives to flooding.

Houston has a problem. But there is a solution. This amendment—which is based upon H.R. 5025, an emergency supplemental bill—would accord $311 million that will eventually be spent. This is not money that will not be spent in Houston, Texas, but money that will be spent on projects that are already authorized. The projects are authorized. The money is going to be spent.

However, we can take a piecemeal approach and do some now, some later, and spend billions more in recovery efforts, which is what we are doing. We are spending billions after floods when we could spend millions before and save money, save lives, and give Houston, Texas, and the citizens therein some degree of comfort.

Mr. Chairman, I believe that my friends in this House have a great deal of sympathy and a good deal of empathy for Houston, Texas, as is evidenced by the fact that over 70 Members have signed onto the bill, H.R. 5025. And we have bipartisan support. We have Republicans at the committee level who are doing what they can within the committee. We also have Democrats who are working to try to help Houston, Texas.

So I am honored tonight to stand in the well of the House to make this request, that Houston, Texas, be made a priority and that the Corps of Engineers, when they do assess the needs of the Nation, that Houston be given some degree of preference because money is being spent that need not be spent.

But, more importantly, Mr. Chairman and Madam Ranking Member, lives are being lost. Houston, Texas, has what are captioned as flash floods. You can find yourself in a circumstance from which you cannot extricate yourself, and you may lose your life when we have one of these inclement, adverse weather conditions.

They happen more often than prognosticated some years ago. It can be debated as to whether we are having 100-year floods or 500-year floods. That is debatable. But what is not debatable is the fact that we are having billion-dollar floods—billion-dollar floods—in Houston, Texas, a major American city declared a disaster area not once, but twice in the last year.

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

Mr. GENE GREEN of Texas. Mr. Chair, on April 18th the City of Houston and Harris County, Texas were subjected to paralyzing flooding which claimed the lives of seven of our citizens and required the rescue of 1,200 more.

Approximately 2,000 housing units were flooded and we are currently working to figure out where to house the folks who cannot return to their homes.

This is the second major flooding disaster Houston has experienced in the last six months and the City is expecting additional rain and thunderstorms on Friday and Saturday of this week.

Residents in our congressional district as well as other Member's districts have been severely affected and we must do something to stop the needless loss of life.

The President has recognized the significance of the catastrophe and a fulfilled a request for a disaster declaration.

Now it's the job of Congress to help our constituents.

I have worked closely with my neighbor and friend, Rep. AL GREEN to offer this amendment to the Energy and Water Appropriations bill.

The amendment would provide $311 million dollars to the U.S. Army Corps of Engineers for the construction, and in most cases, completion of our bayous and flood control projects.

Flooding is not new in Houston but we've learned how to control it.

Our bayou system has saved countless lives and millions of dollars of damage since creation.

Unfortunately, due to consistent budget pressure, the Army Corps of Engineers cannot adequately fund these projects.

This amendment would ensure that our federal, state, and local authorities have the resources necessary to expedite the flood control projects we know protect people and property.

Mr. Chair, we can help the victims in our neighborhoods and we must help them.

I urge this body to pass this emergency funding legislation and do so quickly.

POINT OF ORDER

Mr. SIMPSON. Mr. Chairman, I insist on my point of order.

The Acting CHAIR. The gentleman will state his point of order.

Mr. SIMPSON. I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and, therefore, violates clause 2 of rule XXI.

The rule states in pertinent part: ''An amendment to a general appropriation bill shall not be in order if changing existing law.''

The amendment includes an emergency designation and, as such, constitutes legislation in violation of clause 2 of rule XXI.

I ask for a ruling from the Chair.

The Acting CHAIR. Does any other Member wish to be heard on the point of order?

Mr. AL GREEN of Texas. Mr. Chairman, I would like to be heard, if I may.

The Acting CHAIR. The gentleman is recognized on the point of order.

Mr. AL GREEN of Texas. Would Chairman SIMPSON allow me to give my closing comments before we receive the ruling from the Chair, which will be just a few seconds more, I believe?

How much time do I have remaining?

The Acting CHAIR. The gentleman from Texas has 1 minute remaining on the amendment.

Does the gentleman wish to be heard on the point of order?

Mr. AL GREEN of Texas. Well, yes, on the point of order, if so, in so doing, I may speak to the flooding in Houston, Texas. I want to be appropriate as I do this, and I will yield to the wisdom of the Chair.

The Acting CHAIR. The Chair will rule.

The Chair finds that this amendment includes an emergency designation.

The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the amendment is not in order.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. KAPTUR. Mr. Chairman, I yield to the fine gentleman from Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. Mr. Chairman, I thank Ranking Member KAPTUR.

Please allow me to continue with just a brief commentary. I have a colleague who is not here, the Honorable GENE GREEN. He has asked that his statement with reference to this amendment be placed in the RECORD.

I would also add this. A good deal of my comments have emanated from, as I indicated, H.R. 5025.

This bill has bipartisan support. I see in the Chamber my good friend and colleague, the Honorable TED POE, who is one of the cosponsors of the legislation.

Some of my other colleagues who are cosponsoring from Texas would include the Honorable JOHN CULBERSON, the Honorable RANDY WEBER, the Honorable SHEILA JACKSON LEE, also the Honorable GENE GREEN whom I have mentioned. There are others as well.

This is bipartisan. This is a recognition that we are going to have problems that we can solve that will create greater circumstances than we should have to endure.

There is little reason for us to be back here a year or so from now indicating that we have had another flood, a billion-dollar flood—maybe less, maybe more—and that we may have lost lives in that future event.

My hope is that, while this amendment is not in order—and I accept the ruling of the Chair—my hope is that we will find a means by which we will do sooner that which we will do later, spend the $311 million after we have had additional billion-dollar floods.

This amendment makes good sense. It is a commonsense solution.

I thank the ranking member for her very kind words and the opportunity that she has accorded me.

I thank you, Mr. SIMPSON, for being so generous as well.

Mr. SIMPSON. Will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Idaho.

Mr. SIMPSON. Mr. Chairman, I appreciate the gentleman's passion with this and his obvious concern and interest. I will tell you that there is a great deal of support for what the gentleman is proposing.

Congressman POE, Congressman CULBERSON, as well as Members on your side of the aisle, have talked to us repeatedly about the issues that you address here.

While this amendment is out of order, I will promise to the gentleman that we will work with him to try to address this problem of one of America's great cities.

Mr. AL GREEN of Texas. Mr. Chairman, I thank the gentleman. As he knows, I believe his word is as good as gold.

Ms. KAPTUR. Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. YOHO

Mr. YOHO. 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 by the Department of Energy to employ in excess of 95 percent of the Department's total number of employees as of the date of the enactment of this Act.

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. YOHO. Mr. Chair, my amendment is simply a commonsense measure to help reduce the size of out-of-control Federal departments that continue to grow annually unchecked, increasing both scope, size, and increasing our spending, both discretionary and mandatory.

Our Nation is over $19 trillion in debt—let me repeat that—$19 trillion in debt. This Chamber, us, we, the people, in government, or Members of the people's House in charge of the taxpayers' purse strings, must start taking action to actively reduce our expenditures.

I appreciate the chairman and ranking member for their hard work on this bill. But I am concerned that the cost it will place on the American people is too great. We can do better and we must do better.

This amendment is offered as a modest solution and establishes a 5 percent across-the-board cut to the Department of Energy's total employees.

In the private sector, when scrambling to cover your costs, you have to make decisions, including sometimes the elimination of positions that are not essential to the overall purpose and mission of the organization, or you simply can't afford it.

Not only is reducing the current size of the Department's full-time staff essential, but I think it also should be accompanied by a 1-year hiring freeze.

In 2013, when the government was shut down—and I want to remind people that the government shut down over money, and it wasn't from an excess; it was from a lack of it—the Department of Energy was faced with this very dilemma and made a decision to furlough 69 percent of its workforce. These workers were deemed nonessential.

I understand the circumstances were extraordinary, but the Department was still able to target areas within it that were not deemed essential to maintaining its most necessary functions.

My amendment is only requiring the Department to reduce its full-time employees by 5 percent, which in the scheme of things is nominal, but essential, in getting our country back on track fiscally, and it is the right thing to do.

For our Nation to remain prosperous and to keep the American Dream alive for generations to come, we must make these decisions now. We must scale back Federal spending. One cannot have personal freedom without financial freedom.

That same philosophy also applies to nations if they wish to pass on to their future generations the blessings of our past and our current posterity, liberties, and freedoms.

I urge my colleagues to support my amendment.

I reserve the balance of my time.

□ 1900

Mr. SIMPSON. Mr. Chair, I claim the time in opposition to the amendment.

The Acting CHAIR (Mr. POE of Texas). The gentleman from Idaho is recognized for 5 minutes.

Mr. SIMPSON. Mr. Chair, I understand the desire for an efficient and effective Federal Government with an appropriately sized workforce. In fact, if the gentleman has specific programs or offices that he believes are currently overstaffed, I would be happy to work with him to see if that is the case and to figure out a way to address any problems we may find; but this amendment doesn't look at specific details and make targeted reductions.

It requires the Department of Energy to furlough 5 percent of its employees on October 1. It doesn't allow the Department time to review whether it might need more people to carry out its national security responsibilities, for instance, or fewer people to carry out other programs whose work is ramping down or is being reduced by this bill. That is not good government. That is putting almost 800 people across the country out of work for no good reason.

The underlying bill, on the other hand, includes reasonable and targeted reductions to funding levels for the Department's administrative accounts. The departmental administration account was $36 million below the President's budget request in the bill that was brought to the floor, and amendments already passed by the House have resulted in further cuts to the departmental administration. Federal

salaries and expenses for the National Nuclear Security Administration are $30 million below the President's request. The funding levels in this bill send a clear message about growth in the Federal workforce. Requiring an automatic 5 percent cut across the board is a step too far. As I said, it is not good government.

For these reasons, I oppose this amendment, and I urge my colleagues to vote against it.

I would also note that when the gentleman said that during the government shutdown, it furloughed 60-some-odd percent of its employees, remember, we are talking 16 days here, and these employees were labeled as ''nonessential.'' The same thing happened in Congress. At least I know in my office—and I would suspect in the gentleman's office—we had to declare which employees were nonessential. Those employees now work for me again and have been rehired. I would suspect they have been in the gentleman's office, too. Just because they were furloughed during a 16-day government shutdown doesn't mean they are, essentially, nonessential.

I don't think this is a well-thought-out amendment. I oppose it, and I urge my colleagues to oppose it.

Ms. KAPTUR. Will the gentleman yield?

Mr. SIMPSON. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. I thank the gentleman.

Mr. Chair, I join the chairman in opposing this amendment. It is, truly, a blunt cut—5 percent to the Department of Energy from its current level with no analysis, no consultation, no consideration of impact. It is just a blunt cut. It would actually mean about 700 people who would be fired at headquarters, at field offices, even at our Power Marketing Administrations across the West. Layoffs of this magnitude would profoundly impede the Department of Energy's ability to oversee its nuclear security responsibilities, its science and energy and environmental cleanup mandates.

I strenuously oppose this amendment and urge the gentleman to bring back a more thoughtful amendment at some point if he wishes, but I don't support the blunt cut.

Mr. SIMPSON. Mr. Chair, I yield back the balance of my time.

Mr. YOHO. Mr. Chair, I appreciate the chairman and ranking member's opposition.

I would like to remind them that this amendment is a necessary step in reducing the size and scope of the Federal Government. We are approaching $20 trillion in debt. That approximates to about $60,000 for every man, woman, and child in America. When we talked about nonessential employees, I didn't have any in my office. Everybody in my office was essential, so we didn't lay anybody off. We didn't put them off.

The gentleman laughs, which is fine.

The executive departments and agencies have gradually taken on the personification of the 1958 horror flick, ''The Blob.'' Departments like the DOE are consuming everything in their path and increasing their own presence in the private sector.

At what point do we say enough is enough? At what point do we say we are going to get our spending under control?

This is a small, 5 percent incremental change to the Department of Energy. It is not specific because it gives the flexibility to the Department to come up with the changes that it wants, keeping in mind that our Federal Government's number one task is national security; so the people who are tasked to run the Department of Energy can make the commonsense and the needed reforms that they need to.

Again, in the private sector, you see the major companies changing and laying off people as they need to. Government continues to grow, and it adds not just to the discretionary spending, but also to the mandatory spending that goes into Social Security and retirement.

We have a responsibility to the American people and to future generations to fix the problems at hand instead of giving rhetoric and saying: Well, it is not specific enough. We need to stand up and say: The time is now. If we start now with small, incremental changes, we can change the direction of our Nation's debt while we still have the option because the day will come when we will not have that option with our out-of-control spending.

I am telling my colleagues, if they really want to change the debt structure in this country and get a handle on it, it is time we start now and stop talking about it. I urge people to support this.

Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. YOHO).

The amendment was rejected.

AMENDMENT OFFERED BY MR. FOSTER

Mr. FOSTER. Mr. Chair, 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 by the Secretary of Energy for the Experimental Program to Stimulate Competitive Research.

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. FOSTER. Mr. Chair, I yield myself such time as I may consume.

I offer an amendment on behalf of me and my colleague, Congressman SCOTT GARRETT, who is my Republican co-chair of the Payer State Caucus, which is a group of Members opposed to the massive transfer of wealth between one set of States to another.

This amendment is a very simple one that would prohibit any of the funds in this bill from being used in the Experimental Program to Stimulate Competitive Research, otherwise known as EPSCoR. EPSCoR was started in 1978 as an experimental program in the hopes of strengthening research infrastructure in areas of the country that receive less than their fair share, however defined.

As a scientist and as an American, I think this goal is commendable, but the implementation of this program—and, in particular, the formulas used to earmark grants to a specific set of States—is absurd. The ability to participate in EPSCoR opportunities is based solely on whether or not a State has received less than 0.75 percent of the NSF research funding in the previous 3 years. Let me reiterate that. The Department of Energy's EPSCoR eligibility is determined by how much NSF research funding a given State has received in the previous 3 years.

There is no rational basis for earmarking a grant program in one area of spending based on the spending in another unrelated program. Moreover, because EPSCoR considers the funding on a per-State basis rather than on a per capita basis, it has devolved into just another one of the many programs that steers money into States that already get far more than their fair share of Federal spending.

EPSCoR is emblematic of a larger problem we have in this country. Every year, hundreds of billions of dollars are transferred out of States that pay far more in Federal taxes than they receive back in Federal spending—the payer States—and into States that receive a lot more Federal spending than they pay back in taxes—the taker States. In the case of Illinois, our economy loses $40 billion a year because we pay far more in Federal taxes than we receive back in Federal spending. As for my colleague from New Jersey, his State on a per capita basis has it even worse. This alone is responsible for the fiscal stress in both of our States.

This is an enormous and unjustifiable redistribution of wealth between the States. This amendment takes a first small step to begin rolling back these taker State preferences by eliminating one of the many—but one of the most unjustifiable of them—the EPSCoR program.

I reserve the balance of my time.

Mr. SIMPSON. Mr. Chair, I claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from Idaho is recognized for 5 minutes.

Mr. SIMPSON. Mr. Chair, I appreciate my colleague's passion for the Office of Science. I am a strong supporter of the Office of Science and the work that they do.

As the Nation's largest supporter of basic research in the physical sciences, the Office of Science directs important research funding to the national laboratories and universities across this

country. The EPSCoR program extends this even further by supporting research in areas where there has historically been less Federal funding.

The program has been successful in laying the foundation and in expanding research programs in the basic sciences across the Nation. Taking away this funding puts existing grants and partnerships in jeopardy at the many universities that receive EPSCoR grants. Therefore, I must oppose this amendment and urge other Members to do the same.

Mr. Chair, I yield such time as he may consume to the gentleman from Rhode Island (Mr. CICILLINE).

Mr. CICILLINE. I thank the chairman for yielding.

Mr. Chair, I rise in opposition to this amendment, which would eliminate funding for the Department of Energy's EPSCoR program.

For more than 40 years, the Department of Energy has provided academic research funding to colleges and universities around the Nation, and it has been critical to ongoing research that is essential to maintaining our competitive edge in energy advancement.

The DOE's Experimental Program to Stimulate Competitive Research, commonly known as EPSCoR, is a science-driven, merit-based program, whose mission is to help balance the allocation of DOE and other Federal research and development funding to avoid an undue concentration of money to only a few States.

This successful program has had a profound impact on my home State of Rhode Island by allowing our academic institutions to increase research capacity, to enrich the experiences of their students, and to contribute to important advances in a variety of fields. Currently, 24 States, including Rhode Island, and three jurisdictions account for only about 6 percent of all DOE funding despite the fact that these States account for 20 percent of the U.S. population. EPSCoR has helped to stabilize this imbalance in funding, and it should continue to do so in the 2017 fiscal year and beyond.

In order to ensure robust academic research and outcomes across the country, geographic diversity in funding should be considered to ensure that we are taking advantage of the particular experiences, knowledge, and perspectives of academic institutions from every State. This amendment to eliminate this successful program would be a step backward for the United States' commitment to research and development. Investments in critical programs, such as EPSCoR, are essential to creating jobs, innovating for the future, and maintaining our competitive edge in scientific research and a global economy.

I urge my colleagues to join me in strongly opposing this amendment.

Mr. FOSTER. Mr. Chair, I inquire as to how much time I have remaining.

The Acting CHAIR. The gentleman from Illinois has 2 minutes remaining.

Mr. FOSTER. Mr. Chair, first off, I would like to emphasize that this does not take away funding from the Office of Science. It eliminates a very poorly designed set-aside that is based on spending that is completely unrelated to the actual Office of Science.

If the goal of this program were to equalize the funding in the Office of Science, then it should be based on the actual expenditures of the Office of Science so that States that are underrepresented there would, presumably, be able to qualify for these. It does not do that. If it were designed to equalize the spending between States that receive a lot more Federal funding than those that don't, then you would see a very different set of States in this.

Particularly the fact that it is not based on a per capita basis is the fundamental flaw in this thing. If you look at those States, the single distinguishing characteristic is not that they are poor or rural or anything else; it is that they have small populations, which means that they are overrepresented in the Senate.

One of the main mechanisms for transferring wealth out of large States like New Jersey, like Illinois, like California, and a large number of other States into smaller States are spending formulas that have, frankly, been cooked up in the Senate, where small States are overrepresented and the formulas steer large amounts of money into them.

If this were based on a per capita basis, it would, at least, be rational. If the Office of Science's funding were based on actual expenditures, at least in the Department of Energy, it would be rational. What we see are States receiving EPSCoR funds that get far more than their share both in Federal funding and in Department of Energy funding overall. A rational program would, first off, collect all research funding in all areas and base the set-asides on that. Secondly, it would do it on a per capita basis.

These are fundamental flaws, and at this point it is preferable to just eliminate the entire program and start over if people think it is a useful thing.

I urge my colleagues to support this bipartisan amendment.

Mr. Chair, I yield back the balance of my time.

□ 1915

Mr. SIMPSON. Mr. Chair, I appreciate the gentleman's arguments. It sounds like we are back at the Constitutional Convention: Should we have the legislative branch of government be represented by the population, or should it be represented by the States? I know. Let's compromise. Let's have two bodies, one that represents the States with an equal number from each State, and one that represents the population. We will call one the House of Representatives, and we will call one the Senate. That is how it works out.

We are one Nation, and we try to make sure that funds go to all States. Some of them have a disadvantage just by the sheer size. And if you look at Idaho, we are the 12th largest State, and, I suspect, populationwise, we are down there substantially. Montana is probably even worse off than we are. So it is almost impossible for the universities and so forth to compete with some of the larger States.

So we can argue about whether the formulas are correct or absolutely correct or if they shouldn't be modified or anything else like that, and I am more than willing to do that, but to eliminate the program I think is just an entire mistake.

I would urge my colleagues to vote against this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. FOSTER).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FOSTER. 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 Illinois will be postponed.

AMENDMENT OFFERED BY MRS. BLACK

Mrs. BLACK. Mr. Chair, 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. 508. None of the funds made available by this Act may be used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

The Acting CHAIR. Pursuant to House Resolution 743, the gentlewoman from Tennessee and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Tennessee.

Mrs. BLACK. Mr. Chairman, sanctuary cities flaunt our laws and put our citizens at risk. We need only to look at the tragic 2015 murder of Kate Steinle in San Francisco to see the grave danger of allowing cities to ignore the Federal immigration policy. We cannot allow this to stand. That is why I am introducing this amendment to the Energy and Water Development and Related Agencies Appropriations bill that would ban funding to any State or city that refuses to comply with our immigration laws.

Mr. Chair, I recognize that some of my colleagues may say that an amendment like this is better suited on the Homeland Security or the Commerce, Justice, Science Appropriations bill; and, indeed, I joined my colleague, Congressman GOSAR, on a letter to the subcommittees asking that similar language be attached to their bills as well. But the truth is, Mr. Chairman, amnesty for lawbreakers impacts every aspect of our society: our jobs, our security, and, in the case of Ms. Steinle, a young innocent woman's life.

I believe the crisis of sanctuary cities demands a multipronged response, and this amendment can be a piece of that effort. If cities choose to put their citizens at risk in defiance of Federal law—yes, in defiance of Federal law—there is no reason to continue spending Federal money on their energy and water projects. It is really that simple.

I urge my colleagues to take a vote for your constituents and support this commonsense amendment.

I reserve the balance of my time.

Ms. KAPTUR. Mr. Chairman, I claim the time in opposition.

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. Mr. Chair, the Black amendment would prohibit financial assistance to any State or political subdivision that is acting in contravention of the Illegal Immigration Reform and Immigrant Responsibility Act. But this is an energy and water bill. This isn't a part of our bill.

I rise in opposition to the amendment because it is, frankly, nongermane. The Department of Energy isn't involved. The Army Corps of Engineers or the Bureau of Reclamation or the regional independent agencies that are under the jurisdiction of this bill have nothing to do with the concern that the gentlewoman raises.

Why are we debating immigration policy on an Energy and Water Appropriations bill? It doesn't make any sense.

Frankly, the amendment would prohibit funding for State and local governments that have policies against the sharing of information related to immigration status, but State and local law enforcement routinely and automatically share biometric information with ICE that is used to determine immigration status. They do so through the same electronic system that shares these biometrics with the FBI for checks against the criminal databases. So even if this amendment were germane, I don't think the amendment is necessary or would do what the gentlewoman believes that it would do.

Even more to the point, if the premise of the amendment is that local law enforcement agencies aren't notifying ICE prior to releasing from custody individuals who fit ICE immigration enforcement priorities, then the amendment is misguided because the Department of Homeland Security has established a priority enforcement program, known as the PEP, designed to better work with State and local law enforcement to take custody of criminal aliens who pose a danger in public safety before they are released into our communities.

Prior to that program's establishment, 377 jurisdictions refused to honor some or all of ICE detainers. But as of early this year, 277 of those jurisdictions, or 73 percent, have now signed up to participate in that program by responding to ICE requests for notification, honoring detainer requests, or both.

So the Department of Homeland Security is making good progress in soliciting the participation of State and local law enforcement in the PEP program, and we should support them in those efforts and avoid muddling the issue and reject this amendment.

The Department of Homeland Security is not a part of the Appropriations Energy and Water Development, and Related Agencies Subcommittee; and it is doubtful that this amendment would have any effect, even if it were germane to the bill and not subject to a point of order.

Because this biometric sharing system is in effect across the country, no jurisdiction currently refuses to share information about immigration with ICE. So, as a result, it is difficult to see how this amendment would have any effect whatsoever, even if it were offered on the Commerce, Justice, Science, and Related Agencies Committee or the Department of Homeland Security bills.

I urge my colleagues to oppose this amendment. Frankly, it is not germane to this bill.

I yield back the balance of my time.

Mrs. BLACK. Mr. Chair, it really is ironic that this amendment is even necessary. It would not be necessary if the executive branch and the Department of Justice and Homeland Security were all doing their job and applying the law to each one of these sanctuary cities.

I do want to point to the fact that, back in February of this year, Attorney General Loretta Lynch testified before the House Appropriations Committee. It was in that committee that she talked about cracking down on what is happening in these sanctuary cities. I want to read what was in The Washington Times that came as a result of that testimony:

''The Obama administration is preparing to crack down on sanctuary cities, Attorney General Loretta Lynch told Congress on Wednesday, saying she would try to stop Federal grant money from going to jurisdictions that actively thwart agents seeking to deport illegal immigrants.''

It goes on to say that there was a follow-up in a letter to Mr. CULBERSON that week that the Justice Department said that if it determined that a city or a county receiving Federal grants is refusing to cooperate with ICE agents, they could lose money and face criminal prosecution.

So, hopefully, we will see the administration crack down on what really is unlawful, and that is for these sanctuary cities to be in operation at all. They should not be receiving any Federal funds in each one of these appropriation bills, and that is exactly what this amendment does.

I urge my colleagues to support this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Tennessee (Mrs. BLACK).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MCNERNEY

Mr. MCNERNEY. 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. ____. No Federal funds under this Act may be used for a project with respect to which an investigation was initiated by the Inspector General of the Department of the Interior during calendar years 2015, 2016, or 2017.

Mr. MCNERNEY (during the reading). Mr. Chair, I ask unanimous consent that my amendment be considered read.

The Acting CHAIR. Is there objection to the request of the gentleman from California?

Mr. SIMPSON. Mr. Chairman, I would object to waiving the reading.

The Acting CHAIR. The Clerk will continue to read.

The Clerk continued to read.

Mr. SIMPSON. Mr. Chairman, 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 California and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. MCNERNEY. Mr. Chairman, California, like much of the West, has been enduring a devastating drought. This affects the livelihoods of families, farmers, and small businesses throughout the State.

California's Governor now wants to move forward with something called WaterFix tunnels plan, which will build two massive tunnels to divert water from one part of the State to another.

I agree with every other Californian that we need long-term, statewide solutions to our State's water needs. I agree that there needs to be some level of certainty for the families, farmers, and small businesses about our water supply. To do that, we need to focus on conservation, recycling, reuse, storage, and leak detection and fixing. The WaterFix tunnels do none of these things. It creates no new water at all.

California voters and the State legislature haven't agreed on whether or not to fund this project, which is expected to exceed at least $25 billion, and that cost keeps rising. In addition, the Federal Government is expected to contribute $4 billion.

The cost of this plan is an even more important issue now that the Department of the Interior inspector general has opened an investigation into the possible illegal use of millions of dollars by the California Department of Water Resources in preparing environmental documents for the WaterFix tunnels plan. Instead of funding important habitat improvements, the State

administration may be using Federal funds for the tunnel plan that will harm critical habitat for at least five endangered and threatened species.

California needs a water solution for the entire State, not one that is too expensive, doesn't create water, and is potentially the source of misappropriated funds. We have to use the funding for projects that make sense for California, that make California resilient and regionally self-sufficient.

My amendment will ban the government from funding tunnels taking our water, especially while subject to Federal investigation.

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

POINT OF ORDER

Mr. SIMPSON. Mr. Chairman, I insist on my point of order.

The Acting CHAIR. The gentleman will state his point of order.

Mr. SIMPSON. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and, therefore, violates clause 2 of rule XXI.

The rule states in pertinent part: ''An amendment to a general appropriation bill shall not be in order if changing existing law.''

The amendment imposes additional duties.

I ask for a ruling from the Chair.

The Acting CHAIR. Does any other Member wish to be heard on the point of order?

If not, the Chair is prepared to rule.

The Chair finds that this amendment requires a new determination on the Federal officials covered by the bill with regard to investigations of the Department of the Interior.

The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the amendment is not in order.

Mr. MCNERNEY. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIR. The amendment has been ruled out and is no longer pending.

□ 1930

AMENDMENT OFFERED BY MR. BYRNE

Mr. BYRNE. 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. ____. In allocating funds made available by this Act for projects of the Army Corps of Engineers, the Chief of Engineers shall give priority to the Dog River, Fowl River, Fly Creek, Bayou Coden, and Bayou La Batre projects.

Mr. SIMPSON. Mr. Chairman, 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 Alabama and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Alabama.

Mr. BYRNE. Mr. Chairman, my amendment would allow for a number of important Army Corps of Engineers projects in my home district of coastal Alabama to move forward.

In many areas, our Nation's waterways are the lifeblood of the economy. Being from a port city, I certainly understand this and appreciate the work the Army Corps of Engineers does to keep our waterways well maintained.

I know the Army Corps works hard in tandem with Congress to prioritize projects to keep our waterways and ports open for commerce. Unfortunately, at times, it seems like smaller projects in our more rural areas get ignored or forgotten altogether. While they may not include a major waterway, these projects are vital to many of our local communities and have a significant economic impact from commercial and recreational fishing as well as tourism in general.

My amendment seeks to prioritize some projects in southwest Alabama that are long overdue. These include a project to dredge Fly Creek in Baldwin County, where depths need restoring after severe flooding in 2014. Another project would allow for Dog and Fowl Rivers to be dredged to help accommodate commercial and recreational fishing. This project hasn't been touched since 2009. Yet another project that needs attention is Bayou Coden, which is an important area for local shipbuilding.

I must thank the Army Corps of Engineers for their attention to a few projects in coastal Alabama, such as dredging Perdido Pass and the Bon Secour River. These are critical projects, but more work remains.

Mr. Chairman, I understand that my amendment may not be allowed under House rules, but I believe it is important to have this debate and remind the Committee on Appropriations as well as the Army Corps of Engineers about the importance of these smaller projects that really make a huge difference in communities across the United States.

In these tight budget times, I know it can be difficult to balance the need for major Army Corps projects with smaller projects like the one I have mentioned, but I hope the Army Corps will work with Congress to seek a proper balance that ensures our smaller waterways receive the maintenance and attention they deserve.

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

Mr. SIMPSON. Mr. Chairman, I continue to reserve my point of order.

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 do understand the gentleman's concern. In fact, this is an issue we hear about from quite a few Members. The administration's insistence on budgeting on tonnage alone with no other consideration is shortsighted. That is why this bill provides additional funding specifically for small navigation projects, and the report encourages the administration to correct its budget criteria.

Unfortunately, the gentleman's amendment would establish priority in funding for specific projects. That is not something I can support, particularly in light of the House prohibition on congressional earmarks.

I would urge my colleague to withdraw his amendment and instead continue to work with the committee to show the administration the importance of small navigation projects.

Mr. BYRNE. Will the gentleman yield?

Mr. SIMPSON. I yield to the gentleman from Alabama.

Mr. BYRNE. Mr. Chairman, I appreciate the gentleman's words. He is a man of his word. I appreciate his understanding the importance of these projects.

Having heard his words, I ask unanimous consent to withdraw my amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The Acting CHAIR. The amendment is withdrawn.

AMENDMENT OFFERED BY MR. MCNERNEY

Mr. MCNERNEY. 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 issue Federal debt forgiveness or capital repayment forgiveness for any district or entity served by the Central Valley Project if the district or entity has been subject to an order from the Securities and Exchange Commission finding a violation of section 17(a)(2) of the Securities Act of 1933 (15 U.S.C. 77q(a)(2)).

Mr. SIMPSON. Mr. Chairman, 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 California and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. MCNERNEY. Mr. Chairman, my amendment is being raised to raise awareness of a very unjust situation. My amendment would ban Federal funding for debt forgiveness to any entity that has been subject to an order finding a violation of the Securities Act of 1933.

This is timely because there was a hearing yesterday in the Committee on Natural Resources that included two bills that would affirm a drainage settlement between the United States and Westlands Water District. This settlement would award Federal forgiveness

to Westlands, which has violated such an SEC order.

These agreements matter because they will result in a $300 million taxpayer giveaway. They also fail to address or solve the extreme water pollution these irrigation districts discharge into the San Joaquin River and California delta estuary.

These settlement agreements do not require enough land retirements and provide more access to water, further draining the delta, and there are no real performance standards or oversight if pollution runoff is mismanaged.

Considering recent news of the SEC fining Westlands due to its conduct in misleading investors about its financial health, the lack of specific performance standards and enforcement tools makes the current settlement terms even more questionable.

My amendment will ban the government from funding the debt forgiveness of these agreements not only because these agreements are bad for California, but no entity should have Federal debt forgiveness when they have violated Federal laws.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from California?

There was no objection.

The Acting CHAIR. The amendment is withdrawn.

AMENDMENT OFFERED BY MR. BYRNE

Mr. BYRNE. 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. ____. (a) None of the funds made available by this Act may be used for the Energy Information Administration.

(b) The amount otherwise made available by this Act for ''Department of Energy—Energy Programs—Energy Information Administration'' is hereby reduced to $0.

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from Alabama and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Alabama.

Mr. BYRNE. Mr. Chairman, my amendment would prohibit any funding from going to the Energy Information Administration, which under this bill is set to receive $122 million in taxpayer money.

Mr. Chairman, rule XXI of the House rules prohibits funding programs that are not authorized under law. The authorization process is so important because it gives Congress the ability to set each agency's agenda, provide proper oversight, and ensure the agency is fulfilling the mission it was designed by Congress to meet.

Nearly one-third of the Federal discretionary spending goes to programs whose mandate to exist has expired. In this bill, we will fund 28 programs that have expired authorizations, many which expired in the 1980s. One program that we are funding has existed since the 1970s, but has never been authorized by Congress.

The Energy Information Administration, which this amendment would block funding for, is one of the worst offenders. Its authorization expired in 1984, over 30 years ago. That means that the last time this agency received proper congressional instructions, oversight, and review, the Los Angeles Raiders had won the Super Bowl, Ronald Reagan was in the White House, and ''Ghostbusters'' was in the theaters.

The Energy Information Administration has seen its fair share of challenges since it was last authorized. In fact, a few years ago The Wall Street Journal wrote an article about how errors by the EIA caused a significant jump in oil prices. The same story noted that the agency was vulnerable to hacking and that information could be easily compromised, yet this body has not acted on an authorization.

Mr. Chairman, I don't question that there may be some important functions performed by this agency, but at some point we must have accountability in the authorization process. If my amendment is approved, we can send a message as a House that we are serious about fiscal discipline and demand that, if a program is worthy to receive taxpayer funds, it should be authorized by the Congress.

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, this is kind of a hard one because I have to tell you, in all honesty, I agree with the gentleman. There are too many programs that are not authorized. Unfortunately, it is not the Committee on Appropriations' responsibility. It is the authorizing committees that haven't been doing their job.

It is not the EIA's fault that they are not reauthorized. It is that Congress has not done their job in reauthorizing them. As the gentleman has stated, there are many, many programs throughout. I think the whole Department of State is up for reauthorization and hasn't been reauthorized.

The gentleman is absolutely right. We need to do something about that. We have been debating and discussing how exactly you do that. We have had various proposals. In fact, members of our Conference are looking at it now. I know Mr. MCCLINTOCK is very interested in doing this. We have talked about it several times. We are trying to find some way to force the authorizing committees to actually do their job and do the reauthorizations that are necessary.

But I rise to oppose this amendment. The amendment proposes to eliminate funding for the Energy Information Administration, a semi-independent agency that collects, analyzes, and disseminates impartial energy statistics and information to the Nation. The EIA performs essential work for understanding the electricity generation and energy consumption in the complex energy markets that make up our Nation. The EIA provides a statistical and informational service to the private sector that the private sector would not.

Eliminating this funding would immediately impact the ability to perform energy policy and would remove essential reports on the energy market. Eliminating the EIA would have virtually no effect on the total spending in this bill, but would negatively impact our ability to make energy policies.

I must oppose this amendment, although I sympathize with what the gentleman is trying to do. I would be willing to work with him and any others who are willing to work with a way to force the authorizing committees to do the authorizations that should be being redone or the reauthorizations that should being redone.

The reason things expire and the reason they need to be reauthorized is because you need to look to see if they are doing what we intended when we enacted them. Sometimes they are. Sometimes they are not. Sometimes they need be modified. Sometimes they need to be amended. But if we don't get back to reauthorizing them, that never happens, and that is our fault, Congress' fault.

Ms. KAPTUR. Will the gentleman yield?

Mr. SIMPSON. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. I appreciate the chairman yielding to me. I agree with his opposition to this amendment.

Why blame one of the best parts of our government, in my opinion, for Congress not doing its job? I am always impressed with the Energy Information Administration. Their data is stellar. They are professionally run. The business community looks to them. Frankly, the global energy community looks to them.

I think the amendment is shortsighted and would eliminate one of the best, most important sources of information that guides all of our decisions. They are so precise. The data that they present also can be easily understood. They have maps. They have charts. They have continuous data over a number of years.

I think the gentleman wants to solve a problem, but I think that one could say that this amendment might be penny wise and pound foolish because, if you have had any experience with the Energy Information Administration, you know how excellent they really are and their work is.

We depend on it in order to make solid decisions to save money or to make decisions that are sound rather than unsound. Don't rip the heart out

of one of the most important administrations that we have at the Federal level on the energy front.

I thank the chairman for yielding.

I would urge that this amendment be defeated.

Mr. SIMPSON. Let me just explain that this is something that I have been trying to find a solution to for a number of years. When I was chairman of the Interior, Environment and Related Agencies Appropriations Subcommittee—this has been like 4 years ago—the Endangered Species Act had not been reauthorized for 23 years at the time. It is like 27 years now that it has not been reauthorized. We brought down the Interior appropriation bill, and we put no money in it for endangered species listing or for critical habitat designation, and the intent was to force the Committee on Natural Resources to do a reauthorization of the Endangered Species Act.

□ 1945

The individual who was supporting me the most was the then-chairman of the Natural Resources Committee. Well, of course, we lost an amendment because nobody wants to eliminate all the funding for the Endangered Species Act. But the gentleman that supported me the most was the chairman of the Natural Resources Committee at the time, who had the ability and authority to go do a reauthorization of the Endangered Species Act, but didn't do it. And it still hasn't been done.

It is frustrating. I want to work with anybody in this body that is willing to try to find a way to put pressure on the committees to do their job.

I yield back the balance of my time.

Mr. BYRNE. Mr. Chairman, I appreciate the gentleman's remarks. I accept his offer. I look forward to working with him. We have got to start somewhere, and this is a good place to start.

I heard the gentlewoman's remarks. The Wall Street Journal reported that this agency caused an increase in oil prices by one of its malfunctions. So I don't think it is quite a perfect agency as she made it out to be. This is a point that we need to make. And I intend to continue to make this point as we go through the appropriations process.

I urge a ''yes'' 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 Alabama (Mr. BYRNE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. SEAN PATRICK MALONEY OF NEW YORK

Mr. SEAN PATRICK MALONEY of New York. 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 Executive Order No. 13672 of July 21, 2014 (''Further Amendments to Executive order 11478, Equal Employment in the Federal Government, and Executive Order 11246, Equal Employment Opportunity'').

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from New York and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. SEAN PATRICK MALONEY of New York. Mr. Chairman, last week, I came to the floor to offer an amendment to preserve basic workplace protections for LGBT Americans. My amendment would have kept taxpayer dollars from going to government contractors who discriminate against LGBT employees. That is it. It said you cannot take taxpayer dollars and fire people just for being gay.

There are 28 million Americans working for employers who receive taxpayer dollars, and simple math will tell you millions would have been protected from arbitrary firing. So it made sense, it was fair, and it deserved a fair vote.

When the vote was held, a bipartisan majority of this House, including 36 members of the majority party, supported my amendment. That tally clock right there showed 217 ''yes'' votes—4 more than the 213 needed that day to pass. With all time expired, it was clear as can be that equality had won the vote.

But when the world watched, something else happened. Something shameful happened. Something about sticking up for basic workplace fairness for LGBT Americans rankled certain people around here.

Even though my amendment simply would have applied the same standard to LGBT employees that we have long applied when people are fired because of their race or gender or religion or disability, it simply was too much. Even though we would have preserved time-honored religious exemptions, it was too much. Something about treating LGBT people fairly just wouldn't do.

So people went to work. Even though all Members had voted, strangely, the expired clock stayed up four times longer than it should have. The gavel did not fall. And as we all watched, the tally began to change: 217, 216, 215. The votes in support were dropping. Members of this House were changing their votes. Why? From being in support of fairness, they were now changing them to be opposed to it.

Down the vote went, 214, 213, and yet no one came to the well, as is customary, to announce their vote. It was all in secret, happening out of sight, so no one might see the ugly reality of what was happening.

And what happened? Well, when it hit 212, one vote shy of the majority it needed to pass—one vote shy of the majority it had a few moments earlier—the gavel came down and the result was declared. A defeat.

It was a shameful exercise, made more shameful in that it took place on a civil rights vote that enjoyed a bipartisan majority of support in this House. From Portland, Maine, to Des Moines, Iowa, to southeast Oregon, to Bakersfield, California, newspaper editorial boards, radio hosts, and ordinary citizens joined a chorus that was heard first on this floor. ''Shame,'' they said. Shame on those who would betray the will of this House, who would betray this vote, and shame on anyone who would rig this vote and rig our democracy.

Shame on those who snatched discrimination from the jaws of equality, especially those ''Switching Seven'' who, having at first voted for fairness, allowed themselves to be dragged backward into voting for discrimination.

On Friday, at a meeting of my Veterans' Advisory Board back home, I spoke to decorated military heroes and civilians who have dedicated their lives to the service of this country. To a person, they were outraged by what happened on the floor of this House.

One member of the group, Edie, who served as a first lieutenant and combat medic in Vietnam, said when she heard about the rigged vote, she thought of her daughter, who right now is serving her country in the military. And Edie's daughter is a lesbian.

Edie said:

When my daughter finishes her active military service, she will enter the civilian workforce—perhaps for a government contractor, as so many vets do. Will they be able to fire her, even though she and I are both veterans?

Mr. Chairman, does Edie's service in combat count for anything here? Does her daughter's service right now to this country count for anything here?

Her daughter isn't alone. There are 71,000 Active Duty LGBT servicemen and -women right now and over 1 million LGBT veterans. Making it easier to fire LGBT Americans, even LGBT veterans, isn't honoring our values. It is sacrificing them to preserve a worn out and dying prejudice that weakens our Nation rather than strengthening it.

So, today, I want to thank Speaker RYAN for allowing an open process so that I can offer my amendment again. It is through this open process that we can give our colleagues another chance—a second chance—to do the right thing and to stand for equality.

Let us this time ensure that no taxpayer dollars will be used to discriminate against hardworking Americans simply because of who they are, simply because of who they love. And we will also reaffirm legitimate religious exemptions that the President also included in his executive orders on this subject.

Discrimination has no place in our law. It does not make our water cleaner. It does not power our homes. It doesn't defeat ISIS. It doesn't support our veterans.

Every American deserves the right to work, support a family, and achieve the American Dream, regardless of who they are or who they love.

I urge my colleagues to stand up to discrimination and adopt my amendment to the bill.

The Acting CHAIR. The time of the gentleman has expired.

AMENDMENT OFFERED BY MR. PITTS TO AMENDMENT OFFERED BY MR. SEAN PATRICK MALONEY OF NEW YORK

Mr. PITTS. Mr. Chairman, I have an amendment to the amendment.

The Acting CHAIR. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

In the section proposed to be added, insert before the period at the end the following: '', except as required by the First Amendment, the Fourteenth Amendment, and Article I of the Constitution''.

Ms. KAPTUR. Mr. Chairman, I reserve a point of order.

The Acting CHAIR. A point of order is reserved.

Pursuant to House Resolution 743, the gentleman from Pennsylvania and a Member opposed each will control 5 minutes on the amendment to the amendment.

The Chair recognizes the gentleman from Pennsylvania.

Mr. PITTS. Mr. Chairman, I would like to offer this perfecting amendment to my colleague's amendment.

This is amendment is very simple. It would merely state that, as the Federal Government spends money with regard to contracting, the administration must not run afoul of the First Amendment, the 14th Amendment, or Article I of the Constitution.

The President's executive order referred to in the Maloney amendment defines a law that was never defined by Congress. It violates the equal protection rights of individuals who are merely seeking work from the government.

With this amendment, this Congress can help ensure that, while funds may be going out the door to implement this policy, he must respect Congress' authority to write the law, respect an individual's right to exercise his or her religion, and respect their rights to work.

Does anyone in this Chamber seriously oppose Article I of the Constitution, the First Amendment, or the 14th Amendment?

I urge my colleagues to join me in supporting the Constitution and limiting the damaging effects of this executive order.

Mr. Chairman, I yield back the balance of my time.

Mr. SEAN PATRICK MALONEY of New York. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SEAN PATRICK MALONEY of New York. Mr. Chairman, may I have the amendment read back? Does it include only the First Amendment, the 14th Amendment, and the Equal Protection Clause?

The Acting CHAIR. Without objection, the amendment to the amendment will be reported.

There was no objection.

The Clerk reported the amendment.

The Acting CHAIR. The gentleman from New York is recognized.

Mr. SEAN PATRICK MALONEY of New York. Mr. Chair, I would like to ask my colleague what is meant by Article I of the Constitution, if he could clarify that for us.

No one who supports my amendment—certainly, not I—has any problem with the First Amendment, the 14th Amendment, particularly the Equal Protection Clause, or with Article I of the Constitution, I assure the gentleman.

I also, however, would note—and I am sure the gentleman would appreciate—that many times throughout American history, Presidents, under their authority under the Constitution, have acted in the area of workplace discrimination, particularly in the executive branch.

For example, would the gentleman oppose President Truman's action to integrate the armed services? Perhaps he would like that order to be circumscribed in some way, if he thinks that violates Article I of the Constitution, the 14th Amendment, or the First Amendment to the Constitution?

In other words, the President has, throughout American history, under his constitutional authority, taken actions to widen the circle of opportunity and to end discrimination in the executive branch.

Nothing in my amendment is in any way at odds with the Constitution of the United States or the amendments thereto, but it should not be allowed to go unchallenged on the floor of this House to suggest that President Obama, in his executive action in 2014, ran afoul of any of those things either.

Indeed, I am unaware of any legal challenge to the President's action in those executive orders of 2014. It is pretty clear to me that, if there was something illegal or unconstitutional about them, there would have been a challenge.

I don't think anybody seriously contests the President's authority to do what he did in 2014, and many Americans welcome it as one of the signature equal protection actions by a Commander in Chief or by a President of the United States.

So, far from being concerned about reconciling our activities with the Constitution, we believe they are perfectly consistent. Therefore, I would ask the gentleman if he would be willing to also include, since we are so fond of the Constitution, Article II of the Constitution which specifies the powers of the President?

If the gentleman would answer that question.

In other words, if we are so fond of the Constitution, what do you say we follow the whole thing, including the Civil War amendments, including some of the things about equal protection and due process. You might have heard something about that. We had a little bit dispute about that in the mid-19th century.

What do you say we abide by the whole Constitution; the part that tries to make it more progressive, more inclusive of people like me, of people of color, of women, of people who are shut out when it was written?

How about we include the whole Constitution? Can we do that?

The Acting CHAIR. The gentleman will address his remarks to the Chair.

Mr. SEAN PATRICK MALONEY of New York. Mr. Chairman, how about we include the whole Constitution? Can we do that?

Hearing no objection, I assume we are including the entire Constitution, including the powers of the President under Article II.

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

The Acting CHAIR. The gentleman from Pennsylvania has yielded back his time.

Therefore, the gentleman from New York is recognized on the amendment to the amendment.

Mr. SEAN PATRICK MALONEY of New York. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman has 2 minutes remaining.

Mr. SEAN PATRICK MALONEY of New York. Well, then, let me just say again, the point of today's vote is to redo a mistake that was made in this House.

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But of course it wasn't really a mistake, was it?

It was an effort to change the outcome of a bipartisan majority supporting an amendment to end discrimination in Federal contracting.

So today, what we are doing is getting a second bite at that apple, giving Members a chance to vote their conscience, to do the right thing, free from any pressure, free from any vote swapping or switching, free from a clock being held open long after it should have closed.

The American people want to know if their government is on the level, so let's have this vote on the level. We know there is a bipartisan majority for equality in this House, and, if allowed a fair vote, we know what the outcome will be. I look forward to that vote, Mr. Chairman.

I yield back the balance of my time.

Ms. KAPTUR. Mr. Chairman, I withdraw my reservation of a point of order on the amendment to the amendment.

The Acting CHAIR. The reservation of the point of order is withdrawn.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. Mr. Chairman, I just wanted to say that I associate myself with Congressman MALONEY's remarks. Workplace discrimination is a crime that we, as lawmakers, have long sought to mitigate.

I have to say I admire him for his courage, for his eloquence, and for being here this evening.

I yield to the gentleman from New York in order to complete his statement.

Mr. SEAN PATRICK MALONEY of New York. Mr. Chairman, how much time is remaining?

The Acting CHAIR. The gentlewoman from Ohio has 4½ minutes remaining.

Mr SEAN PATRICK MALONEY of New York. Mr. Chairman, I want to make it perfectly clear that we stand here as servants of the Constitution, all of us, and all of the actions we take here are subject to that beautiful document, as amended.

So there is nothing about the gentleman's amendment, to the extent that it simply restates what is obvious which is that all of our actions are subject to the Constitution, that we would object to.

My only point is simply that we need to read it as a whole document. We don't need to read anything into it. We can read the text. We can understand the history of the text. We can understand the global and expansive nature of the language written into the Constitution after the searing experience of the Civil War around equal protection, around due process.

We don't fear the Constitution; we welcome it. We embrace it. We claim it as our own when we come to this floor and ask that the circle of opportunity be widened for others who have been excluded before.

We think that is in the best tradition of the American Constitution. We believe the Constitution provides a series of promises that, as King said, it is a promissory note and that a check was written; we are coming to cash it so we will all be treated equally, so we will all be treated fairly, that we all count. Regardless of who we love, regardless of the color of our skin, whether we walk in or roll in, we believe we all count. And we believe that the Constitution enshrines those values in the most beautiful way in all of human history.

So, far from being concerned in any way by the gentleman's amendment, we welcome it.

But let it not detract from the fact that what happened in this House was an effort to enshrine and rationalize discrimination under Federal law. And despite the success we had in defeating that with a bipartisan majority, there were those here who wanted to perpetuate discrimination at the expense of equality.

That is inconsistent with the Constitution, Mr. Chairman.

And let that be the final word on this.

Ms. KAPTUR. Mr. Chairman, how much time is remaining?

The Acting CHAIR. The gentlewoman from Ohio has 1¼ minutes remaining.

Ms. KAPTUR. Mr. Chairman, let me just end by saying, this country has a long and storied history of supporting civil rights and worker rights, and that spirit was clearly violated last week during the vote on the spending bill.

We know that businesses should operate under strict rules of fairness and equality, and, certainly, the Federal Government should.

I am just grateful that we could all be here this evening and try to find a way to move America forward and to make progress, not just for the people of this country, but for humankind.

This amendment will ensure that we are able to achieve a fully equitable workplace and society.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. All time having expired on the amendment to the amendment, does any Member seek time in opposition to the first-degree amendment offered by Representative MALONEY?

If not, the Chair will put the question on the amendment to the amendment.

The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PITTS) to the amendment offered by the gentleman from New York (Mr. SEAN PATRICK MALONEY).

The amendment to the amendment was agreed to.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. SEAN PATRICK MALONEY), as amended.

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. SEAN PATRICK MALONEY of New York. 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 New York, as amended, will be postponed.

AMENDMENT OFFERED BY MR. BYRNE

Mr. BYRNE. 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 shall be used in contravention of—

(1) the Religious Freedom Restoration Act of 1993 (42 U.S.C. 2000bb et seq.);

(2) Executive Order 13279; or

(3) sections 702(a) and 703(e)(2) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-1(a), 42 U.S.C. 2000e-2(e)(2)), or section 103(d) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12113(d)), with respect to any religious corporation, religious association, religious educational institution, or religious society.

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from Alabama and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Alabama.

Mr. BYRNE. Mr. Chairman, unlike our European forebears, the Framers made clear that our Nation would have no state church. Instead, under the First Amendment, all will be protected in the free exercise of the religion of their choosing, and we have a proud tradition of conservatives and liberals, Republicans and Democrats, working together to protect this free exercise right.

In the 1963 case of Sherbert v. Verner, the liberal Justice William Brennan mandated that any government intrusion into one's free exercise must meet the most stringent standard of judicial review, strict scrutiny.

It was actually the conservative Justice Antonin Scalia who wrote the 1990 opinion in Employment Division v. Smith that rolled back the protections of Sherbert.

Fortunately, 3 years later, a Democrat Congress and a Democrat President, Bill Clinton, rallied large, bipartisan majorities to legislatively overturn Smith in the Religious Freedom Restoration Act, otherwise known as RFRA, and restores strict scrutiny when the government seeks to invade the free exercise of religion.

RFRA had 170 cosponsors. The gentlewoman from California (Ms. PELOSI) and the gentleman from Maryland (Mr. HOYER) were original cosponsors. It passed by a voice vote in the House and 97–3 in the Senate.

On July 21, 2014, President Obama signed Executive Order 11478 banning Federal contractors from discriminating on the basis of sexual orientation and gender identity in hiring.

Unfortunately, despite our broad history of working together to protect the free exercise right, the President refused to provide conscience protections for religious-based organizations who engage in government contracting.

This amendment would clarify that existing religious freedom protection already in law under the RFRA, the Americans with Disabilities Act, the 1964 Civil Rights Act, and President Bush's Executive Order 13279 would apply, irrespective of the amendment offered by Mr. MALONEY.

We can debate the merits of Executive Order 11478; however, we should have no problem ensuring that religious entities still enjoy the protections of the free exercise of religion.

I urge a ''yes'' vote on my amendment.

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

Ms. KAPTUR. Mr. Chairman, I 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 don't have a copy of the amendment in front of me, but from what I have listened to the gentleman, it sounds like discrimination in the guise of religious freedom, and I would hope that isn't what the gentleman intends.

I have just been given language: ''None of the funds made available by this Act shall be used in contravention of the Religious Freedom Restoration Act.''

I don't have full confidence that the equal protection of the laws for the

faith-based community are fully considered in this amendment, and I would have to oppose the gentleman's amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. BYRNE. Mr. Chairman, I want to make very clear that my amendment says not one single thing about discrimination. It talks about religious freedom.

We treat religious freedom sometimes in this country like it is a secondary right. It is not. It is a fundamental right. And what my amendment does is make sure that people of religious conscience still have that freedom.

So, far from being discrimination, it makes sure that we have freedoms for people that they have had for over 200 years; under the 1964 Civil Rights Act, for over 50 years; under the Americans with Disabilities Act, for over 25 years; and under RFRA, for over 20 years.

This is not new. This is not novel. This is settled law. We are making sure we protect people here. This has nothing to do with discrimination.

I know that some people would like to wipe out the effect of church, the effect of religion, the effect of faith in the public square in America. But that is not what our Constitution is about, and I think this House should stand up for religious freedom for everybody.

So I ask that everybody in this House vote for this very important 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 Alabama (Mr. BYRNE).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Ms. KAPTUR. 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 Alabama will be postponed.

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AMENDMENT OFFERED BY MR. HIGGINS

Mr. HIGGINS. 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 by the Secretary of Energy to carry out, or for the salary of any officer or employee of the Department of Energy to carry out, the proposed action of the Department to transport target residue material from Ontario, Canada to the United States, described in the supplement analysis entitled ''Supplement Analysis for the Foreign Research Reactor Spent Nuclear Fuel Acceptance Program'', issued by the Department in November 2015 (DOE/EIS–0218–SA–07).

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from New York and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. HIGGINS. Mr. Chairman, I want to thank Chairman SIMPSON and Ranking Member KAPTUR for their work on this bill.

Mr. Chairman, my amendment would prohibit the shipment of dangerous, highly radioactive liquid nuclear waste, which the Department of Energy plans to begin shipping by truck later this year in a series of over 100 shipments from Ontario, Canada, to South Carolina.

The department wants to transport this liquid waste, which is far more radioactive than spent nuclear fuel, across the northern border at the Peace Bridge and through downtown Buffalo.

In contrast to spent nuclear fuel in solid form, which has a history of being shipped by land, this would constitute the first ever shipment of liquid nuclear waste by truck in a transportation cask that was never certified for this purpose. Its liquid form, if spilled, could make containment nearly impossible.

The route crosses the Great Lakes, across the busiest passenger crossing at the northern border, and through a high-density metropolitan area. In the event of an attack or an accident, the consequences could be devastating.

In spite of these concerns, the Department of Energy failed to comply with the National Environmental Policy Act by not commencing with a new Environmental Impact Statement, instead, relying on old, outdated information.

The evolving threat picture since 9/11 requires that the Department of Energy reassess the manner in which it ships such dangerous materials.

Proceeding with the shipments would also ignore the will of the House, which unanimously passed legislation requiring the Department of Homeland Security perform a terrorism threat assessment regarding the transportation of chemical, biological, nuclear and radiological materials through the United States.

To reiterate, my bill would only impact one type of nuclear waste shipment, and other shipments of spent nuclear fuel would not be affected.

I urge support for my amendment, which would prohibit these shipments until the Department of Energy performs a full and thorough review process. Proceeding without doing so would seriously compromise public safety.

Mr. Chairman, I urge support of my amendment.

I yield back the balance of my time.

The Acting CHAIR (Mr. HUIZENGA of Michigan). The question is on the amendment offered by the gentleman from New York (Mr. HIGGINS).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. GRAYSON

Mr. GRAYSON. 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:

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 enter into a contract with any offeror or any of its principals if the offeror certifies, as required by Federal Acquisition Regulation, that the offeror or any of its principals:

(A) within a three-year period preceding this offer has been convicted of or had a civil judgment rendered against it for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) contract or subcontract; violation of Federal or State antitrust statutes relating to the submission of offers; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, violating Federal criminal tax laws, or receiving stolen property; or

(B) are presently indicted for, or otherwise criminally or civilly charged by a governmental entity with, commission of any of the offenses enumerated above in subsection (A); or

(C) within a three-year period preceding this offer, has been notified of any delinquent Federal taxes in an amount that exceeds $3,000 for which the liability remains unsatisfied.

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. GRAYSON. Mr. Chairman, this amendment is identical to other amendments that have been inserted by voice vote into every appropriations bill considered under an open rule during the 113th and 114th Congresses. The amendment simply expands the list of parties with whom the Federal Government is prohibited from contracting due to serious misconduct on the part of the contractors.

I hope that this amendment remains noncontroversial.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. GRAYSON).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. BABIN

Mr. BABIN. 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:

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 made available to enter into new contracts with, or new agreements for Federal assistance to, the Islamic Republic of Iran.

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. BABIN. Mr. Chairman, I rise in strong support of my amendment to

prohibit any contracts or Federal assistance to the Islamic Republic of Iran from being funded in this Energy and Water Development Appropriations bill.

As a result of this recent nuclear deal, Iran is now cleared to receive up to $150 billion in assets that should have never made its way back to the Ayatollahs.

Iran is the world's leading State sponsor of terrorism. Any dollar sent to Iran's government is a dollar sent to a brutal, apocalyptic, and dangerous regime that routinely flouts international norms, threatens to wipe Israel off the map, captures and humiliates our U.S. sailors, flagrantly violating Geneva Convention rules, and is responsible for the murders of hundreds of United States soldiers.

Passage of this amendment will wipe the slate clean of any potential for money from the hardworking taxpayers in my district and from across the United States of America to go to Iran. No money for contracts to buy their heavy water, no money for their so-called civilian nuclear power program. Let's not get fooled again like we did with North Korea.

The Iran deal was only given an ''aye'' vote by 162 Members of this House—a very small total. The President may have lifted the sanctions that Congress passed in 2010, but there is no reason that we cannot take this step to show Iran and the world that we are serious about putting them back in place for their flagrant violations.

Mr. Chairman, I urge a ''yes'' vote.

I yield back the balance of my time.

Ms. KAPTUR. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. Mr. Chairman, I oppose this amendment and want to begin by saying that ideological riders have no place on appropriation bills, certainly on this bill, and, frankly, I don't believe that this is even germane to the Energy and Water Development bill.

This amendment is just the first of many possible attempts to tie the hands of the administration from implementing an extremely important international agreement that will result in exactly the opposite of what the gentleman infers.

The plan of action that was agreed to by several countries, P5+1, closed the four pathways through which Iran could get to a nuclear weapon in less than a year. We do not gain anything by putting limitations on United States' ability to engage or monitor Iran's compliance with the agreement. The President has repeatedly said that he will continue to take aggressive steps to counter any activities in violation of existing sanctions, and this includes restrictions on certain nuclear-related transfers, conventional arms, and ballistic missile items, certain asset freezes and travel bans, as well as cargo inspections.

Today, international inspectors are on the ground, and Iran is being subjected to the most comprehensive, intrusive inspection regime ever negotiated to monitor a nuclear program. Inspectors will remain to monitor Iran's key nuclear facilities 24 hours a day, 365 days a year. For decades to come, inspectors will have access to Iran's entire nuclear supply chain. That is an incredible achievement.

The Department of Energy's vast expertise in the nuclear fuel cycle, nuclear safeguards and security, and nuclear materials plays a critical role in informing and ensuring that Iran is meeting its nuclear commitments.

To date, experts at the Department of Energy headquarters, seven national laboratories, and two Department of Energy nuclear sites have been actively involved in reaching and now implementing the agreement. These experts will continue to support the International Atomic Energy Agency's monitoring and verification activities worldwide and are vital as the United States works with our P5+1 and European Union partners to ensure viability into Iran's nuclear program.

Why would we proactively cut off our nonproliferation program and experts from working to prevent Iran to achieve nuclear weapons? Isn't that counter to our own national security interests?

In other words, if Iran tries to cheat, if they try to build a bomb covertly, we will catch them, the world will catch them, unless we here in Congress undo these efforts and adopt amendments such as the one we are discussing now.

The bottom line is this: Iran was steadily expanding its nuclear program. The agreement has now cut off every single path to build a bomb.

Mr. Chairman, I oppose this harmful amendment and encourage my colleagues to oppose as well.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. BABIN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. LOWENTHAL

Mr. LOWENTHAL. 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. ____ (a) None of the funds made available by this Act may be used in contravention of Executive Order No. 13547 of July 19, 2010.

(b) None of the funds made available by this Act may be used to implement, administer, or enforce section 506 of this Act.

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. LOWENTHAL. Mr. Chair, I, along with Representatives CICILLINE, FARR, LANGEVIN, KEATING, BEYER, and PETERS have introduced an amendment to clarify that the National Ocean Policy is a critical multiagency action that should be implemented.

Mr. Chair, my district is a poster child for the need for ocean coordination and information sharing between local, State, and Federal Governments, and the military, ports, shippers, energy developers, recreational users, and other stakeholders. I know firsthand that we can have a thriving ocean economy and at the same time protect and conserve our precious ocean resources.

For example, the Port of Long Beach is the second busiest port in the United States in my district, moving $140 billion in goods, supporting 1.4 million jobs in the United States.

Offshore oil platforms extract crude oil in San Pedro Bay less than a mile from my front door. San Clemente Island in my district has a Navy training ground and a ship-to-shore firing range. Nearby waters are home to seabirds, fisheries, and migrating whales. Sea level rise and extreme weather threaten neighborhoods and businesses all along my district and the entire coast of California.

With so much activity happening, it simply makes sense to have the Navy at the table when NOAA is working on siting of a new aquaculture installation. It makes sense to have the fishery management council weigh in when oil rigs are being decommissioned, and it is a no-brainer that NOAA, the Coast Guard, and the ports all work together to get these massive ships in and out of port safely.

We want these collaborations to happen because we want to have a sustainable ocean economy, and by developing regional plans and having a framework for multi-stakeholder involvement, we can streamline this process and promote a robust ocean economy that also conserves our precious ocean resources.

The country and my district need a comprehensive approach to our ocean resources, which the National Ocean Policy provides.

I urge my colleagues to vote ''yes'' on my amendment.

I reserve the balance of my time.

Mr. CALVERT. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. CALVERT. Mr. Chairman, while there may be instances in which greater coordination would be helpful in ensuring our ocean and coastal resources are available to future generations, any such coordination must be done carefully to protect against Federal overreach.

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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 the administration developed its National Ocean

Policy, it increases the opportunities for overreach. The implementation plan is so broad and so sweeping, that it may allow the Federal Government to effect agricultural practices, mining, energy producers, fishermen, and anyone else whose actions may have an impact 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.

I yield back the balance of my time.

Mr. LOWENTHAL. Mr. Chairman, there is an agreement among all of us that there needs to be more coordination among all of the stakeholders to make smart decisions about our ocean resources. However, many on the other side of the aisle oppose the National Ocean Policy on the grounds that, as we have just heard, it is overreach, which is authorized by an executive order of a President that they don't like.

To me, this seems petty. National Ocean Policy is not a failed policy like some suggest, nor is it an instance of executive overreach. It is merely a commonsense way to facilitate multistakeholder collaboration on complex ocean issues, and it promotes economic opportunity, national security, and environmental protection.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. LOWENTHAL).

The amendment was rejected.

AMENDMENT OFFERED BY MR. MEADOWS

Mr. MEADOWS. 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 spent by the Army Corps of Engineers to award contracts using the lowest price technically acceptable source selection process unless the source selection decision is documented and such documentation includes the rationale for any business judgments and tradeoffs made or relied on by the source selection authority, including benefits associated with additional costs.

Mr. MEADOWS. Mr. Chairman, I ask unanimous consent that the amendment be considered read.

The Acting CHAIR. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from North Carolina and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. MEADOWS. Mr. Chairman, I will be brief. The night is getting long, and the committee has done some great work on the underlying bill.

This amendment is a commonsense amendment, one meant to provide transparency as it relates to the Army Corps of Engineers and the awarding of contracts. When they actually award a technically acceptable lowest bid, the rationale and the other transparency documents would actually be reported that no funds could be extended except for those express purposes.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from North Carolina (Mr. MEADOWS).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. JACKSON LEE

Ms. JACKSON LEE. 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 for ''Department of Energy—Energy Programs—Science'' may be used in contravention of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.).

The Acting CHAIR. Pursuant to House Resolution 743, the gentlewoman from Texas and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE. Mr. Chairman, I want to thank the ranking member, Ms. KAPTUR, her staff, and the chairman of the subcommittee, Mr. SIMPSON, and staff and others because they have been working hard.

I want to emphasize that this is an amendment that was approved and adopted in an identical form on April 29, 2015, during the 114th Congress, as an amendment to H.R. 2028, the Energy and Water Development and Related Agencies Appropriations Act.

I do this amendment because I do believe it is extremely important. If you travel around this country, whether it is Silicon Valley, whether it is NASA, whether it is dealing with energy resources, renewable and otherwise, you realize the importance of science, technology, engineering, and math.

Twenty years ago, Mr. Chairman, on February 11, 1994, President Clinton issued Executive Order 12898, directing Federal agencies to identify and address the disproportionately high and adverse human health or environmental effects of their actions on minority and low-income populations.

The Department of Energy seeks to provide equal access to these opportunities for underrepresented groups in STEM, including minorities, Native Americans, and women. We need professionals in these areas to be able to assess the various impacts, environmental impacts, on the minority community. But, more importantly, we also need our organizations, such as Historically Black Colleges and other colleges, to make sure to include opportunities for minority and women students. They make up 70 percent of college students, but only 45 percent of undergraduate STEM degree holders.

This large pool of untapped talent is a great potential source of STEM professionals. As the Nation's demographics change, I think it is imperative that we emphasize in the various Federal agencies that we need to provide and extend opportunities for minorities in science, technology, engineering, and math.

Earlier today, I had the opportunity to visit with Scott Kelly. One would call him the miracle astronaut, spending over 300 days on the International Space Station. The International Space Station was the entity built some years ago when I was on the Science, Space, and Technology Committee. But to realize that a human being tested himself to stay, an American making history. I believe science, technology, engineering, and math commemorates and celebrates the giant work of Scott Kelly, but it produces more Scott Kellys.

I applaud Energy Secretary Moniz's commitment, which will increase the Nation's economic competitiveness and enable more of our people to realize their full potential.

I would ask my colleagues to support this amendment, as it has been supported in the past, to again, through this legislation, emphasize the importance of science, technology, engineering, and math.

I ask support for the Jackson Lee amendment.

Mr. Chair, thank you for this opportunity to describe my amendment, which simply provides that: "None of the funds made available by this Act for 'Department of Energy—Energy Programs—Science' may be used in contravention of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.)."

This amendment was approved and adopted in identical form on April 29, 2015, during the 114th Congress as an amendment to H.R. 2028, the Energy and Water Resources Appropriations Act of 2016.

Mr. Chair, I want to thank Chairman SIMPSON and Ranking Member KAPTUR for their stewardship in bringing this legislation to the floor and for their commitment to preserving America's great natural environment and resources so that they can serve and be enjoyed by generations to come.

Mr. Chair, twenty years ago, on February 11, 1994, President Clinton issued Executive Order 12898, directing federal agencies to identify and address the disproportionately high and adverse human health or environmental effects of their actions on minority and low-income populations.

The Department of Energy seeks to provide equal access in these opportunities for underrepresented groups in STEM, including minorities, Native Americans, and women.

Mr. Chair, women and minorities make up 70 percent of college students, but only 45 percent of undergraduate STEM degree holders.

This large pool of untapped talent is a great potential source of STEM professionals.

As the nation's demographics are shifting and now most children under the age of one are minorities, it is critical that we close the

gap in the number of minorities who seek STEM opportunities.

I applaud the Energy Secretary Moniz's commitment which will increase the nation's economic competitiveness and enable more of our people to realize their full potential.

Mr. Chair, there are still a great many scientific riddles left to be solved—and perhaps one of these days a minority engineer or biologist will come-up with some of the solutions.

The larger point is that we need more STEM educators and more minorities to qualify for them.

The energy and science education programs funded in part by this bill will help ensure that members of underrepresented communities are not placed at a disadvantage when it comes to the environmental sustainability, preservation, and health.

Through education about the importance of environmental sustainability, we can promote a broader understanding of science and how citizens can improve their surroundings.

Through community education efforts, teachers and students have also benefitted by learning about radiation, radioactive waste management, and other related subjects.

The Department of Energy places interns and volunteers from minority institutions into energy efficiency and renewable energy programs.

The DOE also works to increase low income and minority access to STEM fields and help students attain graduate degrees as well as find employment.

With the continuation of this kind of funding, we can increase diversity, provide clean energy options to our most underserved communities, and help improve their environments, which will yield better health outcomes and greater public awareness.

But most importantly businesses will have more consumers to whom they may engage in related commercial activities.

My amendment will help ensure that underrepresented communities are able to participate and contribute equitably in the energy and scientific future.

I ask my colleagues to join me and support the Jackson Lee Amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. STIVERS

Mr. STIVERS. 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 for the Cape Wind Energy Project on the Outer Continental Shelf off Massachusetts, Nantucket Sound.

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from Ohio and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. STIVERS. Mr. Chairman, I rise in support of my amendment, which would prohibit the Department of Energy funding from being used for the Cape Wind offshore wind generation project in Cape Cod, Massachusetts.

I offered this amendment in last year's appropriation, and it was adopted by a voice vote, so I believe it should be fairly noncontroversial. I urge my colleagues to support the amendment.

Nearly 2 years ago, the Department of Energy offered conditional commitments for the Cape Wind project of a $150 million loan guarantee. Since that time, the project has been plagued by setbacks amid concerns about its impact on the environment, disruptions of safety for passenger aircraft, or just the high cost of electricity produced by the proposed facility. Last year, two of the State's utilities terminated contracts to purchase power from the wind farm, jeopardizing the viability of the project.

I believe we should encourage the development of all forms of energy. Renewable sources like wind power are important for our Nation's energy portfolio.

But this project, in particular, has a troubled history. This amendment seeks to ensure that the American taxpayers do not have to foot the bill if the project fails.

Mr. Chairman, I urge adoption 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 Ohio (Mr. STIVERS).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. JACKSON LEE

Ms. JACKSON LEE. 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. ____. The amounts otherwise provided by this Act are revised by reducing the amount made available for ''Corps of Engineers-Civil—Investigations'', and increasing the amount made available for the same account, by $3,000,000.

The Acting CHAIR. Pursuant to House Resolution 743, the gentlewoman from Texas and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE. Mr. Chairman, allow me again to thank Mr. SIMPSON and Ms. KAPTUR for their work on this energy and water bill that is so very important, and emphasize the importance of this legislation to many and all regions of the United States of America.

My amendment speaks to the need for robust funding for the U.S. Army Corps of Engineers investigations account. Let me be very clear. It speaks to the general need for robust funding for the investigations account, and it speaks to it in terminology of redirecting $3 million for increased funding for postdisaster watershed assessment studies, like the one that is being contemplated for the Houston/Harris County metropolitan area. It does this to emphasize the importance of the investigations account, not to single out a particular project, but for describing a project, which I will take time to do.

I am pleased that H.R. 5055 provides $120 million for the investigations account. This is very important to the Army Corps of Engineers. As a Federal agency that collects and studies basic information pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and conducts detailed studies, plans, and specifications for river and harbor, and flood and storm damage reduction, the U.S. Army Corps of Engineers plays a critical role in building, maintaining, and expanding the most critical of the Nation's infrastructure. We understand this very well in my home State of Texas and the 18th Congressional District.

Over the last 2 years, Mr. Chairman, 2 years around the exact same time, we didn't have something called a hurricane. We had a heavy rain in April-May of 2015 and April of 2016. 2016 had 20 inches of rain, which was enormous. The damage was unbelievable.

Let me cite for you the words from the Greater Houston Partnership that supports this amendment:

''Perhaps the most telling statistic of all: based on the 7,021 calls the United Way of Greater Houston has received through its 2–1-1 line, 1,937 calls have been requests for 'food replacement.'''

The amount of money that was lost was $1.9 billion in damage during the weeks that followed the storm, which includes damage to homes, cars, schools, parks, churches, roadways, and other important elements of our infrastructure. This is what we faced in Houston, Texas.

I am recounting that and indicating that we believe this investigations account is so very important. It will have the opportunity, through a $3 million study, to deal with the bayous that are located in the larger Houston/Harris County area: Sims Bayou, Greens Bayou, Brays Bayou, White Oak Bayou, Hunting Bayou, and Clear Creek.

Again, let me be very clear. As the Army Corps of Engineers works through their work study program, this investigations account will be enormously important.

We have also received a letter from Members of the United States Congress supporting the study of all of the bayous in our community. We want to ensure that the account is robust to provide that possible opportunity.

Let me indicate to my colleagues again, the investigations account is $120 million. We rise to support it. We also rise to acknowledge the need for the utilization of those funds all over America, and certainly in Houston/Harris County, Texas, and the surrounding counties, which will help us, through a study, have a better pathway to how we fix this, how do we not have this be Houston next year in 2017.

Let me thank my colleagues.

I reserve the balance of my time.

□ 2045

Mr. SIMPSON. Mr. Chair, I claim the 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. Chair, first, let me assure my colleague that I understand her interest in addressing the flooding risks in her district in Houston.

Besides the fact that the fiscal year 2017 Energy and Water bill includes a total of $13.3 million above the budget request for flood and storm damage reduction studies, the bill also allows for several new studies to be initiated, and the Corps could choose the study of interest to the gentlewoman as one of them.

Since this amendment does not change the funding levels within the bill, I do not oppose the amendment.

Ms. KAPTUR. Will the gentleman yield?

Mr. SIMPSON. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. I thank the gentleman for yielding.

Mr. Chair, Congresswoman SHEILA JACKSON LEE has been absolutely unrelenting in her representation of Houston and of the serious situation that is faced there by the citizenry and leaders because of the flooding. What a tremendous voice she is for the people whom she represents. There isn't a time that I see her in the elevators or walking around that she doesn't ask me about this bill and about wanting to come down and amend it to make sure that it is sensitive to the needs of Houston. I just wanted to put that on the record.

Mr. SIMPSON. Mr. Chair, I yield back the balance of my time.

Ms. JACKSON LEE. I thank the distinguished gentleman and the distinguished gentlewoman for their courtesies.

I want the chairman to know that I have acknowledged in my written statement the funds that he has placed in the legislation.

Mr. Chair, I ask my colleagues to support the Jackson Lee amendment as a very fine statement that contributes to this bill, to the people of the Nation, but also to the people of Texas and Houston.

Mr. Chair, I want to thank Chairman SIMPSON and Ranking Member KAPTUR for shepherding this legislation to the floor and for their commitment to preserving America's great natural environment and resources so that they can serve and be enjoyed by generations to come.

My amendment speaks to the need for robust funding for the U.S. Army Corps of Engineers "Investigations" account by redirecting $3 million for increases funding for post-disaster watershed assessment studies, like the one that is being contemplated for the Houston/Harris County metropolitan area.

Mr. Chair, I am pleased that H.R. 5055 provides $120 million for the Investigations account.

As the federal agency that collects and studies basic information pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and conducts detailed studies, plans, and specifications for river and harbor, and flood and storm damage reduction, the U.S. Army Corps of Engineer plays a critical role in the building, maintaining, and expanding the most critical of the nation's infrastructure.

We understand this very well in my home state of Texas and the Eighteenth Congressional District that I represent.

The Army Corps of Engineers has been working with the Harris County I Flood Control District since 1937 to reduce the risk of flooding within Harris County.

Current projects include 6 federal flood risk management projects:

1. Sims Bayou
2. Greens Bayou
3. Brays Bayou
4. White Oak Bayou
5. Hunting Bayou, and
6. Clear Creek

In addition to these ongoing projects, the Army Corps of Engineers operates and maintains the Addicks and Barker (A&B) Detention Dams in northwest Harris County.

Mr. Chair, I am pleased that the bill provides that the Secretary of the Army may initiate up to six new study starts during fiscal year 2017, and that five of those studies are to consist studies where the majority of the benefits are derived from flood and storm damage reduction or from navigation transportation savings.

I am optimistic that one of those new study starts will be the Houston Regional Watershed Assessment Flood Risk Management Feasibility study.

Such a study is certainly needed given the frequency and severity of historic-level flood events in recent years in and around the Houston metropolitan area.

On April 15, 2016, an estimated 240 billion gallons of water fell in the Houston area over a 12 hour period, which resulted in several areas exceeding the 100 to 500 year flood event record.

The areas that experienced these historic rain falls were west of 1–45, north of I–10, and Greens Bayou.

Additionally, an estimated 140 billion gallons of water fell over the Cypress Creek, Spring Creek, and Addicks watershed in just 14 hours.

The purpose of the Houston Regional Watershed Assessment is to identify risk reduction measures and optimize performance from a multi-objective systems performance perspective of the regional network of nested and intermingled watersheds, reservoir dams, flood flow conveyance channels, storm water detention basins, and related Flood Risk Management (FRM) infrastructure.

Special emphasis of the study, which covers 22 primary watersheds within Harris County's 1,756 square miles, will be placed on extreme flood events that exceed the system capacity resulting in impacts to asset conditions/functions and loss of life.

Mr. Chair, during the May 2015 Houston flood, 3,015 homes were flooded and 8 persons died; during the April 2016 Houston flood, 5,400 homes were flooded and 8 deaths recorded.

The economic damage caused by the 2015 Houston flood is estimated at $3 billion; the 2016 estimate is being compiled and is estimated to be well above $2 billion.

Mr. Chair, minimizing the risk of flood damage to the Houston and Harris County metropolitan area, the nation's 4th largest, is a matter of national significance because the region is one of the nation's major technology, energy, finance, export and medical centers:

1. Port of Houston is the largest bulk port in the world;
2. Texas Medical Center is a world renowned teaching, research and treatment center;
3. Houston is home to the largest conglomeration of foreign bank representation and second only to New York City as home to the most Fortune 500 companies; and
4. The Houston Watershed Assessment study area sits within major Hurricane Evacuation arteries for the larger Galveston Gulf Coast region.

I ask my colleagues to join me and support the Jackson Lee Amendment for the Environmental Justice Program.

Mr. Chair, I yield back the balance of my time.

GREATER HOUSTON PARTNERSHIP,
May 26, 2016.

Hon. SHEILA JACKSON LEE,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE JACKSON LEE, as you know, on April 18, 2016, the Houston region experienced unprecedented rain and flooding. According to an estimate prepared by BBVA Compass, Houston experienced over $1.9 billion in damage during the weeks that followed the storm, which includes damage to homes, cars, schools, parks, churches, roadways and other important elements of our infrastructure. For many, the recent storms have affected every aspect of their quality of life. Perhaps the most telling statistic of all: based on the 7,021 calls the United Way of Greater Houston has received through its 2–1–1 line, 1,937 calls have been requests for "food replacement."

We greatly appreciate your leadership ensuring the Houston area receives appropriate federal funding to help Houston heal and make it more resilient in the future. To that end, we are supportive of the requested $3 million for a study by the U.S. Army Corps of Engineers to investigate flood risk management opportunities in the Houston metropolitan area by analyzing the watersheds as a system of systems.

Sincerely,

BOB HARVEY,
President and CEO.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 26, 2016.

Hon. HAL ROGERS,
Chairman, House Committee on Appropriations, Washington, DC.

Hon. NITA LOWEY,
Ranking Member, House Committee on Appropriations, Washington DC.

DEAR CHAIRMAN ROGERS AND RANKING MEMBER LOWEY: We write to the Committee on Appropriations to allocate $3 million in the FY 2016 supplemental funding for a 3 year study to be conducted by the Army Corps of Engineers that will investigate flood risk management opportunities in the Houston metropolitan area by analyzing the watersheds as a system of systems. This request for funding is based upon the frequency and severity of flood events in and around the Houston metropolitan area.

An estimated 240 billion gallons of water fell in the Houston area over a 12 hour period, which resulted in several areas exceeded the 100 to 500 year flood event record. The records are based upon time period of rain fall, the location of the rain fall, and the duration of the event over a watershed. The areas that experienced these historic rain falls were west of I–45, north of I–10, and Greens Bayou. Further, an estimated 140 billion gallons of water fell over the Cypress Creek, Spring Creek, and Addicks watershed in just 14 hours.

The study we seek funding will identify risk reduction measures and optimize performance from a multi-objective systems performance perspective of the regional network of nested and intermingled watersheds, reservoir dams, flood flow conveyance channels, storm water detention basins, and related Flood Risk Management (FRM) infrastructure. Special emphasis will be placed on extreme flood events that exceed the system capacity resulting in impacts to asset conditions/functions and loss of life.

The study area includes 22 primary watersheds within the county's 1,756 square miles, each having unique flooding problems. These include Spring-Creek, Little Cypress Creek, Willow Creek, Cypress Creek, Addicks, Barker, Buffalo Bayou, Clear Creek, Sims Bayou, Brays Bayou, White Oak Bayou, Greens Bayou, Hunting Bayou, Vince Bayou, Armand Bayou, Carpenters Bayou, San Jacinto River, Jackson Bayou, Luce Bayou, Cedar Bayou, Spring Gully and Goose Creek, and San Jacinto and Galveston Bay Estuaries. The flooding problems in the watershed are frequent, widespread, and severe, with projects to reduce flood risks in place that are valued at several billion dollars. Recent historical flooding in the region was documented in 1979, 1980, 1983, 1989, 1993, 1994, 1997, 2001 (Tropical Storm Allison), 2006, 2007, 2008 (Hurricane Ike), 2015 and was most recently demonstrated during the significant flooding, widespread damages, and losses of life during the 12 hour flood event from April 17–18, 2016.

The study will involve coordination with local, state and federal stakeholders to comprehensively evaluate the life safety, economic, and environmental impacts of potential regional flooding, as well as land use that is managed by local entities so future regional development is regulated to avoid individual and cumulative impacts of the broad pattern and rapid pace of development that contribute to poor FRM systems performance.

Thank you for your careful consideration of this request is appreciated. If you have questions contact Glenn Rushing glenn.rushing@mail.house.gov in Congresswoman Jackson Lee's office.

Sheila Jackson Lee (TX–18), Rubén Hinojosa (TX–15), Filemon Vela (TX–34), Eddie Bernice Johnson (TX–30), Marc Veasey (TX–33), Randy K. Weber (TX–14), Michael McCaul (TX–10), Blake Farenthold (TX–27), Pete Olson (TX–22), Gene Green (TX–29), Al Green (TX–09), Dan Kildee (MI–05), Joaquin Castro (TX–20), Henry Cuellar (TX–28), Members of Congress.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MULLIN

Mr. MULLIN. Mr. Chair, 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. ____. Beginning on November 8, 2016, through January 20, 2017, none of the funds made available by this Act may be used to propose or finalize a regulatory action that is likely to result in a rule that may have an annual effect on the economy of $100,000,000 or more, as specified in section 3(f)(1) of Executive Order No. 12866 of September 30, 1993.

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from Oklahoma and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oklahoma.

Mr. MULLIN. Mr. Chair, I offer an amendment to protect Americans from the costly regulations this administration or future administrations may try to issue before the President leaves office. My amendment would prohibit funds from being used to propose or to finalize any major regulation from November 8 to January 20 of next year.

In the past, we have seen administrations issue politically motivated regulations between the day of the election and the day the new President takes office. In 2000 and in 2008, the number of midnight regulations issued was nearly double the average of non-midnight regulations. We expect this administration to maintain this practice, and with the nature of the regulations we have seen from the Federal agencies over the past 8 years, this amendment is more important than ever.

I would like to briefly thank the gentleman from Michigan (Mr. WALBERG) for leading on this issue in the House.

Let's hold the executive branch in check in its remaining days so that families and businesses across the country don't fall victim to unnecessary, burdensome regulations.

Mr. Chair, 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, this amendment is actually costly, inefficient, and it rolls back progress in a department that has really been experiencing tremendous leadership under Dr. Ernest Moniz.

The Mullin amendment would stop the Department of Energy from proposing or finalizing any rule that may cost more than $100 million annually, the Congressman says. Mr. Chair, this is just another attempt to ensure that agencies are unable to enact important rules and regulations that protect consumers and benefit our Nation.

What if that had been done back when the Clean Water Act was first passed?

We would have had communities across this country pumping sewage into their kitchens.

At the DOE alone, the Mullin amendment would stall 14 rules that are currently in progress, a third of which are consensus agreements that the DOE has worked with industry to finalize. The amendment would also waste valuable manpower and resources for both the DOE and the industries involved in these consensus agreements.

This makes no sense. We need to move on with the business of America. Taking a myopic view of our Nation's regulatory practices is nothing new for this majority. Time and again, we have seen appropriation riders and authorizing legislation that only looks at the costs that are associated with agency rules and that completely ignores the associated benefits to our country. This amendment is no different.

These proposals overlook the extensive review process that already exists for rules. For example, every new rule is already scrutinized up and down by numerous Federal agencies as well as by key stakeholders and the public through very, very extensive input that agencies seek. Let me explain.

For economically significant rules, an agency must provide the Office of Management and Budget with an assessment and, to the extent possible, with a quantification of the benefits as well as of the costs of a proposed rule. In accordance with Executive Order No. 12866, the agency has to justify the costs associated with the rule, and these costs are justified with benefits, which is something the Mullin amendment appears to think doesn't exist, but that is simply false.

For example, in his 2015 analysis of the estimated costs and benefits of significant Federal regulations, the OMB estimated that, over the last decade, the benefits of these rules outweighed the economic costs by nine to one—and that is OMB. These benefits have translated into real money for the American taxpayer.

As a result of standards established by the DOE, a typical American household already saves over $200 a year on its energy bill. That comes in different forms. Whether it is a more efficient refrigerator or whether it is light bulbs or whether it is insulation, we all know the benefits.

Besides economic benefits, these standards provide benefits to our environment and the well-being of our communities. The 40 new or updated standards issued by the DOE will assist in reducing carbon emissions by over 2 million metric tons through 2030, and will help this Nation curb climate change, which we all know threatens the health of our environment as well as of our communities.

Republicans should stop trying to undermine the rulemaking process. They should stop ignoring the real-world benefits of these rules to society and the progress that we are making as a country.

I urge my colleagues to oppose this amendment.

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

Mr. MULLIN. Mr. Chair, with respect to my colleague, I do want to point out that the Clean Water Act had absolutely nothing to do with pumping sewage into someone's house. It had to do

with the direct discharge into navigable waters, like in Mississippi. It has nothing to do with what we are talking about or with what the gentlewoman brought up.

Second of all, when the gentlewoman starts talking about its being costly, the last time I checked, the cost of living has skyrocketed due to the regulations, due to the amount of inflation that has been brought on by regulations and from the costs of doing business. As a businessowner, I well understand the costs.

Through rulemaking, the legislators lose the ability to legislate, which is what our Founding Fathers had decided to do when they set up the legislative branch. We surrender that when we allow the executive branch to go crazy towards the end of the year to clean the slate of their last year in office. Let me give you some numbers.

Under the Carter administration—this is how far I am going to go back, and don't think that this is a Republican thing or a Democrat thing. During the midnight hours of regulations, which is considered to be November 8 to January 20, the Carter administration issued 24,531 pages of midnight regulations. The Reagan administration issued 14,584 pages of midnight regulations. The Bush administration issued 20,148 pages of midnight regulations. The Clinton administration issued 26,542 pages of midnight regulations. Mind you, this is between the election in November until he leaves office in January. Bush: 21,251 pages.

All I am saying is let's be the legislators our Founding Fathers set up, and let's not allow the executive branch to allow rulemaking to go on and bypass the legislative branch.

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

Ms. KAPTUR. Mr. Chair, I urge Members to oppose the gentleman's amendment.

I yield back the balance of my time.

Mr. MULLIN. Mr. Chair, I urge my colleagues to vote for this amendment so we can hold this administration accountable.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Oklahoma (Mr. MULLIN).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. JACKSON LEE

Ms. JACKSON LEE. Mr. Chair, 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. ____. The amounts otherwise provided by this Act are revised by reducing the amount made available for ''Corps of Engineers-Civil—Construction'', and increasing the amount made available for the same account, by $100,000,000.

The Acting CHAIR. Pursuant to House Resolution 743, the gentlewoman from Texas and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE. Mr. Chair, my previous amendment dealt with the Investigations account, which is the predecessor to the Construction account.

Before I begin the discussion, let me say that I took to the floor of the House in May, after the floods occurred in Houston, and had a moment of silence for the eight people who had died in those floods. Mr. Chair, this was not a hurricane, and it was not a tornado. It was hard rain that caused individuals in their cars to drown. It was very, very tragic. Some going to work, some nurses, some students who were drowning in their cars. This is what it looked like in my district. It looked the same way in 2015 and again in 2016.

The Construction account, for which I want to thank Ms. KAPTUR and Mr. SIMPSON, has $1.94 billion. I believe the Construction account is very important to Members across the Nation. Certainly, it is important to the Houston-Harris County region, with other counties around. As the Federal agency that collects and studies basic information pertaining to river and harbor flood and storm damage and shore protection, this is important construction money that will be vital to preventing this kind of catastrophe—first a study, then the construction. The areas that may be impacted by the Army Corps' resources include Sims Bayou, Greens Bayou, Brays Bayou, White Oak Bayou, Hunting Bayou, and Clear Creek Bayou. These are the areas that spilt over and caused the enormous damage.

On April 15, 2016, an estimated 240 billion gallons of water fell in the Houston area over a 12-hour period, which resulted in several areas exceeding the 100- to 500-year flood event. That is why these construction dollars are so important. The areas that experienced these historic rainfalls were west of I–45, north of I–10 and Greens Bayou—my congressional district, among others.

Finally, during the May 2015 Houston flood, 3,000 homes were flooded, and eight people died. During the April 2016 Houston flood, 5,400 homes were flooded, and, again, eight deaths were recorded. As for my previous numbers, April 15, 2016, was when they had this constant rain—240 billion gallons. The economic damage caused by the 2015 Houston flood is estimated at $3 billion.

This Construction account is so very important. I ask my colleagues to support the Jackson Lee amendment, which is the broader view of how these dollars can be utilized to save lives, in particular in regions that I happen to live in, which is the Houston-Harris County area.

Mr. Chair, I want to thank Chairman SIMPSON and Ranking Member KAPTUR for shepherding this legislation to the floor and for their commitment to preserving America's great natural environment and resources so that they can serve and be enjoyed by generations to come.

My amendment speaks to the need for robust funding for the U.S. Army Corps of Engineers "Construction" account by redirecting $100 million for increased funding for critical construction projects, like those current and future projects proposed for the Houston/Harris County metropolitan area.

Mr. Chair, I am pleased that H.R. 5055 provides $1.945 billion for the Construction account.

As the federal agency that collects and studies basic information pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and conducts detailed studies, plans, and specifications for river and harbor, and flood and storm damage reduction, the U.S. Army Corps of Engineers plays a critical role in building, maintaining, and expanding the most critical of the nation's infrastructure.

We understand this very well in my home state of Texas and the Eighteenth Congressional District that I represent.

The Army Corps of Engineers has been working with the Harris County Flood Control District since 1937 to reduce the risk of flooding within Harris County.

Current projects include 6 federal flood risk management projects:

1. Sims Bayou
2. Greens Bayou
3. Brays Bayou
4. White Oak Bayou
5. Hunting Bayou, and
6. Clear Creek

In addition to these ongoing projects, the Army Corps of Engineers operates and maintains the Addicks and Barker (A&B) Detention Dams in northwest Harris County.

Such a study is certainly needed given the frequency and severity of historic-level flood events in recent years in and around the Houston metropolitan area. It is clear that much more needs to be done to minimize the vulnerability of the nation's 4th largest metropolitan area and economic engine from the flood damage.

On April 15, 2016, an estimated 240 billion gallons of water fell in the Houston area over a 12 hour period, which resulted in several areas exceeding the 100 to 500 year flood event record.

The areas that experienced these historic rainfalls were west of 1–45, north of I 10, and Greens Bayou.

Additionally, an estimated 140 billion gallons of water fell over the Cypress Creek, Spring Creek, and Addicks watershed in just 14 hours.

Mr. Chair, during the May 2015 Houston flood, 3,015 homes were flooded and 8 persons died; during the April 2016 Houston flood, 5,400 homes were flooded and 8 deaths recorded.

The economic damage caused by the 2015 Houston flood is estimated at $3 billion; the 2016 estimate is being compiled and is estimated to be well above $2 billion.

Mr. Chair, minimizing the risk of flood damage to the Houston and Harris County metropolitan area, the nation's 4th largest, is a matter of national significance because the region is one of the nation's major technology, energy, finance, export and medical centers:

1. Port of Houston is the largest bulk port in the world;

2. Texas Medical Center is a world renowned teaching, research and treatment center;

3. Houston is home to the largest conglomeration of foreign bank representation and second only to New York City as home to the most Fortune 500 companies; and

4. The Houston Watershed Assessment study area sits within major Hurricane Evacuation arteries for the larger Galveston Gulf Coast region.

I ask my colleagues to join me and support the Jackson Lee Amendment.

I thank Chairman SIMPSON and Ranking Member KAPTUR for their work in shepherding this bill to the floor.

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

□ 2100

Mr. SIMPSON. Mr. Chairman, I claim the time in opposition, although I do not oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from Idaho is recognized for 5 minutes.

There was no objection.

Mr. SIMPSON. Mr. Chair, first let me assure my colleague that I understand the issue prompting this amendment. Seeing our communities flood and our constituents struggling to deal with the aftermath of flooding, especially when there are projects already planned to prevent such flooding, can be extremely frustrating.

That is why the energy and water bills over the past several years have included significant funding above the budget request for the Corps of Engineers flood and storm damage reduction mission.

In fact, the fiscal year 2017 energy and water bill more than doubles the budget requested from the administration for construction of these projects. It is an increase of 113 percent, or $457 million.

More specifically, the bill includes $392 million in additional funding, for which the Houston area projects could compete. That amount is $82 million more than the amount provided in the fiscal year 2016 act.

Additionally, the committee report directs the Corps to consider the severity of risks of flooding or the frequency with which an area has experienced flooding when deciding how to allocate the additional funding provided. The bill provides strong support for addressing flood risks.

Because the amendment does not actually change funding levels and, so, does not upset the balance of priorities within this bill, I will not oppose this amendment.

I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Chair, again I thank Mr. SIMPSON for recounting that information and Ms. KAPTUR for the leadership that she has given and the understanding of the plight that we are in.

Flood control is critical to dams and harbors, and it is most critical of all as infrastructure. That is what the construction funding will do. We understand that this now will give us the opportunity for long overdue projects that are dealing with major flooding.

The previous amendment giving us a work plan through the Army Corps of Engineers will again be instructive and helpful to saving lives and reducing the enormity of loss and the enormity of damage that has been caused to these areas.

I ask for support of the Jackson Lee amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GOSAR

Mr. GOSAR. 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 carry out the memorandum from the White House Counsel's Office to all Executive Department and Agency General Counsels entitled ''Reminder Regarding Document Requests'' dated April 15, 2009.

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. Chair, I rise to offer an amendment which will prevent the administration from causing unnecessary delays and blocking important information from being released to the general public under the Freedom of Information Act.

In 2009, the White House released a secret memo to every executive department and agency urging them to consult with counsel at the White House before releasing any documents or fulfilling any requests that may involve ''White House equities.''

Last year the Department of Energy, Office of Inspector General, released a special report titled The Department of Energy's Freedom of Information Act Process.

In this report, Federal investigators determined that, in numerous cases where the Department of Energy's general counsel had provided their FOIA response to the White House, ''the FOIA case file was incomplete and did not contain all of the documents related to the FOIA response.''

What does that mean, Mr. Chairman? As the report tells us, incomplete documentation in these cases prevents us from being absolutely certain we know what changes or redactions were made when the White House reviewed the documents. Further, we don't know how many records requests submitted to the Department of Energy were blocked by the White House.

For an administration that once sought to be the most transparent administration in our Nation's history, actions such as these do nothing to inspire trust or confidence amongst the American people.

It took a FOIA request in 2014 to reveal that, out of more than 450 Department of the Interior inspector general requests, the Obama administration only allowed the IG to release three reports.

While that stat is troubling, figures released by the Associated Press this year through their annual FOIA review are even more disturbing. The annual review covers Freedom of Information Act requests made to more than 100 different Federal agencies.

Shockingly, the AP reported in March that, in 2015, the American people received censored responses or nothing in 77 percent of all FOIA requests, redacted releases or nothing in response to nearly 600,000 Freedom of Information Act requests. Absolutely shameful.

Daniel Epstein, executive director of the nonprofit government watchdog Cause of Action, said it best when he stated: ''Information seekers, whether they're individuals, members of the news media or public interest groups, should be extremely troubled by the fact that this White House has been interfering with how Federal agencies comply with the Freedom of Information Act.''

This amendment is supported by Americans for Tax Reform; the Council for Citizens Against Government Waste; the National Taxpayers Union; the Taxpayers Protection Alliance; Concerned Citizens for America, Arizona Chapter; the Gila County Cattle Growers Association; and the Sulphur Springs Valley Electric Cooperative.

Agency officials that want to comply with the law and respond to Freedom of Information Act requests in a timely manner should not be blocked from doing so because of an arbitrary memo from the White House.

The Department of Energy IG and numerous government watchdog groups claim the memo that my amendment defunds is limiting public access under the Freedom of Information Act.

I urge my colleagues to support this amendment and defund this unlawful memo.

I also want to thank the distinguished chair and ranking member for their work on this bill.

I reserve the balance of my time.

Ms. KAPTUR. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIR (Mr. POE of Texas). The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. Mr. Chair, I am opposed to the amendment as the provision interferes with the standard practice spanning administrations of both parties and raises potential constitutional concerns.

It is standard practice for agencies processing Freedom of Information Act

requests to confer with other executive branch entities with equities, including the White House, prior to releasing documents. Agencies refer documents to the White House just as they refer documents to other agencies.

The practice of agencies consulting with the White House prior to Freedom of Information Act requests regarding White House equities is longstanding, spanning administrations of both parties. The Reagan administration issued a memorandum in 1988 directing such consultation.

Finally, the provision could interfere with the President's ability to protect privileged information and thereby could raise constitutional concerns in some applications. This is just one more instance of the majority prioritizing message amendments rather than getting on with the hard work of legislating.

I oppose this amendment. It has no place on an appropriations bill and should be defeated.

I yield back the balance of my time.

Mr. GOSAR. Mr. Chairman, once again I would like to just actually reiterate these responses. Seventy-seven percent of all FOIA requests were not complied with. Redacted releases are nothing in response to nearly 600,000 Freedom of Information Act requests. Once again, smoke and mirrors. When are we going to get this?

I would ask everybody to vote for 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.

AMENDMENT NO. 6 OFFERED BY MR. ENGEL

Mr. ENGEL. 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:

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 by the Department of Energy, the Department of the Interior, or any other Federal agency to lease or purchase new light duty vehicles for any executive fleet, or for an agency's fleet inventory, except in accordance with Presidential Memorandum—Federal Fleet Performance, dated May 24, 2011.

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from New York and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. ENGEL. Mr. Chairman, on May 24, 2011, President Obama issued a memorandum on Federal fleet performance that required all new light-duty vehicles in the Federal fleet to be alternative fuel vehicles, such as hybrid, electric, natural gas, or biofuel.

My amendment echoes the President's memorandum by prohibiting funds in this act from being used to lease or purchase new light-duty vehicles unless that purchase is made in accord with the President's memorandum.

I have submitted identical language to 20 different appropriations bills over the past few years, and every time it has been accepted by both the majority and the minority. I hope my amendment will receive similar support today.

Global oil prices are down. We no longer pay $147 per barrel. But spikes in oil prices would still have profound repercussions for our economy. The primary reason is that our cars and trucks run only on petroleum. We can change that with alternative technologies that exist today.

The Federal Government operates the largest fleet of light-duty vehicles in America, over 640,000 vehicles. More than 55,000 of those vehicles are within the jurisdiction of this bill, being used by the Department of Energy, the Department of the Interior, and the Army Corps of Engineers.

When I was in Brazil a few years ago, I saw how they diversified their fuel use. People there can drive to a gasoline station and choose whether to fill their vehicle with gasoline or ethanol. They make their choice based on cost or whatever criteria they deem important.

I want the same choice for American consumers. That is why I am proposing a bill in Congress, as I have done many times in the past, which will provide for cars built in America to be able to run on a fuel instead of or in addition to gasoline. It is less than $100 per vehicle. That is a separate issue, but I raise it because it is in conjunction with what I am proposing here. If they can do it in Brazil, we can do it here.

So, in conclusion, expanding the role these alternative technologies play in our transportation economy will help break the leverage that foreign government-controlled oil companies hold over Americans. It will increase our Nation's domestic security and protect consumers.

Again, I have submitted this in different appropriations bills through the years, and it has always passed unanimously by both Democrats and Republicans. I hope it will be the same.

I ask that my colleagues support the Engel amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. ENGEL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GOSAR

Mr. GOSAR. 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 by the Department of Energy for the 21st Century Clean Transportation Plan.

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 which will help prevent an unnecessary tax increase on hardworking families and send a strong message from the House of Representatives that we oppose the administration's new mandatory climate change transportation program.

In February, the Obama administration proposed creating a new program nicknamed the 21st Century Clean Transportation Plan that aims to spend $320 billion over the next 10 years and divert precious taxpayer funds to self-driving cars, high-speed rail, and mass transit in the name of preserving the environment.

In fact, $20 billion of the estimated $32 billion each year for this proposed program won't go to roads or bridges, but instead will be squandered on inefficient programs that require significant taxpayer subsidies.

To pay for the majority of this unlawful $320 billion program, the Obama administration has proposed a $10.25 tax on every barrel of oil. This new tax on crude oil and petroleum products will inevitably be passed on to hardworking Americans that can't afford another new tax increase from the Obama administration.

In fact, the $10.25 per-barrel tax is estimated to add an additional 25 cents to the cost of every gallon of gasoline. Millions of energy-related jobs will be put at risk and low-income families will be forced to bear larger financial burdens as a result of this unnecessary tax that is being proposed to pay for Obama's flawed climate change transportation program.

In the Department of Energy's fiscal year 2017 budget, the agency requested $1.3 billion for this year and $11.3 billion over the next 10 years to fund the administration's 21st Century Clean Transportation Plan.

My amendment rejects the new $10.25 tax on every barrel of crude oil and prohibits funding in this bill for the administration's flawed climate change transportation program.

This amendment is supported by Americans for Limited Government; Americans for Tax Reform; the Council for Citizens Against Government Waste; the National Taxpayer Union; the Taxpayers Protection Alliance; Concerned Citizens for America, Arizona Chapter; the Gila County Cattle Growers Association; and the Sulphur Springs Valley Electric Cooperative.

I thank the distinguished chair and ranking member for their work on this bill.

I reserve the balance of my time.

□ 2115

Ms. KAPTUR. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. Mr. Chairman, the gentleman has hit a very soft spot with me here, the automotive and trucking industries, so vital to my area of the country and so vital to the whole economy.

Actually, the manufacturing part of America, as it recovers, is lifting us to new heights with economic growth. I rise in strong opposition to this amendment because, again, it takes America backward, not forward.

This amendment seeks to prohibit funding for the Department of Energy's 21st Century Clean Transportation Plan, which is a fantastic initiative which would set America on a long-term path to achieving our economic and climate goals.

I am telling you, when you see some of what is being done with new materials science, with new composites, with metals and plastics technologies, I can go from Ford's Ecoboost engine, to Chrysler's new vehicles, to Dana's new axle plant being built in the Midwest, to General Motors and the wonderful work that they are doing at Brook Park. One plant after another, you can see the results of innovation where the Department of Energy, working with the private sector, is bringing the future to us every day.

The 21st Century Clean Transportation Plan would scale up clean transportation research and development, critical for the clean transportation systems of the future. Did you know that in the internal combustion engine we still do not understand how fuel actually burns? The Department of Energy is doing wonderful research to try to help important companies like Cummins Engine figure out how fuel is actually used in those engines to make them more efficient.

We have to talk about reducing the cost of batteries and developing low-carbon fuels such as biofuels. We don't have all the answers. Industry alone doesn't do it alone because some of this is basic research.

We also are involved in funding the development of regional low-carbon fueling infrastructure, including charging stations for electric vehicles for those people who choose to purchase those and pumps for hydrogen fuel cell cars. Yes, we are inventing the future. You know what? It feels pretty good.

Finally, it would investigate future mobility and intelligent transportation systems like vehicle connectivity and self-driving cars. Last week the Motor & Equipment Manufacturers Association was up here, and I went over to the northeastern part of the city, drove a Peterbilt truck with Bendix technology and with the automatic braking systems that are just incredible in a vehicle that has a cubic ratio of about 480 cubic inches to that engine. What an incredible piece of engineering that is.

The Department of Energy is always driving us into the future, and that is where we need to go. Our Nation has always been a leader on innovation. To sustain this pace, we must continue to invest in programs like the 21st Century Clean Transportation Plan, which drives our economy forward.

The automotive industry and all the related suppliers, including trucks, represent about one out of every seven jobs in this country. We are in stiff competition with markets that are closed, with markets that try to target our industry and snuff them out of existence. I think that we have to do everything possible.

I co-chair the House Automotive Caucus here along with Congressman MIKE KELLY of Pennsylvania, and I would have to say that the gentleman's amendment does not take us forward, but backward.

I would urge my colleagues to oppose it very, very strongly.

Mr. SIMPSON. Will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Idaho.

Mr. SIMPSON. Mr. Chair, I appreciate the gentlewoman's comments. Getting back to the amendment, I would remind the gentleman offering the amendment, A, that this is not the tax committee, that any $10 tax on a barrel of oil would come out of the Ways and Means Committee. I don't see that coming out of the Ways and Means Committee, but it is not included in this bill.

The other thing that I would remind the gentleman of is there is no—I repeat no—funding in this bill for the President's 21st Century Clean Transportation Plan, the mandatory funding that was proposed by the administration. There is no funding in this bill for it; so, this amendment does nothing. It strikes no funding because there is no funding in this bill.

I thank the gentlewoman for yielding.

Ms. KAPTUR. Mr. Chairman, I yield back the balance of my time.

Mr. GOSAR. Mr. Chairman, I want to remind everybody that $20 billion of the estimated $32 billion each year for this proposed program won't go to roads or bridges, but to these inefficient programs.

I guess we are going to the future. We are $19 trillion in debt and soon to be $22 trillion and $23 trillion and $24 trillion in debt. Yes, I do understand, in the Department of Energy's fiscal year 2017 budget, the agency requested $1.3 billion for this year and $11.3 billion over the next 10 years to fund the administration's 21st Century Clean Transportation Plan.

Now, while the budget request this year happened to be mandatory, next year it could be discretionary. The House has not taken action to date to reject the $10.25 tax on every barrel of oil and to this fundamentally flawed program.

My amendment rejects that tax increase and the Obama administration's new climate change transportation program.

I urge adoption of this commonsense 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 Arizona (Mr. GOSAR).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SANFORD

Mr. SANFORD. 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 provide a loan under section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013).

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. SANFORD. Mr. Chair, I think what I have before all of us is a commonsense amendment. It simply says that the advanced technology vehicle manufacturing loan program will continue to exist, but there can be no additional loans.

The reason that I do so is, when I came and offered this amendment last year, I had a cutting amendment last year, but what was explained to me was that, if you cut the program, then you wouldn't have money to administer the existing loans that were out there.

So, as a result, I have altered this amendment so that it again leaves in place the appropriation, which is more than $5 million, so that you could continue to administer the existing loans that are in place, but there would be no additional loans.

Now, why do I think that that is important? I think it is important for a couple different reasons. I think, from a Democratic standpoint, what we would say is that we all believe in equality and that there shouldn't be subsidized loans for major corporations, global corporations, here in the United States while your cousin's pizza business is struggling or your friend's landscaping business is struggling. They don't get subsidized loans. Why should a big business?

So, from a Democratic standpoint, I think we would hold that belief. From a Republican standpoint, we would say we need to watch out for the taxpayer.

If you look at the default rate on these loans, unfortunately, it has been relatively high. You would say: I don't know if government is in the best spot to be making these kinds of loans to businesses.

I think that ultimately is the role not of government, but of business. Let them do what they do. I think from both vantage points it is something that makes sense.

I would add just a couple of additional thoughts and then I would yield.

I would say, one, there have been only five loans made since 2007. This is

not a huge program. This is a very limited program.

Two, two out of the five loans made since 2007, in fact, have defaulted. That is a 40 percent default rate. I don't think that that is the kind of thing that we would like to see in government.

There have been no loans made since 2011. And then the GAO came in March of 2013 and said the costs outweigh the benefits of this program.

They followed that up with another GAO report in March of 2014 and said: We recommend shutting down the program unless the Department of Energy can show real demand for the loans.

Then they followed that up with a final GAO report in March of this year, and it said that there hadn't been a sufficient level of demand.

As a consequence, their words were this: Determining whether funds will be used is important, particularly in a constrained fiscal environment. This Congress should rescind unused appropriations or direct them to other government priorities.

I think the simple issue with this loan program is that there could be other priorities where you take that $4 billion of loan authority and let other parts of government use it or turn it back to the private sector and use that money much more effectively.

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

Mr. SIMPSON. Mr. Chairman, I claim the 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 just want to state that I don't want people who may be listening to this, other Members who may be listening to this, to get the impression that we are putting money in here for the Loan Guarantee Program.

There is no money in the underlying bill for the ATVM additional new loans. The only money in there is to administer the existing loans.

I understand what the gentleman is saying. I agree with the gentleman. I just don't want Members to think that we are putting money into the program when we are not.

I yield back the balance of my time.

Mr. SANFORD. Mr. Chair, I very, very much appreciate what the chairman pointed out. Again, that is why I think it is so important to simply codify this notion that we won't go forward.

The money is in there for administration of existing loans. It is just saying that we are not going to go out and administer new ones, given the other needs that exist within both the public and the private sector for funds like this.

Mr. Chair, I will reserve the balance of my time.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. KAPTUR. Mr. Chairman, I rise in opposition to the gentleman's amendment. Any proposal to sunset the Advanced Technology Vehicle Manufacturing Program or limit the pipeline of projects that may be eligible is shortsighted and should be rejected.

Why? First, the program is a critical one for the American automotive industry and has supported its resurgence. They have issued more than $8 billion in loans to date, and these loans have resulted in the manufacture of more than 4 million fuel-efficient advanced vehicles, supported approximately 35,000 direct jobs across eight States, including California, Illinois, Michigan, Missouri, Ohio, Kentucky, New York, and Tennessee, and saved more than 1.35 million gallons of gasoline. Not too bad.

The success has been achieved with losses of only approximately 2 percent of a total portfolio of $32 billion for the loan programs office. That is a lower percent than most banks have on the loans that they make. What we are talking about here is higher level research, higher level investments in technologies that are yet being born.

Why else should we reject this amendment? Instituting an arbitrary and immediate deadline for applications to this program would result in the Department losing billions of dollars in loan authority itself. The program currently has billions in loan requests in the pipeline from both automakers and component manufacturers for projects in 10 States.

Thirdly, capping the program of eligible projects will hinder the Department's ability to issue new loans to support domestic manufacturing of advanced vehicles especially at a time when we are asking the industry to meet rising fuel economy standards.

It is really amazing what has been done just in the last 15 years. When we look at some of the vehicles coming out now, we are seeing vehicles like the Cruze, 33 miles a gallon. Some are going up to 40, some to 50. It is really amazing what has happened, the transformation that is happening in this industry that we are living through directly.

I oppose the gentleman's amendment because I really do believe innovation has always led us into the future. This is the kind of program that can provide the capital necessary to expand our domestic manufacturing when so much of it is being offshored. It is a major issue in the Presidential election this year in both political parties, how we are going to restore manufacturing in this country.

We have to do it through innovation. We have to do it in sectors that are muscle sectors like the automotive and truck industry that are so vital and produce real wealth for this country, not imported wealth, but wealth that we produce ourselves through all the componentry, the thousands and thousands and thousands of components that go into these vehicles, and the fuel efficiency that makes them competitive in the marketplace of today.

I oppose the gentleman's amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. SANFORD. Mr. Chair, I would agree with much of what my colleague said just a moment ago. I think that innovation is, indeed, the gateway to the future, but I would argue that great innovation has been led by the private sector, not by loan guarantees to major corporations.

You think about Steve Jobs and his partner opening up that business in basically what amounted to the basement of a house. That is not what we are talking about here. I think some of the great innovations will come from small businesses that don't see this kind of financial advantage.

Two, I would make the point that this is not about just helping American companies. One of the largest loans out there was to Mazda, which is not an American company. Ford is—that is one of the other big loans, but Mazda is not.

I would put this in the larger classification of Reagan's words: The closest thing to eternal life is a government program.

This is one of those government programs that has not proved successful, and I think it is important that we wean government programs. We prune them where they don't make sense.

Forty percent is, in fact, the default rate. If you add up all the numbers, it amounts to 2 percent. But most people when they think of default and what the American Bankers Association would think of when they think of default is divided by the number of loans out there, what percent defaulted, and that number happens to be a real 40 percent, not 2 percent of the aggregate amount of the total loans out there.

□ 2130

Finally, I would again go back to this simple point. I agree with my colleagues about what they have said on the need for innovation and for reform, but I don't think it will be led through a loan program that has seen any number of defaults in the process. That money could be redeployed to education and a whole host of our primary needs in this country.

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. SANFORD).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BUCK

Mr. BUCK. 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 research, draft,

propose, or finalize the Notice of Proposed Rulemaking that was published by the Department of Energy on December 19, 2014, at 79 Fed. Reg. 76,142, titled, ''Energy Conservation Program: Energy Conservation Standards for Residential Dishwashers'', the Notice of Proposed Rulemaking that was published by the Department of Energy on August 13, 2015, at 80 Fed. Reg. 48,624, titled, ''Energy Conservation Program: Energy Conservation Standards for Ceiling Fan Light Kits'', or the Notice of Proposed Rulemaking that was published by the Department of Energy on August 19, 2015, at 80 Fed. Reg. 50,462, titled, ''Energy Conservation Program: Energy Conservation Standards for Refrigerated Bottled or Canned Vending Machines''.

Mr. BUCK (during the reading). Mr. Chair, I ask unanimous consent to waive the reading.

The Acting CHAIR. Is there objection to the request of the gentleman from Colorado?

There was no objection.

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, this amendment returns choice to consumers and keeps the price of products affordable.

The Department of Energy's energy conservation program issues efficiency regulations for everyday appliances like dishwashers and vending machines. The rules are based on a cost-benefit analysis, but the analysis is vague and skewed to the desired outcome. Rather than improving the lives of consumers, these mandates drive up the cost of appliances.

To address the rising costs and the crackdown on consumer choice, this amendment prohibits energy mandates on residential dishwashers, ceiling fan light kits, and vending machines. Individuals should have a choice of whether or not to buy these appliances.

As consumer demand for efficiency increases, the market will find a way to produce appliances that save more energy. This amendment stops the administration from implementing their radical green energy agenda on the backs of American families.

I urge a ''yes'' vote.

Mr. Chairman, I yield 1 minute to the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of this amendment. My colleague's amendment would prohibit the use of funds at the Department of Energy to propose efficiency standards for ceiling fan light kits, residential dishwashers, and vending machines.

Mr. Chairman, the law in question allows for executive overreach by prescribing what industry can and cannot sell and what consumers can and cannot buy. Industry has legitimate concerns about the government forcing a wholesale change to a market for something as common as a dishwasher. This amendment reins back this overreaching regulation, and I support this amendment and recommend my colleagues vote ''yes.''

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 oppose the gentleman's amendment. It is just one more instance where the majority is saddling the consumer with ever-increasing energy bills. We know how the standards have really saved consumers money over the years. I have some figures here that are very interesting.

A typical household saves about $216 a year off their energy bills now as a result of renewed standards. As people replace their appliances with newer models, they can expect to save more than $453 annually by 2030. The cumulative utility bill savings to consumers from all standards in effect since 1987 are estimated to be nearly $1 trillion by 2020 and grow to nearly $2 trillion through 2030.

Invention does matter. And the application of that to our daily life really matters. The efficiency standards have spurred innovation that dramatically expanded options for consumers. 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 this rider is harmful.

I urge all Members to vote ''no'' on the Buck amendment.

I yield back the balance of my time.

Mr. BUCK. 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 amendment was agreed to.

AMENDMENT NO. 14 OFFERED BY MRS. BLACKBURN

Mrs. BLACKBURN. 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:

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.

The Acting CHAIR. Pursuant to House Resolution 743, the gentlewoman from Tennessee and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Tennessee.

Mrs. BLACKBURN. Mr. Chairman, I know that the committee has worked hard to get a bill that is going to come into the numbers. Unfortunately, I disagree with the $1.070 trillion number that is in the Bipartisan Budget Act. I like the Budget Control Act's number of $1.040 trillion.

A $30 billion difference doesn't sounds like a lot when you are talking about trillions of dollars, but I tell you, to my constituents, with $19 trillion debt, it does make a difference.

The funding level of this bill is $37.444 billion. I will be offering an amendment, which I offer every year to our spending bills, to cut 1 percent across the board. That would yield us $374 million in budget authority savings, and outlays savings of $222 million.

I know it doesn't sound like a lot, but it is simply taking one penny out of every dollar that is appropriated. And that, quite frankly, is the type of scrimping and saving that our constituents and American families are having to do all across this country in order to make their budgets work.

I am fully aware of the strong opposition that many have to making those 1 percent across-the-board cuts. As I have offered these amendments, many times I am told that cuts of this magnitude go far too deep, that they would be very damaging to our Nation's security, but I kind of agree with Joint Chiefs of Staff Chairman MULLIN when he said the greatest threat to our Nation's security is our Nation's debt.

I think we ought not to be putting future generations at risk, and we should be working toward reducing what our Federal outlays are every single year and working toward balancing the budget. It means yes, we have to go in and cut that penny out of a dollar and save it for our children and our grandchildren to get this Nation back on the right track.

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 commend the gentlewoman for her consistency. She always has these amendments to cut 1 percent across the board out of the appropriations bills, and I appreciate her consistent work to protect the taxpayer dollars, but this is an approach that, frankly, I can't support.

While the President may have proposed a budget that exceeds this bill, the increases were paid for with proposals and gimmicks that would never be enacted. This bill makes the tough choices within an allocation that adheres to current law.

You may not agree with current law, but it is the current law, and that is what we had to go with. Since there wasn't a budget resolution passed, what we ended up with is current law; and that is the allocation that we have, and that is what we stayed within.

I don't think the Appropriations Committee gets enough credit over the last several years for the work we have been doing in reducing Federal spending.

If you look at the total Federal budget and the amount of discretionary spending and mandatory spending, at one time it was about two-thirds discretionary spending and one-third mandatory spending 30 or 40 years ago. Then, about 5 years ago, it was one-third discretionary spending and two-thirds mandatory spending. That is Medicare, Medicaid, and Social Security entitlements.

Since we have taken control the last 5 years, that one-third of the budget that is discretionary spending is about 28 percent now. As it continues to go down in relationship to the entire budget, we cut discretionary spending more and more.

We have made difficult tradeoffs that had to be made in this bill to balance it with our needs. We prioritize funding for critical infrastructure and for our national defense. These tradeoffs were carefully weighed for their respective impacts and are responsible. Yet the gentlewoman's amendment imposes an across-the-board cut on every one of these programs, even the national defense programs, which are vitally important.

This makes no distinction between where we need to be spending to invest in our infrastructure, promote jobs, and meet our national security needs, like meeting the Ohio-class submarine dates so that we can get the Ohio-class submarine done, so that we can do the refurbishment of our nuclear stockpile, so that we can do the other things that are important on the national defense side of this budget.

It makes no distinction between those and where we need to limit spending to meet our deficit reduction goals. Therefore, I must oppose this amendment and urge my colleagues to vote ''no.''

I reserve the balance of my time.

Mrs. BLACKBURN. Mr. Chairman, indeed, the Appropriations Committee does deserve some credit. But also, passing the Budget Control Act with the 2 percent across-the-board spending reduction in discretionary spending deserves some credit also, because it shows the effectiveness of what those cuts can do.

Governors use this, Democratic and Republican alike. They do it because their States have balanced budget amendments, and they can't crank up the printing press and print the money.

I would encourage my colleagues to take a step toward fiscal responsibility, get inside and cut one more penny out of a dollar. We can do that on every appropriation that we have.

Mr. Chairman, I yield back the balance of my time.

Mr. SIMPSON. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Tennessee (Mrs. BLACKBURN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mrs. BLACKBURN. 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 gentlewoman from Tennessee will be postponed.

AMENDMENT OFFERED BY MR. SMITH OF MISSOURI

Mr. SMITH of Missouri. 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 by the Army Corps of Engineers to implement, administer, or enforce the last four words of subparagraph (B) of section 1341(a)(1) of title 31, United States Code, with respect to crevassing of levees under the Birds Point–New Madrid Floodway Operations Plan.

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from Missouri and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SMITH of Missouri. Mr. Chairman, in May of 2011, under the strong objections of numerous folks in southeast Missouri and my predecessor, the Army Corps of Engineers activated the Birds Point levee, which is the second time since 1937. This resulted in an extensive amount of damage: over $156 million worth of damage and flooding of over 130,000 acres. In that place, homes and communities were completely destroyed and crops were lost.

After the water receded, many residents simply chose not to ever return home and back to their community. These are individuals that lived there for numerous generations. One community, a small town called Pinhook in Mississippi County, right in the boot heel, that no longer exists after the activation of that floodway.

The amendment that I have today is quite simple, Mr. Chairman. It says, when an activation of the Birds Point levee occurs, we must build it back. Not anything else other than if there is an activation, the government must build it back. If they destroy a community by activating and blowing up a levee, they must build it back. The amendment is extremely simple.

Had families in the Birds Point floodway had the assurance that a plan was already in place, perhaps they would have chosen to return back to their home for generations.

When river levels rise, safety is always the number one concern. But the Corps of Engineers should never, under any circumstances, breach a levee without already having in place plans for its restoration, allowing for residents to return to their lives as soon as possible.

□ 2145

I urge my colleagues to support my amendment and give assurance to Americans who live in floodways that their homes and livelihoods matter, and to remove any uncertainty that, should the worst happen, their lives can return to normal.

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 in opposition to the amendment.

First, let me assure the gentleman that I understand his concerns and appreciate his passion for protecting his constituents. I agree with him that, if the floodway is required to be operated in a major flood event, the levee should be restored as soon as possible after the flood event. In fact, the committee report on this bill makes that very point.

Unfortunately, the amendment and the impacts of it are not clear. It is possible that the amendment would actually increase flood risks for other communities within the Mississippi River and tributaries project area.

Without understanding the effects of the amendment, I must oppose it.

Mr. BOST. Will the gentleman yield?

Mr. SIMPSON. I yield to the gentleman from Illinois.

Mr. BOST. Mr. Chairman, I do stand in opposition, reluctant opposition. I have a tremendous respect for the gentleman from Missouri. I understand what he is trying to do, and that is that if the activation of the Birds Point levee does occur, that it should be built back.

But when you read the language, the concern I have is that it would actually stop the activation of the levee in the first place.

Understand, when these levees were first built, there were certain key points that were pressure release valves. The Birds Point was one of those. So as it rises, the Army Corps of Engineers has explained through a process of when to go in. And when we say crevasse, we mean we have to actually put explosive charges into the levee to relieve the pressure so that other areas—this is the way the system was built. It was designed by engineers to work this way originally.

The concern that we have is not with the fact that it should be built back, because I agree with the gentleman it should be built back. But the way the language actually reads, we are not sure that it would actually stop the Army Corps of Engineers from doing what it is that they are required by law to do, and that is to use that pressure release valve in times of emergency.

It is true, we have only had to use it twice since those systems have been put in place. It is a sad thing when it occurs. It floods a tremendous amount of crop land, and because it had not been operated in so long, people had built homes in there. Now, that was unfortunate that they built them in that situation, but we cannot endanger all other areas for putting language like this forward. I am more than willing to work with the gentleman on trying to make sure that this language is correct. We just couldn't be able to do that at this time.

Mr. SIMPSON. Mr. Chairman, I yield back the balance of my time.

Mr. SMITH of Missouri. Mr. Chairman, the language of the amendment is very clear, very clear. It does one simple thing. It means, if the activation of this levee ever occurs, that the Federal Government is obligated to rebuild it.

It is a limiting amendment that is crystal clear. It provides that, if there is an activation, that the Federal Government is obligated to build it back, simple as it is, making sure the Federal Government is responsible for its actions.

I ask the body to support the 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 Missouri (Mr. SMITH).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. SMITH of Missouri. 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 Missouri will be postponed.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. 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. ____. (a) The amounts otherwise made available by this Act for the following accounts of the Department of Energy are hereby reduced by the following amounts:

(1) ''Energy Efficiency and Renewable Energy'', $400,000.

(2) ''Nuclear Energy'', $25,455,000.

(3) ''Fossil Energy Research and Development'', $13,000,000.

(4) ''Strategic Petroleum Reserve'', $45,000,000.

(5) ''Non-Defense Environmental Cleanup'', $2,400,000.

(6) ''Science'', $49,800,000.

(7) ''Advanced Research Projects Agency-Energy'', $14,889,000.

(b) The amounts otherwise made available by this Act for the following accounts are hereby reduced by the following amounts:

(1) ''Power Marketing Administrations—Construction, Rehabilitation, Operation and Maintenance, Western Area Power Administration'', $2,209,000.

(2) ''Nuclear Regulatory Commission—Salaries and Expenses'', $32,132,000.

Mr. WALKER (during the reading). Mr. Chair, I ask unanimous consent to suspend the reading of the amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from North Carolina and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. WALKER. Mr. Chairman, this bill includes over $9 billion in appropriations for 22 nondefense programs that are not authorized by law. Nine of these programs receive a total of $185 million more than their enacted 2016 level. Several of these programs have not been authorized since the 1980s, and one has never been authorized by Congress.

My amendment is simple. My amendment would reduce unauthorized nondefense accounts to the 2016 levels. My amendment would also cut around $185 million and send that money to the spending reduction account.

In a time when we, as a Nation, are approaching close to $20 trillion in debt, we cannot continue to fund unauthorized accounts in our appropriations process. This is a democratic Nation, and the men and women send the Members of this body, not to slip unauthorized programs in appropriations bills, but to have an open discussion on our funding priorities.

Furthermore, the inclusion of appropriations for these programs in the reported bill is a violation of clause(2)(a)(1) of rule XXI of the rules of the House.

I applaud Representative TOM MCCLINTOCK and Conference Chair CATHY MCMORRIS RODGERS for their significant work to raise awareness of the problem of unauthorized appropriations and work towards a solution so that the House actually enforces its rules.

This year's Energy and Water appropriations includes over $1 billion in appropriations, and six more unauthorized programs that the House did pass in the 2016 Energy and Water bill from last year.

If we want to fund a program, we should have an open debate and a transparent process that promotes trust and accountability.

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. My colleague's amendment would reduce multiple accounts in the bill.

This year, the committee continues its responsibility to effectively manage government spending, and we have worked tirelessly to that end. For example, the nuclear and fossil programs see modest increases in the bill to continue our commitment for an all-of-the-above energy strategy.

Basic research conducted by the Office of Science is increased by less than 1 percent, to support research and operation efforts to advance research and development through university partnerships and at the Nation's national laboratory system.

Programs to clean up the legacy of the Manhattan Project and nuclear research also see minor increases in order to provide cleanup progress at sites across the country. These are targeted funds to produce needed investments to efficiently and safely utilize our natural resources, maintain the Nation's basic research infrastructure in the physical sciences, and continue the cleanup of Department of Energy legacy programs.

I understand my colleague's desire to reduce the size of government, but this amendment goes too far in reducing the strategic investments we need to make in our future.

I, therefore, oppose this amendment, and I urge Members to do the same.

Ms. KAPTUR. Will the gentleman yield?

Mr. SIMPSON. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I thank the gentleman for yielding.

I also oppose this amendment, which will reduce jobs in our country and hurt the middle class. There will be less investment in science, environmental cleanup, energy research and development, all of which create the future in this country, and have substantial returns on investments.

Since 2003, by the way, the United States has spent $2.3 trillion on importing foreign petroleum. This is a vast shift of wealth. That is the big shift of wealth, and thousands upon thousands of jobs from our country elsewhere. This amendment only exacerbates this shift of wealth from the American middle class.

The bill funds support in science and R&D activities necessary for our competitiveness. The world is becoming more competitive, not less. Energy is at the center of that.

I urge my colleagues to join me in opposing this amendment.

Mr. SIMPSON. Mr. Chairman, I reserve the balance of my time.

Mr. WALKER. Mr. Chairman, I yield to the gentlewoman from Wyoming (Mrs. LUMMIS).

Mrs. LUMMIS. Mr. Chairman, I thank the gentleman from North Carolina.

Scientific research is an important province of the Federal Government, and normally I support it; but I support it if it has been authorized.

The programs the gentleman from North Carolina has identified have not been authorized. Therefore, it is appropriate that the gentleman from North Carolina be supported in his amendment to just reduce them to the amount that gets us to flat funding. Flat funding is a reasonable request for programs that are not authorized.

Let's get those programs reauthorized, if that is what the American people want, and the Congress wants, and let's do it in a way that makes sure these programs are authorized in a way that recognizes 21st century priority.

That should happen at the authorizing committee level. If it doesn't happen at the authorizing committee level, a couple of things are wrong: either the authorizing committee doesn't have its hands on the steering wheel, or the authorizing committee thinks there needs to be changes that cannot be accomplished if the appropriators keep increasing the funding.

The incentive for the authorizing committee comes when these programs are flat-funded. We should not be funding programs with increases that are no longer authorized.

This is a problem throughout government. It is a way to save money in a

government that is $19 trillion in debt, and I applaud the gentleman from North Carolina for his conscientious, careful, thoughtful, reasoned amendment.

Mr. WALKER. Mr. Chairman, my amendment is simple. It simply rolls back or reduces unauthorized nondefense accounts to the 2016 levels.

Mr. Chairman, I yield back the balance of my time.

Mr. SIMPSON. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman from Idaho has 3 minutes remaining.

Mr. SIMPSON. Mr. Chairman, let me respond and tell the story again. We have already gone through this once tonight about authorizations. I don't think we should fund any program that isn't authorized. I don't think we should flat-fund it. I don't think we should fund it. But that is, unfortunately, what the Appropriations Committee ends up doing because the authorizing committees aren't doing their dang job. They are not getting out and reauthorizing the programs.

One year—and I will tell the story again. I will tell it again and again, I suspect, as we go through all of this—when I was chairman of the Interior Committee, because the Endangered Species Act at that time had not been reauthorized for 23 years, 23 years, I took all funding for listing of endangered species and designation of critical habitat out of the bill, zero funded it.

We brought the bill to the floor. The biggest supporter of my bill and opponent to the amendment to put funding in it for those purposes was the chairman of the Resources Committee. It is the Resources Committee's responsibility to reauthorize the Endangered Species Act. But he supported my amendment.

And after all of that, guess what? They still haven't reauthorized the Endangered Species Act.

Mrs. LUMMIS. Will the gentleman yield?

Mr. SIMPSON. I yield to the gentlewoman from Wyoming.

Mrs. LUMMIS. This year, the Land and Water Conservation Fund expired in its authorization on September 30. In October, we began reauthorizing the Land and Water Conservation Fund and reforming it to get it back to its original intent. And before we could complete the process, the appropriators increased funding and reauthorized it for 3 years.

We can't get the reforms we need when appropriators continue to appropriate. The burden should be on the authorizers.

Mr. SIMPSON. Yes, I agree with the gentlewoman. The burden should be on the authorizers, and they should do their job, and they should reauthorize the program.

I still haven't seen the reauthorization for the Land and Water Conservation Fund. That was last year. I still haven't seen it. I haven't seen the reauthorizations for any of the programs. The whole State Department is unauthorized.

Where is the reauthorization?

What do you want us to do?

We would eliminate about two-thirds of the Federal Government. Now, some people might like that. But we would eliminate about two-thirds of the Federal Government if we just said we are not going to fund any of the Federal programs.

So, I mean, it is a debate that goes on.

I agree with Congressman MCCLINTOCK. We have to find a way around this. We have to find a way to address the reauthorization issue without screwing up the whole appropriation process.

□ 2200

I think we can do that if reasonable people sit down and try to find a way around this. I actually think that every committee chairman ought to sit down with leadership at the start of a session and say: This is my 5-year plan, and these are all of the programs that are unauthorized under my jurisdiction. This is my 5-year plan to get them reauthorized.

They ought to follow through on that work plan.

Mr. Chairman, I oppose the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from North Carolina (Mr. WALKER).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. WALKER. 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 North Carolina will be postponed.

AMENDMENT OFFERED BY MR. DESANTIS

Mr. DESANTIS. Mr. Chair, 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 finds made available by this Act may be used to purchase heavy water from Iran.

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. DESANTIS. Mr. Chairman, to be clear, the JCPOA requires Iran to cap its stockpile of heavy water. It does not require the U.S. to subsidize or to purchase that heavy water.

This is a simple funding limitation amendment to an appropriations bill. It is similar to language used throughout the bill. It is a matter clearly related to the use of appropriated funds.

I listened to this debate in the Senate, and people said: Well, we have to spend U.S. tax dollars on getting heavy water; otherwise, Iran is going to sell it to North Korea. But understand, it is already against international law to ship heavy water to North Korea. So if Iran were to decide to do that and violate those sanctions, we have a way bigger policy issue than simply heavy water purchases, and it would call into question the entire Iran deal.

So instead of suppressing illicit nuclear proliferation among rogue nations, continuing purchases of Iranian heavy water would subsidize Iran's nuclear program and allow them to maintain the threshold capacity to make a dash for nuclear breakout.

If we want to take heavy water, then we can take it, but we should not subsidize Iran's nuclear program.

Mr. Chairman, I urge adoption of the amendment, and I reserve the balance of my time.

Ms. KAPTUR. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. Mr. Chairman, I oppose the gentleman's amendment. Really, this provision doesn't belong on this appropriations bill. It is an issue best considered by the Foreign Affairs Committee.

This amendment would prevent the Department from spending any fiscal 17 funds to purchase heavy water produced in Iran and would undermine the Iran deal.

This transaction provides the United States industry with a critical product while enabling Iran to sell some of its excess heavy water as contemplated in the agreement and further ensuring that this product will not be used to develop a nuclear weapon, which is the objective that we all sought when we supported the agreement. Heavy water is needed here in our country. We stopped producing it in 1988 and now buy what we need from India and other countries.

A portion of this heavy water will be used at the Spallation Neutron Source at Oak Ridge National Laboratory and by manufacturers for fiberoptic cable, MRI machines, and semiconductors.

Most importantly, U.S. purchase of this heavy water prevents Iran from selling it to those who would choose to use it for the wrong reasons.

Mr. Chairman, as I have stated, I object to this amendment as proposed. I urge my colleagues to vote ''no'' on the DeSantis amendment.

I yield back the balance of my time.

Mr. DESANTIS. It is interesting, Mr. Chair, people talk about the Iran deal, and what the administration has really been doing is they have even gone beyond the concessions that are in the Iran deal.

If you look at getting access now to dollarized transactions, they said they weren't going to have access to the American financial system, but effectively, Iran is going to have indirect

access to the American dollar. That was never called for by the Iran deal. That is a concession. Nor does the deal require us to spend American taxpayer funds to essentially inject into the Iranian regime and subsidize the nuclear program.

So, Mr. Chair, I think it is a good amendment. I think our Members should vote for it.

I yield back the balance of time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. DESANTIS).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. GOSAR. 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.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment by Mr. WEBER of Texas.

Amendment by Mr. ELLISON of Minnesota.

Amendment No. 1 by Mr. FARR of California.

Amendment by Mr. GARAMENDI of California.

Amendment No. 34 by Mr. PITTENGER of North Carolina.

Amendment by Mr. GOSAR of Arizona.

Amendment by Mr. FOSTER of Illinois.

Amendment by Mr. SEAN PATRICK MALONEY of New York, as amended.

Amendment by Mr. BYRNE of Alabama.

Amendment No. 14 by Mrs. BLACKBURN of Tennessee.

Amendment by Mr. SMITH of Missouri.

Amendment by Mr. WALKER of North Carolina.

Amendment by Mr. DESANTIS of Florida.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. WEBER OF TEXAS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. WEBER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 158, noes 260, not voting 15, as follows:

[Roll No. 251]

AYES—158

Abraham
Amash
Babin
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buck
Burgess
Byrne
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Comstock
Cook
Cramer
Crawford
Culberson
Denham
DeSantis
DesJarlais
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fleischmann
Fleming
Flores
Forbes
Foxx
Franks (AZ)
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Harper
Harris
Hartzler
Hensarling
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt (VA)
Issa
Johnson, Sam
Jones
Jordan
Kelly (MS)
King (IA)
Knight
Labrador
LaHood
LaMalfa
Latta
Love
Luetkemeyer
Lummis
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McMorris Rodgers
Meadows
Messer
Miller (FL)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Noem
Olson
Palmer
Pearce
Perry
Pittenger
Pitts
Poe (TX)
Pompeo
Posey
Price, Tom
Ratcliffe
Ribble
Rice (SC)
Roby
Roe (TN)
Rohrabacher
Rokita
Rooney (FL)
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Smith (MO)
Smith (NE)
Smith (TX)
Stewart
Stutzman
Thornberry
Tipton
Wagner
Walberg
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Westerman
Westmoreland
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (IA)
Young (IN)
Zinke

NOES—260

Adams
Aderholt
Aguilar
Allen
Amodei
Ashford
Barletta
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boustany
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Buchanan
Bucshon
Bustos
Butterfield
Calvert
Capps
Capuano
Carney
Carson (IN)
Carter (GA)
Cartwright
Castor (FL)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Cole
Collins (GA)
Collins (NY)
Conaway
Connolly
Conyers
Cooper
Costa
Costello (PA)
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Curbelo (FL)
Davis (CA)
Davis, Danny
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
DelBene
Dent
DeSaulnier
Deutch
Diaz-Balart
Dingell
Doggett
Dold
Donovan
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fitzpatrick
Fortenberry
Foster
Frankel (FL)
Frelinghuysen
Fudge
Gabbard
Gallego
Garamendi
Gibson
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hardy
Hastings
Heck (NV)
Heck (WA)
Hice, Jody B.
Higgins
Himes
Hinojosa
Hoyer
Huffman
Hurd (TX)
Israel
Jackson Lee
Jeffries
Jenkins (WV)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Jolly
Joyce
Kaptur
Katko
Keating
Kelly (IL)
Kelly (PA)
Kennedy
Kildee
Kilmer
Kind
King (NY)
Kinzinger (IL)
Kirkpatrick
Kline
Kuster
Lance
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Lofgren
Long
Loudermilk
Lowenthal
Lowey
Lucas
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
MacArthur
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McKinley
McNerney
McSally
Meehan
Meeks
Meng
Mica
Miller (MI)
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Newhouse
Nolan
Norcross
Nugent
Nunes
Palazzo
Pallone
Pascrell
Paulsen
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Poliquin
Polis
Price (NC)
Quigley
Rangel
Reed
Reichert
Renacci
Richmond
Rigell
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Shimkus
Shuster
Simpson
Sinema
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stefanik
Stivers
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Titus
Tonko
Torres
Trott
Tsongas
Turner
Upton
Valadao
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wenstrup
Whitfield
Williams
Wilson (FL)
Young (AK)
Zeldin

NOT VOTING—15

Cárdenas
Castro (TX)
Duffy
Fattah
Fincher
Granger
Hanna
Herrera Beutler
Honda
Jenkins (KS)
Lamborn
O'Rourke
Rice (NY)
Takai
Yarmuth

□ 2228

Ms. TSONGAS, Messrs. POLIS, AGUILAR, Ms. PELOSI, Messrs. LOUDERMILK, and VELA changed their vote from ''aye'' to ''no.''

Messrs. BILIRAKIS, WALBERG, GIBBS, FLEISCHMANN, LABRADOR, Mrs. ROBY, and Mr. BOST changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ELLISON

The Acting CHAIR (Ms. FOXX). The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota (Mr. ELLISON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 174, noes 245, not voting 14, as follows:

[Roll No. 252]

AYES—174

Adams
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Carney
Carson (IN)
Cartwright
Castor (FL)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
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
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Hinojosa
Honda
Hoyer
Huffman
Hunter
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
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
Nadler
Napolitano
Neal
Nolan
Norcross
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Price (NC)
Quigley
Rangel
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
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
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)

NOES—245

Abraham
Aderholt
Aguilar
Allen
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 (GA)
Collins (NY)
Comstock
Conaway
Cook
Cooper
Costello (PA)
Cramer
Crawford
Crenshaw
Culberson
Curbelo (FL)
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Hice, Jody B.
Hill
Himes
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hurd (TX)
Hurt (VA)
Issa
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Katko
Keating
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lance
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (FL)
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Pitts
Poe (TX)
Poliquin
Polis
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, Austin
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—14

Cárdenas
Castro (TX)
Duffy
Fattah
Fincher
Granger
Hanna
Herrera Beutler
Jenkins (KS)
Lamborn
O'Rourke
Rice (NY)
Takai
Yarmuth

□ 2233

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 1 OFFERED BY MR. FARR

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. FARR) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 189, noes 228, not voting 16, as follows:

[Roll No. 253]

AYES—189

Adams
Aguilar
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Buchanan
Bustos
Butterfield
Capps
Capuano
Carney
Carson (IN)
Cartwright
Castor (FL)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clawson (FL)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Costello (PA)
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Dold
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fortenberry
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gibson
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Guinta
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
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
Poliquin
Polis
Price (NC)
Quigley
Rangel
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Stefanik
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)

NOES—228

Abraham
Aderholt
Allen
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)
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Cramer
Crawford
Crenshaw
Culberson
Curbelo (FL)
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
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

Lance
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Pitts
Poe (TX)
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
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
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—16

Cárdenas
Castro (TX)
Duffy
Fattah
Fincher
Granger
Hanna
Herrera Beutler
Jenkins (KS)
Keating
Lamborn
Meehan
O'Rourke
Rice (NY)
Takai
Yarmuth

□ 2236

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. GARAMENDI

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. GARAMENDI) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 126, noes 293, not voting 14, as follows:

[Roll No. 254]

AYES—126

Adams
Aguilar
Bass
Beatty
Becerra
Beyer
Bishop (GA)
Blumenauer
Bonamici
Brownley (CA)
Bustos
Capps
Capuano
Carney
Castor (FL)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Cohen
Connolly
Conyers
Crowley
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
DeLauro
DelBene
DeSaulnier
Deutch
Doggett
Doyle, Michael F.
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Foster
Frankel (FL)
Gallego
Garamendi
Grayson
Green, Al
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Hinojosa
Honda
Huffman
Jackson Lee
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kuster
Larsen (WA)
Lawrence
Lee
Levin
Lieu, Ted
Loebsack
Lofgren
Lowenthal
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Pallone
Pascrell
Perlmutter
Peters
Pingree
Pocan
Polis
Price (NC)
Quigley
Richmond
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schrader
Scott (VA)
Sherman
Slaughter
Smith (WA)
Speier
Takano
Thompson (CA)
Titus
Tonko
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)

NOES—293

Abraham
Aderholt
Allen
Amash
Amodei
Ashford
Babin
Barletta
Barr
Barton
Benishek
Bera
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Boyle, Brendan F.
Brady (PA)
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Brown (FL)
Buchanan
Buck
Bucshon
Burgess
Butterfield
Byrne
Calvert
Carson (IN)
Carter (GA)
Carter (TX)
Cartwright
Chabot
Chaffetz
Clawson (FL)
Clyburn
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Cooper
Costa
Costello (PA)
Courtney
Cramer
Crawford
Crenshaw
Cuellar
Culberson
Curbelo (FL)
Davis, Rodney
Delaney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dingell
Dold
Donovan
Duckworth
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gabbard
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Graham
Graves (GA)
Graves (LA)
Graves (MO)
Green, Gene
Griffith
Grothman
Guinta
Guthrie
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Hice, Jody B.
Higgins
Hill
Himes
Holding
Hoyer
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Israel
Issa
Jeffries
Jenkins (WV)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Kaptur
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kirkpatrick
Kline
Knight
Labrador
LaHood
LaMalfa
Lance
Langevin
Larson (CT)
Latta
Lewis
Lipinski
LoBiondo
Long
Loudermilk
Love
Lowey
Lucas
Luetkemeyer
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McNerney
McSally
Meadows
Meehan
Meeks
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Norcross
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Payne
Pearce
Pelosi
Perry
Peterson
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Rangel
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
Roybal-Allard
Royce
Ruiz
Russell
Salmon
Sanford
Scalise
Schiff
Schweikert
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell (AL)
Shimkus
Shuster
Simpson
Sinema
Sires
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Swalwell (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Torres
Trott
Turner
Upton
Valadao
Visclosky
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—14

Cárdenas
Castro (TX)
Duffy
Fattah
Fincher
Granger
Hanna
Herrera Beutler
Jenkins (KS)
Lamborn
O'Rourke
Rice (NY)
Takai
Yarmuth

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (Mr. COLLINS of Georgia)(during the vote). There is 1 minute remaining.

□ 2239

Ms. WILSON of Florida changed her vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 34 OFFERED BY MR. PITTENGER

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from North Carolina (Mr. PITTENGER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 227, noes 192, not voting 14, as follows:

[Roll No. 255]

AYES—227

Abraham
Aderholt
Allen
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 (GA)
Collins (NY)
Comstock
Conaway
Cook
Cramer
Crawford
Crenshaw
Culberson
Davis, Rodney

Denham
Dent
DeSantis
DesJarlais
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
Hardy
Harper
Harris
Hartzler
Hensarling
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lance
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Pitts
Poe (TX)
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
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

NOES—192

Adams
Aguilar
Amash
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Carney
Carson (IN)
Cartwright
Castor (FL)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Costello (PA)
Courtney
Crowley
Cuellar
Cummings
Curbelo (FL)
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Diaz-Balart
Dingell
Doggett
Dold
Donovan
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (NV)
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Jolly
Kaptur
Katko
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
Poliquin
Polis
Price (NC)
Quigley
Rangel
Richmond
Ros-Lehtinen
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
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
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)

NOT VOTING—14

Cárdenas
Castro (TX)
Duffy
Fattah
Fincher
Granger
Hanna
Herrera Beutler
Jenkins (KS)
Lamborn
O'Rourke
Rice (NY)
Takai
Yarmuth

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 2243

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. GOSAR

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. GOSAR) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 230, noes 188, not voting 15, as follows:

[Roll No. 256]

AYES—230

Abraham
Aderholt
Allen
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 (GA)
Collins (NY)
Comstock
Conaway
Cook
Cramer
Crawford
Crenshaw
Culberson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lance
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
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)
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
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—188

Adams
Aguilar
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Carney
Carson (IN)
Cartwright
Castor (FL)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Costello (PA)
Courtney
Crowley
Cuellar
Cummings
Curbelo (FL)
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Dold
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gibson
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Katko
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
Richmond
Ros-Lehtinen
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Stefanik
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)

NOT VOTING—15

Cárdenas
Castro (TX)
Duffy
Fattah
Fincher
Granger
Hanna
Herrera Beutler
Jenkins (KS)
Lamborn
McHenry
O'Rourke
Rice (NY)
Takai
Yarmuth

□ 2246

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FOSTER

The Acting CHAIR (Ms. FOXX). The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. FOSTER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 206, noes 213, not voting 14, as follows:

[Roll No. 257]

AYES—206

Aguilar
Allen
Amash
Ashford
Barletta
Bass
Beatty
Becerra
Benishek
Bera
Beyer
Bilirakis
Bishop (MI)
Bost
Boyle, Brendan F.
Brady (PA)
Brady (TX)
Brat
Brownley (CA)
Buck
Bucshon
Burgess
Bustos
Carter (GA)
Cartwright
Chu, Judy
Clarke (NY)
Clawson (FL)
Clay
Coffman
Cohen
Collins (GA)
Cooper
Costa
Costello (PA)
Courtney
Crowley
Curbelo (FL)
Davis (CA)
Davis, Rodney
Delaney
DeLauro
Denham
Dent
DeSantis
DeSaulnier
Dingell
Doggett
Dold
Donovan
Doyle, Michael F.
Duckworth
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Engel
Eshoo
Esty
Farr
Fitzpatrick
Forbes
Foster
Foxx
Franks (AZ)
Gallego
Garamendi
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Graham
Graves (GA)
Green, Gene
Griffith
Gutiérrez
Hahn
Harris
Hensarling
Hice, Jody B.
Higgins
Himes
Hinojosa
Holding
Honda
Hoyer
Hudson
Huffman
Huizenga (MI)
Hultgren
Hunter
Hurt (VA)
Israel
Issa
Jeffries
Johnson (GA)
Jones
Jordan
Joyce
Katko
Kelly (IL)
Kelly (PA)
Kildee
Kind
Kinzinger (IL)
Kirkpatrick
Kline
Knight
LaHood
Lance
Larsen (WA)
Larson (CT)
Latta
Lawrence
Levin
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Lofgren
Loudermilk
Lowenthal
Maloney, Carolyn
Maloney, Sean
Marino
Massie
McCarthy
McClintock
McDermott
McHenry
McSally
Meeks
Meng
Miller (FL)
Moore
Murphy (FL)
Murphy (PA)
Nadler
Napolitano
Neal
Nolan
Norcross
Pallone
Pascrell
Paulsen
Pelosi
Perry
Peters
Peterson
Polis
Posey
Price, Tom
Quigley
Rangel
Ratcliffe
Renacci
Ribble
Rigell
Rohrabacher
Rooney (FL)
Ros-Lehtinen
Roskam
Rothfus
Rouzer
Ruiz
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schweikert
Scott, Austin
Sensenbrenner
Serrano
Sherman
Shimkus
Shuster
Sinema
Sires
Slaughter
Smith (MO)
Smith (NJ)
Smith (WA)
Stefanik
Stivers
Takano
Thompson (MS)
Tiberi
Tipton
Tonko
Torres
Veasey
Vela
Walberg
Walker
Walz
Wasserman Schultz
Watson Coleman
Wenstrup
Westmoreland
Wittman
Woodall
Yoho
Zeldin

NOES—213

Abraham
Adams
Aderholt
Amodei
Babin
Barr
Barton
Bishop (GA)
Bishop (UT)
Black
Blackburn
Blum
Blumenauer
Bonamici
Boustany
Bridenstine
Brooks (AL)
Brooks (IN)
Brown (FL)
Buchanan
Butterfield
Byrne
Calvert
Capps
Capuano
Carney
Carson (IN)
Carter (TX)
Castor (FL)
Chabot
Chaffetz
Cicilline
Clark (MA)
Cleaver
Clyburn
Cole
Collins (NY)
Comstock
Conaway
Connolly
Conyers
Cook
Cramer
Crawford
Crenshaw
Cuellar
Culberson
Cummings
Davis, Danny
DeFazio
DeGette
DelBene
DesJarlais
Deutch
Diaz-Balart
Edwards
Ellison
Farenthold
Fleischmann
Fleming
Flores
Fortenberry
Frankel (FL)
Frelinghuysen
Fudge
Gabbard
Gosar
Gowdy
Graves (LA)
Graves (MO)
Grayson
Green, Al
Grijalva
Grothman
Guinta
Guthrie
Hardy
Harper
Hartzler
Hastings
Heck (NV)
Heck (WA)
Hill
Huelskamp
Hurd (TX)
Jackson Lee
Jenkins (WV)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jolly
Kaptur
Keating
Kelly (MS)
Kennedy
Kilmer
King (IA)
King (NY)
Kuster
Labrador
LaMalfa
Langevin
Lee
Lewis
Long
Love
Lowey
Lucas
Luetkemeyer
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lummis
Lynch
MacArthur
Marchant
Matsui
McCaul
McCollum
McGovern
McKinley
McMorris Rodgers
McNerney
Meadows
Meehan
Messer
Mica
Miller (MI)
Moolenaar
Mooney (WV)
Moulton
Mullin
Mulvaney
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Payne
Pearce
Perlmutter
Pingree
Pittenger
Pitts
Pocan
Poe (TX)
Poliquin
Pompeo
Price (NC)
Reed
Reichert
Rice (SC)
Richmond
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rokita
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Russell
Salmon
Sanford
Scalise
Schrader
Scott (VA)
Scott, David
Sessions
Sewell (AL)
Simpson
Smith (NE)
Smith (TX)
Speier
Stewart
Stutzman
Swalwell (CA)
Thompson (CA)
Thompson (PA)
Thornberry
Titus
Trott
Tsongas
Turner
Upton
Valadao
Van Hollen
Vargas
Velázquez
Visclosky
Wagner
Walden
Walorski
Walters, Mimi
Waters, Maxine
Weber (TX)
Webster (FL)
Welch
Westerman
Whitfield
Williams
Wilson (FL)
Wilson (SC)
Womack
Yoder
Young (AK)
Young (IA)
Young (IN)
Zinke

NOT VOTING—14

Cárdenas
Castro (TX)
Duffy
Fattah
Fincher
Granger
Hanna
Herrera Beutler
Jenkins (KS)
Lamborn
O'Rourke
Rice (NY)
Takai
Yarmuth

□ 2249

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SEAN PATRICK MALONEY OF NEW YORK

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. SEAN PATRICK MALONEY), as amended, on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 223, noes 195, not voting 15, as follows:

[Roll No. 258]

AYES—223

Adams
Aguilar
Amash
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Bonamici
Boyle, Brendan F.
Brady (PA)
Brooks (IN)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Carney
Carson (IN)
Cartwright
Castor (FL)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman
Cohen
Connolly
Conyers
Cooper
Costa
Costello (PA)
Courtney
Crowley
Cuellar
Cummings
Curbelo (FL)
Davis (CA)
Davis, Danny
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
DelBene
Denham
Dent
DeSaulnier
Deutch
Diaz-Balart
Dingell
Doggett
Dold
Donovan
Doyle, Michael F.
Duckworth
Edwards
Ellison
Emmer (MN)
Engel
Eshoo
Esty
Farr
Fitzpatrick
Foster
Frankel (FL)
Frelinghuysen
Fudge
Gabbard
Gallego
Garamendi
Gibson
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (NV)
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Hurd (TX)
Israel
Issa
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Jolly
Kaptur
Katko
Keating
Kelly (IL)

Kennedy
Kildee
Kilmer
Kind
Kinzinger (IL)
Kirkpatrick
Kuster
Lance
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
MacArthur
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
McSally
Meehan
Meeks
Meng
Messer
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
Pallone
Pascrell
Paulsen
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Poliquin
Polis
Price (NC)
Quigley
Rangel
Reed
Reichert
Renacci
Richmond
Rooney (FL)
Ros-Lehtinen
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Shimkus
Sinema
Sires
Slaughter
Smith (WA)
Speier
Stefanik
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Upton
Valadao
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walden
Walters, Mimi
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Young (IA)
Young (IN)
Zeldin

NOES—195

Abraham
Aderholt
Allen
Amodei
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Cramer
Crawford
Crenshaw
Culberson
DeSantis
DesJarlais
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Farenthold
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hardy
Harper
Harris
Hartzler
Hensarling
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt (VA)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kline
Knight
Labrador
LaHood
LaMalfa
Latta
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
Meadows
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Pearce
Perry
Pittenger
Pitts
Poe (TX)
Pompeo
Posey
Price, Tom
Ratcliffe
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Wagner
Walberg
Walker
Walorski
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Zinke

NOT VOTING—15

Blumenauer
Cárdenas
Castro (TX)
Duffy
Fattah
Fincher
Granger
Hanna
Herrera Beutler
Jenkins (KS)
Lamborn
O'Rourke
Rice (NY)
Takai
Yarmuth

□ 2253

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BYRNE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Alabama (Mr. BYRNE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 233, noes 186, not voting 14, as follows:

[Roll No. 259]

AYES—233

Abraham
Aderholt
Allen
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)
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Crenshaw
Cuellar
Culberson
Davis, Rodney
Denham
DeSantis
DesJarlais
Diaz-Balart
Donovan
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
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lance
Latta
Lipinski
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
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)
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
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

NOES—186

Adams
Aguilar
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Carney
Carson (IN)
Cartwright
Castor (FL)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cummings
Curbelo (FL)
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Dent
DeSaulnier
Deutch
Dingell
Doggett
Dold
Doyle, Michael F.
Duckworth
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
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Katko
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
LoBiondo
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
Richmond
Ros-Lehtinen
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
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
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Woodall
Yoder
Yoho
Young (IA)
Young (IN)
Zinke

NOT VOTING—14

Cárdenas
Castro (TX)
Duffy
Fattah
Fincher
Granger
Hanna
Herrera Beutler
Jenkins (KS)
Lamborn
O'Rourke
Rice (NY)
Takai
Yarmuth

□ 2256

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 14 OFFERED BY MRS. BLACKBURN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Tennessee (Mrs. BLACKBURN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 158, noes 258, not voting 17, as follows:

[Roll No. 260]

AYES—158

Allen
Amash
Babin
Barton
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Carter (GA)
Chabot
Chaffetz
Clawson (FL)
Coffman
Collins (GA)
Conaway
Cook
Cooper
Cramer
Crawford
DeSantis
DesJarlais
Duncan (SC)
Duncan (TN)
Farenthold
Fleming
Flores
Foxx
Franks (AZ)
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hardy
Harris
Hartzler
Hensarling
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Johnson, Sam
Jones
Jordan
Kelly (MS)
King (IA)
Kline
Knight
Labrador
Lance
Latta
Long
Loudermilk
Love
Lucas
Lummis
Marchant
Massie
McCarthy
McCaul
McClintock
McHenry
McMorris Rodgers
McSally
Meadows
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pitts
Poe (TX)
Poliquin
Polis
Pompeo
Posey
Price, Tom
Ratcliffe
Ribble
Rice (SC)
Roe (TN)
Rohrabacher
Rokita
Rothfus
Rouzer
Royce
Russell
Salmon
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Smith (MO)
Smith (NE)
Smith (TX)
Stewart
Stutzman
Tipton
Upton
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman

NOES—258

Abraham
Adams
Aderholt
Aguilar
Amodei
Ashford
Barletta
Barr
Bass
Beatty
Becerra
Benishek
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Bost
Boustany
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Calvert
Capps
Capuano
Carney
Carson (IN)
Carter (TX)
Cartwright
Castor (FL)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Cole
Collins (NY)
Comstock
Connolly
Conyers
Costa
Costello (PA)
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Curbelo (FL)
Davis (CA)
Davis, Danny
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
DelBene
Denham
Dent
DeSaulnier
Deutch
Diaz-Balart
Dingell
Doggett
Dold
Donovan
Doyle, Michael F.
Duckworth
Edwards
Ellison
Ellmers (NC)
Emmer (MN)
Engel
Eshoo
Esty
Farr
Fitzpatrick
Fleischmann
Forbes
Fortenberry
Foster
Frankel (FL)
Frelinghuysen
Fudge
Gabbard
Gallego
Garamendi
Gibson
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Harper
Hastings
Heck (NV)
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Jenkins (WV)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Jolly
Joyce
Kaptur
Katko
Keating
Kelly (IL)
Kelly (PA)
Kennedy
Kildee
Kilmer
Kind
King (NY)
Kinzinger (IL)
Kirkpatrick
Kuster
LaHood
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Lofgren
Lowenthal
Lowey
Luetkemeyer
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
MacArthur
Maloney, Carolyn
Maloney, Sean
Marino
Matsui
McCollum
McDermott
McGovern
McKinley
McNerney
Meehan
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Newhouse
Noem
Nolan
Norcross
Nugent
Nunes
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pittenger
Pocan
Price (NC)
Quigley
Rangel
Reed
Reichert
Renacci
Richmond
Rigell
Roby
Rogers (AL)
Rogers (KY)
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Shuster
Simpson
Sinema
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stefanik
Stivers
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Titus
Tonko
Torres
Trott
Tsongas
Turner
Valadao
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Watson Coleman
Welch
Westmoreland
Whitfield
Wilson (FL)
Womack
Young (AK)
Zeldin

NOT VOTING—17

Cárdenas
Castro (TX)
Duffy
Fattah
Fincher
Granger
Hanna
Herrera Beutler
Jenkins (KS)
LaMalfa
Lamborn
O'Rourke
Rice (NY)
Sanford
Takai
Waters, Maxine
Yarmuth

□ 2259

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SMITH OF MISSOURI

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Missouri (Mr. SMITH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 119, noes 300, not voting 14, as follows:

[Roll No. 261]

AYES—119

Amodei
Babin
Barletta
Benishek
Bilirakis
Bishop (UT)
Blackburn
Boustany
Brady (TX)
Bridenstine
Brooks (IN)
Buchanan
Buck
Burgess
Byrne
Carter (GA)
Chabot
Chaffetz
Clay
Cleaver
Collins (GA)
Cook
Cramer
Crawford
Culberson
Curbelo (FL)
Denham
DeSantis
DesJarlais
Duncan (SC)
Ellmers (NC)
Emmer (MN)
Farenthold
Fleming
Franks (AZ)
Gabbard
Garrett
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hardy
Harris
Hartzler
Hice, Jody B.
Holding
Hudson
Huelskamp
Huizenga (MI)
Hunter
Hurt (VA)
Jones
Jordan
Kelly (PA)
King (IA)
Knight
LaMalfa
Latta
Long
Loudermilk
Love
Luetkemeyer
Lummis
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McMorris Rodgers
Meadows
Mica
Miller (FL)
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Palmer
Pearce
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Ribble
Rice (SC)
Roe (TN)
Ros-Lehtinen
Ross
Rouzer
Russell
Schweikert
Scott, Austin
Sensenbrenner
Smith (MO)
Stutzman
Thompson (PA)
Tipton
Wagner
Walden
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Woodall
Yoder
Yoho
Zinke

NOES—300

Abraham
Adams
Aderholt
Aguilar
Allen
Amash
Ashford
Barr
Barton
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Bishop (MI)
Black
Blum
Blumenauer
Bonamici
Bost
Boyle, Brendan F.
Brady (PA)
Brat
Brooks (AL)
Brown (FL)
Brownley (CA)
Bucshon
Bustos
Butterfield
Calvert
Capps
Capuano
Carney
Carson (IN)
Carter (TX)
Cartwright
Castor (FL)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clawson (FL)
Clyburn
Coffman
Cohen
Cole
Collins (NY)
Comstock
Conaway

Connolly
Conyers
Cooper
Costa
Costello (PA)
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
DelBene
Dent
DeSaulnier
Deutch
Diaz-Balart
Dingell
Doggett
Dold
Donovan
Doyle, Michael F.
Duckworth
Duncan (TN)
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fitzpatrick
Fleischmann
Flores
Forbes
Fortenberry
Foster
Foxx
Frankel (FL)
Frelinghuysen
Fudge
Gallego
Garamendi
Gibbs
Gibson
Graham
Graves (LA)
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Harper
Hastings
Heck (NV)
Heck (WA)
Hensarling
Higgins
Hill
Himes
Hinojosa
Honda
Hoyer
Huffman
Hultgren
Hurd (TX)
Israel
Issa
Jackson Lee
Jeffries
Jenkins (WV)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jolly
Joyce
Kaptur
Katko
Keating
Kelly (IL)
Kelly (MS)
Kennedy
Kildee
Kilmer
Kind
King (NY)
Kinzinger (IL)
Kirkpatrick
Kline
Kuster
Labrador
LaHood
Lance
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Lofgren
Lowenthal
Lowey
Lucas
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
MacArthur
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McHenry
McKinley
McNerney
McSally
Meehan
Meeks
Meng
Messer
Miller (MI)
Moolenaar
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Newhouse
Noem
Nolan
Norcross
Nugent
Nunes
Olson
Palazzo
Pallone
Pascrell
Paulsen
Payne
Pelosi
Perlmutter
Perry
Peters
Peterson
Pingree
Pittenger
Pitts
Pocan
Polis
Price (NC)
Quigley
Rangel
Reichert
Renacci
Richmond
Rigell
Roby
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Roskam
Rothfus
Roybal-Allard
Royce
Ruiz
Ruppersberger
Rush
Ryan (OH)
Salmon
Sánchez, Linda T.
Sanchez, Loretta
Sanford
Sarbanes
Scalise
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sessions
Sewell (AL)
Sherman
Shimkus
Shuster
Simpson
Sinema
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stefanik
Stewart
Stivers
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Titus
Tonko
Torres
Trott
Tsongas
Turner
Upton
Valadao
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walberg
Walker
Walorski
Walters, Mimi
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Weber (TX)
Welch
Wilson (FL)
Wilson (SC)
Wittman
Womack
Young (AK)
Young (IA)
Young (IN)
Zeldin

NOT VOTING—14

Cárdenas
Castro (TX)
Duffy
Fattah
Fincher
Granger
Hanna
Herrera Beutler
Jenkins (KS)
Lamborn
O'Rourke
Rice (NY)
Takai
Yarmuth

□ 2302

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. WALKER

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from North Carolina (Mr. WALKER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 128, noes 291, not voting 14, as follows:

[Roll No. 262]

AYES—128

Allen
Amash
Amodei
Babin
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Buck
Burgess
Byrne
Carter (GA)
Chabot
Chaffetz
Clawson (FL)
Conaway
Cook
Culberson
DeSantis
DesJarlais
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fleming
Forbes
Foxx
Franks (AZ)
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Graves (LA)
Griffith
Grothman
Guinta
Guthrie
Harris
Hartzler
Hensarling
Hice, Jody B.
Holding
Hudson
Huelskamp
Huizenga (MI)
Hunter
Hurt (VA)
Johnson, Sam
Jones
Jordan
Kelly (MS)
Knight
Labrador
LaHood
LaMalfa
Lance
Latta
Loudermilk
Love
Lummis
Marino
Massie
McCarthy
McClintock
McHenry
McMorris Rodgers
Meadows
Messer
Miller (FL)
Miller (MI)
Moolenaar
Mullin
Mulvaney
Neugebauer
Olson
Palmer
Paulsen
Pearce
Perry
Pittenger
Pitts
Poe (TX)
Polis
Pompeo
Posey
Price, Tom
Ratcliffe
Ribble
Rice (SC)
Roe (TN)
Rohrabacher
Rokita
Rooney (FL)
Ross
Rouzer
Royce
Russell
Sanford
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Smith (MO)
Stewart
Stutzman
Tiberi
Tipton
Walberg
Walker
Walters, Mimi
Webster (FL)
Westerman
Wilson (SC)
Wittman
Woodall
Yoder
Yoho
Young (IN)
Zinke

NOES—291

Abraham
Adams
Aderholt
Aguilar
Ashford
Barletta
Barr
Barton
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blum
Blumenauer
Bonamici
Bost
Boustany
Boyle, Brendan F.
Brady (PA)
Brooks (IN)
Brown (FL)
Brownley (CA)
Buchanan
Bucshon
Bustos
Butterfield
Calvert
Capps
Capuano
Carney
Carson (IN)
Carter (TX)
Cartwright
Castor (FL)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman
Cohen
Cole
Collins (GA)
Collins (NY)
Comstock
Connolly
Conyers
Cooper
Costa
Costello (PA)
Courtney
Cramer
Crawford
Crenshaw
Crowley
Cuellar
Cummings
Curbelo (FL)
Davis (CA)
Davis, Danny
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
DelBene
Denham
Dent
DeSaulnier
Deutch
Diaz-Balart
Dingell
Doggett
Dold
Donovan
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foster
Frankel (FL)
Frelinghuysen
Fudge
Gabbard
Gallego
Garamendi
Gibson
Graham
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hardy
Harper
Hastings
Heck (NV)
Heck (WA)
Higgins
Hill
Himes
Hinojosa
Honda
Hoyer
Huffman
Hultgren
Hurd (TX)
Israel
Issa
Jackson Lee
Jeffries
Jenkins (WV)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Jolly
Joyce
Kaptur
Katko
Keating
Kelly (IL)
Kelly (PA)
Kennedy
Kildee
Kilmer
Kind
King (IA)
King (NY)
Kinzinger (IL)
Kirkpatrick
Kline
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Lofgren
Long
Lowenthal
Lowey
Lucas
Luetkemeyer
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
MacArthur
Maloney, Carolyn
Maloney, Sean
Marchant
Matsui
McCaul
McCollum
McDermott
McGovern
McKinley
McNerney
McSally
Meehan
Meeks
Meng
Mica
Mooney (WV)
Moore
Moulton
Murphy (FL)
Murphy (PA)
Nadler
Napolitano
Neal
Newhouse
Noem
Nolan
Norcross
Nugent
Nunes
Palazzo
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Poliquin
Price (NC)
Quigley
Rangel
Reed
Reichert
Renacci
Richmond
Rigell
Roby
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Roskam
Rothfus
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Salmon
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Shimkus
Shuster
Simpson
Sinema
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stefanik
Stivers
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Titus
Tonko
Torres
Trott
Tsongas
Turner
Upton
Valadao
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Wagner
Walden
Walorski
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Weber (TX)
Welch
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (FL)
Womack
Young (AK)
Young (IA)
Zeldin

NOT VOTING—14

Cárdenas
Castro (TX)
Duffy
Fattah
Fincher
Granger
Hanna
Herrera Beutler
Jenkins (KS)
Lamborn
O'Rourke
Rice (NY)
Takai
Yarmuth

□ 2306

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. DESANTIS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. DESANTIS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 251, noes 168, not voting 14, as follows:

[Roll No. 263]

AYES—251

Abraham
Aderholt
Allen
Amash
Amodei
Ashford
Babin
Barletta
Barr
Barton
Benishek
Bera
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Boyle, Brendan F.
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 (GA)
Collins (NY)
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Crenshaw
Culberson
Curbelo (FL)
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Duncan (SC)
Ellmers (NC)
Emmer (MN)
Engel
Farenthold
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Graham
Graves (GA)
Graves (LA)
Graves (MO)
Green, Gene
Griffith
Grothman
Guinta
Guthrie
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
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
Lance
Latta
Lieu, Ted
Lipinski
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Maloney, Sean
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Peters
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, Austin
Scott, David
Sensenbrenner
Sessions
Sherman
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Vargas
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—168

Adams
Aguilar
Bass
Beatty
Becerra
Beyer
Bishop (GA)
Blumenauer
Bonamici
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
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
Duncan (TN)
Edwards
Ellison
Eshoo
Esty
Farr
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Grayson
Green, Al
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
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
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Scott (VA)
Serrano
Sewell (AL)
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)

NOT VOTING—14

Cárdenas
Castro (TX)
Duffy
Fattah
Fincher
Granger
Hanna
Herrera Beutler
Jenkins (KS)
Lamborn
O'Rourke
Rice (NY)
Takai
Yarmuth

□ 2309

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the ''Energy and Water Development and Related Agencies Appropriations Act, 2017''.

Mr. SIMPSON. Madam Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. ROS-LEHTINEN) having assumed the chair, Ms. FOXX, 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.

MOTION TO INSTRUCT CONFEREES ON S. 2012, ENERGY POLICY MODERNIZATION ACT OF 2016

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct on the bill (S. 2012) to provide for the modernization of the energy policy of the United States, and for other purposes, offered by the gentleman from Arizona (Mr. GRIJALVA) 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 instruct.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 205, nays 212, not voting 16, as follows:

[Roll No. 264]

YEAS—205

Adams
Aguilar
Ashford
Bass
Beatty
Becerra
Benishek
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Carney
Carson (IN)
Cartwright
Castor (FL)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Costello (PA)
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Dent
DeSaulnier
Deutch
Dingell
Doggett
Dold
Donovan
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fitzpatrick
Fortenberry
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gibson
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Guinta
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Jolly
Kaptur
Katko
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
King (NY)
Kirkpatrick
Kuster
LaMalfa
Lance
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
MacArthur
Maloney, Carolyn
Maloney, Sean
Matsui
McCaul
McCollum
McDermott
McGovern
McNerney
McSally
Meehan
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Pingree
Pocan
Poliquin
Polis
Price (NC)
Quigley
Rangel
Reichert
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano

Sewell (AL)
Sherman
Simpson
Sinema
Sires
Slaughter
Smith (WA)
Speier
Stefanik
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Zeldin
Zinke

NAYS—212

Abraham
Aderholt
Allen
Amash
Amodei
Babin
Barletta
Barr
Barton
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 (GA)
Collins (NY)
Comstock
Conaway
Cook
Cramer
Crawford
Crenshaw
Culberson
Curbelo (FL)
Davis, Rodney
Denham
DeSantis
DesJarlais
Diaz-Balart
Duncan (SC)
Ellmers (NC)
Emmer (MN)
Farenthold
Fleischmann
Fleming
Flores
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce
Kelly (MS)
Kelly (PA)
King (IA)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
Latta
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
Marchant
Marino
Massie
McCarthy
McClintock
McHenry
McKinley
McMorris Rodgers
Meadows
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Peterson
Pittenger
Pitts
Poe (TX)
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
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
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
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 (IA)
Young (IN)

NOT VOTING—16

Cárdenas
Castro (TX)
Duffy
Duncan (TN)
Fattah
Fincher
Granger
Hanna
Herrera Beutler
Jenkins (KS)
Lamborn
O'Rourke
Rice (NY)
Takai
Yarmuth
Young (AK)

□ 2316

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Chair will appoint conferees on S. 2012 at a later time.

PERSONAL EXPLANATION

Ms. JACKSON LEE. Madam Speaker, I was detained in my district on official business on May 24, 2016, and I missed the following rollcall votes:

Rollcall vote No. 238, I would have voted ''yes.''

Rollcall vote No. 237, I would have voted ''no.''

Rollcall vote No. 236, I would have voted ''yes.''

Rollcall vote No. 235, I would have voted ''no.''

Rollcall vote No. 234, I would have voted ''no.''

Rollcall vote No. 233, I would have voted ''no.''

Rollcall vote No. 232, I would have voted ''no.''

Rollcall vote No. 231, I would have voted ''no.''

Madam Speaker, on Tuesday, May 24, 2016, I was attending to representational duties in my congressional district and was not present for Roll Call Votes 231 through 238. I ask the record to reflect that had I been present I would have voted as follows:

1. On Roll Call 238, I would have voted yes. (H.R. 2576—On Concurring in the Senate Amendment with an Amendment to Frank R. Lautenberg Chemical Safety for the 21st Century Act)

2. On Roll Call 237, I would have voted no. (H.R. 897—On Passage of the Zika Vector Control Act)

3. On Roll Call 236, I would have voted yes. (H.R. 897—On Motion to Recommit with Instructions the Zika Vector Control Act)

4. On Roll Call 235, I would have voted no. (H.R. 5077—On Motion to Suspend the Rules and Pass, as Amended the Intelligence Authorization Act for Fiscal Year 2017)

5. On Roll Call 234, I would have voted no. (H. Res. 742—On Agreeing to the Resolution 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) Reducing Regulatory Burdens Act, and for other purposes)

6. On Roll Call 233, I would have voted no. (H. Res. 742—On Ordering the Previous Question 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) Reducing Regulatory Burdens Act, and for other purposes)

7. On Roll Call 232, I would have voted no. (H. Res. 743—On Agreeing to the Resolution Providing 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)

8. On Roll Call 231, I would have voted no. (H. Res. 743—On Ordering the Previous Question Providing 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)

REPORT ON RESOLUTION RELATING TO CONSIDERATION OF THE SENATE AMENDMENT TO H.R. 2577, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2016

Mr. COLE, from the Committee on Rules, submitted a privileged report (Rept. No. 114–595) on the resolution (H. Res. 751) relating to consideration of the Senate amendment to the bill (H.R. 2577) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes, which was referred to the House Calendar and ordered to be printed.

HOUR OF MEETING ON TOMORROW

Mr. COLE. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

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

There was no objection.

□ 2320

CELEBRATING 81ST BIRTHDAY OF FORMER CONGRESSMAN WILLIAM STUCKEY, JR.

(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. Madam Speaker, I rise today in recognition of former Congressman William S. Stuckey, Jr.'s 81st birthday today.

Born in 1935 in Eastman, Georgia, he attended the Georgia Military Academy and then graduated from the University of Georgia in 1956.

For Georgians, he is most known for his time spent in Congress from 1967 to 1977, serving the Eighth District of Georgia and later the Ninth District.

He went to great lengths to pass legislation that aided coastal Georgia's environmental heritage, including a bill that made Cumberland Island a national seashore by the United States National Park Service.

Thanks to Mr. Stuckey, the island is an impressive, well-preserved, and secluded maritime force that amazes visitors each year.

Another environmental bill passed by Mr. Stuckey made the Okefenokee Swamp a federally protected wilderness and created trails that visitors walk along today.

I want to thank Mr. Stuckey for his service to Georgia. I wish him a very happy birthday.

ZIKA VIRUS CRISIS

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

Ms. JACKSON LEE. Madam Speaker, as we go home for the Memorial Day commemoration to honor the fallen in battle, as we go home to commemorate the next step in the lives of many of the graduates in our district, it is shameful that we have not completed our work on the full funding to fight the Zika virus crisis and respond to the President's request for $1.9 billion.

Before I left my district on Monday, we had a major press conference with the mayor, the county commissioner, doctors, and others expressing their apprehension and concern about the dangerousness of the Zika virus.

We are trying to inform our constituents, but we are also pleading for resources to clean up sitting water and tires and to be able to continue the research for a vaccine. One of our experts indicated that they didn't know how dangerous the Zika virus will be.

Madam Speaker, it is important that we do our job. It is appropriate to take the President's request and pass it—$1.9 billion—to do our job to fight the Zika virus.

HOUSE AMENDMENTS TO S. 2012

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

Mr. LAMALFA. Madam Speaker, with the House amendments to S. 2012, California is moving in the direction of doing responsible management of California's water resources.

Since this House has taken action, it is now up to California's Senators to no longer ignore the crisis facing our State.

We have heard a lot about California's water woes. Some falsely claim this bill prioritizes one area over another. But, also, it includes instead the strongest possible protections for northern California's area of origin and senior water rights.

It safeguards the most fundamental water right of all. Those who live where water originates will have access to it. Northern California water districts and farmers are strongly in support of this bill.

This measure accelerates surface water storage infrastructure projects, such as Sites Reservoir, which this year would have saved 1 million acre-feet of water had it been in place already. We can't expect 40 million people to survive on infrastructure designed generations ago.

We have heard wild claims about how this measure could cause harm to the Endangered Species Act. But, in reality, it lives within the Endangered Species Act and biological opinions.

Wildlife agencies currently base orders to cut off water to people on hunches, not data. This bill would provide actual facts to end the arbitrary decisions we have seen in recent years.

Finally, it allows more water to be stored and used during winter storms, when river flows are highest and there is no impact to fish populations.

The delta outflows surpassed record numbers this year. As a result, very little water actually got saved and much was wasted, which could be in the San Luis Reservoir.

We have to change these policies and save the people's water for California with smarter management.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DUFFY (at the request of Mr. MCCARTHY) for today after 7:00 p.m. and for the balance of the week on account of the birth of his child.

Mr. LAMBORN (at the request of Mr. MCCARTHY) for today after 7:00 p.m. and for the balance of the week on account of attending his son's graduation from Harvard Law School.

BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on May 24, 2016, she presented to the President of the United States, for his approval, the following bill:

H.R. 2814. To name the Department of Veterans Affairs community-based outpatient clinic in Sevierville, Tennessee, the Dannie A. Carr Veterans Outpatient Clinic.

ADJOURNMENT

Mr. LAMALFA. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 25 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, May 26, 2016, at 9 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Official Foreign Travel during the fourth quarter of 2015 and the second quarter of 2016, pursuant to Public Law 95–384, are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO ISRAEL, JORDAN, SAUDI ARABIA, EGYPT, AND GERMANY, EXPENDED BETWEEN APR. 2 AND APR. 10, 2016

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Paul Ryan	4/3	4/5	Israel		1,036.00		(3)				1,036.00
Hon. Mac Thornberry	4/3	4/5	Israel		1,036.00		(3)				1,036.00
Hon. Devin Nunes	4/3	4/5	Israel		1,036.00		(3)				1,036.00
Hon. Mike Turner	4/3	4/5	Israel		1,036.00		(3)				1,036.00
Hon. Gregory Meeks	4/3	4/5	Israel		1,036.00		(3)				1,036.00
Hon. Kristi Noem	4/3	4/5	Israel		1,036.00		(3)				1,036.00
Hon. Ron Kind	4/3	4/5	Israel		1,036.00		(3)				1,036.00
Hon. Will Hurd	4/3	4/5	Israel		1,036.00		(3)				1,036.00
Paul Irving	4/3	4/5	Israel		1,036.00		(3)				1,036.00
Brian Monahan	4/3	4/5	Israel		1,036.00		(3)				1,036.00
Jonathan Burks	4/3	4/5	Israel		1,036.00		(3)				1,036.00
Damon Nelson	4/3	4/5	Israel		1,036.00		(3)				1,036.00
Sophia LaFargue	4/3	4/5	Israel		1,036.00		(3)				1,036.00
Brendan Buck	4/3	4/5	Israel		1,036.00		(3)				1,036.00
Casey Higgins	4/3	4/5	Israel		1,036.00		(3)				1,036.00
Tory Wickiser	4/3	4/5	Israel		1,036.00		(3)				1,036.00
Rachel Klay	4/1	4/5	Israel		1,972.00		10,682.00				12,654.00
Hon. Paul Ryan	4/5	4/7	Jordan		780.00		(3)				780.00
Hon. Mac Thornberry	4/5	4/7	Jordan		780.00		(3)				780.00
Hon. Devin Nunes	4/5	4/7	Jordan		780.00		(3)				780.00
Hon. Mike Turner	4/5	4/7	Jordan		780.00		(3)				780.00
Hon. Gregory Meeks	4/5	4/7	Jordan		780.00		(3)				780.00
Hon. Kristi Noem	4/5	4/7	Jordan		780.00		(3)				780.00
Hon. Ron Kind	4/5	4/7	Jordan		780.00		(3)				780.00
Hon. Will Hurd	4/5	4/7	Jordan		780.00		(3)				780.00
Paul Irving	4/5	4/7	Jordan		780.00		(3)				780.00
Brian Monahan	4/5	4/7	Jordan		780.00		(3)				780.00
Jonathan Burks	4/5	4/7	Jordan		780.00		(3)				780.00
Damon Nelson	4/5	4/7	Jordan		780.00		(3)				780.00
Sophia LaFargue	4/5	4/7	Jordan		780.00		(3)				780.00
Brendan Buck	4/5	4/7	Jordan		780.00		(3)				780.00
Casey Higgins	4/5	4/7	Jordan		780.00		(3)				780.00
Tory Wickiser	4/5	4/7	Jordan		780.00		(3)				780.00
Robert Fitzpatrick	4/3	4/7	Jordan		1,809.00		2,158.00				3,967.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO ISRAEL, JORDAN, SAUDI ARABIA, EGYPT, AND GERMANY, EXPENDED BETWEEN APR. 2 AND APR. 10, 2016—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Paul Ryan	4/7	4/8	Egypt		284.00		(3)				284.00
Hon. Mac Thornberry	4/7	4/8	Egypt		284.00		(3)				284.00
Hon. Devin Nunes	4/7	4/8	Egypt		284.00		(3)				284.00
Hon. Mike Turner	4/7	4/8	Egypt		284.00		(3)				284.00
Hon. Gregory Meeks	4/7	4/8	Egypt		284.00		3,112.00				3,396.00
Hon. Kristi Noem	4/7	4/8	Egypt		284.00		(3)				284.00
Hon. Ron Kind	4/7	4/8	Egypt		284.00		(3)				284.00
Hon. Will Hurd	4/7	4/8	Egypt		284.00		(3)				284.00
Paul Irving	4/7	4/8	Egypt		284.00		(3)				284.00
Brian Monahan	4/7	4/8	Egypt		284.00		(3)				284.00
Jonathan Burks	4/7	4/8	Egypt		284.00		(3)				284.00
Damon Nelson	4/7	4/8	Egypt		284.00		(3)				284.00
Sophia LaFargue	4/7	4/8	Egypt		284.00		(3)				284.00
Brendan Buck	4/7	4/8	Egypt		284.00		(3)				284.00
Casey Higgins	4/7	4/8	Egypt		284.00		(3)				284.00
Tory Wickiser	4/7	4/8	Egypt		284.00		(3)				284.00
Robert Fitzpatrick	4/7	4/8	Egypt		284.00		(3)				284.00
Hon. Paul Ryan	4/8	4/10	Germany		712.00		(3)				712.00
Hon. Mac Thornberry	4/8	4/10	Germany		712.00		(3)				712.00
Hon. Devin Nunes	4/8	4/10	Germany		712.00		(3)				712.00
Hon. Mike Turner	4/8	4/10	Germany		712.00		(3)				712.00
Hon. Kristi Noem	4/8	4/10	Germany		712.00		(3)				712.00
Hon. Ron Kind	4/8	4/10	Germany		712.00		(3)				712.00
Hon. Will Hurd	4/8	4/10	Germany		712.00		(3)				712.00
Paul Irving	4/8	4/10	Germany		712.00		(3)				712.00
Brian Monahan	4/8	4/10	Germany		712.00		(3)				712.00
Jonathan Burks	4/8	4/10	Germany		712.00		(3)				712.00
Damon Nelson	4/8	4/10	Germany		712.00		(3)				712.00
Sophia LaFargue	4/8	4/10	Germany		712.00		(3)				712.00
Brendan Buck	4/8	4/10	Germany		712.00		(3)				712.00
Casey Higgins	4/8	4/10	Germany		712.00		(3)				712.00
Tory Wickiser	4/8	4/10	Germany		712.00		(3)				712.00
Robert Dohr	4/6	4/10	Germany		1,824.00		1,756.00				3,580.00
Committee total					50,169.00		17,708.00				67,877.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

HON. PAUL D. RYAN, May 10, 2016.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO ITALY, EXPENDED BETWEEN APR. 15 AND APR. 18, 2016

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Nancy Pelosi	4/15	4/18	Italy		1,392.60		843.46				2,236.06
Andrew Hammill	4/15	4/18	Italy		1,392.60		2,034.36				3,426.96
Bina Surgeon	4/15	4/18	Italy		1,392.60		2,041.06				3,433.66
Committee total					4,177.80		4,918.88				9,096.68

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. NANCY PELOSI, May 17, 2016.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2015

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. George Holding	10/11	10/13	Vietnam		542.00		(3)				542.00
	10/13	10/15	Singapore		906.00		(3)				906.00
	10/15	10/16	Malaysia		223.87		(3)				223.87
	10/16	10/17	Philippines		462.44		(3)				462.44
Hon. Jason Smith	10/11	10/13	Vietnam		542.00		(3)				542.00
	10/13	10/15	Singapore		906.00		(3)				906.00
	10/15	10/16	Malaysia		223.87		(3)				223.87
	10/16	10/17	Vietnam		462.44		(3)				462.44
Hon. Linda T. Sánchez	11/20	11/22	Bosnia		338.42		11,577.40				11,915.82
	11/22	11/24	Croatia		694.00						694.00
Angela Ellard	11/14	11/18	Philippines		1,603.57		13,872.80				15,476.37
Stephen Claeys	11/14	11/18	Philippines		1,361.40		13,872.80				15,234.20
Katherine Tai	11/14	11/18	Philippines		1,242.56		17,985.80				19,228.36
Angela Ellard	12/14	12/18	Kenya		1,459.88		13,200.20				14,660.08
Geoff Antell	12/14	12/18	Kenya		1,207.41		16,587.20				17,794.61
Keigan Mull	12/14	12/18	Kenya		1,662.41		17,407.20				19,069.61
Committee total					13,838.27		104,503.40				118,341.67

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

HON. KEVIN BRADY, Chairman, May 10, 2016.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

5493. A letter from the Director, Center for Faith-Based and Neighborhood Partnerships, Department of Agriculture, transmitting the Department's final rule — Federal Agency Final Regulations Implementing Executive Order 13559: Fundamental Principles and Policymaking Criteria for Partnerships With Faith-Based and Other Neighborhood Organizations (RIN: 0503-AA55) 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.

5494. A letter from the Assistant General Counsel for Regulations, Office of General Counsel, Office of the Secretary, Department of Housing and Urban Development, transmitting the Department's final rule — Federal Agency Final Regulations Implementing Executive Order 13559: Fundamental Principles and Policymaking Criteria for Partnerships With Faith-Based and Other Neighborhood Organizations [Docket No.: FR-5781-F-02] (RIN: 2501-AD65) received May 19, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Financial Services.

5495. A letter from the Assistant General Counsel, Office of the General Counsel, Department of Education, transmitting the Department's final rule — Federal Agency Final Regulations Implementing Executive Order 13559: Fundamental Principles and Policymaking Criteria for Partnerships With Faith-Based and Other Neighborhood Organizations [ED-2014-OS-0131] (RIN: 1895-AA01) 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 Education and the Workforce.

5496. A letter from the Principle Deputy Assistant Secretary for Policy, Office of the Assistant Secretary for Policy, Office of the Secretary, Department of Labor, transmitting the Department's final rule — Federal Agency Final Regulations Implementing Executive Order 13559: Fundamental Principles and Policymaking Criteria for Partnerships With Faith-Based and Other Neighborhood Organizations (RIN: 1290-AA29) 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 Education and the Workforce.

5497. A letter from the Director, HHS Center for Faith-based and Neighborhood Partnerships, Department of Health and Human Services, transmitting the Department's final rule — Federal Agency Final Regulations Implementing Executive Order 13559: Fundamental Principles and Policymaking Criteria for Partnerships With Faith-Based and Other Neighborhood Organizations (RIN: 0991-AB96) 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 Energy and Commerce.

5498. A letter from the Regulatory Policy Officer, Center for Faith-Based and Community Initiatives, United States Agency for International Development, transmitting the Agency's final rule — Federal Agency Final Regulations Implementing Executive Order 13559: Fundamental Principles and Policymaking Criteria for Partnerships With Faith-Based and Other Neighborhood Organizations (RIN: 0412-AA75) 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 Foreign Affairs.

5499. A letter from the Acting Deputy Assistant Attorney General, Office of Legal Policy, Office of the Attorney General, Department of Justice, transmitting the Department's final rule — Federal Agency Final Regulations Implementing Executive Order 13559: Fundamental Principles and Policymaking Criteria for Partnerships With Faith-Based and Other Neighborhood Organizations [Docket No.: OAG 149; AG Order No.: 3649-2016] (RIN: 1105-AB45) 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 the Judiciary.

5500. A letter from the Director, Office of Regulation Policy and Management, Office of the General Counsel (02REG), Office of the Secretary, Department of Veterans Affairs, transmitting the Department's final rule — Federal Agency Final Regulations Implementing Executive Order 13559: Fundamental Principles and Policymaking Criteria for Partnerships With Faith-Based and Other Neighborhood Organizations (RIN: 2900-AP05) 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 Veterans' Affairs.

5501. A letter from the Senior Advisor to the Officer for Civil Rights and Civil Liberties, Office of the Secretary, Department of Homeland Security, transmitting the Department's final rule — Federal Agency Final Regulations Implementing Executive Order 13559: Fundamental Principles and Policymaking Criteria for Partnerships With Faith-Based and Other Neighborhood Organizations [Docket No.: DHS-2006-0065] (RIN: 1601-AA40) 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 Homeland Security.

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. GRAVES of Georgia: Committee on Appropriations. H.R. 5325. A bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2017, and for other purposes (Rept. 114–594). Referred to the Committee of the Whole House on the state of the Union.

Mr. COLE: Committee on Rules. House Resolution 751. Resolution relating to consideration of the Senate amendment to the bill (H.R. 2577) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes (Rept. 114–595). Referred to the House Calendar.

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. SAM JOHNSON of Texas (for himself and Mr. RENACCI):

H.R. 5320. A bill to restrict the inclusion of social security account numbers on documents sent by mail by the Social Security Administration, and for other purposes; to the Committee on Ways and Means.

By Mr. POE of Texas (for himself, Mr. CONYERS, Mr. FARENTHOLD, and Ms. LOFGREN):

H.R. 5321. A bill to prevent the proposed amendments to rule 41 of the Federal Rules of Criminal Procedure from taking effect; to the Committee on the Judiciary.

By Ms. VELÁZQUEZ (for herself, Mr. PIERLUISI, and Mr. SERRANO):

H.R. 5322. A bill to amend the Investment Company Act of 1940 to terminate an exemption for companies located in Puerto Rico, the Virgin Islands, and any other possession of the United States; to the Committee on Financial Services.

By Mr. MARINO (for himself and Ms. DELBENE):

H.R. 5323. A bill to amend title 18, United States Code, to safeguard data stored abroad, and for other purposes; to the Committee on the Judiciary.

By Mr. BRAT (for himself, Mr. CULBERSON, and Mr. MEADOWS):

H.R. 5324. A bill to amend the Internal Revenue Code of 1986 to expand the permissible use of health savings accounts to include health insurance payments and to increase the dollar limitation for contributions to health savings accounts, and for other purposes; to the Committee on Ways and Means.

By Ms. KUSTER (for herself and Mr. GIBSON):

H.R. 5326. A bill to provide funding for fiscal year 2017 for the Office of Public Participation; to the Committee on Energy and Commerce.

By Ms. KUSTER (for herself and Mr. MOONEY of West Virginia):

H.R. 5327. A bill to reauthorize and improve programs related to mental health and substance use disorders; to the Committee on Energy and Commerce.

By Mr. BOUSTANY:

H.R. 5328. A bill to amend title 5, United States Code, to require a general notice of proposed rule making for a major rule to include a cost-benefit analysis of the proposed rule, and for other purposes; to the Committee on the Judiciary.

By Mr. KELLY of Pennsylvania:

H.R. 5329. A bill to require the National Telecommunications and Information Administration to extend the IANA functions contract unless it certifies that the United States Government has secured sole ownership of the .gov and .mil top-level domains, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BEN RAY LUJÁN of New Mexico (for himself, Mrs. NAPOLITANO, Mr. LOEBSACK, Mr. MCNERNEY, Ms. CLARKE of New York, and Mr. HASTINGS):

H.R. 5330. A bill to provide for a report on best practices for peer-support specialist programs, to authorize grants for behavioral health paraprofessional training and education, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BEN RAY LUJÁN of New Mexico (for himself, Mr. KENNEDY, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mrs. NAPOLITANO, and Ms. CLARKE of New York):

H.R. 5331. A bill to amend title XIX of the Social Security Act to provide for behavioral health infrastructure improvements under the Medicaid program; to the Committee on Energy and Commerce.

By Mrs. NOEM (for herself, Ms. SCHAKOWSKY, Mr. ROYCE, and Mr. ENGEL):

H.R. 5332. A bill to ensure that the United States promotes the meaningful participation of women in mediation and negotiations processes seeking to prevent, mitigate, or resolve violent conflict; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, 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. POMPEO:

H.R. 5333. A bill to impose sanctions in relation to violations by Iran of the Geneva

Convention (III) or the right under international law to conduct innocent passage, and for other purposes; to the Committee on Foreign Affairs, 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 Ms. STEFANIK (for herself, Mr. COLLINS of New York, Mr. GIBSON, Mr. HANNA, Mr. KING of New York, Mr. KATKO, Mr. HIGGINS, Ms. MENG, Mr. GRIJALVA, Ms. BORDALLO, Mr. BENISHEK, Mr. THOMPSON of California, Mr. PAULSEN, Mr. DOLD, Mr. COSTELLO of Pennsylvania, and Mr. WALZ):

H.R. 5334. A bill to provide for the issuance of a semipostal to benefit programs that combat invasive species; to the Committee on Oversight and Government Reform, and in addition to the Committees on Natural Resources, and Agriculture, 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. YOUNG of Iowa (for himself, Mr. LOEBSACK, Mrs. NOEM, Mr. KING of Iowa, Mr. PETERSON, Mr. EMMER of Minnesota, Mr. BLUM, Mr. LAHOOD, and Mr. SMITH of Nebraska):

H.R. 5335. A bill to amend the Internal Revenue Code of 1986 to expand certain exceptions to the private activity bond rules for first-time farmers, and for other purposes; to the Committee on Ways and Means.

By Mr. JONES:

H. Res. 748. A resolution expressing the sense of the House of Representatives that United States law firms should not represent Iran in any judicial proceeding or other capacity to assist efforts of Iran to avoid paying compensation to victims of Iran-sponsored terrorism; to the Committee on the Judiciary.

By Mr. DEUTCH (for himself, Mr. POSEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PERLMUTTER, Mr. MURPHY of Florida, and Mr. BROOKS of Alabama):

H. Res. 749. A resolution expressing support for the designation of May 25 as ''National Moonshot Day'' and recognizing the importance of conquering scientific challenges from medicine to space and beyond; to the Committee on Education and the Workforce.

By Mr. DEUTCH (for himself, Mr. BILIRAKIS, Mr. ISRAEL, Mr. KELLY of Pennsylvania, Mr. TED LIEU of California, Mr. KINZINGER of Illinois, Mr. JEFFRIES, Mr. ZELDIN, and Mrs. DAVIS of California):

H. Res. 750. A resolution urging the European Union to designate Hizballah in its entirety as a terrorist organization and increase pressure on it and its members; to the Committee on Foreign Affairs.

By Mr. HASTINGS (for himself, Mr. SHERMAN, Mr. CÁRDENAS, Mr. GRIJALVA, Ms. WILSON of Florida, Mr. DEUTCH, Mr. COHEN, Mr. BRADY of Pennsylvania, Ms. LEE, Mr. DEFAZIO, Ms. FRANKEL of Florida, Mr. POLIS, Mr. MEEKS, Ms. CLARK of Massachusetts, Mr. CARTWRIGHT, Mr. BUCHANAN, Mr. FATTAH, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MOORE, Mr. CLAY, Mr. MURPHY of Florida, Mr. KEATING, Mr. DONOVAN, Ms. BONAMICI, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. CONNOLLY, Ms. NORTON, and Mr. SCOTT of Virginia):

H. Res. 752. A resolution condemning the Dog Meat Festival in Yulin, China, and urging China to end the dog meat trade; to the Committee on Foreign Affairs.

By Ms. KELLY of Illinois (for herself, Mr. JEFFRIES, Mr. RANGEL, Mr. THOMPSON of California, Mrs. LAWRENCE, Mrs. BEATTY, Mr. HASTINGS, Ms. LEE, Ms. DUCKWORTH, Mrs. WATSON COLEMAN, and Ms. FUDGE):

H. Res. 753. A resolution expressing support for the designation of June 2, 2016, as ''National Gun Violence Awareness Day'' and June 2016 as ''National Gun Violence Awareness Month''; to the Committee on the Judiciary.

By Ms. STEFANIK (for herself, Mr. COLLINS of New York, Mr. GIBSON, Mr. HANNA, Mr. KING of New York, Mr. KATKO, Mr. HIGGINS, Ms. MENG, Mr. GRIJALVA, Ms. BORDALLO, Mr. BENISHEK, Mr. THOMPSON of California, Mr. PAULSEN, Mr. DOLD, Mr. COSTELLO of Pennsylvania, and Mr. WALZ):

H. Res. 754. A resolution expressing the commitment of the House of Representatives to work to combat the nationwide problem of invasive species threatening native ecosystems; to the Committee on Natural Resources, and in addition to the Committees on Agriculture, and Transportation and Infrastructure, 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.

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. SAM JOHNSON of Texas:

H.R. 5320.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of section 8 of article I of the Constitution to ''provide for the common defense and general welfare of the United States.''

By Mr. POE of Texas:

H.R. 5321.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18

By Ms. VELÁZQUEZ:

H.R. 5322.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

The Congress shall have Power * * * To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. MARINO:

H.R. 5323.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3: ''To regulate Commerce with foreign Nations, and among the several States and with the Indian Tribes.''

Article I, Section 8, Clause 18: ''To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers. . .''

By Mr. BRAT:

H.R. 5324.

Congress has the power to enact this legislation pursuant to the following:

The Sixteenth Amendment to the Constitution grants Congress ''power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.'' Left undefined in the amendment, the ''incomes'' appropriate for taxation must be determined through legislation passed by Congress. Congress therefore has the power to exclude from income taxation such sources as it deems appropriate.

By Mr. GRAVES of Georgia:

H.R. 5325.

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 (the appropriation power), which states: ''No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law . . .'' In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: ''The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States . . .'' Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate finds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.

By Ms. KUSTER:

H.R. 5326.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8—To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes

By Ms. KUSTER:

H.R. 5327.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

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 or Officer thereof.

By Mr. BOUSTANY:

H.R. 5328.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

To make all laws which shall be necessary and proper for carrying into the Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. KELLY of Pennsylvania:

H.R. 5329.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. BEN RAY LUJÁN of New Mexico:

H.R. 5330.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section VIII

By Mr. BEN RAY LUJÁN of New Mexico:

H.R. 5331.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section VIII

By Mrs. NOEM:

H.R. 5332.

Congress has the power to enact this legislation pursuant to the following:

Aricle I, Section 8

By Mr. POMPEO:

H.R. 5333.

Congress has the power to enact this legislation pursuant to the following:

Clauses 3 Article I, Section 8 of the U.S. Constitution

By Ms. STEFANIK:

H.R. 5334.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution.

By Mr. YOUNG of Iowa:

H.R. 5335.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution of the United States.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 27: Mr. DUNCAN of South Carolina.
H.R. 230: Ms. ROS-LEHTINEN.
H.R. 303: Ms. MENG.
H.R. 317: Mr. PERLMUTTER.
H.R. 347: Mrs. WAGNER.
H.R. 430: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 499: Mr. ZELDIN.
H.R. 581: Mrs. DINGELL.
H.R. 667: Mr. COSTELLO of Pennsylvania.
H.R. 711: Mr. DOLD and Mr. KILMER.
H.R. 816: Mr. DUNCAN of Tennessee.
H.R. 822: Ms. BROWNLEY of California.
H.R. 836: Mr. DONOVAN.
H.R. 863: Mr. MOOLENAAR.
H.R. 911: Mr. THOMPSON of California and Mrs. WATSON COLEMAN.
H.R. 923: Mr. WALKER.
H.R. 964: Mrs. CAROLYN B. MALONEY of New York.
H.R. 986: Mr. ISSA.
H.R. 1197: Mr. KILMER.
H.R. 1343: Mr. ABRAHAM.
H.R. 1347: Mr. BLUMENAUER.
H.R. 1427: Mr. BUTTERFIELD.
H.R. 1571: Mr. CROWLEY.
H.R. 1594: Mr. KNIGHT and Mr. COSTELLO of Pennsylvania.
H.R. 1688: Mr. GOSAR, Ms. GRAHAM, Mr. CARTWRIGHT, Mr. COHEN, and Mr. BOUSTANY.
H.R. 1713: Mr. RODNEY DAVIS of Illinois.
H.R. 1736: Mr. NOLAN.
H.R. 1877: Mr. HECK of Nevada.
H.R. 1943: Mrs. DAVIS of California.
H.R. 2058: Mr. SMITH of Nebraska.
H.R. 2096: Ms. KUSTER.
H.R. 2218: Mr. BOUSTANY.
H.R. 2264: Mr. AGUILAR.
H.R. 2290: Mr. MCCAUL and Mr. JODY B. HICE of Georgia.
H.R. 2315: Mr. GARRETT, Mr. FLEISCHMANN, and Mr. ASHFORD.
H.R. 2411: Mr. COHEN and Mr. CARTWRIGHT.
H.R. 2434: Mr. COHEN.
H.R. 2646: Ms. VELÁZQUEZ.
H.R. 2703: Mrs. CAROLYN B. MALONEY of New York.
H.R. 2739: Mr. GUTHRIE and Mr. KILMER.
H.R. 2889: Ms. VELÁZQUEZ, Mr. CONYERS, Mr. DEFAZIO, Mrs. WATSON COLEMAN, Mr. GUTIÉRREZ, and Mr. HIGGINS.
H.R. 2903: Mrs. ELLMERS of North Carolina, Mr. SHIMKUS, and Ms. MCSALLY.
H.R. 2938: Mr. CICILLINE.
H.R. 2992: Mr. COSTELLO of Pennsylvania, Mr. FITZPATRICK, Mr. GUINTA, Mr. LUCAS, Mr. CRAWFORD, Mr. NEUGEBAUER, Mr. GIBSON, Mr. POLIQUIN, Ms. TSONGAS, and Mr. NEAL.
H.R. 3084: Ms. ROS-LEHTINEN.
H.R. 3092: Mr. SARBANES.
H.R. 3137: Mr. JENKINS of West Virginia.
H.R. 3163: Mr. AGUILAR, Mr. VARGAS, Mr. LOWENTHAL, and Mr. SMITH of Washington.
H.R. 3229: Mr. BYRNE.
H.R. 3235: Ms. BROWNLEY of California.
H.R. 3316: Mr. CARTWRIGHT.
H.R. 3411: Mr. NORCROSS.
H.R. 3412: Ms. LORETTA SANCHEZ of California.
H.R. 3516: Mr. GIBSON and Mr. BARLETTA.
H.R. 3558: Mr. JOLLY.
H.R. 3656: Mr. DOGGETT.
H.R. 3687: Ms. CASTOR of Florida, Mr. FARR, and Mr. GIBBS.
H.R. 3706: Mr. CUMMINGS and Mr. CONNOLLY.
H.R. 3742: Mr. SMITH of Washington and Ms. MCSALLY.
H.R. 3929: Mr. MCDERMOTT, Mrs. CAROLYN B. MALONEY of New York, Mr. KELLY of Mississippi, Mr. HURD of Texas, and Mrs. NAPOLITANO.
H.R. 3957: Mr. MILLER of Florida.
H.R. 4013: Ms. JACKSON LEE.
H.R. 4055: Ms. LOFGREN.
H.R. 4062: Mr. PAULSEN.
H.R. 4137: Mr. SMITH of Washington.
H.R. 4141: Mr. BOUSTANY.
H.R. 4161: Ms. ROS-LEHTINEN.
H.R. 4166: Mr. CARNEY.
H.R. 4172: Mr. COHEN.
H.R. 4177: Ms. EDDIE BERNICE JOHNSON of Texas and Ms. DUCKWORTH.
H.R. 4247: Mr. ZINKE, Mr. STUTZMAN, Mr. DONOVAN, Ms. MCSALLY, Mr. HUIZENGA of Michigan, Ms. SINEMA, Mr. DEFAZIO, and Mr. BLUMENAUER.
H.R. 4333: Mr. ROGERS of Alabama, Mr. ROUZER, Mr. ROKITA, Ms. BROWN of Florida, Mr. SMITH of New Jersey, and Mrs. CAROLYN B. MALONEY of New York.
H.R. 4365: Mr. KILMER, Ms. BROWNLEY of California, Mr. DOLD, Mr. DONOVAN, Mr. WELCH and Mr. GUINTA.
H.R. 4386: Mr. HUFFMAN.
H.R. 4435: Mr. COURTNEY, Mr. RYAN of Ohio, Mr. THOMPSON of California, Mr. CLEAVER, Ms. TSONGAS, Mr. KEATING, Mr. ELLISON, and Mr. CAPUANO.
H.R. 4442: Mr. FORTENBERRY.
H.R. 4448: Mr. SESSIONS.
H.R. 4469: Mr. STUTZMAN and Mr. BARR.
H.R. 4514: Mr. BISHOP of Michigan, Mr. NADLER, Mr. LARSON of Connecticut, Mr. CARTWRIGHT, and Mr. GUINTA.
H.R. 4542: Mr. CARTWRIGHT.
H.R. 4592: Mr. LOEBSACK, Mr. FARR, Mr. AL GREEN of Texas, Ms. WASSERMAN SCHULTZ, Mr. VELA, Mr. MURPHY of Florida, Mr. NADLER, Mr. HINOJOSA, and Mr. DOGGETT.
H.R. 4616: Mr. SCHIFF and Ms. PINGREE.
H.R. 4620: Mr. NEUGEBAUER, Mr. HUIZENGA of Michigan, Mrs. WAGNER, and Mr. STIVERS.
H.R. 4626: Mr. GIBBS.
H.R. 4640: Mr. LEWIS.
H.R. 4681: Ms. PINGREE.
H.R. 4693: Mr. CARTWRIGHT.
H.R. 4715: Mr. ROE of Tennessee.
H.R. 4730: Mr. BRADY of Texas, Mr. BROOKS of Alabama, and Mr. MEADOWS.
H.R. 4764: Mrs. DAVIS of California, Mr. BISHOP of Utah, and Mr. HECK of Nevada.
H.R. 4768: Mr. CARTER of Georgia.
H.R. 4773: Mr. RIGELL, Mr. POLIQUIN, Mr. NEUGEBAUER, and Mr. BUCHANAN.
H.R. 4774: Mr. BUTTERFIELD.
H.R. 4796: Mr. NOLAN and Ms. LEE.
H.R. 4815: Mr. LANCE.
H.R. 4888: Mr. DESAULNIER, Mr. SMITH of Washington, and Ms. SLAUGHTER.
H.R. 4893: Mr. SMITH of Missouri, Mrs. ELLMERS of North Carolina, Mr. BYRNE, and Mr. CARTWRIGHT.
H.R. 4932: Ms. BROWNLEY of California.
H.R. 4956: Mr. BRADY of Texas and Mr. YODER.
H.R. 4979: Mr. GUINTA.
H.R. 5035: Mr. VALADAO.
H.R. 5044: Mr. BEN RAY LUJÁN of New Mexico, Mr. FOSTER, Mr. DANNY K. DAVIS of Illinois, Mr. DEUTCH, Ms. VELÁZQUEZ, Mrs. WATSON COLEMAN, Mr. CÁRDENAS, Mr. GALLEGO, Ms. ADAMS, and Miss RICE of New York.
H.R. 5073: Ms. PINGREE.
H.R. 5082: Mrs. ELLMERS of North Carolina.
H.R. 5085: Ms. NORTON, Mr. DANNY K. DAVIS of Illinois, Mrs. WATSON COLEMAN, Mr. BISHOP of Georgia, Ms. MOORE, Mrs. NAPOLITANO, Mr. GUTIÉRREZ, Ms. BROWN of Florida, Mr. ELLISON, Mr. RANGEL, Ms. BASS, Mr. BUTTERFIELD, Mr. HASTINGS, Mr. QUIGLEY, Mr. VEASEY, Mr. RICHMOND, Mr. CLEAVER, Mr. HINOJOSA, and Mr. CUMMINGS.
H.R. 5091: Mr. SENSENBRENNER, Mr. ASHFORD, and Mrs. WALORSKI.
H.R. 5094: Mr. FRELINGHUYSEN and Mr. CARTWRIGHT.
H.R. 5119: Mr. RATCLIFFE, Mr. OLSON, Mr. COSTELLO of Pennsylvania, Mr. MULVANEY, Mr. POSEY, Mr. CRAMER, and Mr. LANCE.
H.R. 5124: Mr. SERRANO and Mr. RANGEL.
H.R. 5143: Mr. WILLIAMS.
H.R. 5149: Ms. BROWNLEY of California.
H.R. 5190: Mrs. WALORSKI.
H.R. 5208: Mrs. COMSTOCK.
H.R. 5210: Mr. FORTENBERRY, Mr. SCHRADER, Mr. VISCLOSKY, Mr. WHITFIELD, and Ms. PINGREE.
H.R. 5213: Mr. NEUGEBAUER, Mr. FARENTHOLD, and Mr. SESSIONS.
H.R. 5214: Mr. HANNA.
H.R. 5216: Ms. LOFGREN.
H.R. 5224: Mr. KING of Iowa and Mr. SALMON.
H.R. 5234: Mr. TED LIEU of California.
H.R. 5240: Mr. TAKAI, Mr. BISHOP of Georgia, and Ms. KUSTER.
H.R. 5265: Mr. TAKANO and Mr. SMITH of Washington.
H.R. 5272: Ms. SLAUGHTER and Mr. POCAN.
H.R. 5275: Mr. MILLER of Florida, Mr. BYRNE, Mr. NEUGEBAUER, Mr. ROE of Tennessee, Mrs. BLACK, Mr. GIBBS, Mr. BARR, Mr. STUTZMAN, Mr. WALBERG, Mr. BARTON, Mr. LAMBORN, and Mr. CARTER of Texas.
H.R. 5292: Ms. MCCOLLUM, Mr. DANNY K. DAVIS of Illinois, Mr. DUNCAN of Tennessee, Ms. SINEMA, Mr. POE of Texas, Mr. AGUILAR, Mr. RYAN of Ohio, Mr. JEFFRIES, Mr. TAKAI, Mr. GRAVES of Missouri, Mr. MURPHY of Pennsylvania, and Mr. POSEY.
H.R. 5294: Mr. ADERHOLT, Mrs. BLACK, Mr. FARENTHOLD, Mr. OLSON, Mr. ROUZER, Mr. ABRAHAM, Mr. KING of Iowa, Mr. YOHO, and Mr. JODY B. HICE of Georgia.
H.R. 5307: Mr. PALAZZO.
H. Con. Res. 40: Mr. YARMUTH.
H. Con. Res. 114: Mr. POE of Texas.
H. Con. Res. 128: Mr. ROGERS of Alabama.
H. Res. 14: Mr. AL GREEN of Texas, Ms. SLAUGHTER, Mr. NEUGEBAUER, and Mr. REED.
H. Res. 94: Mr. DAVID SCOTT of Georgia and Mr. TAKANO.
H. Res. 230: Mr. SCHRADER.
H. Res. 494: Mr. ABRAHAM.
H. Res. 590: Ms. SINEMA.
H. Res. 650: Ms. CLARKE of New York.
H. Res. 660: Mr. SCHIFF, Mr. DESJARLAIS, and Mr. DONOVAN.
H. Res. 683: Mr. HASTINGS.
H. Res. 705: Mr. JEFFRIES, Ms. WASSERMAN SCHULTZ, Mr. VAN HOLLEN, and Mr. CARSON of Indiana.
H. Res. 717: Ms. TITUS.
H. Res. 746: Miss RICE of New York, Ms. BONAMICI, and Mr. ISRAEL.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 5055

OFFERED BY: MR. LOWENTHAL

AMENDMENT NO. 35: At the end of the bill (before the short title), insert the following:

SEC. ____ (a) None of the funds made available by this Act may be used in contravention of Executive Order No. 13547 of July 19, 2010.

(b) None of the funds made available by this Act may be used to implement, administer, or enforce section 506 of this Act.

H.R. 5055

OFFERED BY: MR. WALKER

AMENDMENT NO. 36: At the end of the bill (before the short title), insert the following:

SEC. ____. (a) The amounts otherwise made available by this Act for the following accounts of the Department of Energy are hereby reduced by the following amounts:

(1) ''Energy Efficiency and Renewable Energy'', $400,000.

(2) ''Nuclear Energy'', $25,455,000.

(3) ''Fossil Energy Research and Development'', $13,000,000.

(4) ''Strategic Petroleum Reserve'', $45,000,000.

(5) ''Non-Defense Environmental Cleanup'', $2,400,000.

(6) ''Science'', $49,800,000.

(7) ''Advanced Research Projects Agency-Energy'', $14,889,000.

(b) The amounts otherwise made available by this Act for the following accounts are hereby reduced by the following amounts:

H.R. 5055

OFFERED BY: MR. MCNERNEY

AMENDMENT NO. 37: At the end of the bill (before the short title), insert the following:

SEC. ____. No Federal funds under this Act may be used for a project with respect to which an investigation was initiated by the Inspector General of the Department of the Interior during calendar years 2015, 2016, or 2017.

H.R. 5055

OFFERED BY: MR. MCNERNEY

AMENDMENT NO. 38: 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 issue Federal debt forgiveness or capital repayment forgiveness for any district or entity served by the Central Valley Project if the district or entity has been subject to an order from the Securities and Exchange Commission finding a violation of section 17(a)(2) of the Securities Act of 1933 (15 U.S.C. 77q(a)(2)).

H.R. 5055

OFFERED BY: MR. BRAT

AMENDMENT NO. 39: 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 make or renew a loan guarantee under the Innovative Technology Loan Guarantee Program under title XVII of the Energy Policy Act of 2005 in excess of 50 percent of the project cost.

Amendment to H.R. 5055

OFFERED BY MR. BRAT

AMENDMENT NO. 40: 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 make or renew a loan guarantee under the Innovative Technology Loan Guarantee Program under title XVII of the Energy Policy Act of 2005.

Amendment to H.R. 5055

OFFERED BY: MR. GARAMENDI

AMENDMENT NO. 41: 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 by the Bureau of Reclamation to issue a permit for California WaterFix or, with respect to California WaterFix, to provide for compliance under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) or section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536).

Amendment to H.R. 5055

OFFERED BY: MR. MULLIN

AMENDMENT NO. 42: At the end of the bill (before the short title), insert the following:

SEC. ____. Beginning on November 8, 2016, through January 20, 2017, none of the funds made available by this Act may be used to propose or finalize a regulatory action that is likely to result in a rule that may have an annual effect on the economy of $100,000,000 or more, as specified in section 3(f)(1) of Executive Order No. 12866 of September 30, 1993.