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House of Representatives

The House met at 9 a.m. and was called to order by the Speaker.

PRAYER

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

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

Bless the Members of the people's House as they anticipate returning to their home districts. Once they return home, may they find rest and renewal during their time with family and friends.

Bless our Nation as the holy days of the religious traditions for so many of our citizens approach and as the year comes to a close. Help us to look to the future with hope, committed to a renewed effort to work together as citizens of a united America.

Help us all to be truly grateful for the blessings of this past year.

As always, we pray that whatever is done be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER. 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.

Mr. WOODALL. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

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

Mr. WOODALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Hawaii (Ms. GABBARD) come forward and lead the House in the Pledge of Allegiance.

Ms. GABBARD led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER

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

RECOGNIZING JOANN VAN TASSEL OF LAKE ORION

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

Mr. BISHOP of Michigan. Mr. Speaker, I rise today to recognize JoAnn Van Tassel of Lake Orion. She has devoted her life to selfless acts to benefit others and is being recognized as 2016 Citizen of the Year by the Orion Area Parade Group.

JoAnn has been a champion in the community by always supporting local events and important causes. She is active with many agencies, including the North Oakland Community Coalition and the Downtown Development Authority. Among her many charitable acts, JoAnn has organized fundraising events to help those in need and cleans up our roadways to ensure that our community stays beautiful.

While serving as Orion Township supervisor for 13 years, JoAnn has dedicated countless hours to improving the Lake Orion community. Her generosity has touched the lives of many, and her efforts will have a profound impact on generations to come.

So, thank you to JoAnn Van Tassel for making the Lake Orion community a great place to live, work, and raise a family. Your generous contributions have not gone unnoticed.

DRAIN THE SWAMP

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

Mr. DEFAZIO. Mr. Speaker, today I am introducing legislation, the Drain the Swamp Act. My bill would make violations of President-elect Trump's recently announced revolving door lobby ban punishable by law. He said that he will bar political appointees from lobbying for 5 years after they serve in his administration and permanently from lobbying for foreign governments.

Unfortunately, his proposal lacks any enforcement mechanism. I want this to be more than a press release. I want to help him in this effort. Just look at the Office of Special Trade Representative. Why is our trade policy so bad? Because those people worked for industry and then come back to work for the government and go work for industry and promote their own interests. That goes on in many agencies.

This would be a good thing for America.

So I would extend the existing penalties which apply to very few people over a shorter period of time with penalties up to $50,000 and 1 year in jail to cover all of the 3,648 executive branch political appointees.

I am introducing it today knowing it is the end of the Congress, but I am going to provide it to the Trump transition team in the hope that they will endorse this bill, which I will introduce

on the first day of the next Congress and hope to have President-elect Trump's support to keep the law behind his promise.

HUSTON-TILLOTSON UNIVERSITY

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

Mr. WILLIAMS. Mr. Speaker, I am proud to represent several Texas colleges and universities in my Texas 25th Congressional District, but it is Austin's first institution of higher education that I would like to speak about today.

Huston-Tillotson University is referred to by many as the jewel of the east Austin community. I have had the pleasure of meeting the school's president, Dr. Colette Pierce Burnette. She is only the second female president in the institution's rich history. I can tell you, Dr. Colette Pierce Burnette is an experienced leader who is committed to the success of her students.

Huston-Tillotson College was chartered by the State of Texas in 1952 and was renamed to Huston-Tillotson University in 2005. Its name derives from the merger of Tillotson College and Samuel Huston College.

The school's focus is on liberal arts. It offers associate and master's degrees, in addition to bachelor of arts and bachelor of science degrees, in more than 19 areas of study.

I would like to thank President Colette Pierce-Burnette, the faculty, and the administration for their devotion to higher education, and I expect they will keep up the good work for many years to follow.

In God we trust.

RECOGNIZING AIRBORNE FIRST CLASS IRVING MUNROE

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

Mr. CICILLINE. Mr. Speaker, I rise today in recognition of Airborne First Class Irving Munroe, a veteran of the United States Air Force from my district in Rhode Island.

On June 1, 1951, just few days shy of his 20th birthday, Airman Munroe went missing in action after his aircraft was shot down over Kwaksan, North Korea.

Airman Munroe was a devoted son and brother, and our Nation will never be able to fully repay his family for their loss. Airman Munroe was finally laid to rest at Arlington National Cemetery on October 13, 2016, in a ceremony attended by those closest to him.

His family, which has accumulated more than 100 years of total military service over two generations, truly understands the meaning of service to our country.

Americans are fortunate to live in a free and safe country because of the extraordinary sacrifices of those who have served in our Armed Forces. We owe all who serve and their families our genuine gratitude and deep respect.

On behalf of a grateful Nation, I want to sincerely thank the Munroe family for their service.

HONORING THE SERVICE OF JAMES ''J.H.'' LANGDON

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

Mr. ROUZER. Mr. Speaker, it was 16 years ago when I was embarking on a run for North Carolina Commissioner of Agriculture that my uncle told me there was a man I needed to meet. That man was James H. Langdon, whom we all call J.H. Today I rise to honor his service in the North Carolina House, which will soon officially come to a close.

A former ag education teacher, J.H. has served six terms in the North Carolina House and has either taught or represented practically every citizen in Johnston County and beyond. As chairman of the house agriculture committee, J.H. has been a tireless advocate for agriculture and our farm families.

I know of no one who talks less but does more, which I attribute to his great and abiding love for and faith in our Creator. J.H.'s legacy will be felt across the State of North Carolina for generations to come.

On behalf of the citizens of Johnston County and the countless individuals he has touched, I wish him and his wife, Lena, much happiness as they continue their wonderful journey together.

EVERYONE MUST BEAR THE COST OF OUR MILITARY

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

Mr. O'ROURKE. Mr. Speaker, those who have truly borne the cost of the wars that we have waged since 9/11 have been the men and women who wear the uniform and their families—fewer than 1 percent of the people in this country. For the rest of us, we have deferred our obligations and our payments to future generations.

Harvard's Linda Bilmes estimates that the wars that we are waging since 9/11 will cost this country nearly $1 trillion in healthcare costs and support costs for the veterans who have fought those wars. That is why I am asking my colleagues from both sides of the aisle to join me in sponsoring the Veterans Health Care Trust Fund Act, which would create a surtax on each and every American who has not served to ensure that we pay for our wars as we wage them and have the resources to take care of the veterans who fight them. It is going to ensure transparency in the cost of these wars; it is going to ensure that everyone bears their fair share of the burden; and it is going to ensure that we always have the resources to always take care of the veterans.

Mr. Speaker, I ask that everyone join me in this important effort.

FAREWELL ADDRESS

(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, on one of the last days to be able to come and address the House before the end of this Congress, I want to take this opportunity, really, to thank the people that work here in the House.

We up here talk about our constituents back at home, and Congresses will come and go, but it is the staff here that make this institution run. I want to thank them for the great work that they do. Frankly, there are far too few of us that actually recognize the work that happens.

From the folks down in the wood shop, to the people who are working behind the rostrum, to our Capitol police officers, to Father Conroy, who keeps us on the straight and narrow, we thank you for your service.

I do want to take this opportunity, as we are about to embark on the holidays, to thank them for the great work that they do for each and every one of us and for our Nation, because they are the ones that truly keep this institution running and make sure that we have a sense of history and that, again, this august body is one that will be represented well for years and, hopefully, centuries to come.

PENTAGON'S WASTEFUL BACK OFFICE BUREAUCRACY

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

Mr. SCHRADER. Mr. Speaker, I rise today to call upon this body to protect our national security by ensuring that the billions we spend through the Pentagon are, in fact, well spent.

We are currently embarking on enacting a CR that is inadequate for education, health care, and economic and job development. It contains a bloated Defense Department with even more money, despite documentation of $125 billion in waste and inefficiencies that their own investigation showed.

This does not relate to our servicemen and -women who do a great job for our country protecting freedom around the world. This is money that we could use to fund all the war spending and drive down the costs of the Pentagon and Department of Defense almost 20 percent without affecting existing programs.

I think we need to declassify the Department of Defense study and use that money for the taxpayers to drive down our debt and deficit and make this country great again.

25TH ANNIVERSARY OF KJIL AND GREAT PLAINS CHRISTIAN RADIO

(Mr. HUELSKAMP asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. HUELSKAMP. Mr. Speaker, this year marks 25 years of KJIL and Great Plains Christian Radio in Meade, Kansas, providing Christian music, weather, sports news, and inspiration to farmers, ranchers, businesses, and into the homes and vehicles of thousands of Kansas families.

The process of going from dream to reality took nearly 10 years; but within 24 hours after completing their transmission tower, KJIL took to the air September 5, 1992, at 99.1 FM. In 2001, they added another station in Abilene, Kansas, at 105.7 FM.

Since then, their story is one of God's constant faithfulness and provision. What started as a small dream for a rural county and my home county of southwest Kansas now includes nearly 40 translators, including the neighboring States of Oklahoma, Texas, and Colorado. Nearly my entire congressional district receives radio signals from Great Plains Christian Radio.

Not only has KJIL served our region so faithfully for 25 years, they have also done so with excellence. The Kansas Association of Broadcasters has awarded them Station of the Year twice. They have also been the recipients of a trio of awards from Focus on the Family Station of the Year—the list goes on and on.

Any opportunity to commend KJIL and their history of humbly serving Kansas requires recognition of the people who made it happen, such as Don Hughes, Jim Fairchild, and my good friend, Michael Luskey, who is currently the CEO and GM. I sincerely hope and pray that KJIL will have service for another 25 years.

STOP ARMING TERRORISTS

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

Ms. GABBARD. Mr. Speaker, under U.S. law, it is illegal for you or me or any American to provide any type of assistance to al Qaeda, ISIS, or other terrorist groups. If we broke this law, we would be thrown in jail. Yet the U.S. Government has been violating this law for years, directly and indirectly supporting allies and partners of groups like al Qaeda and ISIS with money, weapons, intelligence, and other support in their fight to overthrow the Syrian Government.

A recent New York Times article confirmed that ''rebel groups'' supported by the U.S. ''have entered into battlefield alliances with the affiliate of al Qaeda in Syria, formerly known as Al Nusra.''

The Wall Street Journal reports that rebel grounds are ''doubling down on their alliance'' with al Qaeda. This alliance has rendered the phrase ''moderate rebels'' meaningless. We must stop this madness. We must stop arming terrorists.

I am introducing the Stop Arming Terrorists Act today to prohibit taxpayer dollars from being used to support terrorists.

□ 0915

PROVIDING FOR CONSIDERATION OF THE SENATE AMENDMENT TO H.R. 2028, ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2016, AND PROVIDING FOR CONSIDERATION OF S. 612, GEORGE P. KAZEN FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. WOODALL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 949 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 949

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 2028) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order, a motion offered by the chair of the Committee on Appropriations or his designee that the House concur in the Senate amendment with an amendment consisting of the text of Rules Committee Print 114-70 modified by the amendment printed in the report of the Committee on Rules accompanying this resolution. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The previous question shall be considered as ordered on the motion to its adoption without intervening motion.

SEC. 2. Upon adoption of this resolution it shall be in order to consider in the House the bill (S. 612) to designate the Federal building and United States courthouse located at 1300 Victoria Street in Laredo, Texas, as the ''George P. Kazen Federal Building and United States Courthouse''. 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 114-69 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 respective chairs and ranking minority members of the Committees on Energy and Commerce, Natural Resources, and Transportation and Infrastructure; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Georgia is recognized for 1 hour.

Mr. WOODALL. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to 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. WOODALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks.

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

There was no objection.

Mr. WOODALL. Mr. Speaker, when you asked me to clarify the number of the resolution, I am reminded of my mother when she used to ask me if I wanted to take out the trash. She was not asking me if I wanted to take out the trash. She was suggesting, very politely, that it was my responsibility to get out of my chair and get out there and take out that trash. I think about all of the folks that invest themselves in our success here. When you give me a chance to clarify, candidly, I am a little surprised that I need to because I am surrounded by a team of excellence. I should have just spoken it right back to you.

We have two bills today, Mr. Speaker, that are the result of a whole lot of mothers, a whole lot of staffers, and a whole lot of constituents asking the Members of Congress if they would like to take out the trash, telling folks that they have responsibilities that need to be handled and they need to be handled now.

It is two bills that this rule makes in order for consideration today, Mr. Speaker. It is S. 612, which is the Water Infrastructure Improvements for the Nation Act. That is what they call it on the Senate side. On our side, it is the Water Resources Development Act, the WRDA bill, a bill that authorizes projects one by one, considered by the U.S. House of Representatives, not led by the agencies, but led by the people's House, and directed to the agencies for accomplishment.

The second bill is H.R. 2028. It is the continuing resolution bill for FY 2017 funding, Mr. Speaker. I don't need to tell you—you know the Appropriations Committee well—but this year, for the first time since the people of the Seventh District of Georgia entrusted me with a voting card, we passed an appropriations bill on time. We did it for our veterans. It was signed by the President of the United States before the end of the fiscal year. We took a step at getting back towards regular order a commitment we have all made to one another, and a commitment that this funding bill will bring to fruition.

It is not what any of us would have wanted on day one, it is not the way any of us believed that we could have completed this process had we had more time, but it is the proper way to make sure that certainty, rather than uncertainty, governs this land.

I have got my colleague from the Rules Committee and the Appropriations Committee, the gentleman from Oklahoma (Mr. COLE) here with me, Mr. Speaker, so I won't belabor that side of the issue. But what I do want to talk about is something I know well, and that is the WRDA bill.

The WRDA bill, Mr. Speaker, this Water Infrastructure Improvements for the Nation Act, came out of the Transportation Committee on which I have the great privilege of serving.

The Transportation Committee, Mr. Speaker, is one of those rare committees that you don't read about on CNN's Web site, you don't see it on FOX News, or MSNBC. On the Transportation Committee, we get together—Republicans and Democrats—and we talk it out. We talk it out because it turns out that if what you are interested in, as citizens of Florida and the Everglades and Port Everglades and the restoration of those marvelous natural resources down there, that is not just a Florida issue, that is an American issue. If you are interested, as my friends from South Carolina are, in dredging the port in Charleston and making that a world class shipping opportunity, that is not just a South Carolina issue, that is an American issue.

If you are like my friends all across this country, Mr. Speaker, from New Hampshire to California, to Texas, to Colorado, you have projects that are vitally important not just to your constituency, but to the economy of the United States of America; and that is what we do on the Transportation Committee. The Transportation Committee is a success if we can help you get to work a little bit faster. We are a success if we can get your kids to that soccer game just a little bit faster. But we are committed to moving freight, goods, and services produced by American hands with American labor to their destinations not just across this land, but across this planet. That is what the WRDA bill, controlling those ports and waterways through which so much commerce moves, controls.

Mr. Speaker, I talked about regular order a little bit earlier. I have to brag, if I can here, at what may be our last day together. When the chairman of the Transportation Committee, BILL SHUSTER from the great State of Pennsylvania, took over the Transportation Committee, he said: These projects are so important. This bipartisan commitment to the American economy is so important. I am not going to let it get delayed.

Now, I confess that we are here on the last day, perhaps, of our time together. It looked for awhile like we might not be able to move this through; but our chairman, through the power of persuasion, fought day in and day out not for 1 year, but for 2 years, to ensure that we could build on the success, which was the WRDA bill in 2014, and bring yet another WRDA bill in 2016.

I will say to my friends: If you did not get everything you wanted, I promise you, as our friend, KEVIN MCCARTHY, from California likes to say, You needed everything you got. Even if you didn't get everything that you needed, we are going to do this again.

That is what is so great about regular order here, Mr. Speaker. When there is only one train leaving the station, we can't work together on issues. We have got to jam it all in there and we have got to pack everything in because we have only got one chance to serve the people who elected us.

When we get back to regular order, when we know there is another bill coming tomorrow and another bill coming the next day, and another bill coming the next day, it gives us an opportunity to achieve these things one small step at a time. If your constituents are like mine, Mr. Speaker, they didn't send me here to yank the pendulum back and forth from left to right. They sent me here to make a little bit of progress one day at a time.

The WRDA bill exemplifies the very best of us in that way. It represents small steps in almost every jurisdiction in this institution to grow the American economy, to serve our constituents back home, to make sure that the American taxpayer is getting a dollar's worth of value out of a dollar's worth of their tax dollar.

If you can't tell, Mr. Speaker, I am tremendously proud of this work that has gone into this bill. My great hope is that my colleagues will support this rule so that we can move on to support that underlying legislation later on this morning.

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

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

Mr. Speaker, I rise this morning to present my opposing view. I thank my colleague for yielding me the customary 30 minutes.

Mr. Speaker, the new fiscal year began more than 2 months ago. Yet, here we are again, considering another continuing resolution just hours ahead of a midnight Friday deadline to fund the Federal Government. Make no mistake, we are here today up against the threat of another shutdown because of the majority's inability to do its most basic job of funding the government.

It is a shame that we have, once again, resorted to short-term measures instead of passing long-term appropriations bills. In fact, the last time that Congress enacted all 12 regular appropriations bills on time was 1994.

As a result, the Chamber continues lurching from crisis to crisis. This is the same type of leadership that has brought our Nation years of political brinksmanship, including fiscal cliffs, near defaults on our national debt, and a government shutdown as recently as 2013, which experts from Standard & Poor's estimate to have taken $24 billion out of our economy.

And for what, Mr. Speaker?

So that the majority can play politics with government spending and try to negotiate a more conservative, partisan appropriations package with a Trump administration and a Congress under one-party Republican rule.

It is especially troubling that the majority has taken the unprecedented step of including a provision in this spending bill to change the congressional rules to hasten the confirmation of President-elect Trump's nominee for Secretary of Defense, retired General James Mattis. That should not be in this bill, Mr. Speaker, but was stuck in here to expedite that movement.

The law that was changed clearly states that a Defense Secretary must be out of uniform for 7 years to qualify for a waiver. Certainly that was not done capriciously. It was done so that we can keep civilian control of the military, which is one of the pillars of our democracy.

Now, I join with my colleagues in respecting General Mattis' lifetime of service and his dedication to our Nation. At the same time, the civilian leadership, as I have said, has been the cornerstone of our democracy. To risk losing it risks losing a very precious and important tenet of democracy that states that the United States military must be under civilian control. That is no small thing, Mr. Speaker, but it will be done here with a single vote.

I am pleased to see, however, that this package includes $100 million in grant funding to Flint, Michigan, to address the ongoing water crisis that has forced residents to drink and bathe in poisoned water for years. Mr. Speaker, I am painfully aware of the lifelong impacts that children will be forced to live with as a result of toxic metal in their water. The neurodevelopmental damage will be staggering, in addition to impacts including hypertension, renal impairment, and anemia. We know that we have to protect the water we have, Mr. Speaker, because we don't manufacture it.

The resolution before us today would also bring up the Water Infrastructure Improvements for the Nation Act. I join my colleague from Georgia in saying how important a bill this is. Those of us who abut the Great Lakes are happy that the Great Lakes Restoration money is there, which will help to remediate 20 percent of the world's fresh water contained in those five lakes.

It will also increase funding for dredging small harbors, like the Port of Rochester, which ships and receives an average of 95,000 tons of material each year. Commodities that pass through this port generate more than $6 million in local salaries through my district each year.

Sadly, Mr. Speaker, the majority has stripped important language from it, including the Buy American provisions, which we are perplexed by, since they have been in there for years in the past.

□ 0930

When asked the question of why it is not there, we really didn't get a straight answer; but the Buy American provisions would require the Federal Government projects to use steel that was made here in America. It is especially disappointing, since President-

elect Donald Trump has built several of his hotels with Chinese-made steel despite his pledging to ''Make America Great Again.'' The majority also removed a provision that would have allowed us to utilize funds to improve port and harbor reliability that sit idle in the U.S. Treasury.

One other issue that was concerning to us was that the CR does not extend a provision from all of the past years' omnibus bills that exempt returning foreign workers from the H–2B visa. I don't know of any issue most recently that has caused more consternation in my office. I have had almost 100 calls from all over the country saying that they are very dependent on it; and our colleague, Congressman LONG from Missouri, said yesterday that it was critical to the State of Missouri to get this in. Unfortunately, we were unable to do that.

I reserve the balance of my time.

Mr. WOODALL. Mr. Speaker, I yield 5 minutes to the gentleman from Oklahoma (Mr. COLE), a member both of the Rules Committee and a subcommittee chairman on the Appropriations Committee.

Mr. COLE. I thank my good friend for being so generous in yielding me the time.

Mr. Speaker, I rise in support of both the rule and the underlying legislation.

I begin by sharing my friend from Georgia's enthusiasm for the WRDA bill. I think this was an absolutely masterful piece of work by three chairmen. Obviously, primarily, Chairman SHUSTER is the architect; but I was also working with him on several important Indian issues and with Chairman BISHOP from the Committee on Natural Resources and, on the Flint issue in particular, with Chairman UPTON from Energy and Commerce.

I share my friend's belief that these projects have been worked through in a bipartisan way. Many, many good things, literally, in every part of the country will take place, and our friends on the other side of the aisle were very cooperative in that as well. This is usually a bipartisan effort. It certainly was in this case.

I am very pleased about Flint. There was, frankly, failure at every level of government—Federal, State, and local. I am glad that the Congress is following up on the commitment of the Speaker and of our good friend from Michigan (Mr. KILDEE), who has been the leader, obviously, in this and is doing the right thing there.

Again, the water projects, themselves, touch almost every district in the country—certainly, every State in the country.

I want to particularly point out the Indian provisions in here, which often get overlooked. We did some really important things in working with Mr. BISHOP and Mr. SHUSTER in common. We settled a number of really important individual Indian water case issues. I think the Pechanga case, for instance, which I know my friend the Speaker is familiar with, has been around for many years. We also changed the definitions in law so Indian tribes can now compete for water projects and water funding, particularly in some of the areas. Again, my friend the Speaker has seen some of these shortages in infrastructure as we traveled to reservations around the country together; so putting these people in a position to make sure they have access to funds to deal with water is important.

Finally, for my own State—extremely important—and at no cost to the Federal Government, the Chickasaws, the Choctaws, the city of Oklahoma City, and the State of Oklahoma negotiated a water settlement arrangement inside of Oklahoma for the appropriate distribution of water. That requires Federal approval because there is a trust responsibility. We got the deal done, frankly, relatively late this year. We got tremendous cooperation in Congress and in the Senate. Certainly, JIM INHOFE played a big role over there by getting it in the bill in order to get that memorialized and done in an expeditious fashion. We are very grateful for that.

When it comes to the CR, I certainly support the CR, and I certainly appreciate very much the work that Chairman ROGERS and Ranking Member LOWEY did to adjust, as much as possible, this short-term funding measure to try and deal with what we call around here ''anomalies'' and try to get the money to where it is supposed to go. There are many good things, again, in this short-term funding bill through April 28, my birthday, so perhaps this will work out in the end. Of course, it is also Saddam Hussein's birthday, so that doesn't always work out too well.

At the end of the day, we ought to look at this process. I find myself in agreement with my good friend from New York on many of the things that she had to say. We should be negotiating an omnibus bill. We have the time to do it. We were told, when we passed the short-term CR in late September, that that is what we would do in this timeframe. I can assure you, because they did it last year, that Chairman ROGERS and Ranking Member LOWEY could do it again this year. We are pretty close on all of these issues. It is a mistake, in my view, to push this into next year. Next year, we will have to write the FY18 budget and do the appropriations while we are simultaneously doing this, and the temptation will be very great to just do another CR and pass this on.

While all of this seems like budget double-talk to the average American, the reality is we have passed a lot of good legislation this year, but the funding isn't matched up with the legislation that we have passed. That is because we are relying on a continuing resolution as opposed to doing the real hard work of appropriations. Last year, when we did that, by the way, it provided us budget stability this year. It got us out of a lot of the fights—and guess what. All of a sudden, you end up with cures. All of a sudden, you end up with WRDA. All of a sudden, you get a national defense authorization done, because we have done the appropriate things.

The Appropriations Committee, I am quick to add, has done its work. All 12 bills that fund the Federal Government passed out of Appropriations—5 of them across this floor. I believe, with some of the most contentious, like Interior, our problem partly is our friends in the Senate who blocked up the deal, but we could have still finished an omnibus bill this year.

I support this. I don't think we made a wise decision in the manner in which we are proceeding, but, certainly, we don't want to shut down the government. I just want to serve notice to my friends who made the decision that I am going to hold their feet to the fire so that, in April, we actually do what we said we were going to do and that we go back to regular order.

Mr. Speaker, I urge the passage of the rule and the underlying legislation.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. MATSUI).

Ms. MATSUI. I thank my colleague for yielding me time.

Mr. Speaker, I rise to address my concerns regarding WRDA. My home district of Sacramento is the most at-risk major American city for flooding, and with the damaging effects of our changing climate, that risk is not going away. We sit at the confluence of two great rivers, making flood control absolutely essential for the safety of my constituents. That is why I have worked diligently for years to ensure we are making the investments we need to protect our region; but our levees are aging, which is why I have worked so strongly and fought for the inclusion of two projects in this bill: the American River Common Features and the West Sacramento projects. Combined, these projects will result in almost $3 billion worth of lifesaving investments in my region.

This isn't just about protecting a few buildings. The area that these projects support protect upwards of 400,000 people. It includes four major highway systems, an international airport, the State capitol, and a major water and electric grid.

This is about protecting the future of my beloved city of Sacramento, which is why I am so disappointed that WRDA has become a vehicle for a poison pill. The drought language that was airdropped into this bill at the last minute pits one region of California against another. It will be detrimental to northern California's economy and environment, and I am concerned about its impact on our region's water supply.

I share my colleagues' concerns about the drought, but we need to work together on a solution that takes the

well-being of every part of our State into account. It is extremely unfortunate that WRDA is being used as a vehicle for legislation that we should consider as a stand-alone bill, especially given the careful bipartisan work that our colleagues have put into this legislative package.

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

I thank my friend from California for her comments.

She is absolutely right. I talked so much about the economics of WRDA, and she talked about the truly lifesaving aspects of WRDA. We are talking about flood control in so many of these projects. She mentioned the West Sacramento projects in California. Just going through California alone, Mr. Speaker, the American River Common Features project, the San Diego County storm risk reduction project, the South San Francisco Bay Shoreline project, the Los Angeles River project are all being worked through and approved. These projects are not just going to put people to work. These projects are going to make people safer.

I thank my colleague for recognizing that and for helping to celebrate that with me.

I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, if we can defeat the previous question this morning, I will offer an amendment to the rule to bring up legislation that would set aside excess funds from the Abandoned Mine Land fund for the miners' health benefits and pension plans. We must do everything we can to protect the benefits that our hardworking miners have earned throughout the years.

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

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

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Pennsylvania (Mr. CARTWRIGHT).

Mr. CARTWRIGHT. I thank the gentlewoman from New York.

Mr. Speaker, 70 years ago, United Mine Workers of America President John L. Lewis—a lifetime Republican—crossed party lines to work with President Roosevelt and his administration to make a deal to end a nationwide coal strike. The deal ended up promising health and pension benefits for miners in this country in exchange for their lifetime of hard work. It was a promise that the Federal Government has kept since then. Every year, no matter who the President is, no matter who is in control of the Congress, it is a promise that our Nation has kept every single year for 70 years; but, Mr. Speaker, that is about to change.

Right now, 22,500 coal miners in West Virginia, in Ohio, in my own home State of Pennsylvania, and across coal country are facing a complete loss of their health and pension benefits during 2017. It breaks the long-time promise between the coal industry, its workers, and the Federal Government.

The continuing resolution before us purports to fix this problem by ensuring that 16,300 miners who would lose their health care on December 31 are taken care of. However, this is only a short-term Band-Aid, 4-month patch for health care, which leaves miners worse off in April than they are today. Most importantly, this CR does absolutely nothing to solve the pension problem—this in return for a lifetime of hard and dangerous work.

There are actual long-term solutions available that this body should be considering. The Miners Protection Act would fix both the health care and pensions for miners permanently. I repeat, it fixes the problems permanently.

Mr. Speaker, there is absolutely no reason for the short-term patch the majority is proposing here today. Miners across Pennsylvania have risked their health and safety to secure better lives for their families. They have dedicated their careers to ensuring that U.S. factories have the energy to continue to work and that our homes, schools, and workplaces can keep their lights on. This country became a great country on the backs of our hardworking coal miners. We should not be turning our backs on them now.

Mr. Speaker, the great American lawyer, Clarence Darrow, came to Scranton in the midst of one of these coal strikes, and he got to know the coal miners. Here is what he said about them:

> These are men who toil while other men grow rich, men who go down into the Earth and face greater dangers than men who go out upon the sea or out upon the land in battle, men who have little to hope for, little to think of excepting work. These are men, men like any others, who, in the midst of sorrow, travail, and a severe and cruel crisis, demeaned themselves as nobly, as bravely, as loyally as any body of men who ever lived and suffered and died for the benefit of the generations that are yet to come.

Darrow was right, Mr. Speaker. We need to protect the health care and pensions of our miners and create new jobs throughout our coal regions. The commonsense, bipartisan Miners Protection Act would give miners across Pennsylvania and the rest of coal country the peace of mind of knowing that the retirements they worked all of their lives for are secure.

Mr. Speaker, we cannot continue to fix our partisan spending issues at the expense of the American worker. We have to keep the promises we made to our hardworking men and women. That is why I urge my colleagues to do just that and agree to this motion to defeat the previous question so that we can bring up and include important legislation to protect our coal miners' pensions and health care.

□ 0945

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

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), the Democrat leader.

Ms. PELOSI. Mr. Speaker, I thank the gentlewoman for yielding and for her superior service on the Rules Committee.

Mr. Speaker, across America today, hardworking people and seniors find that their retirement security is under threat and in doubt. Congress has a responsibility to strengthen Americans' retirement security, and we dishonor that responsibility with the half measure for coal miners in the CR today—less than a half measure.

I commend Congressman CARTWRIGHT of Pennsylvania. He knows full well the contribution that the coal miners have made to our economy. He knows the stress that they are under from what is happening now and how this is exacerbated by the continuing resolution.

Mr. Speaker, 22,500 coal miners in Pennsylvania, West Virginia, Ohio, and across coal country are facing a complete loss of their health and pension benefits in 2017. However, the continuing resolution offers these men and women only a short term.

Senator MANCHIN has been making the pitch, and many of us have joined him, that these health and pension benefits should be in our legislation at least for 5 years, preferably in perpetuity.

What the CR says is: not in perpetuity, not in 5 years—for 4 months; for 4 months and only health benefits, completely ignoring the pension part of it.

Coal miners are on the Hill today to make their case, to tell their personal stories about how this has affected them. After a lifetime of service and in a culture built around that industry, they trusted that their pension and their health benefits would be there. But their companies went bankrupt.

Think of this, my colleagues. If you, anyone in your family, or any of your constituents were working a lifetime in a company, in an industry, and that company went bankrupt, and the answer to you is: Tough luck. We went bankrupt. Your pension went down the drain.

It is absolutely criminal. It is absolutely criminal.

The CR offers a short-term, 4-month patch for health care and leaves the miners worse off in April than they are now.

I thank Senator MANCHIN for taking the lead in such a forceful way, and I thank MATT CARTWRIGHT for leading us here.

In hope that we could defeat this rule, I urge my Republican colleagues who are from coal country in Ohio, Pennsylvania, West Virginia—and coal country goes beyond. Virginia is one of the biggest coal-producing States, though you might not realize it. The CR does nothing, does nothing to solve the critical pension problem that threatens the future of these miners and their families.

With our previous question, Democrats, led by Congressman CARTWRIGHT, are calling on Republicans to do better. We should be voting on commonsense, bipartisan legislation that would give miners in coal country the peace of mind of knowing that their retirements that they worked for all their lives are secure.

Mr. MCKINLEY of West Virginia, a Republican, has led the way with the Miners Protection Act. It is a bipartisan bill. It has 87 cosponsors, and we would like to defeat this rule so that we can bring up Mr. MCKINLEY's Miners Protection Act.

The bipartisan bill would transfer funds in excess of the amounts needed to meet existing legislation under the Abandoned Mine Land fund to the United Mine Workers 1974 pension plan to prevent its insolvency. The funds are there. They just need to be transferred. Mr. MCKINLEY's bill does that.

Make certain retirees who lose healthcare benefits following the bankruptcy or insolvency of his or her employer eligible for benefits.

As these families head toward the holiday season, we must ensure they can celebrate knowing that the health and pension benefits they earned—they have earned—will always be there for them.

I was disappointed that, in the CR, we did not have an extender for some renewable initiatives, renewable alternatives. But we were told by the Speaker's Office that our guys are fossil fuel guys. They are not interested in the renewables.

Okay. I respect that. If you are fossil fuel guys, why aren't you looking out for the fossil fuel people who have worked under dangerous circumstances for their lives, going into unsafe situations, breathing air that has created problems for their health, and now the companies have declared bankruptcy or insolvency. Tough luck for the workers.

Mr. MCKINLEY knows that is not right. That is why he introduced the bill. Mr. CARTWRIGHT knows that is not right. That is why he is supporting the bill. And that is why Democrats come to the floor today to urge Republicans to express their concern for their constituents in the fossil fuel industry to do justice to them for the service they have provided for the benefits, pension, and health care they are entitled to.

So we will see what the commitment is of the Republicans in Congress to the fossil fuel guys and gals. We will see on their vote here today.

Vote ''no'' on the bill so we can vote ''yes'' on the McKinley Miners Protection Act.

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

Mr. Speaker, I am quoting from The Washington Post. It says, ''The United Mine Workers of America's retirement and health-care funds currently support about 120,000 former miners and their families nationwide, but the account balances have rapidly declined as some coal companies shed dues-paying workers and others filed for bankruptcy protection.''

Mr. Speaker, this isn't unique to coal country. The promises are unique to coal country, but bankruptcy is not unique to coal country. What is unique about the bankruptcy in coal country is that institutions like this helped to drive it along.

Mr. Speaker, what you haven't heard in this absolutely heartbreaking tale is the government's complicity through shedding of dues-paying workers and driving companies into bankruptcy, that the coal coming out of the ground in America today is being brought out of the ground by companies that are being forced into bankruptcy today. But that this continuing resolution, while a partial fix, is a 100 percent fix for the duration of the continuing resolution.

My friend from Pennsylvania (Mr. CARTWRIGHT) is my friend, and what he says when he is talking passionately about the lives and what we can do to make a difference in the lives of retired miners, he says with 100 percent heartfelt sincerity, and I am grateful to him for it.

And my friend from West Virginia (Mr. MCKINLEY), whose legislation is the subject of this motion, believes in these people, believes in work, believes in commitment to promises like no one else in this institution, and I am proud to call him a friend as well.

Mr. Speaker, there is absolutely no question in my mind that we have a shared commitment, shared values, and we will find a shared solution.

I am reminded that the last time I found myself in this situation a friend of mine from Michigan was standing right over there at that podium. He too had a motion: if we defeated the previous question, he would offer to help the people of Flint. And I stood here at this microphone and said to my friend that he had a shared concern, that he had a concern that was on the hearts of all of us in this institution, and that we would come back and address his concern, though the forum was not this one today.

With no sense of irony at all, Mr. Speaker, I tell you that this underlying bill has those dollars for Flint in it today, that the authorization for those projects are in the underlying bill today.

So I say to my friend from Pennsylvania, as I said to my friend from Michigan, this is absolutely a shared concern. I am frustrated about how we got here, and I believe we are going to disagree about where blame lies in how we got here. How we fix it, however, is not dependent on who is to blame for getting here. How we fix it is dependent on our shared commitment to getting it done.

This is not the bill for that long-term fix. We have not had those long-term conversations, Mr. Speaker, but we do have a 100 percent commitment for the duration of the continuing resolution to make sure those healthcare benefits continue. And I am proud that we, in a bipartisan, bicameral way, found those dollars to do that right thing.

With that, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, I thank the gentlewoman from New York for her continued leadership, and let me also acknowledge my support of her stance on the previous question and the eloquence of Mr. CARTWRIGHT on a very, very important issue. I rise to be part of that.

Let me also join my good friend from Oklahoma (Mr. COLE) who said that the appropriators did their work. The American people need to know that. That is regular order, that the appropriation bills should have come forward, and the needs of the American people, through their Representatives in the people's House, should have been addressed. That is not the case, Mr. Speaker.

So I rise with deep concern—one, as a neighbor to Louisiana, which I know that funds are being allocated, but I realize the devastation there; but also as a Representative of the State of Texas and the 18th Congressional District, where we face a continuous barrage of rains and flooding, that we need continued relief from flooding and, of course, the additional amendment that I had passed in the Energy and Water Appropriations to finally do a study of Houston's bayous. I am not going to give up on that.

Now, there is money here on a short-term basis for the Army Corps of Engineers' community development block grant, the $1 billion for Federal Highway Administration, but we don't know whether these moneys will, in fact, be able to solve the problems that we have. So regular order would have been appropriate.

I know that the Senate asked for $240 million-plus for Flint, a place where I have traveled to more than one time. I know our good friend from Michigan, Congressman KILDEE, has laid himself on the line for those people. There is $100 million here. They need $200 million-plus now—now.

This bill goes until April of 2017; and, frankly, I would argue that there are emergency instances where we need the full funding, and that is what is wrong with this CR. It is a compromise to go down even worse in April. That is my fear. It is a compromise to undermine employees of the Federal Government in April. Who knows what will be on the horizon.

So this is not the response that we need for the American people. This is not regular order. This is not full funding. This does not allow for amendments.

And then let me say this, Mr. Speaker. The last time we provided a waiver for a general—I think everybody can read their history books, and they

know who General George C. Marshall was, in 1950. We have not done that now for 66 years. Where is the oversight of Congress? As a member of the Judiciary Committee, to be able to implement a waiver willy-nilly in the CR—no hearings, no legislation, no understanding.

There is a definitive core in the American psyche and the constitutional premise of the civilian-military relationship, that there is a separation.

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

Ms. SLAUGHTER. I yield an additional 30 seconds to the gentlewoman from Texas.

Ms. JACKSON LEE. To be able to defend the Nation, we have the military. They are excellent. I am sure ''Mad Dog'' Mattis is excellent. But a waiver? Is this going to be the administration of waivers?

We have already heard from the top Democrat in the Senate, changing the rules governing nominations he opposes. We know that, changing the rules in a CR, we should oppose. This is not regular order or regular legislation. This is a continuing resolution.

For the American people, let me tell you what is happening. They are trying to ease under the door a process of eliminating the basic principle of separating the fact that you are in the military and you must have a separate period of time before you come into civilian leadership.

This is a bad process, a bad bill. Let's not fool the American people. Let's treat them with fairness. This is wrong.

Mr. Speaker, I rise today to speak in opposition to the Rule for Senate Amendment to H.R. 2028, the ''Energy and Water Development and Related Agencies Appropriations Act, 2016.''

I oppose this rule for four reasons:

This rule does not follow the regular order process for House consideration of each appropriations bill; allow the full funding of the federal government for fiscal year 2017; allow for amendments; and support a long standing prohibition of not legislating on an appropriations bill.

The rule before the House addresses consideration of the Water Infrastructure Improvements for the Nation (WIIN) Act, which includes the Water Resources Development Act (WRDA) of 2016, and a Continuing Resolution to fund the federal government until April 28, 2017.

The WIIN Act, which contains the WRDA Act, authorizes much needed water projects around the nation that will improve water resources infrastructure.

On April 17–18, 2016 Houston experienced a historic flood event that claimed the lives of eight people; damaged over 1,150 households; disrupted hundreds of businesses; closed community centers, schools, and places of worship due to flood waters.

I appreciate the support I received from the Transportation Infrastructure Committee, which authorized projects that directs the Army Corps of Engineers to conduct studies into the conditions that lead to flooding.

Although the funding has not been appropriated to conduct studies on conditions that lead to flooding, as it should have been if Congress had followed regular order for the appropriations' process, the efforts to address flooding issues such what was seen in Houston over the last three years is essential to saving lives and property.

The Jackson Lee Amendment .to H.R. 5055, the Energy and Water Appropriations Act which will help facilitate the $3 million needed to fund the Army Corps of Engineers' Houston Regional Watershed Assessment flood risk management feasibility study.

When funding is appropriated for this type of project the Army Corps of Engineers will conduct the first water system studies that looks at all factors that contribute to flooding not only in the City of Houston, but around the nation.

Should the funding become available a special emphasis of the study if conducted in Houston would 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.

Because of this Jackson Lee Amendment to authorize flood studies, I know that the WIIN and WRDA bills could have been improved through amendments; unfortunately, this rule does not allow amendments.

I am a strong proponent of regular order and for the House to take seriously its responsibility to fund the federal government in a responsible and prudent manner.

The leadership of the House is using the last days the 114th Congress will be in session to do appropriations work that should take 8 months to complete in a regular appropriations process.

If we do not act, and pass this bill—the federal government would be under threat of shutting down.

The fiscal year of the Federal government for 2016 ended on September 30, and the Fiscal Year for 2017 began on October 1, 2016.

The use of Continuing Resolutions was historically used for the few bills that did not finish the full legislative process prior to October 1.

Now Continuing Resolutions and Omnibus Appropriations bills are an annual part of the House budget and appropriations process—this is wrong and I will work in the next Congress to make sure that we are focused on bringing transparency back to the budgetary and appropriations process by following regular order.

Mr. Speaker, Senate Amendment to H.R. 2028, ''Energy and Water Development and Related Agencies Appropriations Act, 2016,'' which extends current Fiscal Year 2017 government funding through April 28, 2017, at its current rate, which includes an across-the-board cut of .19% for all accounts, defense and non-defense.

The federal government operates under budgetary and authorization constraints that cannot be met if administrators of agencies are unable to plan because they do not know what their funding levels will be from year to year.

This short term Continuing Resolution does the most harm to Fiscal Year 2017 because we have already passed one CR and now this body is about to pass another that will end in April.

This creates uncertainty not only for the work of federal agencies, but for programs that fund local and state programs and projects that include infrastructure, education, food programs and much more.

This haphazard appropriations process also causes problems and uncertainty for companies and businesses that provide goods and services to the federal government.

Further, this rule keeps in place sequestration the most damaging and fiscally irrespirable thing done by the 114th Congress to the American people.

Under the conditions that the two bills under this rule have been managed by the leadership of the House, it would have benefited from amendments to make improvements to the bill.

Because this bill changes a law that has nothing to do with appropriations, it would have been beneficial to allow the House to clearly speak to this single issue through the amendment process, which would support debate and a clear affirmation for the change in law governing the appointment of the Secretary of Defense.

Senate Amendment to H.R. 2028 also does something very serious, which has nothing to do with funding the federal government.

This short term CR has language that changes the number of years a retired member of the armed services must wait before being considered for the position of Secretary of Defense.

The bill's critical imperfection has nothing to do with funding the federal government—it is a change in law that would allow a retired military person to serve after only 3 years of retirement instead of 7.

The service to our nation and the honor and integrity of the person under consideration at present to be the next Secretary of Defense is not in question—it is the reason why there is a waiting period and why that is important.

By placing this change in a continuing resolution—a bill designed not to allow more than an hour of debate and not changes is not the vehicle we should use to make this change.

If President Obama has suggested a change in law to be accomplished in a continuing resolution appropriations bill his request would have been denied.

The politicization of the legislative process has seriously undermined the credibility of the Congress to do the important work of funding the federal government.

Mr. Speaker, I am disappointed that we have again been placed in the position of having to fund the government through the device of a continuing resolution rather through the normal appropriations process of considering and voting on the twelve separate spending bills reported by the Committee on Appropriations.

The use of this appropriations measure to further a political objective adds further insult to this body and the appropriations process.

There are oversight committees with the knowledge, expertise and experience to make the determination on whether this change is prudent and if they determine that it is—to make the appropriate changes in law.

Mr. Speaker, I ask that my colleagues join me in opposition to this Rule and in support of Congress returning to regular order for the consideration of authorization and appropriations bills.

[From CQ Roll Call, Dec. 6, 2016]

NEW CR WOULD EASE CONFIRMATION FOR MATTIS

(by John M. Donnelly)

The new stopgap spending bill would clear a path for lawmakers to exempt President-elect Donald Trump's Defense secretary nominee from a law requiring a seven-year waiting period before retired military officers can take that job.

Many Democrats oppose the move and they could make trouble for the continuing resolution as a result, though it is unclear if they will risk a government shutdown to make their point.

The House expects to pass the CR on Thursday and the Senate on Friday, just in time for President Barack Obama to sign the bill into law and keep the federal government operating, as the current CR expires that day.

The new CR, unveiled Tuesday night, contains a provision that would expedite consideration of legislation that would enable the Senate to confirm retired Marine Corps Gen. James Mattis, Trump's now-official pick for Pentagon chief, even though he retired from military service three years ago.

EXPEDITED PROCESS

The provision provides that the Senate may consider under expedited procedures legislation that would give Mattis an exception to a nearly decade-old law requiring a seven-year interlude after military service.

The seven-year mandate was itself a shortened version of the original in-year requirement in the National Security Act of 1947 (PL 80–253), to which Congress granted an exception only once, in 1950, in the case of Army Gen. George C. Marshall.

The legislation to grant the exception can be introduced in the first 30 days of the next Congress's first session. It would have to pass both houses, but the CR seeks to knock down possible dilatory procedures Democrats might use in the Senate.

The Senate Armed Services Committee would have five days to report it. If they did not do so, it would go straight to the floor anyway. Once there, it would still require 60 votes to pass, unless leaders of both parties agreed to waive that requirement.

But the CR provision would knock down a number of other time-consuming procedural hurdles.

The Senate would debate it for 10 hours.

Arizona Republican John McCain, chairman of Senate Armed Services, had said earlier Tuesday that it is critical to confirm a new Defense secretary as soon as possible.

''Apparently, Democrats are saying they want to drag it out,'' he said, referring to the confirmation process. ''You can't drag out the secretary of Defense. . . . It's absolutely disgraceful. It puts the nation's security at risk.''

Democrats have said they will resist an attempt to bobtail congressional debate over the Mattis nomination and the larger issue of civilian control of the military, which they believe deserves scrutiny.

Whether they will oppose the expedited process detailed in the CR provision remains to be seen.

OPPOSITION TO RULE CHANGES

Asked before the CR provision was unveiled publicly whether the Mattis provision could doom the whole stopgap, incoming Senate Minority Whip Richard J. Durbin said: ''I hope it doesn't come to it . . . There's a strong sentiment opposing any rules changes in the CR.''

Jack Reed of Rhode Island, the top Democrat on Senate Armed Services, said in a statement he opposes ''changing the rules'' governing nominations.

''Trying to jam an historic change like this through on a year-end spending bill, or changing the rules before a serious debate can take place, is not the way to conduct the people's business,'' Reed said. ''Surely, at the very least, it is worth having bipartisan hearings and debate before taking any action that could unintentionally disrupt the long established principle of civilian control of the military.''

New York Democrat Charles E. Schumer, the Senate's incoming minority leader, told reporters prior to release of the new spending legislation that the Mattis nomination should not be ''short-shrifted through a CR.''

''There should be a full process, and our caucus feels very strongly about that,'' Schumer said. ''And changing the rules in a CR? That's never been done before.''

Along the same lines, in the House, Minority Leader Nancy Pelosi, D–Calif., said earlier in the day that using a CR to address a forthcoming nomination would set a ''terrible precedent.''

''The American people are entitled to regular order and thoughtful scrutiny of nominees and any potential waivers,'' Pelosi said.

Likewise, the top Democrat on House Intelligence, Californian Adam B. Schiff, said in a statement prior to the CR's release: ''Members of Congress would benefit from knowing not only General Mattis' views on civilian control of the military, but who else from the military the President-elect intends to nominate for other key positions in his Cabinet. This ill-considered idea of rushing to judgment and including the waiver in a must-pass spending bill should be rejected.''

Mr. WOODALL. Mr. Speaker, I say to my friend from New York that I do not have any speakers remaining, and I am prepared to close after she does.

I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from Florida (Ms. FRANKEL).

Ms. FRANKEL of Florida. Mr. Speaker, I am very pleased to stand here in support of the Water Infrastructure Improvements Act for the Nation, also known as WIIN, because this legislation is a big win for my home State of Florida. There are two projects in there that I would like to talk about: the restoration of our Everglades and actually the expansion of Port Everglades, which is a different project.

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Our Everglades is the crown jewel of Florida. We also call it the river of grass. It is the home to an extraordinary natural habitat which attracts thousands and thousands of visitors every year, but, more important, it is where we store and clean the water for 7 million Floridians each year. Within WIIN is CEPP, Central Everglades Planning Project, which will continue the promise of this Congress to restore the natural flow of our river of grass that was interrupted years ago by Federal agencies.

Also in this winning legislation is the expansion of Port Everglades, one of Florida's premier ports. Last year I was able to travel with our Committee on Transportation and Infrastructure to Panama. We witnessed the opening of the canal, and we have seen the massive ships that are now traveling the seas, ships that will not be allowed into many of our ports unless we have an expansion. This bill will allow the expansion of Port Everglades to go forward.

Mr. Speaker, I just want to let you know that it has taken us 20 years to get this authorized. So when I say this is a big win, this is a big economic win for south Florida because we expect, with the expansion 7,000 new jobs, 135,000 indirect new jobs, and $500 million of economic impact for our State.

Mr. Speaker, I urge my colleagues to support what will be a big win for our country.

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

I urge the majority, once again, to get back to regular order and get to work on long-term appropriations to end this long cycle of political brinksmanship. These short-term appropriations stifle economic growth and fail to provide stability to the American people. CBS News has highlighted that it costs the taxpayers an estimated $24 million a week just to run the House of Representatives. It is disappointing that this session of Congress is ending much the same way it began, with taxpayers failing to get their money's worth.

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

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

Mr. Speaker, I appreciate the kind words my friend from Florida just had to say about the WRDA bill. Twenty years was her testimony. Twenty years the folks in south Florida have been waiting for a solution. We came to that in a bipartisan way, bicameral way. If we support this rule, we are going to make that the law of the land.

Before I spend a little more time bragging about the content of the bill, Mr. Speaker, I have to tell you that these things don't happen by accident. On the Committee on Transportation and Infrastructure alone, we have got a whole team of folks, again, who have been working for not days, not weeks, not even months, but years on this final project. Our staff director on the Committee on Transportation and Infrastructure, Matt Sturges, tireless in this effort; the subcommittee staff director, Geoff Bowman; Collin McCune on the committee, working with every single member to make sure no balls get dropped, that we don't miss a single opportunity to make a difference.

You look at all the work that goes on behind the scenes, Mr. Speaker, and it culminates right here in just this 1 hour of debate. We have talked about what went on in California. We have talked about what goes on in Florida; in Texas, years waiting for the Brazos Island Harbor project, Mr. Speaker, years waiting for the Upper Trinity River project, the Houston Ship Channel. Thanks to WRDA, all of these projects are going to happen. Projects in Alaska, New Hampshire, Maine, Louisiana, North Carolina, Missouri,

Kansas, Washington all inside this bill, all the result of individual members working together to make those a reality.

With the passage of this bill, Mr. Speaker, we are going to get back to a regular order process, exerting our constituents' control over executive branch agencies as it relates to water projects. We are going to get back in the habit of doing the annual work of coming together, looking at what the national infrastructure priorities are of America, and getting about that business, prioritizing those projects, focusing on those projects, getting the red tape out of the way, making sure we are delivering for folks back home.

It has been a long time coming. Mr. Speaker, I am not going to slow it down any longer. I ask all of my colleagues to support this rule so that we can consider the underlying bills, and I ask all of my colleagues to cast an enthusiastic ''yes'' vote for those underlying bills.

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

AN AMENDMENT TO H. RES. 949 OFFERED BY MS. SLAUGHTER

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

SEC. 3. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2403) to amend the Surface Mining Control and Reclamation Act of 1977 to transfer certain funds to the Multiemployer Health Benefit Plan and the 1974 United Mine Workers of America Pension Plan. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided among and controlled by the chair and ranking minority member of the Committee on Ways and Means and the chair and ranking minority member of the Committee on Natural Resources. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 4. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 2403.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

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

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adopting House Resolution 949, if ordered; and suspending the rules and passing H.R. 4919.

The vote was taken by electronic device, and there were—yeas 234, nays 181, not voting 18, as follows:

[Roll No. 617]

YEAS—234

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
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Costa
Costello (PA)
Cramer
Crawford
Crenshaw
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Emmer (MN)
Farenthold
Fitzpatrick
Fleischmann
Fleming
Flores
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Herrera Beutler
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
McClintock
McHenry
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Pitts
Poliquin
Posey
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)
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NAYS—181

Adams
Aguilar
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)

Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
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
Evans
Farr
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
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
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
McKinley
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Rice (NY)
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
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—18

Ashford
Clawson (FL)
Clyburn
Ellmers (NC)
Fincher
Forbes
Graves (MO)
Kirkpatrick
McCaul
Olson
Poe (TX)
Pompeo
Price, Tom
Richmond
Sanchez, Loretta
Van Hollen
Wenstrup
Westmoreland

□ 1031

So the previous question was ordered.

The result of the vote was announced as above recorded.

(By unanimous consent, Ms. LEE was allowed to speak out of order.)

MOMENT OF SILENCE FOR VICTIMS OF OAKLAND WAREHOUSE FIRE

Ms. LEE. Mr. Speaker, today I rise with a very heavy heart. Last weekend, my home city of Oakland, California, suffered a horrific tragedy. Constituents from Congressman SWALWELL's district and Congressman DESAULNIER's district suffered a tremendous tragedy and were killed. A devastating fire at an artist collective warehouse in the Fruitvale neighborhood in Oakland killed 36 young, talented individuals.

I want to first thank my colleagues, all of you, for your condolences and offers of assistance.

These were young men and women who had their whole futures ahead of them. Their lives were tragically cut short. We want to extend our deepest condolences and prayers to the victims' families and their loved ones during this anguishing time. We are in mourning for these young people.

But know that Oakland residents are resilient, compassionate, and caring. We will continue to support all of our residents during this very difficult time with any recovery efforts.

I ask the House to observe a moment of silence.

The SPEAKER pro tempore (Mr. MCCARTHY). Without objection, 5-minute voting will continue.

There was no objection.

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 will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 235, nays 180, not voting 18, as follows:

[Roll No. 618]

YEAS—235

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
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Costa
Costello (PA)
Cramer
Crawford
Crenshaw
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Emmer (MN)
Farenthold
Fitzpatrick
Fleischmann
Fleming
Flores
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Herrera Beutler
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
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
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Pitts
Poliquin
Posey
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)
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NAYS—180

Adams
Aguilar
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
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
Evans
Farr
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
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
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
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Rice (NY)
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
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—18

Ashford
Clawson (FL)
Clyburn
Ellmers (NC)
Fincher
Forbes
Graves (MO)
Kirkpatrick
McCaul
Olson
Poe (TX)
Pompeo
Price, Tom
Richmond
Sanchez, Loretta
Van Hollen
Wenstrup
Westmoreland

□ 1042

Mr. JOHNSON of Georgia changed his vote from ''yea'' to ''nay.''

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.

KEVIN AND AVONTE'S LAW OF 2016

The SPEAKER pro tempore (Mr. DOLD). The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 4919) to amend the Violent Crime Control and Law Enforcement Act of 1994, to reauthorize the Missing Alzheimer's Disease Patient Alert Program, and to promote initiatives that will reduce the risk of injury and death relating to the wandering characteristics of some children with autism, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

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

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 346, nays 66, not voting 21, as follows:

[Roll No. 619]

YEAS—346

Abraham	Collins (GA)	Fudge
Adams	Collins (NY)	Gabbard
Aderholt	Comstock	Gallego
Aguilar	Conaway	Garamendi
Barletta	Connolly	Gibbs
Barr	Conyers	Goodlatte
Barton	Cook	Gowdy
Bass	Cooper	Graham
Beatty	Costa	Granger
Becerra	Costello (PA)	Grayson
Benishek	Courtney	Green, Al
Bera	Cramer	Green, Gene
Beyer	Crawford	Grijalva
Bilirakis	Crenshaw	Grothman
Bishop (GA)	Crowley	Guinta
Bishop (MI)	Cuellar	Gutiérrez
Bishop (UT)	Culberson	Hanabusa
Black	Cummings	Hanna
Blackburn	Curbelo (FL)	Hardy
Blum	Davis (CA)	Harper
Blumenauer	Davis, Danny	Hartzler
Bonamici	Davis, Rodney	Hastings
Bost	DeFazio	Heck (NV)
Boustany	DeGette	Heck (WA)
Boyle, Brendan F.	Delaney	Herrera Beutler
Brady (PA)	DeLauro	Higgins
Brady (TX)	DelBene	Himes
Brooks (IN)	Denham	Hinojosa
Brown (FL)	Dent	Holding
Brownley (CA)	DeSantis	Honda
Buchanan	DeSaulnier	Hoyer
Bucshon	Deutch	Hudson
Burgess	Diaz-Balart	Huffman
Bustos	Dingell	Hultgren
Butterfield	Doggett	Hurd (TX)
Calvert	Dold	Hurt (VA)
Capps	Donovan	Israel
Capuano	Doyle, Michael F.	Jackson Lee
Cárdenas	Duckworth	Jeffries
Carney	Duffy	Jenkins (KS)
Carson (IN)	Duncan (TN)	Jenkins (WV)
Carter (GA)	Edwards	Johnson (GA)
Carter (TX)	Ellison	Johnson (OH)
Cartwright	Engel	Johnson, E. B.
Castor (FL)	Eshoo	Jolly
Castro (TX)	Esty	Joyce
Chabot	Evans	Kaptur
Chu, Judy	Farr	Katko
Cicilline	Fitzpatrick	Keating
Clark (MA)	Fleischmann	Kelly (IL)
Clarke (NY)	Flores	Kelly (PA)
Clay	Fortenberry	Kennedy
Cleaver	Foster	Kildee
Coffman	Frankel (FL)	Kilmer
Cohen	Franks (AZ)	Kind
Cole	Frelinghuysen	King (NY)
Kinzinger (IL)	Neal	Serrano
Kline	Newhouse	Sessions
Knight	Noem	Sewell (AL)
Kuster	Nolan	Sherman
LaHood	Norcross	Shimkus
LaMalfa	Nugent	Shuster
Lamborn	Nunes	Simpson
Lance	O'Rourke	Sinema
Langevin	Pallone	Sires
Larsen (WA)	Pascrell	Slaughter
Larson (CT)	Paulsen	Smith (NE)
Latta	Pelosi	Smith (NJ)
Lawrence	Perlmutter	Smith (TX)
Lee	Peterson	Smith (WA)
Levin	Pingree	Speier
Lewis	Pittenger	Stefanik
Lieu, Ted	Pitts	Stivers
Lipinski	Pocan	Swalwell (CA)
LoBiondo	Poliquin	Takano
Loebsack	Polis	Thompson (CA)
Lofgren	Price (NC)	Thompson (MS)
Lowenthal	Quigley	Thompson (PA)
Lowey	Rangel	Thornberry
Lucas	Ratcliffe	Tiberi
Luetkemeyer	Reed	Tipton
Lujan Grisham (NM)	Reichert	Titus
Luján, Ben Ray (NM)	Renacci	Tonko
Lynch	Ribble	Torres
MacArthur	Rice (NY)	Trott
Maloney, Carolyn	Rice (SC)	Tsongas
Maloney, Sean	Rigell	Turner
Marino	Roby	Upton
Matsui	Roe (TN)	Valadao
McCarthy	Rogers (AL)	Vargas
McClintock	Rogers (KY)	Veasey
McCollum	Rohrabacher	Vela
McDermott	Rokita	Velázquez
McGovern	Rooney (FL)	Visclosky
McHenry	Ros-Lehtinen	Wagner
McKinley	Roskam	Walberg
McMorris Rodgers	Ross	Walden
McNerney	Rothfus	Walorski
McSally	Roybal-Allard	Walters, Mimi
Meehan	Royce	Walz
Meeks	Ruiz	Wasserman Schultz
Meng	Ruppersberger	Waters, Maxine
Messer	Rush	Watson Coleman
Mica	Ryan (OH)	Webster (FL)
Miller (FL)	Salmon	Welch
Miller (MI)	Sánchez, Linda T.	Westerman
Moolenaar	Sarbanes	Wilson (FL)
Moore	Scalise	Wilson (SC)
Moulton	Schakowsky	Womack
Mullin	Schiff	Woodall
Murphy (FL)	Schrader	Yarmuth
Murphy (PA)	Schweikert	Yoder
Nadler	Scott (VA)	Young (IA)
Napolitano	Scott, Austin	Young (IN)
	Scott, David	Zeldin
	Sensenbrenner	Zinke

NAYS—66

Allen	Griffith	Meadows
Amash	Guthrie	Mooney (WV)
Babin	Harris	Mulvaney
Brat	Hensarling	Neugebauer
Bridenstine	Hice, Jody B.	Palazzo
Brooks (AL)	Hill	Palmer
Buck	Huelskamp	Payne
Byrne	Huizenga (MI)	Pearce
Chaffetz	Hunter	Perry
Comer	Issa	Posey
Davidson	Johnson, Sam	Rouzer
DesJarlais	Jones	Russell
Duncan (SC)	Jordan	Sanford
Emmer (MN)	Kelly (MS)	Smith (MO)
Farenthold	King (IA)	Stewart
Fleming	Labrador	Stutzman
Foxx	Long	Walker
Garrett	Loudermilk	Weber (TX)
Gohmert	Love	Williams
Gosar	Lummis	Wittman
Graves (GA)	Marchant	Yoho
Graves (LA)	Massie	Young (AK)

NOT VOTING—21

Amodei	Gibson	Pompeo
Ashford	Graves (MO)	Price, Tom
Clawson (FL)	Kirkpatrick	Richmond
Clyburn	McCaul	Sanchez, Loretta
Ellmers (NC)	Olson	Van Hollen
Fincher	Peters	Wenstrup
Forbes	Poe (TX)	Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1050

Mr. GROTHMAN changed his vote from ''nay'' to ''yea.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. OLSON. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted "yea" on rollcall No. 617, "yea" on rollcall No. 618, and "yea" on rollcall No. 619.

PERSONAL EXPLANATION

Mr. GRAVES of Missouri. Mr. Speaker, on Wednesday, December 7, 2016 and Thursday, December 8, 2016, I missed rollcall votes due to my participation in a flyover demonstration in memorial of the 75th Anniversary of Pearl Harbor at the George Bush Presidential Library in Houston, TX. Had I been present, I would have voted "yea" on rollcall Nos. 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, and 619.

TO ENSURE FUNDING FOR THE NATIONAL HUMAN TRAFFICKING HOTLINE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2974) to ensure funding for the National Human Trafficking Hotline, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

S. 2974

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

SECTION 1. FUNDING FOR THE NATIONAL HUMAN TRAFFICKING HOTLINE; PERFECTING AMENDMENT.

(a) HHS FUNDING FOR TRAFFICKING HOTLINE.—Section 107(b)(1)(B)(ii) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(1)(B)(ii)) is amended by striking ''of amounts made available for grants under paragraph (2),''.

(b) PERFECTING AMENDMENT.—Section 603 of the Justice for Victims of Trafficking Act of 2015 (Public Law 114–22; 129 Stat. 259) is amended, in the matter preceding paragraph (1), by striking ''Victims of Crime Trafficking'' and inserting ''Victims of Trafficking''.

(c) EFFECTIVE DATE.—The amendments made by this Act shall take effect as if enacted as part of the Justice for Victims of Trafficking Act of 2015 (Public Law 114–22; 129 Stat. 227).

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERMISSION TO POSTPONE PROCEEDINGS ON MOTION TO RECOMMIT ON S. 612, GEORGE P. KAZEN FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that the question

of adopting a motion to recommit on S. 612 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 Pennsylvania?

There was no objection.

GEORGE P. KAZEN FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. SHUSTER. Mr. Speaker, pursuant to House Resolution 949, I call up the bill (S. 612) to designate the Federal building and United States courthouse located at 1300 Victoria Street in Laredo, Texas, as the ''George P. Kazen Federal Building and United States Courthouse'' and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 949, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 114–69 is adopted, and the bill, as amended, is considered read.

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

S. 612

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 ''Water Infrastructure Improvements for the Nation Act'' or the ''WIIN Act''.

(b) TABLE OF CONTENTS.—

TITLE I—WATER RESOURCES DEVELOPMENT

SEC. 1001. SHORT TITLE.

This title may be cited as the ''Water Resources Development Act of 2016''.

SEC. 1002. SECRETARY DEFINED.

In this title, the term ''Secretary'' means the Secretary of the Army.

Subtitle A—General Provisions

SEC. 1101. YOUTH SERVICE AND CONSERVATION CORPS ORGANIZATIONS.

Section 213 of the Water Resources Development Act of 2000 (33 U.S.C. 2339) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

''(c) YOUTH SERVICE AND CONSERVATION CORPS ORGANIZATIONS.—The Secretary, to the maximum extent practicable, shall enter into cooperative agreements with qualified youth service and conservation corps organizations for services relating to projects under the jurisdiction of the Secretary and shall do so in a manner that ensures the maximum participation and opportunities for such organizations.''.

SEC. 1102. NAVIGATION SAFETY.

The Secretary shall use section 5 of the Act of March 4, 1915 (38 Stat. 1053, chapter 142; 33 U.S.C. 562), to carry out navigation safety activities at those projects eligible for operation and maintenance under section 204(f) of the Water Resources Development Act of 1986 (33 U.S.C. 2232(f)).

SEC. 1103. EMERGING HARBORS.

Section 210 of the Water Resources Development Act of 1986 (33 U.S.C. 2238) is amended—

(1) in subsection (c)(3) by striking ''for each of fiscal years 2015 through 2022'' and inserting ''for each fiscal year''; and

(2) by striking subsection (d)(1)(A) and inserting the following:

''(A) IN GENERAL.—For each fiscal year, if priority funds are available, the Secretary shall use at least 10 percent of such funds for emerging harbor projects.''.

SEC. 1104. FEDERAL BREAKWATERS AND JETTIES.

(a) IN GENERAL.—The Secretary, at Federal expense, shall establish an inventory and conduct an assessment of the general structural condition of all Federal breakwaters and jetties protecting harbors and inland harbors within the United States.

(b) CONTENTS.—The inventory and assessment carried out under subsection (a) shall include—

(1) compiling location information for all Federal breakwaters and jetties protecting harbors and inland harbors within the United States;

(2) determining the general structural condition of each breakwater and jetty;

(3) analyzing the potential risks to navigational safety, and the impact on the periodic maintenance dredging needs of protected harbors and inland harbors, resulting from the general structural condition of each breakwater and jetty; and

(4) estimating the costs, for each breakwater and jetty, to restore or maintain the breakwater or jetty to authorized levels and the total of all such costs.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the inventory and assessment carried out under subsection (a).

SEC. 1105. REMOTE AND SUBSISTENCE HARBORS.

Section 2006 of the Water Resources Development Act of 2007 (33 U.S.C. 2242) is amended—

(1) in subsection (a)(3) by inserting ''in which the project is located, or the long-term viability of a community that is located in the region that is served by the project and that will rely on the project,'' after ''community''; and

(2) in subsection (b)—

(A) in paragraph (1) by inserting ''and communities that are located in the region to be served by the project and that will rely on the project'' after ''community'';

(B) in paragraph (4) by striking ''local population'' and inserting ''regional population to be served by the project''; and

(C) in paragraph (5) by striking ''community'' and inserting ''local community and communities that are located in the region to be served by the project and that will rely on the project''.

SEC. 1106. ALTERNATIVE PROJECTS TO MAINTENANCE DREDGING.

The Secretary may enter into agreements to assume the operation and maintenance costs of an alternative project to maintenance dredging for a Federal navigation channel if the costs of the operation and maintenance of the alternative project, and any remaining costs necessary for maintaining the Federal navigation

channel, are less than the costs of maintaining such channel without the alternative project.

SEC. 1107. GREAT LAKES NAVIGATION SYSTEM.

Section 210(d)(1)(B) of the Water Resources Development Act of 1986 (33 U.S.C. 2238(d)(1)(B)) is amended in the matter preceding clause (i) by striking ''For each of fiscal years 2015 through 2024'' and inserting ''For each fiscal year''.

SEC. 1108. FUNDING FOR HARBOR MAINTENANCE PROGRAMS.

Section 2101 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2238b) is amended—

(1) in subsection (b)(1), in the matter preceding subparagraph (A), by striking ''The target total'' and inserting ''Except as provided in subsection (c), the target total'';

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

''(c) EXCEPTION.—If the target total budget resources for a fiscal year described in subparagraphs (A) through (J) of subsection (b)(1) is lower than the target total budget resources for the previous fiscal year, the target total budget resources shall be adjusted to be equal to the lesser of—

''(1) 103 percent of the total budget resources appropriated for the previous fiscal year; or

''(2) 100 percent of the total amount of harbor maintenance taxes received in the previous fiscal year.''.

SEC. 1109. MAINTENANCE OF HARBORS OF REFUGE.

The Secretary is authorized to maintain federally authorized harbors of refuge to restore and maintain the authorized dimensions of the harbors.

SEC. 1110. DONOR PORTS AND ENERGY TRANSFER PORTS.

Section 2106 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2238c) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively;

(B) by inserting after paragraph (1) the following:

''(2) DISCRETIONARY CARGO.—The term 'discretionary cargo' means maritime cargo for which the United States port of unlading is different than the United States port of entry.'';

(C) in paragraph (3) (as redesignated)—

(i) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and indenting appropriately;

(ii) in the matter preceding clause (i) (as redesignated) by striking ''The term'' and inserting the following:

''(A) IN GENERAL.—The term''; and

(iii) by adding at the end the following:

''(B) CALCULATION.—For the purpose of calculating the percentage described in subparagraph (A)(iii), payments described under subsection (c)(1) shall not be included.'';

(D) in paragraph (5)(A) (as redesignated), by striking ''Code of Federal Regulation'' and inserting ''Code of Federal Regulations''; and

(E) by adding at the end the following:

''(8) MEDIUM-SIZED DONOR PORT.—The term 'medium-sized donor port' means a port—

''(A) that is subject to the harbor maintenance fee under section 24.24 of title 19, Code of Federal Regulations (or a successor regulation);

''(B) at which the total amount of harbor maintenance taxes collected comprise annually more than $5,000,000 but less than $15,000,000 of the total funding of the Harbor Maintenance Trust Fund established under section 9505 of the Internal Revenue Code of 1986;

''(C) that received less than 25 percent of the total amount of harbor maintenance taxes collected at that port in the previous 5 fiscal years; and

''(D) that is located in a State in which more than 2,000,000 cargo containers were unloaded from or loaded onto vessels in fiscal year 2012.'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''donor ports'' and inserting ''donor ports, medium-sized donor ports,''; and

(B) in paragraph (2)—

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

(ii) by striking subparagraph (B) and inserting the following:

''(B) shall be made available to a port as either a donor port, medium-sized donor port, or an energy transfer port, and no port may receive amounts from more than 1 designation; and

''(C) for donor ports and medium-sized donor ports—

''(i) 50 percent of the funds shall be equally divided between the eligible donor ports as authorized by this section; and

''(ii) 50 percent of the funds shall be divided between the eligible donor ports and eligible medium-sized donor ports based on the percentage of the total harbor maintenance tax revenues generated at each eligible donor port and medium-sized donor port.'';

(3) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking ''donor port'' and inserting ''donor port, a medium-sized donor port,''; and

(B) in paragraph (1)—

(i) by striking ''or shippers transporting cargo'';

(ii) by striking ''U.S. Customs and Border Protection'' and inserting ''the Secretary''; and

(iii) by striking ''amount of harbor maintenance taxes collected'' and inserting ''value of discretionary cargo'';

(4) by striking subsection (d) and inserting the following:

''(d) ADMINISTRATION OF PAYMENTS.—

''(1) IN GENERAL.—If a donor port, a medium-sized donor port, or an energy transfer port elects to provide payments to importers under subsection (c), the Secretary shall transfer to the Commissioner of U.S. Customs and Border Protection an amount equal to those payments that would otherwise be provided to the port under this section to provide the payments to the importers of the discretionary cargo that is—

''(A) shipped through the port; and

''(B) most at risk of diversion to seaports outside of the United States.

''(2) REQUIREMENT.—The Secretary, in consultation with a port electing to provide payments under subsection (c), shall determine the top importers at the port, as ranked by the value of discretionary cargo, and payments shall be limited to those top importers.'';

(5) in subsection (f)—

(A) in paragraph (1) by striking ''2018'' and inserting ''2020'';

(B) by striking paragraph (2) and inserting the following:

''(2) DIVISION BETWEEN DONOR PORTS, MEDIUM-SIZED DONOR PORTS, AND ENERGY TRANSFER PORTS.—For each fiscal year, amounts made available to carry out this section shall be provided in equal amounts to—

''(A) donor ports and medium-sized donor ports; and

''(B) energy transfer ports.''; and

(C) in paragraph (3)—

(i) by striking ''2015 through 2018'' and inserting ''2016 through 2020''; and

(ii) by striking ''2019 through 2022'' and inserting ''2021 through 2025''; and

(6) by adding at the end the following:

''(g) SAVINGS CLAUSE.—Nothing in this section waives any statutory requirement related to the transportation of merchandise as authorized under chapter 551 of title 46, United States Code.''.

SEC. 1111. HARBOR DEEPENING.

Section 101(a)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)(1)) is amended—

(1) in the matter preceding subparagraph (A) by striking ''the date of enactment of this Act'' and inserting ''the date of enactment of the Water Resources Reform and Development Act of 2014 (Public Law 113–121)'';

(2) in subparagraph (B) by striking ''45 feet'' and inserting ''50 feet''; and

(3) in subparagraph (C) by striking ''45 feet'' and inserting ''50 feet''.

SEC. 1112. IMPLEMENTATION GUIDANCE.

Section 2102 of the Water Resources Reform and Development Act of 2014 (Public Law 113–121; 128 Stat. 1273) is amended by adding at the end the following:

''(d) GUIDANCE.—Not later than 90 days after the date of enactment of the Water Resources Development Act of 2016, the Secretary shall publish on the website of the Corps of Engineers guidance on the implementation of this section and the amendments made by this section.''.

SEC. 1113. NON-FEDERAL INTEREST DREDGING AUTHORITY.

(a) IN GENERAL.—The Secretary may permit a non-Federal interest to carry out, for an authorized navigation project (or a separable element of an authorized navigation project), such maintenance activities as are necessary to ensure that the project is maintained to not less than the minimum project dimensions.

(b) COST LIMITATIONS.—Except as provided in this section and subject to the availability of appropriations, the costs incurred by a non-Federal interest in performing the maintenance activities described in subsection (a) shall be eligible for reimbursement, not to exceed an amount that is equal to the estimated Federal cost for the performance of the maintenance activities, with any reimbursement subject to the non-Federal interest complying with all Federal laws and regulations that would apply to such maintenance activities if carried out by the Secretary.

(c) AGREEMENT.—Before initiating maintenance activities under this section, a non-Federal interest shall enter into an agreement with the Secretary that specifies, for the performance of the maintenance activities, the terms and conditions that are acceptable to the non-Federal interest and the Secretary.

(d) PROVISION OF EQUIPMENT.—In carrying out maintenance activities under this section, a non-Federal interest shall—

(1) provide equipment at no cost to the Federal Government; and

(2) hold and save the United States free from any and all damage that arises from the use of the equipment of the non-Federal interest, except for damage due to the fault or negligence of a contractor of the Federal Government.

(e) REIMBURSEMENT ELIGIBILITY LIMITATIONS.—Costs that are eligible for reimbursement under this section are the costs of maintenance activities directly related to the costs associated with operation and maintenance of a dredge based on the lesser of—

(1) the costs associated with operation and maintenance of the dredge during the period of time that the dredge is being used in the performance of work for the Federal Government during a given fiscal year; or

(2) the actual fiscal year Federal appropriations that are made available for the portion of the maintenance activities for which the dredge was used.

(f) AUDIT.—Not earlier than 5 years after the date of enactment of this Act, the Secretary may conduct an audit on any maintenance activities for an authorized navigation project (or a separable element of an authorized navigation project) carried out under this section to determine if permitting a non-Federal interest to carry out maintenance activities under this section has resulted in—

(1) improved reliability and safety for navigation; and

(2) cost savings to the Federal Government.

(g) TERMINATION OF AUTHORITY.—The authority of the Secretary under this section terminates on the date that is 10 years after the date of enactment of this Act.

SEC. 1114. TRANSPORTATION COST SAVINGS.

Section 210(e)(3) of the Water Resources Development Act of 1986 (33 U.S.C. 2238(e)(3)) is amended—

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

(2) by inserting after subparagraph (A) the following:

''(B) ADDITIONAL REQUIREMENT.—In the first report submitted under subparagraph (A) following the date of enactment of the Water Resources Development Act of 2016, the Secretary shall identify, to the maximum extent practicable, transportation cost savings realized by achieving and maintaining the constructed width and depth for the harbors and inland harbors referred to in subsection (a)(2), on a project-by-project basis.''.

SEC. 1115. RESERVOIR SEDIMENT.

(a) IN GENERAL.—Section 215 of the Water Resources Development Act of 2000 (33 U.S.C. 2326c) is amended to read as follows:

''SEC. 215. RESERVOIR SEDIMENT.

''(a) IN GENERAL.—Not later than 180 days after the date of enactment of the Water Resources Development Act of 2016 and after providing public notice, the Secretary shall establish, using available funds, a pilot program to accept services provided by a non-Federal interest or commercial entity for removal of sediment captured behind a dam owned or operated by the United States and under the jurisdiction of the Secretary for the purpose of restoring the authorized storage capacity of the project concerned.

''(b) REQUIREMENTS.—In carrying out this section, the Secretary shall—

''(1) review the services of the non-Federal interest or commercial entity to ensure that the services are consistent with the authorized purposes of the project concerned;

''(2) ensure that the non-Federal interest or commercial entity will indemnify the United States for, or has entered into an agreement approved by the Secretary to address, any adverse impact to the dam as a result of such services;

''(3) require the non-Federal interest or commercial entity, prior to initiating the services and upon completion of the services, to conduct sediment surveys to determine the pre- and post-services sediment profile and sediment quality; and

''(4) limit the number of dams for which services are accepted to 10.

''(c) LIMITATION.—

''(1) IN GENERAL.—The Secretary may not accept services under subsection (a) if the Secretary, after consultation with the Chief of Engineers, determines that accepting the services is not advantageous to the United States.

''(2) REPORT TO CONGRESS.—If the Secretary makes a determination under paragraph (1), the Secretary shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate written notice describing the reasoning for the determination.

''(d) DISPOSITION OF REMOVED SEDIMENT.—In exchange for providing services under subsection (a), a non-Federal interest or commercial entity is authorized to retain, use, recycle, sell, or otherwise dispose of any sediment removed in connection with the services and the Corps of Engineers may not seek any compensation for the value of the sediment.

''(e) CONGRESSIONAL NOTIFICATION.—Prior to accepting services provided by a non-Federal interest or commercial entity under this section, the Secretary shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate written notice of the acceptance of the services.

''(f) REPORT TO CONGRESS.—Upon completion of services at the 10 dams allowed under subsection (b)(4), the Secretary shall make publicly available and submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report documenting the results of the services.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Water Resources Development Act of 2000 is amended by striking the item relating to section 215 and inserting the following:

''Sec. 215. Reservoir sediment.''.

SEC. 1116. WATER SUPPLY CONSERVATION.

(a) IN GENERAL.—In a State in which a drought emergency has been declared or was in effect during the 1-year period ending on the date of enactment of this Act, the Secretary is authorized—

(1) to conduct an evaluation for purposes of approving water supply conservation measures that are consistent with the authorized purposes of water resources development projects under the jurisdiction of the Secretary; and

(2) to enter into written agreements pursuant to section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) with non-Federal interests to carry out the conservation measures approved by such evaluations.

(b) ELIGIBILITY.—Water supply conservation measures evaluated under subsection (a) may include the following:

(1) Stormwater capture.

(2) Releases for ground water replenishment or aquifer storage and recovery.

(3) Releases to augment water supply at another Federal or non-Federal storage facility.

(4) Other conservation measures that enhance usage of a Corps of Engineers project for water supply.

(c) COSTS.—A non-Federal interest shall pay only the separable costs associated with the evaluation, implementation, operation, and maintenance of an approved water supply conservation measure, which payments may be accepted and expended by the Corps of Engineers to cover such costs.

(d) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to modify or alter the obligations of a non-Federal interest under existing or future agreements for—

(1) water supply storage pursuant to section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b); or

(2) surplus water use pursuant to section 6 of the Act of December 22, 1944 (58 Stat. 890, chapter 665; 33 U.S.C. 708).

(e) LIMITATIONS.—Nothing in this section—

(1) affects, modifies, or changes the authorized purposes of a Corps of Engineers project;

(2) affects existing Corps of Engineers authorities, including its authorities with respect to navigation, flood damage reduction, and environmental protection and restoration;

(3) affects the Corps of Engineers ability to provide for temporary deviations;

(4) affects the application of a cost-share requirement under section 101, 102, or 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2211, 2212, and 2213);

(5) supersedes or modifies any written agreement between the Federal Government and a non-Federal interest that is in effect on the date of enactment of this Act;

(6) supersedes or modifies any amendment to an existing multistate water control plan, including those water control plans along the Missouri River and those water control plans in the Apalachicola-Chattahoochee-Flint and Alabama-Coosa-Tallapoosa basins;

(7) affects any water right in existence on the date of enactment of this Act; or

(8) preempts or affects any State water law or interstate compact governing water.

SEC. 1117. DROUGHT EMERGENCIES.

(a) AUTHORIZED ACTIVITIES.—With respect to a State in which a drought emergency is in effect on the date of enactment of this Act, or was in effect at any time during the 1-year period ending on such date of enactment, and upon the request of the Governor of the State, the Secretary is authorized to—

(1) prioritize the updating of the water control manuals for control structures under the jurisdiction of the Secretary that are located in the State; and

(2) incorporate into the update seasonal operations for water conservation and water supply for such control structures.

(b) COORDINATION.—The Secretary shall carry out the update under subsection (a) in coordination with all appropriate Federal agencies, elected officials, and members of the public.

(c) STATUTORY CONSTRUCTION.—Nothing in this section affects, modifies, or changes the authorized purposes of a Corps of Engineers project, or affects the applicability of section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b).

SEC. 1118. LEVERAGING FEDERAL INFRASTRUCTURE FOR INCREASED WATER SUPPLY.

(a) IN GENERAL.—At the request of a non-Federal interest, the Secretary may review proposals to increase the quantity of available supplies of water at a Federal water resources development project through—

(1) modification of the project;

(2) modification of how the project is managed; or

(3) accessing water released from the project.

(b) PROPOSALS INCLUDED.—A proposal under subsection (a) may include—

(1) increasing the storage capacity of the project;

(2) diversion of water released or withdrawn from the project—

(A) to recharge groundwater;

(B) to aquifer storage and recovery; or

(C) to any other storage facility;

(3) construction of facilities for delivery of water from pumping stations constructed by the Secretary;

(4) construction of facilities to access water; and

(5) a combination of the activities described in paragraphs (1) through (4).

(c) EXCLUSIONS.—This section shall not apply to a proposal that—

(1) reallocates existing water supply or hydropower storage; or

(2) reduces water available for any authorized project purpose.

(d) OTHER FEDERAL PROJECTS.—In any case in which a proposal relates to a Federal project that is not operated by the Secretary, this section shall apply only to activities under the authority of the Secretary.

(e) REVIEW PROCESS.—

(1) NOTICE.—On receipt of a proposal submitted under subsection (a), the Secretary shall provide a copy of the proposal to each entity described in paragraph (2) and, if applicable, the Federal agency that operates the project, in the case of a project operated by an agency other than the Department of the Army.

(2) PUBLIC PARTICIPATION.—In reviewing proposals submitted under subsection (a), and prior to making any decisions regarding a proposal, the Secretary shall comply with all applicable public participation requirements under law, including consultation with—

(A) affected States;

(B) power marketing administrations, in the case of reservoirs with Federal hydropower projects;

(C) entities responsible for operation and maintenance costs;

(D) any entity that has a contractual right from the Federal Government or a State to withdraw water from, or use storage at, the project;

(E) entities that the State determines hold rights under State law to the use of water from the project; and

(F) units of local government with flood risk reduction responsibilities downstream of the project.

(f) AUTHORITIES.—A proposal submitted to the Secretary under subsection (a) may be reviewed

and approved, if applicable and appropriate, under—

(1) the specific authorization for the water resources development project;

(2) section 216 of the Flood Control Act of 1970 (33 U.S.C. 549a);

(3) section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b); and

(4) section 14 of the Act of March 3, 1899 (30 Stat. 1152, chapter 425; 33 U.S.C. 408).

(g) LIMITATIONS.—The Secretary shall not approve a proposal submitted under subsection (a) that—

(1) is not supported by the Federal agency that operates the project, if that agency is not the Department of the Army;

(2) interferes with an authorized purpose of the project;

(3) adversely impacts contractual rights to water or storage at the reservoir;

(4) adversely impacts legal rights to water under State law, as determined by an affected State;

(5) increases costs for any entity other than the entity that submitted the proposal; or

(6) if a project is subject to section 301(e) of the Water Supply Act of 1958 (43 U.S.C. 390b(e)), makes modifications to the project that do not meet the requirements of that section unless the modification is submitted to and authorized by Congress.

(h) COST SHARE.—

(1) IN GENERAL.—Except as provided in paragraph (2), 100 percent of the cost of developing, reviewing, and implementing a proposal submitted under subsection (a) shall be provided by an entity other than the Federal Government.

(2) PLANNING ASSISTANCE TO STATES.—In the case of a proposal from an entity authorized to receive assistance under section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16), the Secretary may use funds available under that section to pay 50 percent of the cost of a review of a proposal submitted under subsection (a).

(3) OPERATION AND MAINTENANCE COSTS.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), the operation and maintenance costs for the non-Federal sponsor of a proposal submitted under subsection (a) shall be 100 percent of the separable operation and maintenance costs associated with the costs of implementing the proposal.

(B) CERTAIN WATER SUPPLY STORAGE PROJECTS.—For a proposal submitted under subsection (a) for constructing additional water supply storage at a reservoir for use under a water supply storage agreement, in addition to the costs under subparagraph (A), the non-Federal costs shall include the proportional share of any joint-use costs for operation, maintenance, repair, replacement, or rehabilitation of the reservoir project determined in accordance with section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b).

(C) VOLUNTARY CONTRIBUTIONS.—An entity other than an entity described in subparagraph (A) may voluntarily contribute to the costs of implementing a proposal submitted under subsection (a).

(i) CONTRIBUTED FUNDS.—The Secretary may receive and expend funds contributed by a non-Federal interest for the review and approval of a proposal submitted under subsection (a).

(j) ASSISTANCE.—On request by a non-Federal interest, the Secretary may provide technical assistance in the development or implementation of a proposal under subsection (a), including assistance in obtaining necessary permits for construction, if the non-Federal interest contracts with the Secretary to pay all costs of providing the technical assistance.

(k) EXCLUSION.—This section shall not apply to reservoirs in—

(1) the Upper Missouri River;

(2) the Apalachicola-Chattahoochee-Flint river system;

(3) the Alabama-Coosa-Tallapoosa river system; and

(4) the Stones River.

(l) EFFECT OF SECTION.—Nothing in this section affects or modifies any authority of the Secretary to review or modify reservoirs.

SEC. 1119. INDIAN TRIBES.

Section 1156 of the Water Resources Development Act of 1986 (33 U.S.C. 2310) is amended—

(1) in the section heading by inserting ''**AND INDIAN TRIBES**'' after ''**TERRITORIES**''; and

(2) in subsection (a)—

(A) by striking ''projects in American'' and inserting ''projects—

''(1) in American'';

(B) by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(2) for any Indian tribe (as defined in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5130)).''.

SEC. 1120. TRIBAL CONSULTATION REPORTS.

(a) REVIEW.—The Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the following:

(1) Not later than 30 days after the date of enactment of this Act, all reports of the Corps of Engineers developed pursuant to its Tribal Consultation Policy, dated November 2012, and submitted to the Office of Management and Budget before the date of enactment of this Act.

(2) Not later than 30 days after the date of the submission to the Committees under paragraph (1), all reports of the Corps of Engineers developed pursuant to its Tribal Consultation Policy, dated November 2012, or successor policy, and submitted to the Office of Management and Budget after the date of enactment of this Act.

(3) Not later than 1 year after the date of enactment of this Act, a report that describes the results of a review by the Secretary of existing policies, regulations, and guidance related to consultation with Indian tribes on water resources development projects or other activities that require the approval of, or the issuance of a permit by, the Secretary and that may have an impact on tribal cultural or natural resources.

(b) CONSULTATION.—In completing the review under subsection (a)(3), the Secretary shall provide for public and private meetings with Indian tribes and other stakeholders.

(c) NO DELAYS.—During the review required under subsection (a)(3), the Secretary shall ensure that—

(1) all existing tribal consultation policies, regulations, and guidance continue to be implemented; and

(2) the review does not affect an approval or issuance of a permit required by the Secretary.

SEC. 1121. TRIBAL PARTNERSHIP PROGRAM.

Section 203 of the Water Resources Development Act of 2000 (33 U.S.C. 2269) is amended—

(1) in subsection (b)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking ''the Secretary'' and all that follows through ''projects'' and inserting ''the Secretary may carry out water-related planning activities, or activities relating to the study, design, and construction of water resources development projects,'';

(B) in paragraph (2) by striking ''(2) MATTERS TO BE STUDIED.—A study'' and inserting the following:

''(2) AUTHORIZED ACTIVITIES.—An activity''; and

(C) by adding at the end the following:

''(3) FEASIBILITY STUDY AND REPORTS.—

''(A) IN GENERAL.—On the request of an Indian tribe, the Secretary shall conduct a study on, and provide to the Indian tribe a report describing, the feasibility of a water resources development project described in paragraph (1).

''(B) RECOMMENDATION.—A report under subparagraph (A) may, but shall not be required to, contain a recommendation on a specific water resources development project.

''(4) DESIGN AND CONSTRUCTION.—

''(A) IN GENERAL.—The Secretary may carry out the design and construction of a water resources development project described in paragraph (1) that the Secretary determines is feasible if the Federal share of the cost of the project is not more than $10,000,000.

''(B) SPECIFIC AUTHORIZATION.—If the Federal share of the cost of a project described in subparagraph (A) is more than $10,000,000, the Secretary may only carry out the project if Congress enacts a law authorizing the Secretary to carry out the project.'';

(2) in subsection (c)—

(A) in paragraph (1) by striking ''studies'' and inserting ''an activity''; and

(B) in paragraph (2)(B) by striking ''carrying out projects studied'' and inserting ''an activity conducted''; and

(3) in subsection (d)—

(A) in paragraph (1)(A) by striking ''a study'' and inserting ''an activity conducted''; and

(B) by striking paragraph (2) and inserting the following:

''(2) CREDIT.—The Secretary may credit toward the non-Federal share of the costs of an activity conducted under subsection (b) the cost of services, studies, supplies, or other in-kind contributions provided by the non-Federal interest.

''(3) SOVEREIGN IMMUNITY.—The Secretary shall not require an Indian tribe to waive the sovereign immunity of the Indian tribe as a condition to entering into a cost-sharing agreement under this subsection.

''(4) WATER RESOURCES DEVELOPMENT PROJECTS.—

''(A) IN GENERAL.—The non-Federal share of costs for the study of a water resources development project described in subsection (b)(1) shall be 50 percent.

''(B) OTHER COSTS.—The non-Federal share of costs of design and construction of a project described in subparagraph (A) shall be assigned to the appropriate project purposes described in sections 101 and 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2211, 2213) and shared in the same percentages as the purposes to which the costs are assigned.

''(5) WATER-RELATED PLANNING ACTIVITIES.—

''(A) IN GENERAL.—The non-Federal share of costs of a watershed and river basin assessment conducted under subsection (b) shall be 25 percent.

''(B) OTHER COSTS.—The non-Federal share of costs of other water-related planning activities described in subsection (b)(1) shall be 50 percent.''.

SEC. 1122. BENEFICIAL USE OF DREDGED MATERIAL.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish a pilot program to carry out projects for the beneficial use of dredged material, including projects for the purposes of—

(1) reducing storm damage to property and infrastructure;

(2) promoting public safety;

(3) protecting, restoring, and creating aquatic ecosystem habitats;

(4) stabilizing stream systems and enhancing shorelines;

(5) promoting recreation;

(6) supporting risk management adaptation strategies; and

(7) reducing the costs of dredging and dredged material placement or disposal, such as projects that use dredged material for—

(A) construction or fill material;

(B) civic improvement objectives; and

(C) other innovative uses and placement alternatives that produce public economic or environmental benefits.

(b) PROJECT SELECTION.—In carrying out the pilot program, the Secretary shall—

(1) identify for inclusion in the pilot program and carry out 10 projects for the beneficial use of dredged material;

(2) consult with relevant State agencies in selecting projects; and

(3) select projects solely on the basis of—

(A) the environmental, economic, and social benefits of the projects, including monetary and nonmonetary benefits; and

(B) the need for a diversity of project types and geographical project locations.

(c) REGIONAL BENEFICIAL USE TEAMS.—

(1) IN GENERAL.—In carrying out the pilot program, the Secretary shall establish regional beneficial use teams to identify and assist in the implementation of projects under the pilot program.

(2) COMPOSITION.—

(A) LEADERSHIP.—For each regional beneficial use team established under paragraph (1), the Secretary shall appoint the Commander of the relevant division of the Corps of Engineers to serve as the head of the team.

(B) MEMBERSHIP.—The membership of each regional beneficial use team shall include—

(i) representatives of relevant Corps of Engineers districts and divisions;

(ii) representatives of relevant State and local agencies; and

(iii) representatives of Federal agencies and such other entities as the Secretary determines appropriate, consistent with the purposes of this section.

(d) CONSIDERATIONS.—The Secretary shall carry out the pilot program in a manner that—

(1) maximizes the beneficial placement of dredged material from Federal and non-Federal navigation channels;

(2) incorporates, to the maximum extent practicable, 2 or more Federal navigation, flood control, storm damage reduction, or environmental restoration projects;

(3) coordinates the mobilization of dredges and related equipment, including through the use of such efficiencies in contracting and environmental permitting as can be implemented under existing laws and regulations;

(4) fosters Federal, State, and local collaboration;

(5) implements best practices to maximize the beneficial use of dredged sand and other sediments; and

(6) ensures that the use of dredged material is consistent with all applicable environmental laws.

(e) COST SHARING.—

(1) IN GENERAL.—Projects carried out under this section shall be subject to the cost-sharing requirements applicable to projects carried out under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326).

(2) ADDITIONAL COSTS.—Notwithstanding paragraph (1), if the cost of transporting and depositing dredged material for a project carried out under this section exceeds the cost of carrying out those activities pursuant to any other water resources project in accordance, if applicable, with the Federal standard (as defined in section 335.7 of title 33, Code of Federal Regulations), the Secretary may not require the non-Federal interest to bear the additional cost of such activities.

(f) REPORT.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

(1) a description of the projects selected to be carried out under the pilot program;

(2) documentation supporting each of the projects selected;

(3) the findings of regional beneficial use teams regarding project selection; and

(4) any recommendations of the Secretary or regional beneficial use teams with respect to the pilot program.

(g) TERMINATION.—The pilot program shall terminate after completion of the 10 projects carried out pursuant to subsection (b)(1).

(h) EXEMPTION FROM OTHER STANDARDS.—The projects carried out under this section shall be carried out notwithstanding the definition of the term ''Federal standard'' in section 335.7 of title 33, Code of Federal Regulations.

(i) REGIONAL SEDIMENT MANAGEMENT.—Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) is amended—

(1) in subsection (a)(1)—

(A) by striking ''For sediment'' and inserting the following:

''(A) SEDIMENT FROM FEDERAL WATER RESOURCES PROJECTS.—For sediment''; and

(B) by adding at the end the following:

''(B) SEDIMENT FROM OTHER FEDERAL SOURCES AND NON-FEDERAL SOURCES.—For purposes of projects carried out under this section, the Secretary may include sediment from other Federal sources and non-Federal sources, subject to the requirement that any sediment obtained from a non-Federal source shall not be obtained at Federal expense.''; and

(2) in subsection (d) by adding at the end the following:

''(3) SPECIAL RULE.—Disposal of dredged material under this subsection may include a single or periodic application of sediment for beneficial use and shall not require operation and maintenance.

''(4) DISPOSAL AT NON-FEDERAL COST.—The Secretary may accept funds from a non-Federal interest to dispose of dredged material as provided under section 103(d)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(d)(1)).''.

(j) CLARIFICATION.—Section 156(e) of the Water Resources Development Act of 1976 (42 U.S.C. 1962d–5f(e)) is amended by striking ''3'' and inserting ''6''.

SEC. 1123. GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.

Section 506(g) of the Water Resources Development Act of 2000 (42 U.S.C. 1962d–22(g)) is repealed.

SEC. 1124. CORPS OF ENGINEERS OPERATION OF UNMANNED AIRCRAFT SYSTEMS.

(a) IN GENERAL.—The Secretary shall designate an individual, within the headquarters office of the Corps of Engineers, who shall serve as the coordinator and principal approving official for developing the process and procedures by which the Corps of Engineers—

(1) operates and maintains small unmanned aircraft (as defined in section 331 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note)) systems in support of civil works and emergency response missions of the Corps of Engineers; and

(2) acquires, applies for, and receives any necessary Federal Aviation Administration authorizations for such operations and systems.

(b) REQUIREMENTS.—A small unmanned aircraft system acquired, operated, or maintained for carrying out the missions specified in subsection (a) shall be operated in accordance with regulations of the Federal Aviation Administration as a civil aircraft or public aircraft, at the discretion of the Secretary, and shall be exempt from regulations of the Department of Defense, including the Department of the Army, governing such system.

(c) LIMITATION.—A small unmanned aircraft system acquired, operated, or maintained by the Corps of Engineers is excluded from use by the Department of Defense, including the Department of the Army, for any mission of the Department of Defense other than a mission specified in subsection (a).

SEC. 1125. FUNDING TO PROCESS PERMITS.

Section 214(a) of the Water Resources Development Act of 2000 (33 U.S.C. 2352(a)) is amended—

(1) in paragraph (1) by adding at the end the following:

''(C) RAILROAD CARRIER.—The term 'railroad carrier' has the meaning given the term in section 20102 of title 49, United States Code.'';

(2) in paragraph (2)—

(A) by striking ''or natural gas company'' and inserting '', natural gas company, or railroad carrier''; and

(B) by striking ''or company'' and inserting '', company, or carrier'';

(3) in paragraph (3)—

(A) by striking ''or natural gas company'' and inserting '', natural gas company, or railroad carrier''; and

(B) by striking ''7 years'' and inserting ''10 years''; and

(4) in paragraph (5) by striking ''and natural gas companies'' and inserting '', natural gas companies, and railroad carriers, including an evaluation of the compliance with the requirements of this section and, with respect to a permit for those entities, the requirements of applicable Federal laws''.

SEC. 1126. STUDY OF WATER RESOURCES DEVELOPMENT PROJECTS BY NON-FEDERAL INTERESTS.

Section 203 of the Water Resources Development Act of 1986 (33 U.S.C. 2231) is amended by adding at the end the following:

''(e) TECHNICAL ASSISTANCE.—At the request of a non-Federal interest, the Secretary may provide to the non-Federal interest technical assistance relating to any aspect of a feasibility study if the non-Federal interest contracts with the Secretary to pay all costs of providing such technical assistance.''.

SEC. 1127. NON-FEDERAL CONSTRUCTION OF AUTHORIZED FLOOD DAMAGE REDUCTION PROJECTS.

Section 204(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2232(d)) is amended by adding at the end the following:

''(5) DISCRETE SEGMENTS.—

''(A) IN GENERAL.—The Secretary may authorize credit or reimbursement under this subsection for a discrete segment of a flood damage reduction project, or separable element thereof, before final completion of the project or separable element if—

''(i) except as provided in clause (ii), the Secretary determines that the discrete segment satisfies the requirements of paragraphs (1) through (4) in the same manner as the project or separable element; and

''(ii) notwithstanding paragraph (1)(A)(ii), the Secretary determines, before the approval of the plans under paragraph (1)(A)(i), that the discrete segment is technically feasible and environmentally acceptable.

''(B) DETERMINATION.—Credit or reimbursement may not be made available to a non-Federal interest pursuant to this paragraph until the Secretary determines that—

''(i) the construction of the discrete segment for which credit or reimbursement is requested is complete; and

''(ii) the construction is consistent with the authorization of the applicable flood damage reduction project, or separable element thereof, and the plans approved under paragraph (1)(A)(i).

''(C) WRITTEN AGREEMENT.—

''(i) IN GENERAL.—As part of the written agreement required under paragraph (1)(A)(iii), a non-Federal interest to be eligible for credit or reimbursement under this paragraph shall—

''(I) identify any discrete segment that the non-Federal interest may carry out; and

''(II) agree to the completion of the flood damage reduction project, or separable element thereof, with respect to which the discrete segment is a part and establish a timeframe for such completion.

''(ii) REMITTANCE.—If a non-Federal interest fails to complete a flood damage reduction project, or separable element thereof, that it agreed to complete under clause (i)(II), the non-Federal interest shall remit any reimbursements received under this paragraph for a discrete segment of such project or separable element.

''(D) DISCRETE SEGMENT DEFINED.—In this paragraph, the term 'discrete segment' means a

physical portion of a flood damage reduction project, or separable element thereof—

''(i) described by a non-Federal interest in a written agreement required under paragraph (1)(A)(iii); and

''(ii) that the non-Federal interest can operate and maintain, independently and without creating a hazard, in advance of final completion of the flood damage reduction project, or separable element thereof.''.

SEC. 1128. MULTISTATE ACTIVITIES.

Section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16) is amended—

(1) in subsection (a)(1)—

(A) by striking ''or other non-Federal interest'' and inserting '', group of States, or non-Federal interest'';

(B) by inserting ''or group of States'' after ''working with a State''; and

(C) by inserting ''or group of States'' after ''boundaries of such State''; and

(2) in subsection (c)(1) by adding at the end the following: ''The Secretary may allow 2 or more States to combine all or a portion of the funds that the Secretary makes available to the States in carrying out subsection (a)(1).''.

SEC. 1129. PLANNING ASSISTANCE TO STATES.

Section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16) is amended by adding at the end the following:

''(f) SPECIAL RULE.—The cost-share for assistance under this section provided to Indian tribes, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Marianas, and the Trust Territory of the Pacific Islands shall be as provided under section 1156 of the Water Resources Development Act of 1986 (33 U.S.C. 2310).''.

SEC. 1130. REGIONAL PARTICIPATION ASSURANCE FOR LEVEE SAFETY ACTIVITIES.

(a) NATIONAL LEVEE SAFETY PROGRAM.—Section 9002 of the Water Resources Development Act of 2007 (33 U.S.C. 3301) is amended—

(1) in paragraph (11) by striking ''State or Indian tribe'' and inserting ''State, regional district, or Indian tribe'';

(2) by redesignating paragraphs (12) through (16) as paragraphs (13) through (17), respectively; and

(3) by inserting after paragraph (11) the following:

''(12) REGIONAL DISTRICT.—The term 'regional district' means a subdivision of a State government, or a subdivision of multiple State governments, that is authorized to acquire, construct, operate, and maintain projects for the purpose of flood damage reduction.''.

(b) INVENTORY AND INSPECTION OF LEVEES.—Section 9004 of the Water Resources Development Act of 2007 (33 U.S.C. 3303) is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking ''one year after the date of enactment of this Act'' and inserting ''1 year after the date of enactment of the Water Resources Development Act of 2016'';

(B) in paragraph (2)(A) by striking ''States, Indian tribes, Federal agencies, and other entities'' and inserting ''States, regional districts, Indian tribes, Federal agencies, and other entities''; and

(C) in paragraph (3)—

(i) in the heading for subparagraph (A) by striking ''FEDERAL, STATE, AND LOCAL'' and inserting ''FEDERAL, STATE, REGIONAL, TRIBAL, AND LOCAL''; and

(ii) in subparagraph (A) by striking ''Federal, State, and local'' and inserting ''Federal, State, regional, tribal, and local''; and

(2) in subsection (c)—

(A) in paragraph (4)—

(i) in the paragraph heading by striking ''STATE AND TRIBAL'' and inserting ''STATE, REGIONAL, AND TRIBAL''; and

(ii) by striking ''State or Indian tribe'' each place it appears and inserting ''State, regional district, or Indian tribe''; and

(B) in paragraph (5)—

(i) by striking ''State or Indian tribe'' and inserting ''State, regional district, or Indian tribe''; and

(ii) by striking ''chief executive of the tribal government'' and inserting ''chief executive of the regional district or tribal government''.

(c) LEVEE SAFETY INITIATIVE.—Section 9005 of the Water Resources Development Act of 2007 (33 U.S.C. 3303a) is amended—

(1) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A)—

(I) by striking ''1 year after the date of enactment of this subsection'' and inserting ''1 year after the date of enactment of the Water Resources Development Act of 2016''; and

(II) by striking ''State, local, and tribal governments and organizations'' and inserting ''State, regional, local, and tribal governments and organizations''; and

(ii) in subparagraph (A) by striking ''Federal, State, tribal, and local agencies'' and inserting ''Federal, State, regional, local, and tribal agencies'';

(B) in paragraph (3)—

(i) in subparagraph (A) by striking ''State, local, and tribal governments,'' and inserting ''State, regional, local, and tribal governments''; and

(ii) in subparagraph (B) by inserting '', regional, or tribal'' after ''State'' each place it appears; and

(C) in paragraph (5)(A) by striking ''States, non-Federal interests, and other appropriate stakeholders'' and inserting ''States, regional districts, Indian tribes, non-Federal interests, and other appropriate stakeholders'';

(2) in subsection (e)(1) in the matter preceding subparagraph (A) by striking ''States, communities, and levee owners'' and inserting ''States, regional districts, Indian tribes, communities, and levee owners'';

(3) in subsection (g)—

(A) in the subsection heading by striking ''STATE AND TRIBAL'' and inserting ''STATE, REGIONAL, AND TRIBAL'';

(B) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking ''1 year after the date of enactment of this subsection'' and inserting ''1 year after the date of enactment of the Water Resources Development Act of 2016''; and

(II) by striking ''State or tribal'' and inserting ''State, regional, or tribal''; and

(ii) in subparagraph (B)—

(I) by striking ''State and Indian tribe'' and inserting ''State, regional district, and Indian tribe''; and

(II) by striking ''State or Indian tribe'' and inserting ''State, regional district, or Indian tribe''; and

(C) in paragraph (2)—

(i) in the paragraph heading by striking ''STATES'' and inserting ''STATES, REGIONAL DISTRICTS, AND INDIAN TRIBES'';

(ii) in subparagraph (A) by striking ''States and Indian tribes'' and inserting ''States, regional districts, and Indian tribes'';

(iii) in subparagraph (B)—

(I) in the matter preceding clause (i) by striking ''State or Indian tribe'' and inserting ''State, regional district, or Indian tribe'';

(II) in clause (ii) by striking ''levees within the State'' and inserting ''levees within the State or regional district''; and

(III) in clause (iii) by striking ''State or Indian tribe'' and inserting ''State, regional district, or Indian tribe'';

(iv) in subparagraph (C)(ii) in the matter preceding subclause (I) by striking ''State or tribal'' and inserting ''State, regional, or tribal''; and

(v) in subparagraph (E)—

(I) by striking ''States and Indian tribes'' each place it appears and inserting ''States, regional districts, and Indian tribes'';

(II) in clause (ii)(II)—

(aa) in the matter preceding item (aa) by striking ''State or Indian tribe'' and inserting ''State, regional district, or Indian tribe'';

(bb) in item (aa) by striking ''miles of levees in the State'' and inserting ''miles of levees in the State or regional district''; and

(cc) in item (bb) by striking ''miles of levees in all States'' and inserting ''miles of levees in all States and regional districts''; and

(III) in clause (iii)—

(aa) by striking ''State or Indian tribe'' and inserting ''State, regional district, or Indian tribe''; and

(bb) by striking ''State or tribal'' and inserting ''State, regional, or tribal''; and

(4) in subsection (h)—

(A) in paragraph (1) by striking ''States, Indian tribes, and local governments'' and inserting ''States, regional districts, Indian tribes, and local governments'';

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A) by striking ''State, Indian tribe, or local government'' and inserting ''State, regional district, Indian tribe, or local government''; and

(ii) in subparagraph (E) in the matter preceding clause (i) by striking ''State or tribal'' and inserting ''State, regional, or tribal'';

(C) in paragraph (3)—

(i) in subparagraph (A) by striking ''State, Indian tribe, or local government'' and inserting ''State, regional district, Indian tribe, or local government''; and

(ii) in subparagraph (D) by striking ''180 days after the date of enactment of this subsection'' and inserting ''180 days after the date of enactment of the Water Resources Development Act of 2016''; and

(D) in paragraph (4)(A)(i) by striking ''State or tribal'' and inserting ''State, regional, or tribal''.

(d) REPORTS.—Section 9006 of the Water Resources Development Act of 2007 (33 U.S.C. 3303b) is amended—

(1) in subsection (a)(1)—

(A) in the matter preceding subparagraph (A) by striking ''1 year after the date of enactment of this subsection'' and inserting ''1 year after the date of enactment of the Water Resources Development Act of 2016''; and

(B) in subparagraph (B) by striking ''State and tribal'' and inserting ''State, regional, and tribal'';

(2) in subsection (c)—

(A) in the matter preceding paragraph (1)—

(i) by striking ''2 years after the date of enactment of this subsection'' and inserting ''2 years after the date of enactment of the Water Resources Development Act of 2016''; and

(ii) by striking ''State, tribal, and local'' and inserting ''State, regional, tribal, and local'';

(B) in paragraph (2) by striking ''State and tribal'' and inserting ''State, regional, and tribal''; and

(C) in paragraph (4) by striking ''State and local'' and inserting ''State, regional, tribal, and local''; and

(3) in subsection (d)—

(A) in the matter preceding paragraph (1) by striking ''1 year after the date of enactment of this subsection'' and inserting ''1 year after the date of enactment of the Water Resources Development Act of 2016''; and

(B) in paragraph (2) by striking ''State or tribal'' and inserting ''State, regional, or tribal''.

SEC. 1131. PARTICIPATION OF NON-FEDERAL INTERESTS.

Section 221(b)(1) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)(1)) is amended by inserting ''and, as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602), a Native village, Regional Corporation, and Village Corporation'' after ''Indian tribe''.

SEC. 1132. POST-AUTHORIZATION CHANGE REPORTS.

(a) IN GENERAL.—The completion of a post-authorization change report prepared by the

Corps of Engineers for a water resources development project—

(1) may not be delayed as a result of consideration being given to changes in policy or priority with respect to project consideration; and

(2) shall be submitted, upon completion, to—

(A) the Committee on Environment and Public Works of the Senate; and

(B) the Committee on Transportation and Infrastructure of the House of Representatives.

(b) COMPLETION REVIEW.—With respect to a post-authorization change report subject to review by the Secretary, the Secretary shall, not later than 120 days after the date of completion of such report—

(1) review the report; and

(2) provide to Congress any recommendations of the Secretary regarding modification of the applicable water resources development project.

(c) PRIOR REPORTS.—Not later than 120 days after the date of enactment of this Act, with respect to any post-authorization change report that was completed prior to the date of enactment of this Act and is subject to a review by the Secretary that has yet to be completed, the Secretary shall complete review of, and provide recommendations to Congress with respect to, the report.

(d) POST-AUTHORIZATION CHANGE REPORT INCLUSIONS.—In this section, the term ''post-authorization change report'' includes—

(1) a general reevaluation report;

(2) a limited reevaluation report; and

(3) any other report that recommends the modification of an authorized water resources development project.

SEC. 1133. MAINTENANCE DREDGING DATA.

(a) IN GENERAL.—The Secretary shall establish, maintain, and make publicly available a database on maintenance dredging carried out by the Secretary, which shall include information on maintenance dredging carried out by Federal and non-Federal vessels.

(b) SCOPE.—The Secretary shall include in the database maintained under subsection (a), for each maintenance dredging project and contract, estimated and actual data on—

(1) the volume of dredged material removed;

(2) the initial cost estimate of the Corps of Engineers;

(3) the total cost;

(4) the party and vessel carrying out the work; and

(5) the number of private contractor bids received and the bid amounts, including bids that did not win the final contract award.

SEC. 1134. ELECTRONIC SUBMISSION AND TRACKING OF PERMIT APPLICATIONS.

(a) IN GENERAL.—Section 2040 of the Water Resources Development Act of 2007 (33 U.S.C. 2345) is amended to read as follows:

''SEC. 2040. ELECTRONIC SUBMISSION AND TRACKING OF PERMIT APPLICATIONS.

''(a) DEVELOPMENT OF ELECTRONIC SYSTEM.—

''(1) IN GENERAL.—The Secretary shall research, develop, and implement an electronic system to allow the electronic preparation and submission of applications for permits and requests for jurisdictional determinations under the jurisdiction of the Secretary.

''(2) INCLUSION.—The electronic system required under paragraph (1) shall address—

''(A) applications for standard individual permits;

''(B) applications for letters of permission;

''(C) joint applications with States for State and Federal permits;

''(D) applications for emergency permits;

''(E) applications or requests for jurisdictional determinations; and

''(F) preconstruction notification submissions, when required for a nationwide or other general permit.

''(3) IMPROVING EXISTING DATA SYSTEMS.—The Secretary shall seek to incorporate the electronic system required under paragraph (1) into existing systems and databases of the Corps of Engineers to the maximum extent practicable.

''(4) PROTECTION OF INFORMATION.—The electronic system required under paragraph (1) shall provide for the protection of personal, private, privileged, confidential, and proprietary information, and information the disclosure of which is otherwise prohibited by law.

''(b) SYSTEM REQUIREMENTS.—The electronic system required under subsection (a) shall—

''(1) enable an applicant or requester to prepare electronically an application for a permit or request;

''(2) enable an applicant or requester to submit to the Secretary, by email or other means through the Internet, the completed application form or request;

''(3) enable an applicant or requester to submit to the Secretary, by email or other means through the Internet, data and other information in support of the permit application or request;

''(4) provide an online interactive guide to provide assistance to an applicant or requester at any time while filling out the permit application or request; and

''(5) enable an applicant or requester (or a designated agent) to track the status of a permit application or request in a manner that will—

''(A) allow the applicant or requester to determine whether the application is pending or final and the disposition of the request;

''(B) allow the applicant or requester to research previously submitted permit applications and requests within a given geographic area and the results of such applications or requests; and

''(C) allow identification and display of the location of the activities subject to a permit or request through a map-based interface.

''(c) DOCUMENTATION.—All permit decisions and jurisdictional determinations made by the Secretary shall be in writing and include documentation supporting the basis for the decision or determination. The Secretary shall prescribe means for documenting all decisions or determinations to be made by the Secretary.

''(d) RECORD OF DETERMINATIONS.—

''(1) IN GENERAL.—The Secretary shall maintain, for a minimum of 5 years, a record of each permit decision and jurisdictional determination made by the Secretary, including documentation supporting the basis of the decision or determination.

''(2) ARCHIVING OF INFORMATION.—The Secretary shall explore and implement an appropriate mechanism for archiving records of permit decisions and jurisdictional determinations, including documentation supporting the basis of the decisions and determinations, after the 5-year maintenance period described in paragraph (1).

''(e) AVAILABILITY OF DETERMINATIONS.—

''(1) IN GENERAL.—The Secretary shall make the records of all permit decisions and jurisdictional determinations made by the Secretary available to the public for review and reproduction.

''(2) PROTECTION OF INFORMATION.—The Secretary shall provide for the protection of personal, private, privileged, confidential, and proprietary information, and information the disclosure of which is prohibited by law, which may be excluded from disclosure.

''(f) DEADLINE FOR ELECTRONIC SYSTEM IMPLEMENTATION.—

''(1) IN GENERAL.—The Secretary shall develop and implement, to the maximum extent practicable, the electronic system required under subsection (a) not later than 2 years after the date of enactment of the Water Resources Development Act of 2016.

''(2) REPORT ON ELECTRONIC SYSTEM IMPLEMENTATION.—Not later than 180 days after the expiration of the deadline under paragraph (1), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the measures implemented and barriers faced in carrying out this section.

''(g) APPLICABILITY.—The requirements described in subsections (c), (d), and (e) shall apply to permit applications and requests for jurisdictional determinations submitted to the Secretary after the date of enactment of the Water Resources Development Act of 2016.

''(h) LIMITATION.—This section shall not preclude the submission to the Secretary, acting through the Chief of Engineers, of a physical copy of a permit application or a request for a jurisdictional determination.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Water Resources Development Act of 2007 is amended by striking the item relating to section 2040 and inserting the following:

''Sec. 2040. Electronic submission and tracking of permit applications.''.

SEC. 1135. DATA TRANSPARENCY.

Section 2017 of the Water Resources Development Act of 2007 (33 U.S.C. 2342) is amended to read as follows:

''SEC. 2017. ACCESS TO WATER RESOURCE DATA.

''(a) IN GENERAL.—Using available funds, the Secretary shall make publicly available, including on the Internet, all data in the custody of the Corps of Engineers on—

''(1) the planning, design, construction, operation, and maintenance of water resources development projects; and

''(2) water quality and water management of projects owned, operated, or managed by the Corps of Engineers.

''(b) LIMITATION.—Nothing in this section may be construed to compel or authorize the disclosure of data or other information determined by the Secretary to be confidential information, privileged information, law enforcement information, national security information, infrastructure security information, personal information, or information the disclosure of which is otherwise prohibited by law.

''(c) TIMING.—The Secretary shall ensure that data is made publicly available under subsection (a) as quickly as practicable after the data is generated by the Corps of Engineers.

''(d) PARTNERSHIPS.—In carrying out this section, the Secretary may develop partnerships, including through cooperative agreements, with State, tribal, and local governments and other Federal agencies.''.

SEC. 1136. QUALITY CONTROL.

(a) IN GENERAL.—Paragraph (a) of the first section of the Act of December 22, 1944 (58 Stat. 888, chapter 665; 33 U.S.C. 701–1(a)), is amended by inserting ''and shall be made publicly available'' before the period at the end of the last sentence.

(b) PROJECT ADMINISTRATION.—Section 2041(b)(1) of the Water Resources Development Act of 2007 (33 U.S.C. 2346(b)(1)) is amended by inserting ''final post-authorization change report,'' after ''final reevaluation report,''.

SEC. 1137. REPORT ON PURCHASE OF FOREIGN MANUFACTURED ARTICLES.

Section 213(a) of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4831) is amended by adding at the end the following:

''(4) REPORT ON PURCHASE OF FOREIGN MANUFACTURED ARTICLES.—

''(A) IN GENERAL.—In the first annual report submitted to Congress after the date of enactment of this paragraph in accordance with section 8 of the Act of August 11, 1888 (25 Stat. 424, chapter 860; 33 U.S.C. 556), and section 925(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2295(b)), the Secretary shall include a report on the amount of acquisitions in the prior fiscal year made by the Corps of Engineers for civil works projects from entities that manufactured the articles, materials, or supplies outside of the United States.

''(B) CONTENTS.—The report required under subparagraph (A) shall indicate, for each category of acquisition—

''(i) the dollar value of articles, materials, and supplies purchased that were manufactured outside of the United States; and

''(ii) a summary of the total procurement funds spent on goods manufactured in the United States and the total procurement funds spent on goods manufactured outside of the United States.

''(C) PUBLIC AVAILABILITY.—Not later than 30 days after the submission of the report required under subparagraph (A), the Secretary shall make such report publicly available, including on the Internet.''.

SEC. 1138. INTERNATIONAL OUTREACH PROGRAM.

Section 401(a) of the Water Resources Development Act of 1992 (33 U.S.C. 2329(a)) is amended to read as follows:

''(a) AUTHORIZATION.—

''(1) IN GENERAL.—The Secretary may engage in activities to inform the United States of technological innovations abroad that could significantly improve water resources development in the United States.

''(2) INCLUSIONS.—Activities under paragraph (1) may include—

''(A) development, monitoring, assessment, and dissemination of information about foreign water resources projects that could significantly improve water resources development in the United States;

''(B) research, development, training, and other forms of technology transfer and exchange; and

''(C) offering technical services that cannot be readily obtained in the private sector to be incorporated into water resources projects if the costs for assistance will be recovered under the terms of each project.''.

SEC. 1139. DAM SAFETY REPAIR PROJECTS.

The Secretary shall issue guidance—

(1) on the types of circumstances under which the requirement in section 1203(a) of the Water Resources Development Act of 1986 (33 U.S.C. 467n(a)) relating to state-of-the-art design or construction criteria deemed necessary for safety purposes applies to a dam safety repair project;

(2) to assist district offices of the Corps of Engineers in communicating with non-Federal interests when entering into and implementing cost-sharing agreements for dam safety repair projects; and

(3) to assist the Corps of Engineers in communicating with non-Federal interests concerning the estimated and final cost-share responsibilities of the non-Federal interests under agreements for dam safety repair projects.

SEC. 1140. FEDERAL COST LIMITATION FOR CERTAIN PROJECTS.

Section 506(c) of the Water Resources Development Act of 2000 (42 U.S.C. 1962d–22(c)) is amended by adding at the end the following:

''(5) RECREATION FEATURES.—A project carried out pursuant to this subsection may include compatible recreation features as determined by the Secretary, except that the Federal costs of such features may not exceed 10 percent of the Federal ecosystem restoration costs of the project.''.

SEC. 1141. LAKE KEMP, TEXAS.

Section 3149(a) of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1147) is amended—

(1) by striking ''2020'' and inserting ''2025''; and

(2) by striking ''this Act'' and inserting ''the Water Resources Development Act of 2016''.

SEC. 1142. CORROSION PREVENTION.

Section 1033 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2350) is amended by adding at the end the following:

''(d) REPORT.—In the first annual report submitted to Congress after the date of enactment of this subsection in accordance with section 8 of the Act of August 11, 1888 (25 Stat. 424, chapter 860; 33 U.S.C. 556), and section 925(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2295(b)), the Secretary shall report on the corrosion prevention activities encouraged under this section, including—

''(1) a description of the actions the Secretary has taken to implement this section; and

''(2) a description of the projects utilizing corrosion prevention activities, including which activities were undertaken.''.

SEC. 1143. SEDIMENT SOURCES.

(a) IN GENERAL.—The Secretary is authorized to undertake a study of the economic and non-economic costs, benefits, and impacts of acquiring by purchase, exchange, or otherwise sediment from domestic and nondomestic sources for shoreline protection.

(b) REPORT.—Upon completion of the study, the Secretary shall report to Congress on the availability, benefits, and impacts, of using domestic and nondomestic sources of sediment for shoreline protection.

SEC. 1144. PRIORITIZATION OF CERTAIN PROJECTS.

The Secretary shall give priority to a project for flood risk management if—

(1) there is an executed project partnership agreement for the project; and

(2) the project is located in an area—

(A) with respect to which—

(i) there has been a loss of life due to flood events; and

(ii) the President has declared that a major disaster or emergency exists under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170); or

(B) that is at significant risk for catastrophic flooding.

SEC. 1145. GULF COAST OYSTER BED RECOVERY ASSESSMENT.

(a) GULF STATES DEFINED.—In this section, the term ''Gulf States'' means each of the States of Alabama, Florida, Louisiana, Mississippi, and Texas.

(b) GULF COAST OYSTER BED RECOVERY ASSESSMENT.—The Secretary, in coordination with the Gulf States, shall conduct an assessment relating to the recovery of oyster beds on the coasts of the Gulf States that were damaged by events, including—

(1) Hurricane Katrina in 2005;

(2) the Deepwater Horizon oil spill in 2010; and

(3) floods in 2011 and 2016.

(c) INCLUSION.—The assessment conducted under subsection (b) shall address the beneficial use of dredged material in providing substrate for oyster bed development.

(d) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the assessment conducted under subsection (b).

SEC. 1146. INITIATING WORK ON SEPARABLE ELEMENTS.

With respect to a water resources development project that has received construction funds in the previous 6-year period, for purposes of initiating work on a separable element of the project—

(1) no new start or new investment decision shall be required; and

(2) the work shall be treated as ongoing work.

SEC. 1147. LOWER BOIS D'ARC CREEK RESERVOIR PROJECT, FANNIN COUNTY, TEXAS.

(a) FINALIZATION REQUIRED.—The Secretary shall ensure that environmental decisions and reviews related to the construction of, impoundment of water in, and operation of the Lower Bois d'Arc Creek Reservoir Project, including any associated water transmission facilities, by the North Texas Municipal Water District in Fannin County, Texas, are made on an expeditious basis using the fastest applicable process.

(b) INTERIM REPORT.—Not later than June 30, 2017, the Secretary shall report to Congress on the implementation of subsection (a).

SEC. 1148. RECREATIONAL ACCESS AT CORPS OF ENGINEERS RESERVOIRS.

Section 1035 of the Water Resources Reform and Development Act of 2014 (Public Law 113–121; 128 Stat. 1234) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) RECREATIONAL ACCESS.—The Secretary shall allow the use of a floating cabin on waters under the jurisdiction of the Secretary in the Cumberland River basin if—

''(1) the floating cabin—

''(A) is in compliance with, and maintained by the owner to satisfy the requirements of, regulations for recreational vessels, including health and safety standards, issued under chapter 43 of title 46, United States Code, and section 312 of the Federal Water Pollution Control Act (33 U.S.C. 1322); and

''(B) is located at a marina leased by the Corps of Engineers; and

''(2) the Secretary has authorized the use of recreational vessels on such waters.''; and

(2) by adding at the end the following:

''(c) LIMITATION ON STATUTORY CONSTRUCTION.—

''(1) IN GENERAL.—Nothing in this section may be construed to authorize the Secretary to impose requirements on a floating cabin or on any facility that serves a floating cabin, including marinas or docks located on waters under the jurisdiction of the Secretary in the Cumberland River basin, that are different or more stringent than the requirements imposed on all recreational vessels authorized to use such waters.

''(2) DEFINITIONS.—In this subsection, the following definitions apply:

''(A) VESSEL.—The term 'vessel' has the meaning given that term in section 3 of title 1, United States Code.

''(B) REQUIREMENT.—The term 'requirement' includes a requirement imposed through the utilization of guidance.''.

SEC. 1149. NO WAKE ZONES IN NAVIGATION CHANNELS.

(a) IN GENERAL.—At the request of a State or local official, the Secretary, in consultation with the Commandant of the Coast Guard, shall promptly identify and, subject to the considerations in subsection (b), allow the implementation of measures for addressing navigation safety hazards in a covered navigation channel resulting from wakes created by recreational vessels identified by such official, while maintaining the navigability of the channel.

(b) CONSIDERATIONS.—In identifying measures under subsection (a) with respect to a covered navigation channel, the Secretary shall consider, at a minimum, whether—

(1) State or local law enforcement officers have documented the existence of safety hazards in the channel that are the direct result of excessive wakes from recreational vessels present in the channel;

(2) the Secretary has made a determination that safety concerns exist in the channel and that the proposed measures will remedy those concerns without significant impacts to the navigable capacity of the channel; and

(3) the measures are consistent with any recommendations made by the Commandant of the Coast Guard to ensure the safety of vessels operating in the channel and the safety of the passengers and crew aboard such vessels.

(c) COVERED NAVIGATION CHANNEL DEFINED.—In this section, the term ''covered navigation channel'' means a navigation channel that—

(1) is federally marked or maintained;

(2) is part of the Atlantic Intracoastal Waterway; and

(3) is adjacent to a marina.

(d) SAVINGS CLAUSE.—Nothing in this section shall be construed to relieve the master, pilot, or other person responsible for determining the speed of a vessel from the obligation to comply with the inland navigation regulations promulgated pursuant to section 3 of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2071) or

any other applicable laws or regulations governing the safe navigation of a vessel.

SEC. 1150. ICE JAM PREVENTION AND MITIGATION.

(a) IN GENERAL.—The Secretary may carry out projects under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), including planning, design, construction, and monitoring of structural and nonstructural technologies and measures, for preventing and mitigating flood damages associated with ice jams.

(b) INCLUSION.—The projects described in subsection (a) may include the development and demonstration of cost-effective technologies and designs developed in consultation with—

(1) the Cold Regions Research and Engineering Laboratory of the Corps of Engineers;

(2) universities;

(3) Federal, State, and local agencies; and

(4) private organizations.

(c) PILOT PROGRAM.—

(1) IN GENERAL.—During fiscal years 2017 through 2022, the Secretary shall identify and carry out not fewer than 10 projects under this section to demonstrate technologies and designs developed in accordance with this section.

(2) PROJECT SELECTION.—The Secretary shall ensure that the projects are selected from all cold regions of the United States, including the Upper Missouri River Basin and the Northeast.

SEC. 1151. STRUCTURAL HEALTH MONITORING.

(a) IN GENERAL.—The Secretary shall design and develop a structural health monitoring program to assess and improve the condition of infrastructure constructed and maintained by the Corps of Engineers, including research, design, and development of systems and frameworks for—

(1) response to flood and earthquake events;

(2) predisaster mitigation measures;

(3) lengthening the useful life of the infrastructure; and

(4) identifying risks due to sea level rise.

(b) CONSULTATION AND CONSIDERATIONS.—In developing the program under subsection (a), the Secretary shall—

(1) consult with academic and other experts; and

(2) consider models for maintenance and repair information, the development of degradation models for real-time measurements and environmental inputs, and research on qualitative inspection data as surrogate sensors.

SEC. 1152. KENNEWICK MAN.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) CLAIMANT TRIBES.—The term ''claimant tribes'' means the Confederated Tribes of the Colville Reservation, the Confederated Tribes and Bands of the Yakama Nation, the Nez Perce Tribe, the Confederated Tribes of the Umatilla Indian Reservation, and the Wanapum Band of Priest Rapids.

(2) DEPARTMENT.—The term ''Department'' means the Washington State Department of Archaeology and Historic Preservation.

(3) HUMAN REMAINS.—The term ''human remains'' means the human remains that—

(A) are known as Kennewick Man or the Ancient One, which includes the projectile point lodged in the right ilium bone, as well as any residue from previous sampling and studies; and

(B) are part of archaeological collection number 45BN495.

(b) TRANSFER.—Notwithstanding any other provision of Federal law, including the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.), or law of the State of Washington, not later than 90 days after the date of enactment of this Act, the Secretary, acting through the Chief of Engineers, shall transfer the human remains to the Department, on the condition that the Department, acting through the State Historic Preservation Officer, disposes of the human remains and repatriates the human remains to the claimant tribes.

(c) TERMS AND CONDITIONS.—The transfer shall be subject to the following terms and conditions:

(1) The release of the human remains to the claimant tribes is contingent upon the claimant tribes following the Department's requirements in the Revised Code of Washington.

(2) The claimant tribes verify to the Department their agreement on the final burial place of the human remains.

(3) The claimant tribes verify to the Department their agreement that the human remains will be buried in the State of Washington.

(4) The claimant tribes verify to the Department their agreement that the Department will take legal custody of the human remains upon the transfer by the Secretary.

(d) COST.—The Corps of Engineers shall be responsible for any costs associated with the transfer.

(e) LIMITATIONS.—

(1) IN GENERAL.—The transfer shall be limited solely to the human remains portion of the archaeological collection.

(2) SECRETARY.—The Secretary shall have no further responsibility for the human remains transferred pursuant to subsection (b) after the date of the transfer.

SEC. 1153. AUTHORITY TO ACCEPT AND USE MATERIALS AND SERVICES.

Section 1024 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2325a) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—Subject to subsection (b), the Secretary is authorized to accept and use materials, services, or funds contributed by a non-Federal public entity, a nonprofit entity, or a private entity to repair, restore, replace, or maintain a water resources project in any case in which the District Commander determines that—

''(1) there is a risk of adverse impacts to the functioning of the project for the authorized purposes of the project; and

''(2) acceptance of the materials and services or funds is in the public interest.'';

(2) by redesignating subsection (c) as subsection (d);

(3) by inserting after subsection (b) the following:

''(c) ADDITIONAL REQUIREMENTS.—

''(1) APPLICABLE LAWS AND REGULATIONS.—The Secretary may only use materials or services accepted under this section if such materials and services comply with all applicable laws and regulations that would apply if such materials and services were acquired by the Secretary.

''(2) SUPPLEMENTARY SERVICES.—The Secretary may only accept and use services under this section that provide supplementary services to existing Federal employees, and may only use such services to perform work that would not otherwise be accomplished as a result of funding or personnel limitations.''; and

(4) in subsection (d) (as redesignated by paragraph (2)) in the matter preceding paragraph (1)—

(A) by striking ''Not later than 60 days after initiating an activity under this section,'' and inserting ''Not later than February 1 of each year after the first fiscal year in which materials, services, or funds are accepted under this section,''; and

(B) by striking ''a report'' and inserting ''an annual report''.

SEC. 1154. MUNITIONS DISPOSAL.

Section 1027 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 426e–2) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by inserting '', at full Federal expense,'' after ''The Secretary may''; and

(2) in subsection (b) by striking ''funded'' and inserting ''reimbursed''.

SEC. 1155. MANAGEMENT OF RECREATION FACILITIES.

Section 225 of the Water Resources Development Act of 1992 (33 U.S.C. 2328) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

''(c) USER FEES.—

''(1) COLLECTION OF FEES.—

''(A) IN GENERAL.—The Secretary may allow a non-Federal public entity that has entered into an agreement pursuant to subsection (b) to collect user fees for the use of developed recreation sites and facilities, whether developed or constructed by that entity or the Department of the Army.

''(B) USE OF VISITOR RESERVATION SERVICES.—A non-Federal public entity described in subparagraph (A) may use, to manage fee collections and reservations under this section, any visitor reservation service that the Secretary has provided for by contract or interagency agreement, subject to such terms and conditions as the Secretary determines to be appropriate.

''(2) USE OF FEES.—A non-Federal public entity that collects user fees under paragraph (1)—

''(A) may retain up to 100 percent of the fees collected, as determined by the Secretary; and

''(B) notwithstanding section 210(b)(4) of the Flood Control Act of 1968 (16 U.S.C. 460d–3(b)(4)), shall use any retained amount for operation, maintenance, and management activities at the recreation site at which the fee is collected.

''(3) TERMS AND CONDITIONS.—The authority of a non-Federal public entity under this subsection shall be subject to such terms and conditions as the Secretary determines necessary to protect the interests of the United States.''.

SEC. 1156. STRUCTURES AND FACILITIES CONSTRUCTED BY SECRETARY.

(a) IN GENERAL.—Section 14 of the Act of March 3, 1899 (30 Stat. 1152, chapter 425; 33 U.S.C. 408), is amended—

(1) by striking ''That it shall not be lawful'' and inserting the following:

''(a) PROHIBITIONS AND PERMISSIONS.—It shall not be lawful''; and

(2) by adding at the end the following:

''(b) CONCURRENT REVIEW.—

''(1) NEPA REVIEW.—

''(A) IN GENERAL.—In any case in which an activity subject to this section requires a review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), review and approval of the activity under this section shall, to the maximum extent practicable, occur concurrently with any review and decisions made under that Act.

''(B) CORPS OF ENGINEERS AS A COOPERATING AGENCY.—If the Corps of Engineers is not the lead Federal agency for an environmental review described in subparagraph (A), the Corps of Engineers shall, to the maximum extent practicable and consistent with Federal laws—

''(i) participate in the review as a cooperating agency (unless the Corps of Engineers does not intend to submit comments on the project); and

''(ii) adopt and use any environmental document prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) by the lead agency to the same extent that a Federal agency could adopt or use a document prepared by another Federal agency under—

''(I) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

''(II) parts 1500 through 1508 of title 40, Code of Federal Regulations (or successor regulations).

''(2) REVIEWS BY SECRETARY.—In any case in which the Secretary must approve an action under this section and under another authority, including sections 9 and 10 of this Act, section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344), and section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413), the Secretary shall—

''(A) coordinate applicable reviews and, to the maximum extent practicable, carry out the reviews concurrently; and

''(B) adopt and use any document prepared by the Corps of Engineers for the purpose of

complying with the same law and that addresses the same types of impacts in the same geographic area if such document, as determined by the Secretary, is current and applicable.

''(3) CONTRIBUTED FUNDS.—The Secretary may accept and expend funds received from non-Federal public or private entities to evaluate under this section an alteration or permanent occupation or use of a work built by the United States.

''(c) TIMELY REVIEW.—

''(1) COMPLETE APPLICATION.—On or before the date that is 30 days after the date on which the Secretary receives an application for permission to take action affecting public projects pursuant to subsection (a), the Secretary shall inform the applicant whether the application is complete and, if it is not, what items are needed for the application to be complete.

''(2) DECISION.—On or before the date that is 90 days after the date on which the Secretary receives a complete application for permission under subsection (a), the Secretary shall—

''(A) make a decision on the application; or

''(B) provide a schedule to the applicant identifying when the Secretary will make a decision on the application.

''(3) NOTIFICATION TO CONGRESS.—In any case in which a schedule provided under paragraph (2)(B) extends beyond 120 days from the date of receipt of a complete application, the Secretary shall provide to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an explanation justifying the extended timeframe for review.''.

(b) GUIDANCE.—Section 1007 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 408a) is amended by adding at the end the following:

''(f) GUIDANCE.—

''(1) IN GENERAL.—Not later than 120 days after the date of enactment of this subsection, the Secretary shall issue guidance on the implementation of this section.

''(2) INCORPORATION.—In issuing guidance under paragraph (1), or any other regulation, guidance, or engineering circular related to activities covered under section 14 of the Act of March 3, 1899 (30 Stat. 1152, chapter 425; 33 U.S.C. 408), the Secretary shall incorporate the requirements under this section.

''(g) PRIORITIZATION.—The Secretary shall prioritize and complete the activities required of the Secretary under this section.''.

SEC. 1157. PROJECT COMPLETION.

(a) COMPLETION OF PROJECTS AND PROGRAMS.—

(1) IN GENERAL.—For any project or program of assistance authorized under section 219 of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4835), the Secretary is authorized to carry out the project to completion if—

(A) as of the date of enactment of this Act, the project has received more than $4,000,000 in Federal appropriations and those appropriations equal an amount that is greater than 80 percent of the authorized amount;

(B) as of the date of enactment of this Act, significant progress has been demonstrated toward completion of the project or segments of the project but the project is not complete; and

(C) the benefits of the Federal investment will not be realized without completion of the project.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection $50,000,000 for fiscal years 2017 through 2021.

(b) MODIFICATION OF PROJECTS OR PROGRAMS OF ASSISTANCE.—Section 7001(f) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d(f)) is amended by adding at the end the following:

''(5) WATER RESOURCES DEVELOPMENT PROJECT.—The term 'water resources development project' includes a project under an environmental infrastructure assistance program if authorized before the date of enactment of the Water Resources Development Act of 2016.''.

SEC. 1158. NEW ENGLAND DISTRICT HEADQUARTERS.

(a) IN GENERAL.—Subject to subsection (b), using amounts available in the revolving fund established by the first section of the Act of July 27, 1953 (67 Stat. 199, chapter 245; 33 U.S.C. 576), and not otherwise obligated, the Secretary may—

(1) design, renovate, and construct additions to 2 buildings located on Hanscom Air Force Base in Bedford, Massachusetts, for the headquarters of the New England District of the Corps of Engineers; and

(2) carry out such construction and infrastructure improvements as are required to support the headquarters of the New England District of the Corps of Engineers, including any necessary demolition of the existing infrastructure.

(b) REQUIREMENT.—In carrying out subsection (a), the Secretary shall ensure that the revolving fund established by such first section is appropriately reimbursed from funds appropriated for programs that receive a benefit under this section.

SEC. 1159. BUFFALO DISTRICT HEADQUARTERS.

(a) IN GENERAL.—Subject to subsection (b), using amounts available in the revolving fund established by the first section of the Act of July 27, 1953 (67 Stat. 199, chapter 245; 33 U.S.C. 576), and not otherwise obligated, the Secretary may—

(1) design and construct a new building in Buffalo, New York, for the headquarters of the Buffalo District of the Corps of Engineers; and

(2) carry out such construction and infrastructure improvements as are required to support the headquarters and related installations and facilities of the Buffalo District of the Corps of Engineers, including any necessary demolition or renovation of the existing infrastructure.

(b) REQUIREMENT.—In carrying out subsection (a), the Secretary shall ensure that the revolving fund established by such first section is appropriately reimbursed from funds appropriated for programs that receive a benefit under this section.

SEC. 1160. FUTURE FACILITY INVESTMENT.

The first section of the Act of July 27, 1953 (67 Stat. 199, chapter 245; 33 U.S.C. 576), is amended—

(1) by striking ''For establishment of a revolving fund'' and inserting the following:

''(a) REVOLVING FUND.—For establishment of a revolving fund''; and

(2) by adding at the end the following:

''(b) PROHIBITION.—

''(1) IN GENERAL.—No funds may be expended or obligated from the revolving fund described in subsection (a) to newly construct, or perform a major renovation on, a building for use by the Corps of Engineers unless specifically authorized by law.

''(2) STATUTORY CONSTRUCTION.—Nothing in this subsection may be construed to—

''(A) change any authority provided under subchapter I of chapter 169 of title 10; or

''(B) change the use of funds under subsection (a) for purposes other than those described in paragraph (1).

''(c) TRANSMISSION TO CONGRESS OF PROSPECTUS.—To secure consideration for an authorization under subsection (b), the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representative and the Committee on Environment and Public Works of the Senate a prospectus of the proposed construction or major renovation of a building that includes—

''(1) a brief description of the building;

''(2) the location of the building;

''(3) an estimate of the maximum cost to be provided by the revolving fund for the building to be constructed or renovated;

''(4) the total size of the building after the proposed construction or major renovation;

''(5) the number of personnel proposed to be housed in the building after the construction or major renovation;

''(6) a statement that other suitable space owned by the Federal Government is not available;

''(7) a statement of rents and other housing costs currently being paid for the tenants proposed to be housed in the building; and

''(8) the size of the building currently housing the tenants proposed to be housed in the building.

''(d) PROVISION OF BUILDING PROJECT SURVEYS.—

''(1) IN GENERAL.—If requested by resolution by the Committee on Environment and Public Works of the Senate or the Committee on Transportation and Infrastructure of the House of Representatives, the Secretary shall create a building project survey for the construction or major renovation of a building described in subsection (b).

''(2) REPORT.—Within a reasonable time after creating a building project survey under paragraph (1), the Secretary shall submit to Congress a report on the survey that includes the information required to be included in a prospectus under subsection (c).

''(e) MAJOR RENOVATION DEFINED.—In this section, the term 'major renovation' means a renovation or alteration of a building for use by the Corps of Engineers with a total expenditure of more than $20,000,000.''.

SEC. 1161. COMPLETION OF ECOSYSTEM RESTORATION PROJECTS.

Section 2039 of the Water Resources Development Act of 2007 (33 U.S.C. 2330a) is amended by adding at the end the following:

''(d) INCLUSIONS.—A monitoring plan under subsection (b) shall include a description of—

''(1) the types and number of restoration activities to be conducted;

''(2) the physical action to be undertaken to achieve the restoration objectives of the project;

''(3) the functions and values that will result from the restoration plan; and

''(4) a contingency plan for taking corrective actions in cases in which monitoring demonstrates that restoration measures are not achieving ecological success in accordance with criteria described in the monitoring plan.

''(e) CONCLUSION OF OPERATION AND MAINTENANCE RESPONSIBILITY.—The responsibility of a non-Federal interest for operation and maintenance of the nonstructural and nonmechanical elements of a project, or a component of a project, for ecosystem restoration shall cease 10 years after the date on which the Secretary makes a determination of success under subsection (b)(2).

''(f) FEDERAL OBLIGATIONS.—The Secretary is not responsible for the operation or maintenance of any components of a project with respect to which a non-Federal interest is released from obligations under subsection (e).''.

SEC. 1162. FISH AND WILDLIFE MITIGATION.

Section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283) is amended—

(1) in subsection (h)—

(A) in paragraph (4)—

(i) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(ii) by inserting after subparagraph (C) the following:

''(D) include measures to protect or restore habitat connectivity;'';

(B) in paragraph (6)(C) by striking ''impacts'' and inserting ''impacts, including impacts to habitat connectivity''; and

(C) by striking paragraph (11) and inserting the following:

''(11) EFFECT.—Nothing in this subsection—

''(A) requires the Secretary to undertake additional mitigation for existing projects for which

mitigation has already been initiated, including the addition of fish passage to an existing water resources development project; or

''(B) affects the mitigation responsibilities of the Secretary under any other provision of law.''; and

(2) by adding at the end the following:

''(j) USE OF FUNDS.—

''(1) IN GENERAL.—The Secretary, with the consent of the applicable non-Federal interest, may use funds made available for preconstruction engineering and design after authorization of project construction to satisfy mitigation requirements through third-party arrangements or to acquire interests in land necessary for meeting mitigation requirements under this section.

''(2) NOTIFICATION.—Prior to the expenditure of any funds for a project pursuant to paragraph (1), the Secretary shall notify the Committee on Appropriations and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Appropriations and the Committee on Environment and Public Works of the Senate.

''(k) MEASURES.—The Secretary shall consult with interested members of the public, the Director of the United States Fish and Wildlife Service, the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration, States, including State fish and game departments, and interested local governments to identify standard measures under subsection (h)(6)(C) that reflect the best available scientific information for evaluating habitat connectivity.''.

SEC. 1163. WETLANDS MITIGATION.

Section 2036(c) of the Water Resources Development Act of 2007 (33 U.S.C. 2317b) is amended to read as follows:

''(c) MITIGATION BANKS AND IN-LIEU FEE ARRANGEMENTS.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Water Resources Development Act of 2016, the Secretary shall issue implementation guidance that provides for the consideration in water resources development feasibility studies of the entire amount of potential in-kind credits available at mitigation banks approved by the Secretary and in-lieu fee programs with an approved service area that includes the location of the projected impacts of the water resources development project.

''(2) REQUIREMENTS.—All potential mitigation bank and in-lieu fee credits that meet the criteria under paragraph (1) shall be considered a reasonable alternative for planning purposes if—

''(A) the applicable mitigation bank—

''(i) has an approved mitigation banking instrument; and

''(ii) has completed a functional analysis of the potential credits using the approved Corps of Engineers certified habitat assessment model specific to the region; and

''(B) the Secretary determines that the use of such banks or in-lieu fee programs provide reasonable assurance that the statutory (and regulatory) mitigation requirements for a water resources development project are met, including monitoring or demonstrating mitigation success.

''(3) EFFECT.—Nothing in this subsection—

''(A) modifies or alters any requirement for a water resources development project to comply with applicable laws or regulations, including section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283); or

''(B) shall be construed as to limit mitigation alternatives or require the use of mitigation banks or in-lieu fee programs.''.

SEC. 1164. DEBRIS REMOVAL.

Section 3 of the Act of March 2, 1945 (59 Stat. 23, chapter 19; 33 U.S.C. 603a), is amended—

(1) by striking ''$1,000,000'' and inserting ''$5,000,000'';

(2) by striking ''accumulated snags and other debris'' and inserting ''accumulated snags, obstructions, and other debris located in or adjacent to a Federal channel''; and

(3) by striking ''or flood control'' and inserting '', flood control, or recreation''.

SEC. 1165. DISPOSITION STUDIES.

(a) IN GENERAL.—In carrying out a disposition study for a project of the Corps of Engineers, including a disposition study under section 216 of the Flood Control Act of 1970 (33 U.S.C. 549a) or an assessment under section 6002 of the Water Resources Reform and Development Act of 2014 (Public Law 113–121; 128 Stat. 1349), the Secretary shall consider the extent to which the property concerned has economic, cultural, historic, or recreational significance or impacts at the national, State, or local level.

(b) COMPLETION OF ASSESSMENT AND INVENTORY.—Not later than 1 year after the date of enactment of this Act, the Secretary shall complete the assessment and inventory required under section 6002(a) of the Water Resources Reform and Development Act of 2014 (Public Law 113–121; 128 Stat. 1349).

SEC. 1166. TRANSFER OF EXCESS CREDIT.

Section 1020(a) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2223(a)) is amended—

(1) by striking the subsection designation and heading and all that follows through ''Subject to subsection (b)'' and inserting the following:

''(a) APPLICATION OF CREDIT.—

''(1) IN GENERAL.—Subject to subsection (b)''; and

(2) by adding at the end the following:

''(2) APPLICATION PRIOR TO COMPLETION OF PROJECT.—On request of a non-Federal interest, the credit described in paragraph (1) may be applied prior to completion of a study or project, if the credit amount is verified by the Secretary.''.

SEC. 1167. HURRICANE AND STORM DAMAGE REDUCTION.

Section 3(c)(2)(B) of the Act of August 13, 1946 (60 Stat. 1056, chapter 960; 33 U.S.C. 426g(c)(2)(B)), is amended by striking ''$5,000,000'' and inserting ''$10,000,000''.

SEC. 1168. FISH HATCHERIES.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may operate a fish hatchery for the purpose of restoring a population of fish species located in the region surrounding the fish hatchery that is listed as a threatened species or an endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or a similar State law.

(b) COSTS.—A non-Federal entity, another Federal agency, or a group of non-Federal entities or other Federal agencies shall be responsible for 100 percent of the additional costs associated with managing a fish hatchery for the purpose described in subsection (a) that are not authorized as of the date of enactment of this Act for the fish hatchery.

SEC. 1169. SHORE DAMAGE PREVENTION OR MITIGATION.

Section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i) is amended—

(1) in subsection (b) by striking ''measures'' and all that follows through ''project'' and inserting ''measures, including a study, shall be cost-shared in the same proportion as the cost-sharing provisions applicable to construction of the project''; and

(2) by adding at the end the following:

''(e) REIMBURSEMENT FOR FEASIBILITY STUDIES.—Beginning on the date of enactment of this subsection, in any case in which the Secretary implements a project under this section, the Secretary shall reimburse or credit the non-Federal interest for any amounts contributed for the study evaluating the damage in excess of the non-Federal share of the costs, as determined under subsection (b).''.

SEC. 1170. ENHANCING LAKE RECREATION OPPORTUNITIES.

Section 3134 of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1142) is amended by striking subsection (e).

SEC. 1171. CREDIT IN LIEU OF REIMBURSEMENT.

Section 1022 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2225) is amended—

(1) in subsection (a) by striking ''that has been constructed by a non-Federal interest under section 211 of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13) before the date of enactment of this Act'' and inserting ''for which a written agreement with the Corps of Engineers for construction was finalized on or before December 31, 2014, under section 211 of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13) (as it existed before the repeal made by section 1014(c)(3))''; and

(2) in subsection (b) by striking ''share of the cost of the non-Federal interest of carrying out other flood damage reduction projects or studies'' and inserting ''non-Federal share of the cost of carrying out other water resources development projects or studies of the non-Federal interest''.

SEC. 1172. EASEMENTS FOR ELECTRIC, TELEPHONE, OR BROADBAND SERVICE FACILITIES.

(a) DEFINITION OF WATER RESOURCES DEVELOPMENT PROJECT.—In this section, the term ''water resources development project'' means a project under the administrative jurisdiction of the Corps of Engineers that is subject to part 327 of title 36, Code of Federal Regulations (or successor regulations).

(b) NO CONSIDERATION FOR EASEMENTS.—The Secretary may not collect consideration for an easement across water resources development project land for the electric, telephone, or broadband service facilities of nonprofit organizations eligible for financing under the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.).

(c) ADMINISTRATIVE EXPENSES.—Nothing in this section affects the authority of the Secretary under section 2695 of title 10, United States Code, or under section 9701 of title 31, United State Code, to collect funds to cover reasonable administrative expenses incurred by the Secretary.

SEC. 1173. STUDY ON PERFORMANCE OF INNOVATIVE MATERIALS.

(a) INNOVATIVE MATERIAL DEFINED.—In this section, the term ''innovative material'', with respect to a water resources development project, includes high performance concrete formulations, geosynthetic materials, advanced alloys and metals, reinforced polymer composites, including any coatings or other corrosion prevention methods used in conjunction with such materials, and any other material, as determined by the Secretary.

(b) STUDY.—

(1) IN GENERAL.—The Secretary shall offer to enter into a contract with the Transportation Research Board of the National Academy of Sciences—

(A) to develop a proposal to study the use and performance of innovative materials in water resources development projects carried out by the Corps of Engineers; and

(B) after the opportunity for public comment provided in accordance with subsection (c), to carry out the study proposed under subparagraph (A).

(2) CONTENTS.—The study under paragraph (1) shall identify—

(A) the conditions that result in degradation of water resources infrastructure;

(B) the capabilities of innovative materials in reducing degradation;

(C) any statutory, fiscal, regulatory, or other barriers to the expanded successful use of innovative materials;

(D) recommendations on including performance-based requirements for the incorporation of innovative materials into the Unified Facilities Guide Specifications;

(E) recommendations on how greater use of innovative materials could increase performance of an asset of the Corps of Engineers in relation to extended service life;

(F) additional ways in which greater use of innovative materials could empower the Corps of Engineers to accomplish the goals of the Strategic Plan for Civil Works of the Corps of Engineers; and

(G) recommendations on any further research needed to improve the capabilities of innovative materials in achieving extended service life and reduced maintenance costs in water resources development infrastructure.

(c) PUBLIC COMMENT.—After developing the study proposal under subsection (b)(1)(A) and before carrying out the study under subsection (b)(1)(B), the Secretary shall provide an opportunity for public comment on the study proposal.

(d) CONSULTATION.—In carrying out the study under subsection (b)(1), the Secretary, at a minimum, shall consult with relevant experts on engineering, environmental, and industry considerations.

(e) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study under subsection (b)(1).

SEC. 1174. CONVERSION OF SURPLUS WATER AGREEMENTS.

For the purposes of section 6 of the Act of December 22, 1944 (58 Stat. 890, chapter 665; 33 U.S.C. 708), in any case in which a water supply agreement with a duration of 30 years or longer was predicated on water that was surplus to a purpose and provided for the complete payment of the actual investment costs of storage to be used, and that purpose is no longer authorized as of the date of enactment of this section, the Secretary shall provide to the non-Federal entity an opportunity to convert the agreement to a permanent storage agreement in accordance with section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b), with the same payment terms incorporated in the agreement.

SEC. 1175. PROJECTS FUNDED BY THE INLAND WATERWAYS TRUST FUND.

Beginning on June 10, 2014, and ending on the date of the completion of the project for navigation, Lower Ohio River, Locks and Dams 52 and 53, Illinois and Kentucky, authorized by section 3(a)(6) of the Water Resources Development Act of 1988 (102 Stat. 4013), section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)) shall not apply to any project authorized to receive funding from the Inland Waterways Trust Fund established by section 9506(a) of the Internal Revenue Code of 1986.

SEC. 1176. REHABILITATION ASSISTANCE.

Section 5 of the Act of August 18, 1941 (55 Stat. 650, chapter 377; 33 U.S.C. 701n), is amended—

(1) in subsection (a) by adding at the end the following:

''(3) NONSTRUCTURAL ALTERNATIVES DEFINED.—In this subsection, the term 'nonstructural alternatives' includes efforts to restore or protect natural resources, including streams, rivers, floodplains, wetlands, or coasts, if those efforts will reduce flood risk.''; and

(2) by adding at the end the following:

''(d) INCREASED LEVEL OF PROTECTION.—In conducting repair or restoration work under subsection (a), at the request of the non-Federal sponsor, the Chief of Engineers may increase the level of protection above the level to which the system was designed, or, if the repair or restoration includes repair or restoration of a pumping station, increase the capacity of a pump, if—

''(1) the Chief of Engineers determines the improvements are in the public interest, including consideration of whether—

''(A) the authority under this section has been used more than once at the same location;

''(B) there is an opportunity to decrease significantly the risk of loss of life and property damage; or

''(C) there is an opportunity to decrease total life cycle rehabilitation costs for the project; and

''(2) the non-Federal sponsor agrees to pay the difference between the cost of repair or restoration to the original design level or original capacity and the cost of achieving the higher level of protection or capacity sought by the non-Federal sponsor.

''(e) NOTICE.—The Secretary shall notify and consult with the non-Federal sponsor regarding the opportunity to request implementation of nonstructural alternatives to the repair or restoration of a flood control work under subsection (a).''.

SEC. 1177. REHABILITATION OF CORPS OF ENGINEERS CONSTRUCTED DAMS.

(a) IN GENERAL.—If the Secretary determines that the project is feasible, the Secretary may carry out a project for the rehabilitation of a dam described in subsection (b).

(b) ELIGIBLE DAMS.—A dam eligible for assistance under this section is a dam—

(1) that has been constructed, in whole or in part, by the Corps of Engineers for flood control purposes;

(2) for which construction was completed before 1940;

(3) that is classified as ''high hazard potential'' by the State dam safety agency of the State in which the dam is located; and

(4) that is operated by a non-Federal entity.

(c) COST SHARING.—Non-Federal interests shall provide 35 percent of the cost of construction of any project carried out under this section, including provision of all land, easements, rights-of-way, and necessary relocations.

(d) AGREEMENTS.—Construction of a project under this section shall be initiated only after a non-Federal interest has entered into a binding agreement with the Secretary—

(1) to pay the non-Federal share of the costs of construction under subsection (c); and

(2) to pay 100 percent of any operation, maintenance, and replacement and rehabilitation costs with respect to the project in accordance with regulations prescribed by the Secretary.

(e) COST LIMITATION.—The Secretary shall not expend more than $10,000,000 for a project at any single dam under this section.

(f) FUNDING.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2017 through 2026.

SEC. 1178. COLUMBIA RIVER.

(a) ECOSYSTEM RESTORATION.—Section 536(g) of the Water Resources Development Act of 2000 (Public Law 106–541; 114 Stat. 2662; 128 Stat. 1314) is amended by striking ''$50,000,000'' and inserting ''$75,000,000''.

(b) WATERCRAFT INSPECTION STATIONS.—Section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610) is amended—

(1) in subsection (d)—

(A) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—In carrying out this section, the Secretary may establish, operate, and maintain new or existing watercraft inspection stations to protect the Columbia River Basin to be located in the States of Idaho, Montana, Oregon, and Washington at locations, as determined by the Secretary in consultation with such States, with the highest likelihood of preventing the spread of aquatic invasive species at reservoirs operated and maintained by the Secretary. The Secretary shall also assist the States referred to in this paragraph with rapid response to any aquatic invasive species, including quagga or zebra mussel, infestation.''; and

(B) in paragraph (3)(A) by inserting ''Governors of the'' before ''States''; and

(2) in subsection (e) by striking paragraph (3) and inserting the following:

''(3) assist States in early detection of aquatic invasive species, including quagga and zebra mussels; and''.

(c) TRIBAL ASSISTANCE.—

(1) ASSISTANCE AUTHORIZED.—

(A) IN GENERAL.—Upon the request of the Secretary of the Interior, the Secretary may provide assistance on land transferred by the Department of the Army to the Department of the Interior pursuant to title IV of Public Law 100–581 (102 Stat. 2944; 110 Stat. 766; 110 Stat. 3762; 114 Stat. 2679; 118 Stat. 544) to Indian tribes displaced as a result of the construction of the Bonneville Dam, Oregon.

(B) CLARIFICATION.—

(i) IN GENERAL.—The Secretary is authorized to provide the assistance described in subparagraph (A) based on information known or studies undertaken by the Secretary prior to the date of enactment of this subsection.

(ii) ADDITIONAL STUDIES.—To the extent that the Secretary determines necessary, the Secretary is authorized to undertake additional studies to further examine any impacts to Indian tribes identified in subparagraph (A) beyond any information or studies identified under clause (i), except that the Secretary is authorized to provide the assistance described in subparagraph (A) based solely on information known or studies undertaken by the Secretary prior to the date of enactment of this subsection.

(2) STUDY OF IMPACTS OF JOHN DAY DAM, OREGON.—The Secretary shall—

(A) conduct a study to determine the number of Indian tribes displaced by the construction of the John Day Dam, Oregon; and

(B) recommend to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a plan to provide assistance to Indian tribes displaced as a result of the construction of the John Day Dam, Oregon.

SEC. 1179. MISSOURI RIVER.

(a) RESERVOIR SEDIMENT MANAGEMENT.—

(1) DEFINITION OF SEDIMENT MANAGEMENT PLAN.—In this subsection, the term ''sediment management plan'' means a plan for preventing sediment from reducing water storage capacity at a reservoir and increasing water storage capacity through sediment removal at a reservoir.

(2) UPPER MISSOURI RIVER BASIN PILOT PROGRAM.—The Secretary shall carry out a pilot program for the development and implementation of sediment management plans for reservoirs owned and operated by the Secretary in the Upper Missouri River Basin, on request by project beneficiaries.

(3) PLAN ELEMENTS.—A sediment management plan under paragraph (2) shall—

(A) provide opportunities for project beneficiaries and other stakeholders to participate in sediment management decisions;

(B) evaluate the volume of sediment in a reservoir and impacts on storage capacity;

(C) identify preliminary sediment management options, including sediment dikes and dredging;

(D) identify constraints;

(E) assess technical feasibility, economic justification, and environmental impacts;

(F) identify beneficial uses for sediment; and

(G) to the maximum extent practicable, use, develop, and demonstrate innovative, cost-saving technologies, including structural and nonstructural technologies and designs, to manage sediment.

(4) COST SHARE.—The beneficiaries requesting a sediment management plan shall share in the cost of development and implementation of the plan and such cost shall be allocated among the beneficiaries in accordance with the benefits to be received.

(5) CONTRIBUTED FUNDS.—The Secretary may accept funds from non-Federal interests and other Federal agencies to develop and implement a sediment management plan under this subsection.

(6) GUIDANCE.—The Secretary shall use the knowledge gained through the development and implementation of sediment management plans under paragraph (2) to develop guidance for sediment management at other reservoirs.

(7) PARTNERSHIP WITH SECRETARY OF THE INTERIOR.—

(A) IN GENERAL.—The Secretary shall carry out the pilot program established under this subsection in partnership with the Secretary of the Interior, and the program may apply to reservoirs managed or owned by the Bureau of Reclamation on execution of a memorandum of agreement between the Secretary and the Secretary of the Interior establishing the framework for a partnership and the terms and conditions for sharing expertise and resources.

(B) LEAD AGENCY.—The Secretary that has primary jurisdiction over a reservoir shall take the lead in developing and implementing a sediment management plan for that reservoir.

(8) OTHER AUTHORITIES NOT AFFECTED.—Nothing in this subsection affects sediment management or the share of costs paid by Federal and non-Federal interests relating to sediment management under any other provision of law (including regulations).

(b) SNOWPACK AND DROUGHT MONITORING.—Section 4003(a) of the Water Resources Reform and Development Act of 2014 (Public Law 113–121; 128 Stat. 1310) is amended by adding at the end the following:

''(5) LEAD AGENCY.—The Corps of Engineers shall be the lead agency for carrying out and coordinating the activities described in paragraph (1).''.

SEC. 1180. CHESAPEAKE BAY OYSTER RESTORATION.

Section 704(b)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2263(b)(1)) is amended by striking ''$60,000,000'' and inserting ''$100,000,000''.

SEC. 1181. SALTON SEA, CALIFORNIA.

(a) IN GENERAL.—Section 3032 of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1113) is amended—

*(1) in the section heading by inserting ''**PROGRAM**'' after ''**RESTORATION**'';*

(2) in subsection (b)—

(A) in the subsection heading by striking ''PILOT PROJECTS'' and inserting ''PROGRAM'';

(B) in paragraph (1)—

(i) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively;

(ii) by inserting before subparagraph (B) (as so redesignated) the following:

''(A) ESTABLISHMENT.—The Secretary shall carry out a program to implement projects to restore the Salton Sea in accordance with this section.'';

(iii) in subparagraph (B) (as redesignated by clause (i)) by striking ''the pilot''; and

(iv) in subparagraph (C)(i) (as redesignated by clause (i))—

(I) in the matter preceding subclause (I), by striking ''the pilot projects referred to in subparagraph (A)'' and inserting ''the projects referred to in subparagraph (B)'';

(II) in subclause (I) by inserting '', Salton Sea Authority, or other non-Federal interest'' before the semicolon; and

(III) in subclause (II) by striking ''pilot'';

(C) in paragraph (2), in the matter preceding subparagraph (A), by striking ''pilot''; and

(D) in paragraph (3)—

(i) by striking ''pilot'' each place it appears; and

(ii) by inserting '', Salton Sea Authority, or other non-Federal interest'' after ''State''; and

(3) in subsection (c) by striking ''pilot''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1041) is amended by striking the item relating to section 3032 and inserting the following:

''3032. Salton Sea restoration program, California.''.

SEC. 1182. ADJUSTMENT.

Section 219(f) of the Water Resources Development Act of 1992 (Public Law 102–580) is amended—

(1) in paragraph (25) (113 Stat. 336)—

(A) by inserting ''Berkeley,'' before ''Calhoun,''; and

(B) by striking ''Orangeberg, and Sumter'' and inserting ''and Orangeberg''; and

(2) in paragraph (78) (121 Stat. 1258)—

(A) in the paragraph heading by striking ''ST. CLAIR COUNTY,'' and inserting ''ST. CLAIR COUNTY, BLOUNT COUNTY, AND CULLMAN COUNTY,''; and

(B) by striking ''St. Clair County,'' and inserting ''St. Clair County, Blount County, and Cullman County,''.

SEC. 1183. COASTAL ENGINEERING.

(a) IN GENERAL.—Section 4014(b) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2803a(b)) is amended—

(1) in paragraph (1) by inserting ''Indian tribes,'' after ''nonprofit organizations,'';

(2) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

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

''(3) give priority to projects in communities the existence of which is threatened by rising sea level, including projects relating to shoreline restoration, tidal marsh restoration, dunal habitats to protect coastal infrastructure, reduction of future and existing emergency repair costs, and the beneficial reuse of dredged materials;''.

(b) INTERAGENCY COORDINATION ON COASTAL RESILIENCE.—

(1) IN GENERAL.—The Secretary shall convene an interagency working group on resilience to extreme weather, which will coordinate research, data, and Federal investments related to sea level rise, resiliency, and vulnerability to extreme weather, including coastal resilience.

(2) CONSULTATION.—The interagency working group convened under paragraph (1) shall participate in any activity carried out by an organization authorized by a State to study and issue recommendations on how to address the impacts on Federal assets of recurrent flooding and sea level rise, including providing consultation regarding policies, programs, studies, plans, and best practices relating to recurrent flooding and sea level rise in areas with significant Federal assets.

(c) REGIONAL ASSESSMENTS.—

(1) IN GENERAL.—The Secretary may conduct regional assessments of coastal and back bay protection and of Federal and State policies and programs related to coastal water resources, including—

(A) an assessment of the probability and the extent of coastal flooding and erosion, including back bay and estuarine flooding;

(B) recommendations for policies and other measures related to regional Federal, State, local, and private participation in shoreline and back bay protection projects;

(C) an evaluation of the performance of existing Federal coastal storm damage reduction, ecosystem restoration, and navigation projects, including recommendations for the improvement of those projects; and

(D) recommendations for the demonstration of methodologies for resilience through the use of natural and nature-based infrastructure approaches, as appropriate.

(2) COOPERATION.—In carrying out paragraph (1), the Secretary shall cooperate with—

(A) heads of appropriate Federal agencies;

(B) States that have approved coastal management programs and appropriate agencies of those States;

(C) local governments; and

(D) the private sector.

(d) STREAMLINING.—In carrying out this section, the Secretary shall—

(1) to the maximum extent practicable, use existing research done by Federal, State, regional, local, and private entities to eliminate redundancies and related costs;

(2) receive from any of the entities described in subsection (c)(2)—

(A) contributed funds; or

(B) research that may be eligible for credit as work-in-kind under applicable Federal law; and

(3) enable each District or combination of Districts of the Corps of Engineers that jointly participate in carrying out an assessment under this section to consider regionally appropriate engineering, biological, ecological, social, economic, and other factors in carrying out the assessment.

(e) REPORTS.—The Secretary shall submit in the 2019 annual report submitted to Congress in accordance with section 8 of the Act of August 11, 1888 (25 Stat. 424, chapter 860; 33 U.S.C. 556), and section 925(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2295(b)) all reports and recommendations prepared under this section, together with any necessary supporting documentation.

SEC. 1184. CONSIDERATION OF MEASURES.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) NATURAL FEATURE.—The term ''natural feature'' means a feature that is created through the action of physical, geological, biological, and chemical processes over time.

(2) NATURE-BASED FEATURE.—The term ''nature-based feature'' means a feature that is created by human design, engineering, and construction to provide risk reduction in coastal areas by acting in concert with natural processes.

(b) REQUIREMENT.—In studying the feasibility of projects for flood risk management, hurricane and storm damage reduction, and ecosystem restoration the Secretary shall, with the consent of the non-Federal sponsor of the feasibility study, consider, as appropriate—

(1) natural features;

(2) nature-based features;

(3) nonstructural measures; and

(4) structural measures.

(c) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than February 1, 2020, and 5 and 10 years thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the implementation of subsection (b).

(2) CONTENTS.—The report under paragraph (1) shall include, at a minimum, the following:

(A) A description of guidance or instructions issued, and other measures taken, by the Secretary and the Chief of Engineers to implement subsection (b).

(B) An assessment of the costs, benefits, impacts, and trade-offs associated with measures recommended by the Secretary for coastal risk reduction and the effectiveness of those measures.

(C) A description of any statutory, fiscal, or regulatory barriers to the appropriate consideration and use of a full array of measures for coastal risk reduction.

SEC. 1185. TABLE ROCK LAKE, ARKANSAS AND MISSOURI.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary—

(1) shall include a 60-day public comment period for the Table Rock Lake Master Plan and Table Rock Lake Shoreline Management Plan revision; and

(2) shall finalize the revision for the Table Rock Lake Master Plan and Table Rock Lake Shoreline Management Plan during the 2-year period beginning on the date of enactment of this Act.

(b) SHORELINE USE PERMITS.—During the period described in subsection (a)(2), the Secretary shall lift or suspend the moratorium on the issuance of new, and modifications to existing, shoreline use permits based on the existing Table Rock Lake Master Plan and Table Rock Lake Shoreline Management Plan.

(c) OVERSIGHT COMMITTEE.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary shall establish an oversight committee (referred to in this subsection as the ''Committee'').

(2) PURPOSES.—The purposes of the Committee shall be—

(A) to review any permit to be issued under the existing Table Rock Lake Master Plan at the recommendation of the District Engineer; and

(B) to advise the District Engineer on revisions to the new Table Rock Lake Master Plan and Table Rock Lake Shoreline Management Plan.

(3) MEMBERSHIP.—The membership of the Committee shall not exceed 6 members and shall include—

(A) not more than 1 representative each from the State of Missouri and the State of Arkansas;

(B) not more than 1 representative each from local economic development organizations with jurisdiction over Table Rock Lake; and

(C) not more than 1 representative each representing the boating and conservation interests of Table Rock Lake.

(4) STUDY.—The Secretary shall—

(A) carry out a study on the need to revise permit fees relating to Table Rock Lake to better reflect the cost of issuing those permits and achieve cost savings;

(B) submit to Congress a report on the results of the study described in subparagraph (A); and

(C) begin implementation of a new permit fee structure based on the findings of the study described in subparagraph (A).

SEC. 1186. RURAL WESTERN WATER.

Section 595 of the Water Resources Development Act of 1999 (Public Law 106–53; 113 Stat. 383; 128 Stat. 1316) is amended—

(1) by redesignating subsection (h) as subsection (i);

(2) by inserting after subsection (g) the following:

''(h) ELIGIBILITY.—

''(1) IN GENERAL.—Assistance under this section shall be made available to all eligible States and locales described in subsection (b) consistent with program priorities determined by the Secretary in accordance with criteria developed by the Secretary to establish the program priorities.

''(2) SELECTION OF PROJECTS.—In selecting projects for assistance under this section, the Secretary shall give priority to a project located in an eligible State or local entity for which the project sponsor is prepared to—

''(A) execute a new or amended project cooperation agreement; and

''(B) commence promptly after the date of enactment of the Water Resources Development Act of 2016.

''(3) RURAL PROJECTS.—The Secretary shall consider a project authorized under this section and an environmental infrastructure project authorized under section 219 of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4835) for new starts on the same basis as any other similarly funded project.''; and

(3) in subsection (i) (as redesignated by paragraph (1)) by striking ''which shall—'' and all that follows through ''remain'' and inserting ''to remain''.

SEC. 1187. INTERSTATE COMPACTS.

Section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b) is amended by striking subsection (f).

SEC. 1188. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) State water quality standards that impact the disposal of dredged material should be developed collaboratively, with input from all relevant stakeholders;

(2) open-water disposal of dredged material should be reduced to the maximum extent practicable; and

(3) where practicable, the preference is for disputes between States related to the disposal of dredged material and the protection of water quality to be resolved between the States in accordance with regional plans and with the involvement of regional bodies.

SEC. 1189. DREDGED MATERIAL DISPOSAL.

Disposal of dredged material shall not be considered environmentally acceptable for the purposes of identifying the Federal standard (as defined in section 335.7 of title 33, Code of Federal Regulations (or successor regulations)) if the disposal violates applicable State water quality standards approved by the Administrator of the Environmental Protection Agency under section 303 of the Federal Water Pollution Control Act (33 U.S.C. 1313).

Subtitle B—Studies

SEC. 1201. AUTHORIZATION OF PROPOSED FEASIBILITY STUDIES.

The Secretary is authorized to conduct a feasibility study for the following projects for water resources development and conservation and other purposes, as identified in the reports titled ''Report to Congress on Future Water Resources Development'' submitted to Congress on January 29, 2015, and January 29, 2016, respectively, pursuant to section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d) or otherwise reviewed by Congress:

(1) OUACHITA-BLACK RIVERS, ARKANSAS AND LOUISIANA.—Project for navigation, Ouachita-Black Rivers, Arkansas and Louisiana.

(2) CACHE CREEK SETTLING BASIN, CALIFORNIA.—Project for flood damage reduction and ecosystem restoration, Cache Creek Settling Basin, California.

(3) COYOTE VALLEY DAM, CALIFORNIA.—Project for flood control, water conservation, and related purposes, Russian River Basin, California, authorized by the River and Harbor Act of 1950 (64 Stat. 177), to modify the Coyote Valley Dam to add environmental restoration as a project purpose and to increase water supply and improve reservoir operations.

(4) DEL ROSA CHANNEL, CITY OF SAN BERNARDINO, CALIFORNIA.—Project for flood damage reduction and ecosystem restoration, Del Rosa Channel, city of San Bernardino, California.

(5) MERCED COUNTY STREAMS, CALIFORNIA.—Project for flood damage reduction, Merced County Streams, California.

(6) MISSION-ZANJA CHANNEL, CITIES OF SAN BERNARDINO AND REDLANDS, CALIFORNIA.—Project for flood damage reduction and ecosystem restoration, Mission-Zanja Channel, cities of San Bernardino and Redlands, California.

(7) SOBOBA INDIAN RESERVATION, CALIFORNIA.—Project for flood damage reduction, Soboba Indian Reservation, California.

(8) INDIAN RIVER INLET, DELAWARE.—Project for hurricane and storm damage reduction, Indian River Inlet, Delaware.

(9) LEWES BEACH, DELAWARE.—Project for hurricane and storm damage reduction, Lewes Beach, Delaware.

(10) MISPILLION COMPLEX, KENT AND SUSSEX COUNTIES, DELAWARE.—Project for hurricane and storm damage reduction, Mispillion Complex, Kent and Sussex Counties, Delaware.

(11) DAYTONA BEACH, FLORIDA.—Project for flood damage reduction, Daytona Beach, Florida.

(12) BRUNSWICK HARBOR, GEORGIA.—Project for navigation, Brunswick Harbor, Georgia.

(13) DUBUQUE, IOWA.—Project for flood damage reduction, Dubuque, Iowa.

(14) ST. TAMMANY PARISH, LOUISIANA.—Project for flood damage reduction and ecosystem restoration, St. Tammany Parish, Louisiana.

(15) CATTARAUGUS CREEK, NEW YORK.—Project for flood damage reduction, Cattaraugus Creek, New York.

(16) CAYUGA INLET, ITHACA, NEW YORK.—Project for navigation and flood damage reduction, Cayuga Inlet, Ithaca, New York.

(17) DELAWARE RIVER BASIN, NEW YORK, NEW JERSEY, PENNSYLVANIA, AND DELAWARE.—Projects for flood control, Delaware River Basin, New York, New Jersey, Pennsylvania, and Delaware, authorized by section 408 of the Act of July 24, 1946 (60 Stat. 644, chapter 596), and section 203 of the Flood Control Act of 1962 (76 Stat. 1182), to review operations of the projects to enhance opportunities for ecosystem restoration and water supply.

(18) SILVER CREEK, HANOVER, NEW YORK.—Project for flood damage reduction and ecosystem restoration, Silver Creek, Hanover, New York.

(19) STONYCREEK AND LITTLE CONEMAUGH RIVERS, PENNSYLVANIA.—Project for flood damage reduction and recreation, Stonycreek and Little Conemaugh Rivers, Pennsylvania.

(20) TIOGA-HAMMOND LAKE, PENNSYLVANIA.—Project for ecosystem restoration, Tioga-Hammond Lake, Pennsylvania.

(21) BRAZOS RIVER, FORT BEND COUNTY, TEXAS.—Project for flood damage reduction in the vicinity of the Brazos River, Fort Bend County, Texas.

(22) CHACON CREEK, CITY OF LAREDO, TEXAS.—Project for flood damage reduction, ecosystem restoration, and recreation, Chacon Creek, city of Laredo, Texas.

(23) CORPUS CHRISTI SHIP CHANNEL, TEXAS.—Project for navigation, Corpus Christi Ship Channel, Texas.

(24) CITY OF EL PASO, TEXAS.—Project for flood damage reduction, city of El Paso, Texas.

(25) GULF INTRACOASTAL WATERWAY, BRAZORIA AND MATAGORDA COUNTIES, TEXAS.—Project for navigation and hurricane and storm damage reduction, Gulf Intracoastal Waterway, Brazoria and Matagorda Counties, Texas.

(26) PORT OF BAY CITY, TEXAS.—Project for navigation, Port of Bay City, Texas.

(27) CHINCOTEAGUE ISLAND, VIRGINIA.—Project for hurricane and storm damage reduction, navigation, and ecosystem restoration, Chincoteague Island, Virginia.

(28) BURLEY CREEK WATERSHED, KITSAP COUNTY, WASHINGTON.—Project for flood damage reduction and ecosystem restoration, Burley Creek Watershed, Kitsap County, Washington.

(29) SAVANNAH RIVER BELOW AUGUSTA, GEORGIA.—Project for ecosystem restoration, water supply, recreation, and flood control, Savannah River below Augusta, Georgia.

(30) JOHNSTOWN, PENNSYLVANIA.—Project for flood damage reduction, Johnstown, Pennsylvania.

SEC. 1202. ADDITIONAL STUDIES.

(a) TULSA AND WEST TULSA, ARKANSAS RIVER, OKLAHOMA.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of modifying the projects for flood risk management, Tulsa and West Tulsa, Oklahoma, authorized by section 3 of the Act of August 18, 1941 (55 Stat. 645, chapter 377).

(2) REQUIREMENTS.—In carrying out the study under paragraph (1), the Secretary shall address project deficiencies, uncertainties, and significant data gaps, including material, construction, and subsurface, which render the project at risk of overtopping, breaching, or system failure.

(3) PRIORITIZATION TO ADDRESS SIGNIFICANT RISKS.—In any case in which a levee or levee system (as defined in section 9002 of the Water Resources Development Act of 2007 (33 U.S.C. 3301)) is classified as Class I or II under the levee safety action classification tool developed by the Corps of Engineers, the Secretary shall expedite the project for budget consideration.

(b) CINCINNATI, OHIO.—

(1) REVIEW.—The Secretary shall review the Central Riverfront Park Master Plan, dated December 1999, and the Ohio Riverfront Study, Cincinnati, Ohio, dated August 2002, to determine the feasibility of carrying out flood risk reduction, ecosystem restoration, and recreation components beyond the ecosystem restoration and recreation components that were undertaken pursuant to section 5116 of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1238) as a second phase of that project.

(2) AUTHORIZATION.—The project authorized under section 5116 of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1238) is modified to authorize the Secretary to undertake the additional flood risk reduction and ecosystem restoration components described in paragraph (1), at a total cost of $30,000,000, if the Secretary determines that the additional flood risk reduction, ecosystem restoration, and recreation components, considered together, are feasible.

(c) ARCTIC DEEP DRAFT PORT DEVELOPMENT PARTNERSHIPS.—Section 2105 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2243) is amended—

(1) by striking ''(25 U.S.C. 450b))'' each place it appears and inserting ''(25 U.S.C. 5304)) and a Native village, Regional Corporation, or Village Corporation (as those terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602))'';

(2) in subsection (d) by striking ''the Secretary of Homeland Security'' and inserting ''the Secretary of the department in which the Coast Guard is operating''; and

(3) by adding at the end the following:

''(e) CONSIDERATION OF NATIONAL SECURITY INTERESTS.—In carrying out a study of the feasibility of an Arctic deep draft port, the Secretary—

''(1) shall consult with the Secretary of the department in which the Coast Guard is operating to identify benefits in carrying out the missions specified in section 888 of the Homeland Security Act of 2002 (6 U.S.C. 468) associated with an Arctic deep draft port;

''(2) shall consult with the Secretary of Defense to identify national security benefits associated with an Arctic deep draft port; and

''(3) may consider such benefits in determining whether an Arctic deep draft port is feasible.''.

(d) MISSISSIPPI RIVER SHIP CHANNEL, GULF TO BATON ROUGE, LOUISIANA.—The Secretary shall conduct a study to determine the feasibility of modifying the project for navigation, Mississippi River Ship Channel, Gulf to Baton Rouge, Louisiana, authorized by section 201(a) of the Harbor Development and Navigation Improvement Act of 1986 (Public Law 99–662; 100 Stat. 4090), to deepen the channel approaches and the associated area on the left descending bank of the Mississippi River between mile 98.3 and mile 100.6 Above Head of Passes (AHP) to a depth equal to the Channel.

SEC. 1203. NORTH ATLANTIC COASTAL REGION.

Section 4009 of the Water Resources Reform and Development Act of 2014 (Public Law 113–121; 128 Stat. 1316) is amended—

(1) in subsection (a) by striking ''conduct a study to determine the feasibility of carrying out projects'' and inserting ''carry out a comprehensive assessment and management plan'';

(2) in subsection (b)—

(A) in the subsection heading by striking ''STUDY'' and inserting ''ASSESSMENT AND PLAN''; and

(B) in the matter preceding paragraph (1) by striking ''study'' and inserting ''assessment and plan''; and

(3) in subsection (c)(1) by striking ''study'' and inserting ''assessment and plan''.

SEC. 1204. SOUTH ATLANTIC COASTAL STUDY.

(a) IN GENERAL.—The Secretary shall conduct a study of the coastal areas located within the geographical boundaries of the South Atlantic Division of the Corps of Engineers to identify the risks and vulnerabilities of those areas to increased hurricane and storm damage as a result of sea level rise.

(b) REQUIREMENTS.—In carrying out the study under subsection (a), the Secretary shall—

(1) conduct a comprehensive analysis of current hurricane and storm damage reduction measures with an emphasis on regional sediment management practices to sustainably maintain or enhance current levels of storm protection;

(2) identify risks and coastal vulnerabilities in the areas affected by sea level rise;

(3) recommend measures to address the vulnerabilities described in paragraph (2); and

(4) develop a long-term strategy for—

(A) addressing increased hurricane and storm damages that result from rising sea levels; and

(B) identifying opportunities to enhance resiliency, increase sustainability, and lower risks in—

(i) populated areas;

(ii) areas of concentrated economic development; and

(iii) areas with vulnerable environmental resources.

(c) REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report recommending specific and detailed actions to address the risks and vulnerabilities of the areas described in subsection (a) due to increased hurricane and storm damage as a result of sea level rise.

SEC. 1205. TEXAS COASTAL AREA.

In carrying out the comprehensive plan authorized by section 4091 of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1187), the Secretary shall consider studies, data, and information developed by the Gulf Coast Community Protection and Recovery District to expedite completion of the plan.

SEC. 1206. UPPER MISSISSIPPI AND ILLINOIS RIVERS.

(a) IN GENERAL.—The Secretary shall conduct a study of the riverine areas located within the Upper Mississippi River and Illinois River basins to identify the risks and vulnerabilities of those areas to increased flood damages.

(b) REQUIREMENTS.—In carrying out the study under subsection (a), the Secretary shall—

(1) conduct a comprehensive analysis of flood risk management measures to maintain or enhance current levels of protection;

(2) identify risks and vulnerabilities in the areas affected by flooding;

(3) recommend specific measures and actions to address the risks and vulnerabilities described in paragraph (2);

(4) coordinate with the heads of other appropriate Federal agencies, the Governors of the States within the Upper Mississippi and Illinois River basins, the appropriate levee and drainage districts, nonprofit organizations, and other interested parties;

(5) develop basinwide hydrologic models for the Upper Mississippi River System and improve analytical methods needed to produce scientifically based recommendations for improvements to flood risk management; and

(6) develop a long-term strategy for—

(A) addressing increased flood damages; and

(B) identifying opportunities to enhance resiliency, increase sustainability, and lower risks in—

(i) populated areas;

(ii) areas of concentrated economic development; and

(iii) areas with vulnerable environmental resources.

(c) REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available a report describing the results of the study conducted under subsection (b).

SEC. 1207. KANAWHA RIVER BASIN.

The Secretary shall conduct studies to determine the feasibility of implementing projects for flood risk management, ecosystem restoration, navigation, water supply, recreation, and other water resource related purposes within the Kanawha River Basin, West Virginia, Virginia, and North Carolina.

Subtitle C—Deauthorizations, Modifications, and Related Provisions

SEC. 1301. DEAUTHORIZATION OF INACTIVE PROJECTS.

(a) PURPOSES.—The purposes of this section are—

(1) to identify $10,000,000,000 in water resources development projects authorized by Congress that are no longer viable for construction due to—

(A) a lack of local support;

(B) a lack of available Federal or non-Federal resources; or

(C) an authorizing purpose that is no longer relevant or feasible;

(2) to create an expedited and definitive process for Congress to deauthorize water resources development projects that are no longer viable for construction; and

(3) to allow the continued authorization of water resources development projects that are viable for construction.

(b) INTERIM DEAUTHORIZATION LIST.—

(1) IN GENERAL.—The Secretary shall develop an interim deauthorization list that identifies—

(A) each water resources development project, or separable element of a project, authorized for construction before November 8, 2007, for which—

(i) planning, design, or construction was not initiated before the date of enactment of this Act; or

(ii) planning, design, or construction was initiated before the date of enactment of this Act, but for which no funds, Federal or non-Federal, were obligated for planning, design, or construction of the project or separable element of the project during the current fiscal year or any of the 6 preceding fiscal years; and

(B) each project or separable element identified and included on a list to Congress for deauthorization pursuant to section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)).

(2) PUBLIC COMMENT AND CONSULTATION.—

(A) IN GENERAL.—The Secretary shall solicit comments from the public and the Governors of each applicable State on the interim deauthorization list developed under paragraph (1).

(B) COMMENT PERIOD.—The public comment period shall be 90 days.

(3) SUBMISSION TO CONGRESS; PUBLICATION.—Not later than 90 days after the date of the close of the comment period under paragraph (2), the Secretary shall—

(A) submit a revised interim deauthorization list to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

(B) publish the revised interim deauthorization list in the Federal Register.

(c) FINAL DEAUTHORIZATION LIST.—

(1) IN GENERAL.—The Secretary shall develop a final deauthorization list of water resources development projects, or separable elements of projects, from the revised interim deauthorization list described in subsection (b)(3).

(2) DEAUTHORIZATION AMOUNT.—

(A) PROPOSED FINAL LIST.—The Secretary shall prepare a proposed final deauthorization list of projects and separable elements of projects that have, in the aggregate, an estimated Federal cost to complete that is at least $10,000,000,000.

(B) DETERMINATION OF FEDERAL COST TO COMPLETE.—For purposes of subparagraph (A), the Federal cost to complete shall take into account any allowances authorized by section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280), as applied to the most recent project schedule and cost estimate.

(3) IDENTIFICATION OF PROJECTS.—

(A) SEQUENCING OF PROJECTS.—

(i) IN GENERAL.—The Secretary shall identify projects and separable elements of projects for inclusion on the proposed final deauthorization

list according to the order in which the projects and separable elements of the projects were authorized, beginning with the earliest authorized projects and separable elements of projects and ending with the latest project or separable element of a project necessary to meet the aggregate amount under paragraph (2)(A).

(ii) FACTORS TO CONSIDER.—The Secretary may identify projects and separable elements of projects in an order other than that established by clause (i) if the Secretary determines, on a case-by-case basis, that a project or separable element of a project is critical for interests of the United States, based on the possible impact of the project or separable element of the project on public health and safety, the national economy, or the environment.

(iii) CONSIDERATION OF PUBLIC COMMENTS.—In making determinations under clause (ii), the Secretary shall consider any comments received under subsection (b)(2).

(B) APPENDIX.—The Secretary shall include as part of the proposed final deauthorization list an appendix that—

(i) identifies each project or separable element of a project on the interim deauthorization list developed under subsection (b) that is not included on the proposed final deauthorization list; and

(ii) describes the reasons why the project or separable element is not included on the proposed final list.

(4) PUBLIC COMMENT AND CONSULTATION.—

(A) IN GENERAL.—The Secretary shall solicit comments from the public and the Governor of each applicable State on the proposed final deauthorization list and appendix developed under paragraphs (2) and (3).

(B) COMMENT PERIOD.—The public comment period shall be 90 days.

(5) SUBMISSION OF FINAL LIST TO CONGRESS; PUBLICATION.—Not later than 120 days after the date of the close of the comment period under paragraph (4), the Secretary shall—

(A) submit a final deauthorization list and an appendix to the final deauthorization list in a report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

(B) publish the final deauthorization list and the appendix to the final deauthorization list in the Federal Register.

(d) DEAUTHORIZATION; CONGRESSIONAL REVIEW.—

(1) IN GENERAL.—After the expiration of the 180-day period beginning on the date of submission of the final deauthorization list and appendix under subsection (c), a project or separable element of a project identified in the final deauthorization list is hereby deauthorized, unless Congress passes a joint resolution disapproving the final deauthorization list prior to the end of such period.

(2) NON-FEDERAL CONTRIBUTIONS.—

(A) IN GENERAL.—A project or separable element of a project identified in the final deauthorization list under subsection (c) shall not be deauthorized under this subsection if, before the expiration of the 180-day period referred to in paragraph (1), the non-Federal interest for the project or separable element of the project provides sufficient funds to complete the project or separable element of the project.

(B) TREATMENT OF PROJECTS.—Notwithstanding subparagraph (A), each project and separable element of a project identified in the final deauthorization list shall be treated as deauthorized for purposes of the aggregate deauthorization amount specified in subsection (c)(2)(A).

(3) PROJECTS IDENTIFIED IN APPENDIX.—A project or separable element of a project identified in the appendix to the final deauthorization list shall remain subject to future deauthorization by Congress.

(e) SPECIAL RULE FOR PROJECTS RECEIVING FUNDS FOR POST-AUTHORIZATION STUDY.—A project or separable element of a project may not be identified on the interim deauthorization list developed under subsection (b), or the final deauthorization list developed under subsection (c), if the project or separable element received funding for a post-authorization study during the current fiscal year or any of the 6 preceding fiscal years.

(f) GENERAL PROVISIONS.—

(1) DEFINITIONS.—In this section, the following definitions apply:

(A) POST-AUTHORIZATION STUDY.—The term ''post-authorization study'' means—

(i) a feasibility report developed under section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282);

(ii) a feasibility study, as defined in section 105(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(d)); or

(iii) a review conducted under section 216 of the Flood Control Act of 1970 (33 U.S.C. 549a), including an initial appraisal that—

(I) demonstrates a Federal interest; and

(II) requires additional analysis for the project or separable element.

(B) WATER RESOURCES DEVELOPMENT PROJECT.—The term ''water resources development project'' includes an environmental infrastructure assistance project or program of the Corps of Engineers.

(2) TREATMENT OF PROJECT MODIFICATIONS.—For purposes of this section, if an authorized water resources development project or separable element of the project has been modified by an Act of Congress, the date of the authorization of the project or separable element shall be deemed to be the date of the most recent modification.

(g) REPEAL.—Subsection (a) and subsections (c) through (f) of section 6001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 579b) are repealed.

SEC. 1302. BACKLOG PREVENTION.

(a) PROJECT DEAUTHORIZATION.—

(1) IN GENERAL.—A water resources development project, or separable element of such a project, authorized for construction by this Act shall not be authorized after the last day of the 10-year period beginning on the date of enactment of this Act unless—

(A) funds have been obligated for construction of, or a post-authorization study for, such project or separable element during that period; or

(B) the authorization contained in this Act has been modified by a subsequent Act of Congress.

(2) IDENTIFICATION OF PROJECTS.—Not later than 60 days after the expiration of the 10-year period referred to in paragraph (1), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that identifies the projects deauthorized under paragraph (1).

(b) REPORT TO CONGRESS.—Not later than 60 days after the expiration of the 12-year period beginning on the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, and make available to the public, a report that contains—

(1) a list of any water resources development projects authorized by this Act for which construction has not been completed during that period;

(2) a description of the reasons the projects were not completed;

(3) a schedule for the completion of the projects based on expected levels of appropriations; and

(4) a 5-year and 10-year projection of construction backlog and any recommendations to Congress regarding how to mitigate current problems and the backlog.

SEC. 1303. VALDEZ, ALASKA.

(a) IN GENERAL.—Subject to subsection (b), the portion of the project for navigation, Valdez, Alaska, identified as Tract G, Harbor Subdivision, shall not be subject to navigational servitude beginning on the date of enactment of this Act.

(b) ENTRY BY FEDERAL GOVERNMENT.—The Federal Government may enter upon the property referred to in subsection (a) to carry out any required operation and maintenance of the general navigation features of the project referred to in subsection (a).

SEC. 1304. LOS ANGELES COUNTY DRAINAGE AREA, LOS ANGELES COUNTY, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall—

(1) prioritize the updating of the water control manuals for control structures for the project for flood control, Los Angeles County Drainage Area, Los Angeles County, California, authorized by section 101(b) of the Water Resources Development Act of 1990 (Public Law 101–640; 104 Stat. 4611); and

(2) integrate and incorporate into the project seasonal operations for water conservation and water supply.

(b) PARTICIPATION.—The update referred to in subsection (a) shall be done in coordination with all appropriate Federal agencies, elected officials, and members of the public.

SEC. 1305. SUTTER BASIN, CALIFORNIA.

(a) IN GENERAL.—The separable element constituting the locally preferred plan increment reflected in the report of the Chief of Engineers dated March 12, 2014, and authorized for construction in item 8 of the table contained in section 7002(2) of the Water Resources Reform and Development Act of 2014 (Public Law 113–121; 128 Stat. 1366) is no longer authorized beginning on the date of enactment of this Act.

(b) SAVINGS PROVISIONS.—The deauthorization under subsection (a) does not affect—

(1) the national economic development plan separable element reflected in the report of the Chief of Engineers dated March 12, 2014, and authorized for construction in item 8 of the table contained in section 7002(2) of the Water Resources Reform and Development Act of 2014 (Public Law 113–121; 128 Stat. 1366); or

(2) previous authorizations providing for the Sacramento River and major and minor tributaries project, including—

(A) section 2 of the Act of March 1, 1917 (39 Stat. 949, chapter 144);

(B) section 10 of the Act of December 22, 1944 (58 Stat. 900, chapter 665);

(C) section 204 of the Flood Control Act of 1950 (64 Stat. 177, chapter 188); and

(D) any other Acts relating to the authorization for the Sacramento River and major and minor tributaries project along the Feather River right bank between levee stationing 1483+33 and levee stationing 2368+00.

SEC. 1306. ESSEX RIVER, MASSACHUSETTS.

(a) DEAUTHORIZATION.—The portions of the project for navigation, Essex River, Massachusetts, authorized by the Act of July 13, 1892 (27 Stat. 88, chapter 158), and modified by the Act of March 3, 1899 (30 Stat. 1121, chapter 425), and the Act of March 2, 1907 (34 Stat. 1073, chapter 2509), that do not lie within the areas described in subsection (b) are no longer authorized beginning on the date of enactment of this Act.

(b) DESCRIPTION OF PROJECT AREAS.—The areas described in this subsection are as follows: Beginning at a point N3056139.82 E851780.21, thence southwesterly about 156.88 feet to a point N3055997.75 E851713.67; thence southwesterly about 64.59 feet to a point N3055959.37 E851661.72; thence southwesterly about 145.14 feet to a point N3055887.10 E851535.85; thence southwesterly about 204.91 feet to a point N3055855.12 E851333.45; thence northwesterly about 423.50 feet to a point N3055976.70 E850927.78; thence northwesterly about 58.77 feet to a point N3056002.99 E850875.21; thence

northwesterly about 240.57 feet to a point N3056232.82 E850804.14; thence northwesterly about 203.60 feet to a point N3056435.41 E850783.93; thence northwesterly about 78.63 feet to a point N3056499.63 E850738.56; thence northwesterly about 60.00 feet to a point N3056526.30 E850684.81; thence southwesterly about 85.56 feet to a point N3056523.33 E850599.31; thence southwesterly about 36.20 feet to a point N3056512.37 E850564.81; thence southwesterly about 80.10 feet to a point N3056467.08 E850498.74; thence southwesterly about 169.05 feet to a point N3056334.36 E850394.03; thence northwesterly about 48.52 feet to a point N3056354.38 E850349.83; thence northeasterly about 83.71 feet to a point N3056436.35 E850366.84; thence northeasterly about 212.38 feet to a point N3056548.70 E850547.07; thence northeasterly about 47.60 feet to a point N3056563.12 E850592.43; thence northeasterly about 101.16 feet to a point N3056566.62 E850693.53; thence southeasterly about 80.22 feet to a point N3056530.97 E850765.40; thence southeasterly about 99.29 feet to a point N3056449.88 E850822.69; thence southeasterly about 210.12 feet to a point N3056240.79 E850843.54; thence southeasterly about 219.46 feet to a point N3056031.13 E850908.38; thence southeasterly about 38.23 feet to a point N3056014.02 E850942.57; thence southeasterly about 410.93 feet to a point N3055896.06 E851336.21; thence northeasterly about 188.43 feet to a point N3055925.46 E851522.33; thence northeasterly about 135.47 feet to a point N3055992.91 E851639.80; thence northeasterly about 52.15 feet to a point N3056023.90 E851681.75; thence northeasterly about 91.57 feet to a point N3056106.82 E851720.59.

SEC. 1307. PORT OF CASCADE LOCKS, OREGON.

(a) EXTINGUISHMENT OF PORTIONS OF EXISTING FLOWAGE EASEMENT.—With respect to the properties described in subsection (b), beginning on the date of enactment of this Act, the flowage easements described in subsection (c) are extinguished above elevation 82.2 feet (NGVD29), the ordinary high water line.

(b) AFFECTED PROPERTIES.—The properties described in this subsection, as recorded in Hood River County, Oregon, are as follows:

(1) Lots 3, 4, 5, and 7 of the ''Port of Cascade Locks Business Park'' subdivision, Instrument Number 2014–00436.

(2) Parcels 1, 2, and 3 of Hood River County Partition, Plat Number 2008–25P.

(c) FLOWAGE EASEMENTS.—The flowage easements described in this subsection are identified as Tracts 302E–1 and 304E–1 on the easement deeds recorded as instruments in Hood River County, Oregon, and described as follows:

(1) A flowage easement dated October 3, 1936, recorded December 1, 1936, book 25, page 531 (Records of Hood River County, Oregon), in favor of the United States (302E–1–Perpetual Flowage Easement from 10/5/37, 10/5/36, and 10/3/36; previously acquired as Tracts OH–36 and OH–41 and a portion of Tract OH–47).

(2) A flowage easement dated October 5, 1936, recorded October 17, 1936, book 25, page 476 (Records of Hood River County, Oregon), in favor of the United States, affecting that portion below the 94-foot contour line above main sea level (304 E1–Perpetual Flowage Easement from 8/10/37 and 10/3/36; previously acquired as Tract OH–042 and a portion of Tract OH–47).

(d) FEDERAL LIABILITIES; CULTURAL, ENVIRONMENTAL, AND OTHER REGULATORY REVIEWS.—

(1) FEDERAL LIABILITY.—The United States shall not be liable for any injury caused by the extinguishment of an easement under this section.

(2) CULTURAL AND ENVIRONMENTAL REGULATORY ACTIONS.—Nothing in this section establishes any cultural or environmental regulation relating to the properties described in subsection (b).

(e) EFFECT ON OTHER RIGHTS.—Nothing in this section affects any remaining right or interest of the Corps of Engineers in the properties described in subsection (b).

SEC. 1308. CENTRAL DELAWARE RIVER, PHILADELPHIA, PENNSYLVANIA.

(a) AREA TO BE DECLARED NONNAVIGABLE.—Subject to subsection (c), unless the Secretary finds, after consultation with local and regional public officials (including local and regional public planning organizations), that there are substantive objections, those portions of the Delaware River, bounded by the former bulkhead and pierhead lines that were established by the Secretary of War and successors and described as follows, are declared to be nonnavigable waters of the United States:

(1) Piers 70 South through 38 South, encompassing an area bounded by the southern line of Moore Street extended to the northern line of Catherine Street extended, including the following piers: Piers 70, 68, 67, 64, 61–63, 60, 57, 55, 53, 48, 46, 40, and 38.

(2) Piers 24 North through 72 North, encompassing an area bounded by the southern line of Callowhill Street extended to the northern line of East Fletcher Street extended, including the following piers: Piers 24, 25, 27–35, 35.5, 36, 37, 38, 39, 49, 51–52, 53–57, 58–65, 66, 67, 69, 70–72, and Rivercenter.

(b) PUBLIC INTEREST DETERMINATION.—The Secretary shall make the public interest determination under subsection (a) separately for each proposed project to be undertaken within the boundaries described in subsection (a), using reasonable discretion, not later than 150 days after the date of submission of appropriate plans for the proposed project.

(c) LIMITS ON APPLICABILITY.—The declaration under subsection (a) shall apply only to those parts of the areas described in subsection (a) that are or will be bulkheaded and filled or otherwise occupied by permanent structures, including marina and recreation facilities.

SEC. 1309. HUNTINGDON COUNTY, PENNSYLVANIA.

(a) IN GENERAL.—The Secretary shall—

(1) prioritize the updating of the master plan for the Juniata River and tributaries project, Huntingdon County, Pennsylvania, authorized by section 203 of the Flood Control Act of 1962 (Public Law 87–874; 76 Stat. 1182); and

(2) ensure that alternatives for additional recreation access and development at the project are fully assessed, evaluated, and incorporated as a part of the update.

(b) PARTICIPATION.—The update referred to in subsection (a) shall be done in coordination with all appropriate Federal agencies, elected officials, and members of the public.

(c) INVENTORY.—In carrying out the update under subsection (a), the Secretary shall include an inventory of those lands that are not necessary to carry out the authorized purposes of the project.

SEC. 1310. RIVERCENTER, PHILADELPHIA, PENNSYLVANIA.

Section 38(c) of the Water Resources Development Act of 1988 (33 U.S.C. 59j–1(c)) is amended—

(1) by striking ''(except 30 years from such date of enactment, in the case of the area or any part thereof described in subsection (a)(5))''; and

(2) by adding at the end the following: ''Notwithstanding the preceding sentence, the declaration of nonnavigability for the area described in subsection (a)(5), or any part thereof, shall not expire.''.

SEC. 1311. SALT CREEK, GRAHAM, TEXAS.

(a) IN GENERAL.—The project for flood control, environmental restoration, and recreation, Salt Creek, Graham, Texas, authorized by section 101(a)(30) of the Water Resources Development Act of 1999 (Public Law 106–53; 113 Stat. 278), is no longer authorized as a Federal project beginning on the date of enactment of this Act.

(b) CERTAIN PROJECT-RELATED CLAIMS.—The non-Federal interest for the project shall hold and save the United States harmless from any claim that has arisen, or that may arise, in connection with the project.

(c) TRANSFER.—The Secretary is authorized to transfer any land acquired by the Federal Government for the project on behalf of the non-Federal interest that remains in Federal ownership on or after the date of enactment of this Act to the non-Federal interest.

(d) REVERSION.—If the Secretary determines that land transferred under subsection (c) ceases to be owned by the public, all right, title, and interest in and to the land and improvements thereon shall revert, at the discretion of the Secretary, to the United States.

SEC. 1312. TEXAS CITY SHIP CHANNEL, TEXAS CITY, TEXAS.

(a) IN GENERAL.—The portion of the Texas City Ship Channel, Texas City, Texas, described in subsection (b) shall not be subject to navigational servitude beginning on the date of enactment of this Act.

(b) DESCRIPTION.—The portion of the Texas City Ship Channel described in this subsection is a tract or parcel containing 393.53 acres (17,142,111 square feet) of land situated in the City of Texas City Survey, Abstract Number 681, and State of Texas Submerged Lands Tracts 98A and 99A, Galveston County, Texas, said 393.53 acre tract being more particularly described as follows:

(1) Beginning at the intersection of an edge of fill along Galveston Bay with the most northerly east survey line of said City of Texas City Survey, Abstract No. 681, the same being a called 375.75 acre tract patented by the State of Texas to the City of Texas City and recorded in Volume 1941, Page 750 of the Galveston County Deed Records (G.C.D.R.), from which a found U.S. Army Corps of Engineers Brass Cap stamped ''R 4–3'' set in the top of the Texas City Dike along the east side of Bay Street bears North 56° 14' 32'' West, a distance of 6,045.31 feet and from which a found U.S. Army Corps of Engineers Brass Cap stamped ''R 4–2'' set in the top of the Texas City Dike along the east side of Bay Street bears North 49° 13' 20'' West, a distance of 6,693.64 feet.

(2) Thence, over and across said State Tracts 98A and 99A and along the edge of fill along said Galveston Bay, the following 8 courses and distances:

(A) South 75° 49' 13'' East, a distance of 298.08 feet to an angle point of the tract herein described.

(B) South 81° 16' 26'' East, a distance of 170.58 feet to an angle point of the tract herein described.

(C) South 79° 20' 31'' East, a distance of 802.34 feet to an angle point of the tract herein described.

(D) South 75° 57' 32'' East, a distance of 869.68 feet to a point for the beginning of a non-tangent curve to the right.

(E) Easterly along said non-tangent curve to the right having a radius of 736.80 feet, a central angle of 24° 55' 59'', a chord of South 68° 47' 35'' East – 318.10 feet, and an arc length of 320.63 feet to a point for the beginning of a non-tangent curve to the left.

(F) Easterly along said non-tangent curve to the left having a radius of 373.30 feet, a central angle of 31° 57' 42'', a chord of South 66° 10' 42'' East – 205.55 feet, and an arc length of 208.24 feet to a point for the beginning of a non-tangent curve to the right.

(G) Easterly along said non-tangent curve to the right having a radius of 15,450.89 feet, a central angle of 02° 04' 10'', a chord of South 81° 56' 20'' East – 558.04 feet, and an arc length of 558.07 feet to a point for the beginning of a compound curve to the right and the northeasterly corner of the tract herein described.

(H) Southerly along said compound curve to the right and the easterly line of the tract herein described, having a radius of 1,425.00 feet, a central angle of 133° 08' 00'', a chord of South 14° 20' 15'' East – 2,614.94 feet, and an arc

length of 3,311.15 feet to a point on a line lying 125.00 feet northerly of and parallel with the centerline of an existing levee for the southeasterly corner of the tract herein described.

(3) Thence, continuing over and across said State Tracts 98A and 99A and along lines lying 125.00 feet northerly of, parallel, and concentric with the centerline of said existing levee, the following 12 courses and distances:

(A) North 78° 01' 58'' West, a distance of 840.90 feet to an angle point of the tract herein described.

(B) North 76° 58' 35'' West, a distance of 976.66 feet to an angle point of the tract herein described.

(C) North 76° 44' 33'' West, a distance of 1,757.03 feet to a point for the beginning of a tangent curve to the left.

(D) Southwesterly, along said tangent curve to the left having a radius of 185.00 feet, a central angle of 82° 27' 32'', a chord of South 62° 01' 41'' West – 243.86 feet, and an arc length of 266.25 feet to a point for the beginning of a compound curve to the left.

(E) Southerly, along said compound curve to the left having a radius of 4,535.58 feet, a central angle of 11° 06' 58'', a chord of South 15° 14' 26'' West – 878.59 feet, and an arc length of 879.97 feet to an angle point of the tract herein described.

(F) South 64° 37' 11'' West, a distance of 146.03 feet to an angle point of the tract herein described.

(G) South 67° 08' 21'' West, a distance of 194.42 feet to an angle point of the tract herein described.

(H) North 34° 48' 22'' West, a distance of 789.69 feet to an angle point of the tract herein described.

(I) South 42° 47' 10'' West, a distance of 161.01 feet to an angle point of the tract herein described.

(J) South 42° 47' 10'' West, a distance of 144.66 feet to a point for the beginning of a tangent curve to the right.

(K) Westerly, along said tangent curve to the right having a radius of 310.00 feet, a central angle of 59° 50' 28'', a chord of South 72° 42' 24'' West – 309.26 feet, and an arc length of 323.77 feet to an angle point of the tract herein described.

(L) North 77° 22' 21'' West, a distance of 591.41 feet to the intersection of said parallel line with the edge of fill adjacent to the easterly edge of the Texas City Turning Basin for the southwesterly corner of the tract herein described, from which a found U.S. Army Corps of Engineers Brass Cap stamped ''SWAN 2'' set in the top of a concrete column set flush in the ground along the north bank of Swan Lake bears South 20° 51' 58'' West, a distance of 4,862.67 feet.

(4) Thence, over and across said City of Texas City Survey and along the edge of fill adjacent to the easterly edge of said Texas City Turning Basin, the following 18 courses and distances:

(A) North 01° 34' 19'' East, a distance of 57.40 feet to an angle point of the tract herein described.

(B) North 05° 02' 13'' West, a distance of 161.85 feet to an angle point of the tract herein described.

(C) North 06° 01' 56'' East, a distance of 297.75 feet to an angle point of the tract herein described.

(D) North 06° 18' 07'' West, a distance of 71.33 feet to an angle point of the tract herein described.

(E) North 07° 21' 09'' West, a distance of 122.45 feet to an angle point of the tract herein described.

(F) North 26° 41' 15'' West, a distance of 46.02 feet to an angle point of the tract herein described.

(G) North 01° 31' 59'' West, a distance of 219.78 feet to an angle point of the tract herein described.

(H) North 15° 54' 07'' West, a distance of 104.89 feet to an angle point of the tract herein described.

(I) North 04° 00' 34'' East, a distance of 72.94 feet to an angle point of the tract herein described.

(J) North 06° 46' 38'' West, a distance of 78.89 feet to an angle point of the tract herein described.

(K) North 12° 07' 59'' West, a distance of 182.79 feet to an angle point of the tract herein described.

(L) North 20° 50' 47'' West, a distance of 105.74 feet to an angle point of the tract herein described.

(M) North 02° 02' 04'' West, a distance of 184.50 feet to an angle point of the tract herein described.

(N) North 08° 07' 11'' East, a distance of 102.23 feet to an angle point of the tract herein described.

(O) North 08° 16' 00'' West, a distance of 213.45 feet to an angle point of the tract herein described.

(P) North 03° 15' 16'' West, a distance of 336.45 feet to a point for the beginning of a non-tangent curve to the left.

(Q) Northerly along said non-tangent curve to the left having a radius of 896.08 feet, a central angle of 14° 00' 05'', a chord of North 09° 36' 03'' West – 218.43 feet, and an arc length of 218.97 feet to a point for the beginning of a non-tangent curve to the right.

(R) Northerly along said non-tangent curve to the right having a radius of 483.33 feet, a central angle of 19° 13' 34'', a chord of North 13° 52' 03'' East – 161.43 feet, and an arc length of 162.18 feet to a point for the northwesterly corner of the tract herein described.

(5) Thence, continuing over and across said City of Texas City Survey, and along the edge of fill along said Galveston Bay, the following 15 courses and distances:

(A) North 30° 45' 02'' East, a distance of 189.03 feet to an angle point of the tract herein described.

(B) North 34° 20' 49'' East, a distance of 174.16 feet to a point for the beginning of a non-tangent curve to the right.

(C) Northeasterly along said non-tangent curve to the right having a radius of 202.01 feet, a central angle of 25° 53' 37'', a chord of North 33° 14' 58'' East – 90.52 feet, and an arc length of 91.29 feet to a point for the beginning of a non-tangent curve to the left.

(D) Northeasterly along said non-tangent curve to the left having a radius of 463.30 feet, a central angle of 23° 23' 57'', a chord of North 48° 02' 53'' East – 187.90 feet, and an arc length of 189.21 feet to a point for the beginning of a non-tangent curve to the right.

(E) Northeasterly along said non-tangent curve to the right having a radius of 768.99 feet, a central angle of 16° 24' 19'', a chord of North 43° 01' 40'' East – 219.43 feet, and an arc length of 220.18 feet to an angle point of the tract herein described.

(F) North 38° 56' 50'' East, a distance of 126.41 feet to an angle point of the tract herein described.

(G) North 42° 59' 50'' East, a distance of 128.28 feet to a point for the beginning of a non-tangent curve to the right.

(H) Northerly along said non-tangent curve to the right having a radius of 151.96 feet, a central angle of 68° 36' 31'', a chord of North 57° 59' 42'' East – 171.29 feet, and an arc length of 181.96 feet to a point for the most northerly corner of the tract herein described.

(I) South 77° 14' 49'' East, a distance of 131.60 feet to an angle point of the tract herein described.

(J) South 84° 44' 18'' East, a distance of 86.58 feet to an angle point of the tract herein described.

(K) South 58° 14' 45'' East, a distance of 69.62 feet to an angle point of the tract herein described.

(L) South 49° 44' 51'' East, a distance of 149.00 feet to an angle point of the tract herein described.

(M) South 44° 47' 21'' East, a distance of 353.77 feet to a point for the beginning of a non-tangent curve to the left.

(N) Easterly along said non-tangent curve to the left having a radius of 253.99 feet, a central angle of 98° 53' 23'', a chord of South 83° 28' 51'' East – 385.96 feet, and an arc length of 438.38 feet to an angle point of the tract herein described.

(O) South 75° 49' 13'' East, a distance of 321.52 feet to the point of beginning and containing 393.53 acres (17,142,111 square feet) of land.

SEC. 1313. STONINGTON HARBOUR, CONNECTICUT.

The portion of the project for navigation, Stonington Harbour, Connecticut, authorized by the Act of May 23, 1828 (4 Stat. 288, chapter 73), that consists of the inner stone breakwater that begins at coordinates N. 682,146.42, E. 1231,378.69, running north 83.587 degrees west 166.79' to a point N. 682,165.05, E. 1,231,212.94, running north 69.209 degrees west 380.89' to a point N. 682,300.25, E. 1,230,856.86, is no longer authorized as a Federal project beginning on the date of enactment of this Act.

SEC. 1314. RED RIVER BELOW DENISON DAM, TEXAS, OKLAHOMA, ARKANSAS, AND LOUISIANA.

The portion of the project for flood control with respect to the Red River below Denison Dam, Texas, Oklahoma, Arkansas, and Louisiana, authorized by section 10 of the Flood Control Act of 1946 (60 Stat. 647, chapter 596), consisting of the portion of the West Agurs Levee that begins at lat. 32° 32' 50.86'' N., by long. 93° 46' 16.82'' W., and ends at lat. 32° 31' 22.79'' N., by long. 93° 45' 2.47'' W., is no longer authorized beginning on the date of enactment of this Act.

SEC. 1315. GREEN RIVER AND BARREN RIVER, KENTUCKY.

(a) IN GENERAL.—Beginning on the date of enactment of this Act, commercial navigation at the locks and dams identified in the report of the Chief of Engineers entitled ''Green River Locks and Dams 3, 4, 5, and 6 and Barren River Lock and Dam 1, Kentucky'' and dated April 30, 2015, shall no longer be authorized, and the land and improvements associated with the locks and dams shall be disposed of—

(1) consistent with this section; and

(2) subject to such terms and conditions as the Secretary determines to be necessary and appropriate in the public interest.

(b) DISPOSITION.—

(1) GREEN RIVER LOCK AND DAM 3.—The Secretary shall convey to the Rochester Dam Regional Water Commission all right, title, and interest of the United States in and to the land associated with Green River Lock and Dam 3, located in Ohio County and Muhlenberg County, Kentucky, together with any improvements on the land.

(2) GREEN RIVER LOCK AND DAM 4.—The Secretary shall convey to Butler County, Kentucky, all right, title, and interest of the United States in and to the land associated with Green River Lock and Dam 4, located in Butler County, Kentucky, together with any improvements on the land.

(3) GREEN RIVER LOCK AND DAM 5.—The Secretary shall convey to the State of Kentucky, a political subdivision of the State of Kentucky, or a nonprofit, nongovernmental organization all right, title, and interest of the United States in and to the land associated with Green River Lock and Dam 5, located in Edmonson County, Kentucky, together with any improvements on the land, for the purposes of—

(A) removing Lock and Dam 5 from the river at the earliest feasible time; and

(B) making the land available for conservation and public recreation, including river access.

(4) GREEN RIVER LOCK AND DAM 6.—

(A) IN GENERAL.—The Secretary shall transfer to the Secretary of the Interior administrative

jurisdiction over the portion of the land associated with Green River Lock and Dam 6, Edmonson County, Kentucky, that is located on the left descending bank of the Green River, together with any improvements on the land, for inclusion in Mammoth Cave National Park.

(B) TRANSFER TO THE STATE OF KENTUCKY.—The Secretary shall convey to the State of Kentucky all right, title, and interest of the United States in and to the portion of the land associated with Green River Lock and Dam 6, Edmonson County, Kentucky, that is located on the right descending bank of the Green River, together with any improvements on the land, for use by the Department of Fish and Wildlife Resources of the State of Kentucky for the purposes of—

(i) removing Lock and Dam 6 from the river at the earliest feasible time; and

(ii) making the land available for conservation and public recreation, including river access.

(5) BARREN RIVER LOCK AND DAM 1.—The Secretary shall convey to the State of Kentucky, all right, title, and interest of the United States in and to the land associated with Barren River Lock and Dam 1, located in Warren County, Kentucky, together with any improvements on the land, for use by the Department of Fish and Wildlife Resources of the State of Kentucky for the purposes of—

(A) removing Lock and Dam 1 from the river at the earliest feasible time; and

(B) making the land available for conservation and public recreation, including river access.

(c) CONDITIONS.—

(1) IN GENERAL.—The exact acreage and legal description of any land to be disposed of, transferred, or conveyed under this section shall be determined by a survey satisfactory to the Secretary.

(2) QUITCLAIM DEED.—A conveyance under paragraph (1), (2), (4), or (5) of subsection (b) shall be accomplished by quitclaim deed and without consideration.

(3) ADMINISTRATIVE COSTS.—The Secretary shall be responsible for all administrative costs associated with a transfer or conveyance under this section, including the costs of a survey carried out under paragraph (1).

(4) REVERSION.—If the Secretary determines that the land conveyed under this section is not used by a non-Federal entity for a purpose that is consistent with the purpose of the conveyance, all right, title, and interest in and to the land, including any improvements on the land, shall revert, at the discretion of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the land.

SEC. 1316. HANNIBAL SMALL BOAT HARBOR, HANNIBAL, MISSOURI.

The project for navigation at Hannibal Small Boat Harbor on the Mississippi River, Hannibal, Missouri, authorized by section 101 of the River and Harbor Act of 1950 (64 Stat. 166, chapter 188), is no longer authorized beginning on the date of enactment of this Act, and any maintenance requirements associated with the project are terminated.

SEC. 1317. LAND TRANSFER AND TRUST LAND FOR MUSCOGEE (CREEK) NATION.

(a) TRANSFER.—

(1) IN GENERAL.—Subject to paragraph (2) and for the consideration described in subsection (c), the Secretary shall transfer to the Secretary of the Interior the land described in subsection (b) to be held in trust for the benefit of the Muscogee (Creek) Nation.

(2) CONDITIONS.—The land transfer under this subsection shall be subject to the following conditions:

(A) The transfer—

(i) shall not interfere with the Corps of Engineers operation of the Eufaula Lake Project or any other authorized civil works project; and

(ii) shall be subject to such other terms and conditions as the Secretary determines to be necessary and appropriate to ensure the continued operation of the Eufaula Lake Project or any other authorized civil works project.

(B) The Secretary shall retain the right to inundate with water the land transferred to the Secretary of the Interior under this subsection as necessary to carry out an authorized purpose of the Eufaula Lake Project or any other civil works project.

(C) No gaming activities may be conducted on the land transferred under this subsection.

(b) LAND DESCRIPTION.—

(1) IN GENERAL.—The land to be transferred pursuant to subsection (a) is the approximately 18.38 acres of land located in the Northwest Quarter (NW 1/4) of sec. 3, T. 10 N., R. 16 E., McIntosh County, Oklahoma, generally depicted as ''USACE'' on the map entitled ''Muscogee (Creek) Nation Proposed Land Acquisition'' and dated October 16, 2014.

(2) SURVEY.—The exact acreage and legal description of the land to be transferred under subsection (a) shall be determined by a survey satisfactory to the Secretary and the Secretary of the Interior.

(c) CONSIDERATION.—The Muscogee (Creek) Nation shall pay—

(1) to the Secretary an amount that is equal to the fair market value of the land transferred under subsection (a), as determined by the Secretary, which funds may be accepted and expended by the Secretary; and

(2) all costs and administrative expenses associated with the transfer of land under subsection (a), including the costs of—

(A) the survey under subsection (b)(2);

(B) compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(C) any coordination necessary with respect to requirements related to endangered species, cultural resources, clean water, and clean air.

SEC. 1318. CAMERON COUNTY, TEXAS.

(a) RELEASE.—As soon as practicable after the date of enactment of this Act, the Secretary shall execute and file in the appropriate office a deed of release, amended deed, or other appropriate instrument effectuating the release of the interests of the United States in certain tracts of land located in Cameron County, Texas, as described in subsection (d).

(b) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require that any release under this section be subject to such additional terms and conditions as the Secretary considers appropriate and necessary to protect the interests of the United States.

(c) COSTS OF CONVEYANCE.—The Brownsville Navigation District shall be responsible for all reasonable and necessary costs, including real estate transaction and environmental documentation costs, associated with the releases.

(d) DESCRIPTION.—The Secretary shall release all or portions of the interests in the following tracts as determined by a survey to be paid for by the Brownsville Navigation District, that is satisfactory to the Secretary:

(1) Tract No. 1: Being 1,277.80 Acres as conveyed by the Brownsville Navigation District of Cameron County, Texas, to the United States of America by instrument dated September 22, 1932, and recorded at Volume 238, pages 578 through 580, in the Deed Records of Cameron County, Texas, to be released and abandoned in its entirety, save and except approximately 361.03 Acres, comprised of the area designated by the U.S. Army Corps of Engineers as required for the project known as Brazos Island Harbor Deepening, and further save and except approximately 165.56 Acres for the existing Dredged Material Placement Area No. 4A1.

(2) Tract No. 2: Being 842.28 Acres as condemned by the United States of America by the Final Report of Commissioners dated May 6, 1938, and recorded at Volume 281, pages 486 through 488, in the Deed Records of Cameron County, Texas, to be released and abandoned in its entirety, save and except approximately 178.15 Acres comprised of a strip 562 feet in width, being the area designated by the U.S. Army Corps of Engineers as required for the project known as Brazos Island Harbor Deepening, further save and except approximately 76.95 Acres for the existing Dredged Material Placement Area No. 4A1, and further save and except approximately 74.40 Acres for the existing Dredged Material Placement Area No. 4B1.

(3) Tract No. 3: Being 362.00 Acres as conveyed by the Manufacturing and Distributing University to the United States of America by instrument dated March 3, 1936, and recorded at Volume ''R'', page 123, in the Miscellaneous Deed Records of Cameron County, Texas, to be released and abandoned in its entirety.

(4) Tract No. 4: Being 9.48 Acres as conveyed by the Brownsville Navigation District of Cameron County, Texas, to the United States of America by instrument dated January 23, 1939, and recorded at Volume 293, pages 115 through 118, in the Deed Records of Cameron County, Texas (said 9.48 Acres are identified in said instrument as the ''Second Tract''), to be released and abandoned in its entirety, save and except approximately 1.97 Acres, comprised of the area designated by the U.S. Army Corps of Engineers as required for the project known as Brazos Island Harbor Deepening, plus 5.0 feet.

(5) Tract No. 5: Being 10.91 Acres as conveyed by the Brownsville Navigation District of Cameron County, Texas, by instrument dated March 6, 1939, and recorded at Volume 293, pages 113 through 115, in the Deed Records of Cameron County, Texas (said 10.91 Acres are identified in said instrument as ''Third Tract''), to be released and abandoned in its entirety, save and except approximately 0.36 Acre, comprised of the area designated by the U.S. Army Corps of Engineers as required for the project known as Brazos Island Harbor Deepening.

(6) Tract No. 9: Being 552.82 Acres as condemned by the United States of America by the Final Report of Commissioners dated May 6, 1938, and recorded at Volume 281, pages 483 through 486, in the Deed Records of Cameron County, Texas, to be released and abandoned in its entirety, save and except approximately 84.59 Acres, comprised of the area designated by the U.S. Army Corps of Engineers as required for the project known as Brazos Island Harbor Deepening.

(7) Tract No. 10: Being 325.02 Acres as condemned by the United States of America by the Final Report of Commissioners dated May 7, 1935, and recorded at Volume 281, pages 476 through 483, in the Deed Records of Cameron County, Texas, to be released and abandoned in its entirety, save and except approximately 76.81 Acres, comprised of the area designated by the U.S. Army Corps of Engineers as required for the project known as Brazos Island Harbor Deepening.

(8) Tract No. 11: Being 8.85 Acres in as conveyed by the Brownsville Navigation District of Cameron County, Texas, to the United States of America by instrument dated January 23, 1939, and recorded at Volume 293, Pages 115 through 118, in the Deed Records of Cameron County, Texas (said 8.85 Acres are identified in said instrument as the ''First Tract''), to be released and abandoned in its entirety, save and except approximately 0.30 Acres, comprised of the area within the project known as Brazos Island Harbor Deepening, plus 5.0 feet.

(9) Tract No. A100E: Being 13.63 Acres in as conveyed by the Brownsville Navigation District of Cameron County, Texas, to the United States of America by instrument dated September 30, 1947, and recorded at Volume 427, page 1 through 4 in the Deed Records of Cameron County, to be released and abandoned in its entirety, save and except approximately 6.60 Acres, comprised of the area designated by the U.S. Army Corps of Engineers as required for the existing project known as Brazos Island Harbor, plus 5.0 feet.

(10) Tract No. 122E: Being 31.4 Acres as conveyed by the Brownsville Navigation District of Cameron County, Texas, to the United States of America by instrument dated December 11, 1963 and recorded at Volume 756, page 393 in the Deed Records of Cameron County, Texas, to be released and abandoned in its entirety, save and except approximately 4.18 Acres in Share 31 of the Espiritu Santo Grant in Cameron County, Texas, and further save and except approximately 2.04 Acres in Share 7 of the San Martin Grant in Cameron County, Texas, being portions of the area designated by the U.S. Army Corps of Engineers as required for the current project known as Brazos Island Harbor, plus 5.0 feet.

SEC. 1319. NEW SAVANNAH BLUFF LOCK AND DAM, GEORGIA AND SOUTH CAROLINA.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) NEW SAVANNAH BLUFF LOCK AND DAM.—The term ''New Savannah Bluff Lock and Dam'' means—

(A) the lock and dam at New Savannah Bluff, Savannah River, Georgia and South Carolina; and

(B) the appurtenant features to the lock and dam, including—

(i) the adjacent approximately 50-acre park and recreation area with improvements made under the project for navigation, Savannah River below Augusta, Georgia, authorized by the first section of the Act of July 3, 1930 (46 Stat. 924), and the first section of the Act of August 30, 1935 (49 Stat. 1032); and

(ii) other land that is part of the project and that the Secretary determines to be appropriate for conveyance under this section.

(2) PROJECT.—The term ''Project'' means the project for navigation, Savannah Harbor expansion, Georgia, authorized by section 7002(1) of the Water Resources Reform and Development Act of 2014 (Public Law 113–121; 128 Stat. 1364).

(b) DEAUTHORIZATION.—

(1) IN GENERAL.—Effective beginning on the date of enactment of this Act—

(A) the New Savannah Bluff Lock and Dam is deauthorized; and

(B) notwithstanding section 348(l)(2)(B) of the Water Resources Development Act of 2000 (Public Law 106–541; 114 Stat. 2630; 114 Stat. 2763A–228) (as in effect on the day before the date of enactment of this Act) or any other provision of law, the New Savannah Bluff Lock and Dam shall not be conveyed to the city of North Augusta and Aiken County, South Carolina, or any other non-Federal entity.

(2) REPEAL.—Section 348 of the Water Resources Development Act of 2000 (Public Law 106–541; 114 Stat. 2630; 114 Stat. 2763A–228) is amended—

(A) by striking subsection (l); and

(B) by redesignating subsections (m) and (n) as subsections (l) and (m), respectively.

(c) PROJECT MODIFICATIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Project is modified to include, as the Secretary determines to be necessary—

(A)(i) repair of the lock wall of the New Savannah Bluff Lock and Dam and modification of the structure such that the structure is able—

(I) to maintain the pool for navigation, water supply, and recreational activities, as in existence on the date of enactment of this Act; and

(II) to allow safe passage over the structure to historic spawning grounds of shortnose sturgeon, Atlantic sturgeon, and other migratory fish; or

(ii)(I) construction at an appropriate location across the Savannah River of a structure that is able to maintain the pool for water supply and recreational activities, as in existence on the date of enactment of this Act; and

(II) removal of the New Savannah Bluff Lock and Dam on completion of construction of the structure; and

(B) conveyance by the Secretary to Augusta-Richmond County, Georgia, of the park and recreation area adjacent to the New Savannah Bluff Lock and Dam, without consideration.

(2) NON-FEDERAL COST SHARE.—The Federal share of the cost of any Project feature constructed pursuant to paragraph (1) shall be not greater than the share as provided by section 7002(1) of the Water Resources Reform and Development Act of 2014 (Public Law 113–121; 128 Stat. 1364) for the most cost-effective fish passage structure.

(3) OPERATION AND MAINTENANCE COSTS.—The Federal share of the costs of operation and maintenance of any Project feature constructed pursuant to paragraph (1) shall be consistent with the cost sharing of the Project as provided by law.

SEC. 1320. HAMILTON CITY, CALIFORNIA.

Section 1001(8) of the Water Resources Development Act of 2007 (121 Stat. 1050) is modified to authorize the Secretary to construct the project at a total cost of $91,000,000, with an estimated Federal cost of $59,735,061 and an estimated non-Federal cost of $31,264,939.

SEC. 1321. CONVEYANCES.

(a) PEARL RIVER, MISSISSIPPI AND LOUISIANA.—

(1) IN GENERAL.—The project for navigation, Pearl River, Mississippi and Louisiana, authorized by the first section of the Act of August 30, 1935 (49 Stat. 1033, chapter 831), and section 101 of the River and Harbor Act of 1966 (Public Law 89–789; 80 Stat. 1405), is no longer authorized as a Federal project beginning on the date of enactment of this Act.

(2) TRANSFER.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the Secretary is authorized to convey to a State or local interest, without consideration, all right, title, and interest of the United States in and to—

(i) any land in which the Federal Government has a property interest for the project described in paragraph (1); and

(ii) improvements to the land described in clause (i).

(B) RESPONSIBILITY FOR COSTS.—The transferee shall be responsible for the payment of all costs and administrative expenses associated with any transfer carried out pursuant to subparagraph (A), including costs associated with any land survey required to determine the exact acreage and legal description of the land and improvements to be transferred.

(C) OTHER TERMS AND CONDITIONS.—A transfer under subparagraph (A) shall be subject to such other terms and conditions as the Secretary determines to be necessary and appropriate to protect the interests of the United States.

(3) REVERSION.—If the Secretary determines that the land and improvements conveyed under paragraph (2) cease to be owned by the public, all right, title, and interest in and to the land and improvements shall revert, at the discretion of the Secretary, to the United States.

(b) SARDIS LAKE, MISSISSIPPI.—

(1) IN GENERAL.—The Secretary is authorized to convey to the lessee, at full fair market value, all right, title, and interest of the United Sates in and to the property identified in the leases numbered DACW38–1–15–7, DACW38–1–15–33, DACW38–1–15–34, and DACW38–1–15–38, subject to such terms and conditions as the Secretary determines to be necessary and appropriate to protect the interests of the United States.

(2) EASEMENT AND RESTRICTIVE COVENANT.—The conveyance under paragraph (1) shall include—

(A) a restrictive covenant to require the approval of the Secretary for any substantial change in the use of the property; and

(B) a flowage easement.

(c) PENSACOLA DAM AND RESERVOIR, GRAND RIVER, OKLAHOMA.—

(1) IN GENERAL.—Notwithstanding the Act of June 28, 1938 (52 Stat. 1215, chapter 795), as amended by section 3 of the Act of August 18, 1941 (55 Stat. 645, chapter 377), and notwithstanding section 3 of the Act of July 31, 1946 (60 Stat. 744, chapter 710), the Secretary shall convey, by quitclaim deed and without consideration, to the Grand River Dam Authority, an agency of the State of Oklahoma, for flood control purposes, all right, title, and interest of the United States in and to real property under the administrative jurisdiction of the Secretary acquired in connection with the Pensacola Dam project, together with any improvements on the property.

(2) FLOOD CONTROL PURPOSES.—If any interest in the real property described in paragraph (1) ceases to be managed for flood control or other public purposes and is conveyed to a non-public entity, the transferee, as part of the conveyance, shall pay to the United States the fair market value for the interest.

(3) NO EFFECT.—Nothing in this subsection—

(A) amends, modifies, or repeals any existing authority vested in the Federal Energy Regulatory Commission; or

(B) amends, modifies, or repeals any authority of the Secretary or the Chief of Engineers pursuant to section 7 of the Act of December 22, 1944 (33 U.S.C. 709).

(d) JOE POOL LAKE, TEXAS.—The Secretary shall accept from the Trinity River Authority of Texas, if received on or before December 31, 2016, $31,344,841 as payment in full of amounts owed to the United States, including any accrued interest, for the approximately 61,747.1 acre-feet of water supply storage space in Joe Pool Lake, Texas (previously known as Lakeview Lake), for which payment has not commenced under Article 5.a (relating to project investment costs) of contract number DACW63–76–C–0106 as of the date of enactment of this Act.

SEC. 1322. EXPEDITED CONSIDERATION.

(a) IN GENERAL.—Section 1011 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2341a) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(C) by inserting ''restore or'' before ''prevent the loss''; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''the date of enactment of this Act'' and inserting ''the date of enactment of the Water Resources Development Act of 2016''; and

(ii) in subparagraph (A)(ii) by striking ''that—'' and all that follows through ''limited reevaluation report''; and

(2) in subsection (b)—

(A) in paragraph (1) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively, and indenting appropriately;

(B) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(C) in the matter preceding subparagraph (A) (as so redesignated) by striking ''For'' and inserting the following:

''(1) IN GENERAL.—For''; and

(D) by adding at the end the following:

''(2) EXPEDITED CONSIDERATION OF CURRENTLY AUTHORIZED PROGRAMMATIC AUTHORITIES.—Not later than 180 days after the date of enactment of the Water Resources Development Act of 2016, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that contains—

''(A) a list of all programmatic authorities for aquatic ecosystem restoration or improvement of the environment that—

''(i) were authorized or modified in the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1041) or any subsequent Act; and

''(ii) that meet the criteria described in paragraph (1); and

''(B) a plan for expeditiously completing the projects under the authorities described in subparagraph (A), subject to available funding.''.

(b) EXPEDITED CONSIDERATION.—

(1) EXPEDITED COMPLETION OF FLOOD DAMAGE REDUCTION AND FLOOD RISK MANAGEMENT PROJECTS.—For authorized projects with a primary purpose of flood damage reduction and flood risk management, the Secretary shall provide priority funding for and expedite the completion of the following projects:

(A) Chicagoland Underflow Plan, Illinois, including stage 2 of the McCook Reservoir, as authorized by section 3(a)(5) of the Water Resources Development Act of 1988 (Public Law 100–676; 102 Stat. 4013) and modified by section 319 of the Water Resources Development Act of 1996 (Public Law 104–303; 110 Stat. 3715) and section 501(b) of the Water Resources Development Act of 1999 (Public Law 106–53; 113 Stat. 334).

(B) Cedar River, Cedar Rapids, Iowa, as authorized by section 7002(2)(3) of the Water Resources Reform and Development Act of 2014 (Public Law 113–121; 128 Stat. 1366).

(C) Comite River, Louisiana, authorized as part of the project for flood control, Amite River and Tributaries, Louisiana, by section 101(11) of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4802) and modified by section 301(b)(5) of the Water Resources Development Act of 1996 (Public Law 104–303; 110 Stat. 3709) and section 371 of the Water Resources Development Act of 1999 (Public Law 106–53; 113 Stat. 321).

(D) Amite River and Tributaries, Louisiana, East Baton Rouge Parish Watershed, as authorized by section 101(a)(21) of the Water Resources Development Act of 1999 (Public Law 106–53; 113 Stat. 277) and modified by section 116 of title I of division D of Public Law 108–7 (117 Stat. 140) and section 3074 of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1124).

(E) The projects described in paragraphs (29) through (33) of section 212(e) of the Water Resources Development Act of 1999 (33 U.S.C. 2332(e)).

(2) EXPEDITED COMPLETION OF FEASIBILITY STUDIES.—The Secretary shall give priority funding and expedite completion of the reports for the following projects, and, if the Secretary determines that a project is justified in the completed report, proceed directly to project preconstruction, engineering, and design in accordance with section 910 of the Water Resources Development Act of 1986 (33 U.S.C. 2287):

(A) The project for navigation, St. George Harbor, Alaska.

(B) The project for flood risk management, Rahway River Basin, New Jersey.

(C) The Hudson-Raritan Estuary Comprehensive Restoration Project.

(D) The project for navigation, Mobile Harbor, Alabama.

(E) The project for flood risk management, Little Colorado River at Winslow, Navajo County, Arizona.

(F) The project for flood risk management, Lower San Joaquin River, California. In carrying out the feasibility study for the project, the Secretary shall include Reclamation District 17 as part of the study.

(G) The project for flood risk management and ecosystem restoration, Sacramento River Flood Control System, California.

(H) The project for hurricane and storm damage risk reduction, Ft. Pierce, Florida.

(I) The project for flood risk management, Des Moines and Raccoon Rivers, Iowa.

(J) The project for navigation, Mississippi River Ship Channel, Louisiana.

(K) The project for flood risk management, North Branch Ecorse Creek, Wayne County, Michigan.

(3) EXPEDITED COMPLETION OF POST-AUTHORIZATION CHANGE REPORT.—The Secretary shall provide priority funding for, and expedite completion of, a post-authorization change report for the project for hurricane and storm damage risk reduction, New Hanover County, North Carolina.

(4) COMPLETION OF PROJECTS UNDER CONSTRUCTION BY NON-FEDERAL INTERESTS.—The Secretary shall expedite review and decision on recommendations for the following projects for flood damage reduction and flood risk management:

(A) Pearl River Basin, Mississippi, authorized by section 401(e)(3) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4132), as modified by section 3104 of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1134), submitted to the Secretary under section 211 of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13) (as in effect on the day before the date of enactment of the Water Resources Reform and Development Act of 2014 (Public Law 113–121; 128 Stat. 1193)).

(B) Brays Bayou, Texas, authorized by section 101(a)(21) of the Water Resources Development Act of 1990 (Public Law 101–640; 104 Stat. 4610), as modified by section 211(f)(6) of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13(f)(6)) (as in effect on the day before the date of enactment of the Water Resources Reform and Development Act of 2014 (Public Law 113–121; 128 Stat. 1193)).

Subtitle D—Water Resources Infrastructure

SEC. 1401. PROJECT AUTHORIZATIONS.

The following projects for water resources development and conservation and other purposes, as identified in the reports titled ''Report to Congress on Future Water Resources Development'' submitted to Congress on January 29, 2015, and January 29, 2016, respectively, pursuant to section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d) or otherwise reviewed by Congress, are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports designated in this section:

(1) NAVIGATION.—

1. TX	Brazos Island Harbor	Nov. 3, 2014	Federal: $121,023,000 Non-Federal: $89,453,000 Total: $210,476,000
2. LA	Calcasieu Lock	Dec. 2, 2014	Total: $17,432,000 (to be derived ½ from the general fund of the Treasury and ½ from the Inland Waterways Trust Fund)
3. NH, ME	Portsmouth Harbor and Piscataqua River	Feb. 8, 2015	Federal: $16,015,000 Non-Federal: $5,338,000 Total: $21,353,000
4. FL	Port Everglades	Jun. 25, 2015	Federal: $229,770,000 Non-Federal: $107,233,000 Total: $337,003,000
5. AK	Little Diomede Harbor	Aug. 10, 2015	Federal: $26,394,000 Non-Federal: $2,933,000 Total: $29,327,000
6. SC	Charleston Harbor	Sep. 8, 2015	Federal: $231,239,000 Non-Federal: $271,454,000 Total: $502,693,000
7. AK	Craig Harbor	Mar. 16, 2016	Federal: $29,456,000 Non-Federal: $3,299,000 Total: $32,755,000
8. PA	Upper Ohio	Sep. 12, 2016	Total: $2,691,600,000 (to be derived ½ from the general fund of the Treasury and ½ from the Inland Waterways Trust Fund).

(2) FLOOD RISK MANAGEMENT.—

1. TX	Leon Creek Watershed	Jun. 30, 2014	Federal: $22,145,000 Non-Federal: $11,925,000 Total: $34,070,000

2. MO, KS	*Armourdale and Central Industrial District Levee Units, Missouri River and Tributaries at Kansas Citys*	*Jan. 27, 2015*	*Federal: $213,271,500* *Non-Federal: $114,838,500* *Total: $328,110,000*
3. KS	*City of Manhattan*	*Apr. 30, 2015*	*Federal: $16,151,000* *Non-Federal: $8,697,000* *Total: $24,848,000*
4. TN	*Mill Creek*	*Oct. 16, 2015*	*Federal: $17,950,000* *Non-Federal: $10,860,000* *Total: $28,810,000*
5. KS	*Upper Turkey Creek Basin*	*Dec. 22, 2015*	*Federal: $25,610,000* *Non-Federal: $13,790,000* *Total: $39,400,000*
6. NC	*Princeville*	*Feb. 23, 2016*	*Federal: $14,080,000* *Non-Federal: $7,582,000* *Total: $21,662,000*
7. CA	*American River Common Features*	*Apr. 26, 2016*	*Federal: $890,046,900* *Non-Federal: $705,714,100* *Total: $1,595,761,000*
8. CA	*West Sacramento*	*Apr. 26, 2016*	*Federal: $788,861,000* *Non-Federal: $424,772,000* *Total: $1,213,633,000.*

(3) HURRICANE AND STORM DAMAGE RISK REDUCTION.—

1. SC	*Colleton County*	*Sep. 5, 2014*	*Initial Federal: $14,448,000* *Initial Non-Federal: $7,780,000* *Initial Total: $22,228,000* *Renourishment Federal: $17,491,000* *Renourishment Non-Federal: $17,491,000* *Renourishment Total: $34,982,000*
2. FL	*Flagler County*	*Dec. 23, 2014*	*Initial Federal: $9,561,000* *Initial Non-Federal: $5,149,000* *Initial Total: $14,710,000* *Renourishment Federal: $15,814,000* *Renourishment Non-Federal: $15,815,000* *Renourishment Total: $31,629,000*
3. NC	*Carteret County*	*Dec. 23, 2014*	*Initial Federal: $25,468,000* *Initial Non-Federal: $13,714,000* *Initial Total: $39,182,000* *Renourishment Federal: $120,428,000* *Renourishment Non-Federal: $120,429,000* *Renourishment Total: $240,857,000*
4. NJ	*Hereford Inlet to Cape May Inlet, Cape May County*	*Jan. 23, 2015*	*Initial Federal: $14,823,000* *Initial Non-Federal: $7,981,000* *Initial Total: $22,804,000* *Renourishment Federal: $43,501,000* *Renourishment Non-Federal: $43,501,000* *Renourishment Total: $87,002,000*
5. LA	*West Shore Lake Pontchartrain*	*Jun. 12, 2015*	*Federal: $483,496,650* *Non-Federal: $260,344,350* *Total: $743,841,000*
6. CA	*San Diego County*	*Apr. 26, 2016*	*Initial Federal: $20,953,000* *Initial Non-Federal: $11,282,000* *Initial Total: $32,235,000* *Renourishment Federal: $70,785,000* *Renourishment Non-Federal: $70,785,000* *Renourishment Total: $141,570,000.*

(4) ECOSYSTEM RESTORATION.—

1. FL	*Central Everglades*	*Dec. 23, 2014*	*Federal: $993,131,000* *Non-Federal: $991,544,000* *Total: $1,984,675,000*
2. WA	*Skokomish River*	*Dec. 14, 2015*	*Federal: $13,168,000* *Non-Federal: $7,091,000* *Total: $20,259,000*

3. WA	Puget Sound	Sep. 16, 2016	Federal: $300,009,000 Non-Federal: $161,543,000 Total: $461,552,000.

(5) FLOOD RISK MANAGEMENT AND ECOSYSTEM RESTORATION.—

1. IL, WI	Upper Des Plaines River and Tributaries	Jun. 8, 2015	Federal: $204,860,000 Non-Federal: $110,642,000 Total: $315,502,000.

(6) FLOOD RISK MANAGEMENT, ECOSYSTEM RESTORATION, AND RECREATION.—

1. CA	South San Francisco Bay Shoreline	Dec. 18, 2015	Federal: $70,511,000 Non-Federal: $106,689,000 Total: $177,200,000.

(7) ECOSYSTEM RESTORATION AND RECREATION.—

1. OR	Willamette River	Dec. 14, 2015	Federal: $19,531,000 Non-Federal: $10,845,000 Total: $30,376,000
2. CA	Los Angeles River	Dec. 18, 2015	Federal: $373,413,500 Non-Federal: $1,046,893,500 Total: $1,420,307,000.

(8) HURRICANE AND STORM DAMAGE RISK REDUCTION AND ECOSYSTEM RESTORATION.—

1. LA	Southwest Coastal Louisiana	Jul. 29, 2016	Federal: $2,054,386,100 Non-Federal: $1,106,207,900 Total: $3,160,594,000.

(9) MODIFICATIONS AND OTHER PROJECTS.—

1. TX	Upper Trinity River	May 21, 2008	Federal: $526,500,000 Non-Federal: $283,500,000 Total: $810,000,000
2. KS, MO	Turkey Creek Basin	May 13, 2016	Federal: $101,491,650 Non-Federal: $54,649,350 Total: $156,141,000
3. KY	Ohio River Shoreline	May 13, 2016	Federal: $20,309,900 Non-Federal: $10,936,100 Total: $31,246,000
4. MO	Blue River Basin	May 13, 2016	Federal: $36,326,250 Non-Federal: $12,108,750 Total: $48,435,000
5. FL	Picayune Strand	Jul. 15, 2016	Federal: $313,166,000 Non-Federal: $313,166,000 Total: $626,332,000
6. MO	Swope Park Industrial Area, Blue River	Jul. 15, 2016	Federal: $21,033,350 Non-Federal: $11,325,650 Total: $32,359,000
7. AZ	Rio de Flag, Flagstaff	Sep. 21, 2016	Federal: $66,844,900 Non-Federal: $36,039,100 Total: $102,884,000
8. TX	Houston Ship Channel	Nov. 4, 2016	Federal: $381,773,000 Non-Federal: $127,425,000 Total: $509,198,000.

SEC. 1402. SPECIAL RULES.

(a) MILL CREEK.—The portion of the project for flood risk management, Mill Creek, Tennessee, authorized by section 1401(2) of this Act that consists of measures within the Mill Creek basin shall be carried out pursuant to section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(b) LOS ANGELES RIVER.—The Secretary shall carry out the project for ecosystem restoration and recreation, Los Angeles River, California, authorized by section 1401(7) of this Act substantially in accordance with terms and conditions described in the Report of the Chief of Engineers, dated December 18, 2015, including, notwithstanding section 2008(c) of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1074), the recommended cost share.

(c) UPPER TRINITY RIVER.—Not more than $5,500,000 may be expended to carry out recreation features of the Upper Trinity River project, Texas, authorized by section 1401(9) of this Act.

TITLE II—WATER AND WASTE ACT OF 2016

SEC. 2001. SHORT TITLE.

This title may be cited as the ''Water and Waste Act of 2016''.

SEC. 2002. DEFINITION OF ADMINISTRATOR.

In this title, the term ''Administrator'' means the Administrator of the Environmental Protection Agency.

Subtitle A—Safe Drinking Water

SEC. 2101. SENSE OF CONGRESS ON APPROPRIATIONS LEVELS.

It is the sense of Congress that Congress should provide robust funding of capitalization grants to States to fund those States' drinking water treatment revolving loan funds established under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12) and the State water pollution control revolving funds established under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.).

SEC. 2102. PRECONSTRUCTION WORK.

Section 1452(a)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–12(a)(2)) is amended—

(1) in the fifth sentence, by striking ''Of the amount'' and inserting the following:

''(F) LOAN ASSISTANCE.—Of the amount'';

(2) in the fourth sentence, by striking ''The funds'' and inserting the following:

''(E) ACQUISITION OF REAL PROPERTY.—The funds under this section'';

(3) in the third sentence, by striking ''The funds'' and inserting the following:

''(D) WATER TREATMENT LOANS.—The funds under this section'';

(4) in the second sentence, by striking ''Financial assistance'' and inserting the following:

''(B) LIMITATION.—Financial assistance'';

(5) in the first sentence, by striking ''Except'' and inserting the following:

''(A) IN GENERAL.—Except'';

(6) in subparagraph (B) (as designated by paragraph (4)), by striking ''(not'' and inserting ''(including expenditures for planning, design, and associated preconstruction activities, including activities relating to the siting of the facility, but not''; and

(7) by inserting after subparagraph (B) (as designated by paragraph (4)) the following:

''(C) SALE OF BONDS.—Funds may also be used by a public water system as a source of revenue (restricted solely to interest earnings of the applicable State loan fund) or security for payment of the principal and interest on revenue or general obligation bonds issued by the State to provide matching funds under subsection (e), if the proceeds of the sale of the bonds will be deposited in the State loan fund.''.

SEC. 2103. ADMINISTRATION OF STATE LOAN FUNDS.

Section 1452(g)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–12(g)(2)) is amended—

(1) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and indenting the clauses appropriately;

(2) by striking the fifth sentence and inserting the following:

''(D) ENFORCEMENT ACTIONS.—Funds used under subparagraph (B)(ii) shall not be used for enforcement actions.'';

(3) in the fourth sentence, by striking ''An additional'' and inserting the following:

''(C) TECHNICAL ASSISTANCE.—An additional'';

(4) by striking the third sentence;

(5) in the second sentence, by striking ''For fiscal year'' and inserting the following:

''(B) ADDITIONAL USE OF FUNDS.—For fiscal year'';

(6) by striking the first sentence and inserting the following:

''(A) AUTHORIZATION.—

''(i) IN GENERAL.—For each fiscal year, a State may use the amount described in clause (ii)—

''(I) to cover the reasonable costs of administration of the programs under this section, including the recovery of reasonable costs expended to establish a State loan fund that are incurred after the date of enactment of this section; and

''(II) to provide technical assistance to public water systems within the State.

''(ii) DESCRIPTION OF AMOUNT.—The amount referred to in clause (i) is an amount equal to the sum of—

''(I) the amount of any fees collected by the State for use in accordance with clause (i)(I), regardless of the source; and

''(II) the greatest of—

''(aa) $400,000;

''(bb) 1/5 percent of the current valuation of the fund; and

''(cc) an amount equal to 4 percent of all grant awards to the fund under this section for the fiscal year.''; and

(7) in subparagraph (B) (as redesignated by paragraph (5))—

(A) in clause (iv) (as redesignated by paragraph (1)), by striking ''1419,'' and inserting ''1419.''; and

(B) in the undesignated matter following clause (iv) (as redesignated by paragraph (1)), by striking ''if the State'' and all that follows through ''State funds.''.

SEC. 2104. ASSISTANCE FOR SMALL AND DISADVANTAGED COMMUNITIES.

Part E of the Safe Drinking Water Act (42 U.S.C. 300j et seq.) is amended by adding at the end the following:

''SEC. 1459A. ASSISTANCE FOR SMALL AND DISADVANTAGED COMMUNITIES.

''(a) DEFINITION OF UNDERSERVED COMMUNITY.—In this section:

''(1) IN GENERAL.—The term 'underserved community' means a political subdivision of a State that, as determined by the Administrator, has an inadequate system for obtaining drinking water.

''(2) INCLUSIONS.—The term 'underserved community' includes a political subdivision of a State that either, as determined by the Administrator—

''(A) does not have household drinking water or wastewater services; or

''(B) is served by a public water system that violates, or exceeds, as applicable, a requirement of a national primary drinking water regulation issued under section 1412, including—

''(i) a maximum contaminant level;

''(ii) a treatment technique; and

''(iii) an action level.

''(b) ESTABLISHMENT.—

''(1) IN GENERAL.—The Administrator shall establish a program under which grants are provided to eligible entities for use in carrying out projects and activities the primary purposes of which are to assist public water systems in meeting the requirements of this title.

''(2) INCLUSIONS.—Projects and activities under paragraph (1) include—

''(A) investments necessary for the public water system to comply with the requirements of this title;

''(B) assistance that directly and primarily benefits the disadvantaged community on a per-household basis; and

''(C) programs to provide household water quality testing, including testing for unregulated contaminants.

''(c) ELIGIBLE ENTITIES.—An eligible entity under this section—

''(1) is—

''(A) a public water system;

''(B) a water system that is located in an area governed by an Indian Tribe; or

''(C) a State, on behalf of an underserved community; and

''(2) serves a community—

''(A) that, under affordability criteria established by the State under section 1452(d)(3), is determined by the State—

''(i) to be a disadvantaged community; or

''(ii) to be a community that may become a disadvantaged community as a result of carrying out a project or activity under subsection (b); or

''(B) with a population of less than 10,000 individuals that the Administrator determines does not have the capacity to incur debt sufficient to finance a project or activity under subsection (b).

''(d) PRIORITY.—In prioritizing projects and activities for implementation under this section, the Administrator shall give priority to projects and activities that benefit underserved communities.

''(e) LOCAL PARTICIPATION.—In prioritizing projects and activities for implementation under this section, the Administrator shall consult with and consider the priorities of States, Indian Tribes, and local governments in which communities described in subsection (c)(2) are located.

''(f) TECHNICAL, MANAGERIAL, AND FINANCIAL CAPABILITY.—The Administrator may provide assistance to increase the technical, managerial, and financial capability of an eligible entity receiving a grant under this section if the Administrator determines that the eligible entity lacks appropriate technical, managerial, or financial capability and is not receiving such assistance under another Federal program.

''(g) COST SHARING.—Before providing a grant to an eligible entity under this section, the Administrator shall enter into a binding agreement with the eligible entity to require the eligible entity—

''(1) to pay not less than 45 percent of the total costs of the project or activity, which may include services, materials, supplies, or other in-kind contributions;

''(2) to provide any land, easements, rights-of-way, and relocations necessary to carry out the project or activity; and

''(3) to pay 100 percent of any operation and maintenance costs associated with the project or activity.

''(h) WAIVER.—The Administrator may waive, in whole or in part, the requirement under subsection (g)(1) if the Administrator determines that an eligible entity is unable to pay, or would experience significant financial hardship if required to pay, the non-Federal share.

''(i) LIMITATION ON USE OF FUNDS.—Not more than 4 percent of funds made available for grants under this section may be used to pay the administrative costs of the Administrator.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $60,000,000 for each of fiscal years 2017 through 2021.''.

SEC. 2105. REDUCING LEAD IN DRINKING WATER.

Part E of the Safe Drinking Water Act (42 U.S.C. 300j et seq.) is further amended by adding at the end the following:

''SEC. 1459B. REDUCING LEAD IN DRINKING WATER.

''(a) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a community water system;

''(B) a water system located in an area governed by an Indian Tribe;

''(C) a nontransient noncommunity water system;

''(D) a qualified nonprofit organization, as determined by the Administrator, servicing a public water system; and

''(E) a municipality or State, interstate, or intermunicipal agency.

''(2) LEAD REDUCTION PROJECT.—

''(A) IN GENERAL.—The term 'lead reduction project' means a project or activity the primary purpose of which is to reduce the concentration of lead in water for human consumption by—

''(i) replacement of publicly owned lead service lines;

''(ii) testing, planning, or other relevant activities, as determined by the Administrator, to identify and address conditions (including corrosion control) that contribute to increased concentration of lead in water for human consumption; and

''(iii) providing assistance to low-income homeowners to replace lead service lines.

''(B) LIMITATION.—The term 'lead reduction project' does not include a partial lead service line replacement if, at the conclusion of the service line replacement, drinking water is delivered to a household through a publicly or privately owned portion of a lead service line.

''(3) LOW-INCOME.—The term 'low-income', with respect to an individual provided assistance under this section, has such meaning as

may be given the term by the Governor of the State in which the eligible entity is located, based upon the affordability criteria established by the State under section 1452(d)(3).

''(4) LEAD SERVICE LINE.—The term 'lead service line' means a pipe and its fittings, which are not lead free (as defined in section 1417(d)), that connect the drinking water main to the building inlet.

''(5) NONTRANSIENT NONCOMMUNITY WATER SYSTEM.—The term 'nontransient noncommunity water system' means a public water system that is not a community water system and that regularly serves at least 25 of the same persons over 6 months per year.

''(b) GRANT PROGRAM.—

''(1) ESTABLISHMENT.—The Administrator shall establish a grant program to provide assistance to eligible entities for lead reduction projects in the United States.

''(2) PRECONDITION.—As a condition of receipt of assistance under this section, an eligible entity shall take steps to identify—

''(A) the source of lead in the public water system that is subject to human consumption; and

''(B) the means by which the proposed lead reduction project would meaningfully reduce the concentration of lead in water provided for human consumption by the applicable public water system.

''(3) PRIORITY APPLICATION.—In providing grants under this subsection, the Administrator shall give priority to an eligible entity that—

''(A) the Administrator determines, based on affordability criteria established by the State under section 1452(d)(3), to be a disadvantaged community; and

''(B) proposes to—

''(i) carry out a lead reduction project at a public water system or nontransient noncommunity water system that has exceeded the lead action level established by the Administrator under section 1412 at any time during the 3-year period preceding the date of submission of the application of the eligible entity; or

''(ii) address lead levels in water for human consumption at a school, daycare, or other facility that primarily serves children or other vulnerable human subpopulation described in section 1458(a)(1).

''(4) COST SHARING.—

''(A) IN GENERAL.—Subject to subparagraph (B), the non-Federal share of the total cost of a project funded by a grant under this subsection shall be not less than 20 percent.

''(B) WAIVER.—The Administrator may reduce or eliminate the non-Federal share under subparagraph (A) for reasons of affordability, as the Administrator determines to be appropriate.

''(5) LOW-INCOME ASSISTANCE.—

''(A) IN GENERAL.—Subject to subparagraph (B), an eligible entity may use a grant provided under this subsection to provide assistance to low-income homeowners to replace the lead service lines of such homeowners.

''(B) LIMITATION.—The amount of a grant provided to a low-income homeowner under this paragraph shall not exceed the standard cost of replacement of the privately owned portion of the lead service line.

''(6) SPECIAL CONSIDERATION FOR LEAD SERVICE LINE REPLACEMENT.—In carrying out lead service line replacement using a grant under this subsection, an eligible entity—

''(A) shall notify customers of the replacement of any publicly owned portion of the lead service line;

''(B) may, in the case of a homeowner who is not low-income, offer to replace the privately owned portion of the lead service line at the cost of replacement for that homeowner's property;

''(C) may, in the case of a low-income homeowner, offer to replace the privately owned portion of the lead service line at a cost that is equal to the difference between—

''(i) the cost of replacement; and

''(ii) the amount of assistance available to the low-income homeowner under paragraph (5);

''(D) shall notify each customer that a planned replacement of any publicly owned portion of a lead service line that is funded by a grant made under this subsection will not be carried out unless the customer agrees to the simultaneous replacement of the privately owned portion of the lead service line; and

''(E) shall demonstrate that the eligible entity has considered other options for reducing the concentration of lead in its drinking water, including an evaluation of options for corrosion control.

''(c) LIMITATION ON USE OF FUNDS.—Not more than 4 percent of funds made available for grants under this section may be used to pay the administrative costs of the Administrator.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $60,000,000 for each of fiscal years 2017 through 2021.

''(e) SAVINGS CLAUSE.—Nothing in this section affects whether a public water system is responsible for the replacement of a lead service line that is—

''(1) subject to the control of the public water system; and

''(2) located on private property.''.

SEC. 2106. NOTICE TO PERSONS SERVED.

(a) ENFORCEMENT OF DRINKING WATER REGULATIONS.—Section 1414(c) of the Safe Drinking Water Act (42 U.S.C. 300g–3(c)) is amended—

(1) in the subsection heading, by striking ''NOTICE TO'' and inserting ''NOTICE TO STATES, THE ADMINISTRATOR, AND'';

(2) in paragraph (1)—

(A) in subparagraph (C), by striking ''paragraph (2)(E)'' and inserting ''paragraph (2)(F)''; and

(B) by adding at the end the following:

''(D) Notice that the public water system exceeded the lead action level under section 141.80(c) of title 40, Code of Federal Regulations (or a prescribed level of lead that the Administrator establishes for public education or notification in a successor regulation promulgated pursuant to section 1412).'';

(3) in paragraph (2)—

(A) in subparagraph (B)(i)(II), by striking ''subparagraph (D)'' and inserting ''subparagraph (E)'';

(B) in subparagraph (C)—

(i) in the subparagraph heading, by striking ''VIOLATIONS'' and inserting ''NOTICE OF VIOLATIONS OR EXCEEDANCES'';

(ii) in the matter preceding clause (i)—

(I) in the first sentence, by striking ''violation'' and inserting ''violation, and each exceedance described in paragraph (1)(D),''; and

(II) in the second sentence, by striking ''violation'' and inserting ''violation or exceedance'';

(iii) by striking clause (i) and inserting the following:

''(i) be distributed as soon as practicable, but not later than 24 hours, after the public water system learns of the violation or exceedance;'';

(iv) in clause (ii), by inserting ''or exceedance'' after ''violation'' each place it appears;

(v) by striking clause (iii) and inserting the following:

''(iii) be provided to the Administrator and the head of the State agency that has primary enforcement responsibility under section 1413, as applicable, as soon as practicable, but not later than 24 hours after the public water system learns of the violation or exceedance; and''; and

(vi) in clause (iv)—

(I) in subclause (I), by striking ''broadcast media'' and inserting ''media, including broadcast media''; and

(II) in subclause (III), by striking ''in lieu of notification by means of broadcast media or newspaper'';

(C) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(D) by inserting after subparagraph (C) the following:

''(D) NOTICE BY THE ADMINISTRATOR.—If the State with primary enforcement responsibility or the owner or operator of a public water system has not issued a notice under subparagraph (C) for an exceedance of the lead action level under section 141.80(c) of title 40, Code of Federal Regulations (or a prescribed level of lead that the Administrator establishes for public education or notification in a successor regulation promulgated pursuant to section 1412) that has the potential to have serious adverse effects on human health as a result of short-term exposure, not later than 24 hours after the Administrator is notified of the exceedance, the Administrator shall issue the required notice under that subparagraph.'';

(4) in paragraph (3)(B), in the first sentence—

(A) by striking ''subparagraph (A) and'' and inserting ''subparagraph (A),''; and

(B) by striking ''subparagraph (C) or (D) of paragraph (2)'' and inserting ''subparagraph (C) or (E) of paragraph (2), and notices issued by the Administrator with respect to public water systems serving Indian Tribes under subparagraph (D) of that paragraph'';

(5) in paragraph (4)(B)—

(A) in clause (ii), by striking ''the terms'' and inserting ''the terms 'action level','';

(B) by striking clause (iii) and inserting the following:

''(iii) If any regulated contaminant is detected in the water purveyed by the public water system, a statement describing, as applicable—

''(I) the maximum contaminant level goal;

''(II) the maximum contaminant level;

''(III) the level of the contaminant in the water system;

''(IV) the action level for the contaminant; and

''(V) for any contaminant for which there has been a violation of the maximum contaminant level during the year concerned, a brief statement in plain language regarding the health concerns that resulted in regulation of the contaminant, as provided by the Administrator in regulations under subparagraph (A).''; and

(C) in the undesignated matter following clause (vi), in the second sentence, by striking ''subclause (IV) of clause (iii)'' and inserting ''clause (iii)(V)''; and

(6) by adding at the end the following:

''(5) EXCEEDANCE OF LEAD LEVEL AT HOUSEHOLDS.—

''(A) STRATEGIC PLAN.—Not later than 180 days after the date of enactment of this paragraph, the Administrator shall, in collaboration with owners and operators of public water systems and States, establish a strategic plan for how the Administrator, a State with primary enforcement responsibility, and owners and operators of public water systems shall provide targeted outreach, education, technical assistance, and risk communication to populations affected by the concentration of lead in a public water system, including dissemination of information described in subparagraph (C).

''(B) EPA INITIATION OF NOTICE.—

''(i) FORWARDING OF DATA BY EMPLOYEE OF THE AGENCY.—If the Agency develops, or receives from a source other than a State or a public water system, data that meets the requirements of section 1412(b)(3)(A)(ii) that indicates that the drinking water of a household served by a public water system contains a level of lead that exceeds the lead action level under section 141.80(c) of title 40, Code of Federal Regulations (or a prescribed level of lead that the Administrator establishes for public education or notification in a successor regulation promulgated pursuant to section 1412) (referred to in this paragraph as an 'affected household'), the Administrator shall require an appropriate employee of the Agency to forward the data, and information on the sampling techniques used to obtain the data, to the owner or operator of the public water system and the State in which the affected household is located within a time period determined by the Administrator.

''(ii) DISSEMINATION OF INFORMATION BY OWNER OR OPERATOR.—The owner or operator of a public water system shall disseminate to affected households the information described in subparagraph (C) within a time period established by the Administrator, if the owner or operator—

''(I) receives data and information under clause (i); and

''(II) has not, since the date of the test that developed the data, notified the affected households—

''(aa) with respect to the concentration of lead in the drinking water of the affected households; and

''(bb) that the concentration of lead in the drinking water of the affected households exceeds the lead action level under section 141.80(c) of title 40, Code of Federal Regulations (or a prescribed level of lead that the Administrator establishes for public education or notification in a successor regulation promulgated pursuant to section 1412).

''(iii) CONSULTATION.—

''(I) DEADLINE.—If the owner or operator of the public water system does not disseminate to the affected households the information described in subparagraph (C) as required under clause (ii) within the time period established by the Administrator, not later than 24 hours after the Administrator becomes aware of the failure by the owner or operator of the public water system to disseminate the information, the Administrator shall consult, within a period not to exceed 24 hours, with the applicable Governor to develop a plan, in accordance with the strategic plan, to disseminate the information to the affected households not later than 24 hours after the end of the consultation period.

''(II) DELEGATION.—The Administrator may only delegate the duty to consult under subclause (I) to an employee of the Agency who, as of the date of the delegation, works in the Office of Water at the headquarters of the Agency.

''(iv) DISSEMINATION BY ADMINISTRATOR.—The Administrator shall, as soon as practicable, disseminate to affected households the information described in subparagraph (C) if—

''(I) the owner or operator of the public water system does not disseminate the information to the affected households within the time period determined by the Administrator, as required by clause (ii); and

''(II)(aa) the Administrator and the applicable Governor do not agree on a plan described in clause (iii)(I) during the consultation period under that clause; or

''(bb) the applicable Governor does not disseminate the information within 24 hours after the end of the consultation period.

''(C) INFORMATION REQUIRED.—The information described in this subparagraph includes—

''(i) a clear explanation of the potential adverse effects on human health of drinking water that contains a concentration of lead that exceeds the lead action level under section 141.80(c) of title 40, Code of Federal Regulations (or a prescribed level of lead that the Administrator establishes for public education or notification in a successor regulation promulgated pursuant to section 1412);

''(ii) the steps that the owner or operator of the public water system is taking to mitigate the concentration of lead; and

''(iii) the necessity of seeking alternative water supplies until the date on which the concentration of lead is mitigated.

''(6) PRIVACY.—Any notice to the public or an affected household under this subsection shall protect the privacy of individual customer information.''.

(b) PROHIBITION ON USE OF LEAD PIPES, SOLDER, AND FLUX.—Section 1417 of the Safe Drinking Water Act (42 U.S.C. 300g–6) is amended by adding at the end the following:

''(f) PUBLIC EDUCATION.—

''(1) IN GENERAL.—The Administrator shall make information available to the public regarding lead in drinking water, including information regarding—

''(A) risks associated with lead in drinking water;

''(B) the conditions that contribute to drinking water containing lead in a residence;

''(C) steps that States, public water systems, and consumers can take to reduce the risks of lead in drinking water; and

''(D) the availability of additional resources that consumers can use to minimize lead exposure, including information on sampling for lead in drinking water.

''(2) VULNERABLE POPULATIONS.—In making information available to the public under this subsection, the Administrator shall, subject to the availability of appropriations, carry out targeted outreach strategies that focus on educating groups within the general population that may be at greater risk than the general population of adverse health effects from exposure to lead in drinking water.''.

SEC. 2107. LEAD TESTING IN SCHOOL AND CHILD CARE PROGRAM DRINKING WATER.

(a) IN GENERAL.—Section 1464 of the Safe Drinking Water Act (42 U.S.C. 300j–24) is amended by striking subsection (d) and inserting the following:

''(d) VOLUNTARY SCHOOL AND CHILD CARE PROGRAM LEAD TESTING GRANT PROGRAM.—

''(1) DEFINITIONS.—In this subsection:

''(A) CHILD CARE PROGRAM.—The term 'child care program' has the meaning given the term 'early childhood education program' in section 103(8) of the Higher Education Act of 1965 (20 U.S.C. 1003(8)).

''(B) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' means—

''(i) a local educational agency (as defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801));

''(ii) a tribal education agency (as defined in section 3 of the National Environmental Education Act (20 U.S.C. 5502)); and

''(iii) a person that owns or operates a child care program facility.

''(2) ESTABLISHMENT.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Water and Waste Act of 2016, the Administrator shall establish a voluntary school and child care program lead testing grant program to make grants available to States to assist local educational agencies in voluntary testing for lead contamination in drinking water at schools and child care programs under the jurisdiction of the local educational agencies.

''(B) DIRECT GRANTS TO LOCAL EDUCATIONAL AGENCIES.—The Administrator may make a grant for the voluntary testing described in subparagraph (A) directly available to—

''(i) any local educational agency described in clause (i) or (iii) of paragraph (1)(B) located in a State that does not participate in the voluntary grant program established under subparagraph (A); or

''(ii) any local educational agency described in clause (ii) of paragraph (1)(B).

''(3) APPLICATION.—To be eligible to receive a grant under this subsection, a State or local educational agency shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.

''(4) LIMITATION ON USE OF FUNDS.—Not more than 4 percent of grant funds accepted by a State or local educational agency for a fiscal year under this subsection shall be used to pay the administrative costs of carrying out this subsection.

''(5) GUIDANCE; PUBLIC AVAILABILITY.—As a condition of receiving a grant under this subsection, the recipient State or local educational agency shall ensure that each local educational agency to which grant funds are distributed shall—

''(A) expend grant funds in accordance with—

''(i) the guidance of the Environmental Protection Agency entitled '3Ts for Reducing Lead in Drinking Water in Schools: Revised Technical Guidance' and dated October 2006 (or any successor guidance); or

''(ii) applicable State regulations or guidance regarding reducing lead in drinking water in schools and child care programs that are not less stringent than the guidance referred to in clause (i); and

''(B)(i) make available, if applicable, in the administrative offices and, to the extent practicable, on the Internet website of the local educational agency for inspection by the public (including teachers, other school personnel, and parents) a copy of the results of any voluntary testing for lead contamination in school and child care program drinking water carried out using grant funds under this subsection; and

''(ii) notify parent, teacher, and employee organizations of the availability of the results described in clause (i).

''(6) MAINTENANCE OF EFFORT.—If resources are available to a State or local educational agency from any other Federal agency, a State, or a private foundation for testing for lead contamination in drinking water, the State or local educational agency shall demonstrate that the funds provided under this subsection will not displace those resources.

''(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $20,000,000 for each of fiscal years 2017 through 2021.''.

(b) REPEAL.—Section 1465 of the Safe Drinking Water Act (42 U.S.C. 300j–25) is repealed.

SEC. 2108. WATER SUPPLY COST SAVINGS.

(a) DRINKING WATER TECHNOLOGY CLEARINGHOUSE.—The Administrator, in consultation with the Secretary of Agriculture, shall—

(1) develop a technology clearinghouse for information on the cost-effectiveness of innovative and alternative drinking water delivery systems, including wells and well systems; and

(2) disseminate such information to the public and to communities and not-for-profit organizations seeking Federal funding for drinking water delivery systems serving 500 or fewer persons.

(b) WATER SYSTEM ASSESSMENT.—In any application for a grant or loan for the purpose of construction, replacement, or rehabilitation of a drinking water delivery system serving 500 or fewer persons, the funding for which would come from the Federal Government (either directly or through a State), a unit of local government or not-for-profit organization shall self-certify that the unit of local government or organization has considered, as an alternative drinking water supply, drinking water delivery systems sourced by publicly owned—

(1) individual wells;

(2) shared wells; and

(3) community wells.

(c) REPORT TO CONGRESS.—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 that describes—

(1) the use of innovative and alternative drinking water delivery systems described in this section;

(2) the range of cost savings for communities using innovative and alternative drinking water delivery systems described in this section; and

(3) the use of drinking water technical assistance programs operated by the Administrator and the Secretary of Agriculture.

SEC. 2109. INNOVATION IN THE PROVISION OF SAFE DRINKING WATER.

(a) INNOVATIVE WATER TECHNOLOGIES.—Section 1442(a)(1) of the Safe Drinking Water Act (42 U.S.C. 300j–1(a)(1)) is amended—

(1) in subparagraph (D), by striking ''; and'' and inserting a semicolon;

(2) by striking the period at the end of subparagraph (E) and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(F) innovative water technologies (including technologies to improve water treatment to ensure compliance with this title and technologies to identify and mitigate sources of drinking water contamination, including lead contamination).''.

(b) TECHNICAL ASSISTANCE.—Section 1442 of the Safe Drinking Water Act (42 U.S.C. 300j-1) is amended—

(1) in the heading for subsection (e), by inserting ''TO SMALL PUBLIC WATER SYSTEMS'' after ''ASSISTANCE''; and

(2) by adding at the end the following new subsection:

''(f) TECHNICAL ASSISTANCE FOR INNOVATIVE WATER TECHNOLOGIES.—

''(1) The Administrator may provide technical assistance to public water systems to facilitate use of innovative water technologies.

''(2) There are authorized to be appropriated to the Administrator for use in providing technical assistance under paragraph (1) $10,000,000 for each of fiscal years 2017 through 2021.''.

(c) REPORT.—Not later than 1 year after the date of enactment of the Water and Waste Act of 2016, and not less frequently than every 5 years thereafter, the Administrator shall report to Congress on—

(1) the amount of funding used to provide technical assistance under section 1442(f) of the Safe Drinking Water Act to deploy innovative water technologies;

(2) the barriers impacting greater use of innovative water technologies; and

(3) the cost-saving potential to cities and future infrastructure investments from innovative water technologies.

SEC. 2110. SMALL SYSTEM TECHNICAL ASSISTANCE.

Section 1452(q) of the Safe Drinking Water Act (42 U.S.C. 300j–12(q)) is amended by striking ''appropriated'' and all that follows through ''2003'' and inserting ''made available to carry out this section for each of fiscal years 2016 through 2021''.

SEC. 2111. DEFINITION OF INDIAN TRIBE.

Section 1401(14) of the Safe Drinking Water Act (42 U.S.C. 300(f)(14)) is amended by striking ''section 1452'' and inserting ''sections 1452, 1459A, and 1459B''.

SEC. 2112. TECHNICAL ASSISTANCE FOR TRIBAL WATER SYSTEMS.

(a) TECHNICAL ASSISTANCE.—Section 1442(e)(7) of the Safe Drinking Water Act (42 U.S.C. 300j–1(e)(7)) is amended by striking ''Tribes'' and inserting ''Tribes, including grants to provide training and operator certification services under section 1452(i)(5)''.

(b) INDIAN TRIBES.—Section 1452(i) of the Safe Drinking Water Act (42 U.S.C. 300j–12(i)) is amended—

(1) in paragraph (1)—

(A) in the first sentence, by striking ''Tribes and Alaska Native villages'' and inserting ''Tribes, Alaska Native villages, and, for the purpose of carrying out paragraph (5), intertribal consortia or tribal organizations,''; and

(B) in the second sentence, by striking ''The grants'' and inserting ''Except as otherwise provided, the grants''; and

(2) by adding at the end the following:

''(5) TRAINING AND OPERATOR CERTIFICATION.—

''(A) IN GENERAL.—The Administrator may use funds made available under this subsection and section 1442(e)(7) to make grants to intertribal consortia or tribal organizations for the purpose of providing operations and maintenance training and operator certification services to Indian Tribes to enable public water systems that serve Indian Tribes to achieve and maintain compliance with applicable national primary drinking water regulations.

''(B) ELIGIBLE TRIBAL ORGANIZATIONS.—Intertribal consortia or tribal organizations eligible for a grant under subparagraph (A) are intertribal consortia or tribal organizations that—

''(i) as determined by the Administrator, are the most qualified and experienced to provide training and technical assistance to Indian Tribes; and

''(ii) the Indian Tribes find to be the most beneficial and effective.''.

SEC. 2113. MATERIALS REQUIREMENT FOR CERTAIN FEDERALLY FUNDED PROJECTS.

Section 1452(a) of the Safe Drinking Water Act (42 U.S.C. 300j–12(a)) is amended by adding at the end the following:

''(4) AMERICAN IRON AND STEEL PRODUCTS.—

''(A) IN GENERAL.—During fiscal year 2017, funds made available from a State loan fund established pursuant to this section may not be used for a project for the construction, alteration, or repair of a public water system unless all of the iron and steel products used in the project are produced in the United States.

''(B) DEFINITION OF IRON AND STEEL PRODUCTS.—In this paragraph, the term 'iron and steel products' means the following products made primarily of iron or steel:

''(i) Lined or unlined pipes and fittings.

''(ii) Manhole covers and other municipal castings.

''(iii) Hydrants.

''(iv) Tanks.

''(v) Flanges.

''(vi) Pipe clamps and restraints.

''(vii) Valves.

''(viii) Structural steel.

''(ix) Reinforced precast concrete.

''(x) Construction materials.

''(C) APPLICATION.—Subparagraph (A) shall be waived in any case or category of cases in which the Administrator finds that—

''(i) applying subparagraph (A) would be inconsistent with the public interest;

''(ii) iron and steel products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

''(iii) inclusion of iron and steel products produced in the United States will increase the cost of the overall project by more than 25 percent.

''(D) WAIVER.—If the Administrator receives a request for a waiver under this paragraph, the Administrator shall make available to the public, on an informal basis, a copy of the request and information available to the Administrator concerning the request, and shall allow for informal public input on the request for at least 15 days prior to making a finding based on the request. The Administrator shall make the request and accompanying information available by electronic means, including on the official public Internet site of the Agency.

''(E) INTERNATIONAL AGREEMENTS.—This paragraph shall be applied in a manner consistent with United States obligations under international agreements.

''(F) MANAGEMENT AND OVERSIGHT.—The Administrator may retain up to 0.25 percent of the funds appropriated for this section for management and oversight of the requirements of this paragraph.

''(G) EFFECTIVE DATE.—This paragraph does not apply with respect to a project if a State agency approves the engineering plans and specifications for the project, in that agency's capacity to approve such plans and specifications prior to a project requesting bids, prior to the date of enactment of this paragraph.''.

Subtitle B—Drinking Water Disaster Relief and Infrastructure Investments

SEC. 2201. DRINKING WATER INFRASTRUCTURE.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE STATE.—The term ''eligible State'' means a State for which the President has declared an emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) relating to the public health threats associated with the presence of lead or other contaminants in drinking water provided by a public water system.

(2) ELIGIBLE SYSTEM.—The term ''eligible system'' means a public water system that has been the subject of an emergency declaration referred to in paragraph (1).

(3) LEAD SERVICE LINE.—The term ''lead service line'' means a pipe and its fittings, which are not lead free (as defined under section 1417 of the Safe Drinking Water Act (42 U.S.C. 300g–6)), that connect the drinking water main to the building inlet.

(4) PUBLIC WATER SYSTEM.—The term ''public water system'' has the meaning given such term in section 1401(4) of the Safe Drinking Water Act (42 U.S.C. 300f(4)).

(b) STATE REVOLVING LOAN FUND ASSISTANCE.—

(1) IN GENERAL.—An eligible system shall be—

(A) considered to be a disadvantaged community under section 1452(d) of the Safe Drinking Water Act (42 U.S.C. 300j–12(d)); and

(B) eligible to receive loans with additional subsidization under section 1452(d)(1) of that Act (42 U.S.C. 300j–12(d)(1)), including forgiveness of principal under that section.

(2) AUTHORIZATION.—

(A) IN GENERAL.—Using funds provided pursuant to subsection (d), an eligible State may provide assistance to an eligible system within the eligible State for the purpose of addressing lead or other contaminants in drinking water, including repair and replacement of lead service lines and public water system infrastructure.

(B) INCLUSION.—Assistance provided under subparagraph (A) may include additional subsidization under section 1452(d)(1) of the Safe Drinking Water Act (42 U.S.C. 300j–12(d)(1)), as described in paragraph (1)(B).

(C) EXCLUSION.—Assistance provided under subparagraph (A) shall not include assistance for a project that is financed (directly or indirectly), in whole or in part, with proceeds of any obligation issued after the date of enactment of this Act—

(i) the interest of which is exempt from the tax imposed under chapter 1 of the Internal Revenue Code of 1986; or

(ii) with respect to which credit is allowable under subpart I or J of part IV of subchapter A of chapter 1 of such Code.

(3) INAPPLICABILITY OF LIMITATION.—Section 1452(d)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–12(d)(2)) shall not apply to—

(A) any funds provided pursuant to subsection (d) of this section;

(B) any other assistance provided to an eligible system; or

(C) any funds required to match the funds provided under subsection (d).

(c) NONDUPLICATION OF WORK.—An activity carried out pursuant to this section shall not duplicate the work or activity of any other Federal or State department or agency.

(d) ADDITIONAL DRINKING WATER STATE REVOLVING FUND CAPITALIZATION GRANTS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Administrator a total of $100,000,000 to provide additional capitalization grants to eligible States pursuant to section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12), to be available for a period of 18 months beginning on the date on which the funds are made available, for the purposes described in subsection (b)(2), and after the end of the 18-month period, until expended for the purposes described in paragraph (3).

(2) SUPPLEMENTED INTENDED USE PLANS.—From funds made available under paragraph (1), the Administrator shall obligate to an eligible State such amounts as are necessary to meet the needs identified in a supplemented intended use plan for the purposes described in subsection (b)(2) by not later than 30 days after the date on which the eligible State submits to the Administrator a supplemented intended use plan under section 1452(b) of the Safe Drinking Water Act (42 U.S.C. 300j–12(b)) that includes preapplication information regarding projects to be funded using the additional assistance, including, with respect to each such project—

(A) a description of the project;

(B) an explanation of the means by which the project will address a situation causing a declared emergency in the eligible State;

(C) the estimated cost of the project; and

(D) the projected start date for construction of the project.

(3) UNOBLIGATED AMOUNTS.—Any amounts made available to the Administrator under paragraph (1) that are unobligated on the date that is 18 months after the date on which the amounts are made available shall be available to provide additional grants to States to capitalize State loan funds as provided under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12).

(4) APPLICABILITY.—

(A) Section 1452(b)(1) of the Safe Drinking Water Act (42 U.S.C. 300j–12(b)(1)) shall not apply to a supplement to an intended use plan under paragraph (2).

(B) Unless explicitly waived, all requirements under the Safe Drinking Water Act (42 U.S.C. 300f et seq.) shall apply to funding provided under this subsection.

(e) HEALTH EFFECTS EVALUATION.—

(1) IN GENERAL.—Pursuant to section 104(i)(1)(E) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(i)(1)(E)), and on receipt of a request of an appropriate State or local health official of an eligible State, the Director of the Agency for Toxic Substances and Disease Registry of the National Center for Environmental Health shall in coordination with other agencies, as appropriate, conduct voluntary surveillance activities to evaluate any adverse health effects on individuals exposed to lead from drinking water in the affected communities.

(2) CONSULTATIONS.—Pursuant to section 104(i)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(i)(4)), and on receipt of a request of an appropriate State or local health official of an eligible State, the Director of the Agency for Toxic Substances and Disease Registry of the National Center for Environmental Health shall provide consultations regarding health issues described in paragraph (1).

(f) NO EFFECT ON OTHER PROJECTS.—This section shall not affect the application of any provision of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.) or the Safe Drinking Water Act (42 U.S.C. 300f et seq.) to any project that does not receive assistance pursuant to this subtitle.

SEC. 2202. SENSE OF CONGRESS.

It is the sense of Congress that secured loans under the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.) shall be—

(1) initially appropriated at $20,000,000; and

(2) used for eligible projects, including those to address lead and other contaminants in drinking water systems.

SEC. 2203. REGISTRY FOR LEAD EXPOSURE AND ADVISORY COMMITTEE.

(a) DEFINITIONS.—In this section:

(1) CITY.—The term ''City'' means a city exposed to lead contamination in the local drinking water system.

(2) COMMITTEE.—The term ''Committee'' means the Advisory Committee established under subsection (c).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(b) LEAD EXPOSURE REGISTRY.—The Secretary shall establish within the Agency for Toxic Substances and Disease Registry or the Centers for Disease Control and Prevention at the discretion of the Secretary, or establish through a grant award or contract, a lead exposure registry to collect data on the lead exposure of residents of a City on a voluntary basis.

(c) ADVISORY COMMITTEE.—

(1) MEMBERSHIP.—

(A) IN GENERAL.—The Secretary shall establish, within the Agency for Toxic Substances and Disease Registry an Advisory Committee in coordination with the Director of the Centers for Disease Control and Prevention and other relevant agencies as determined by the Secretary consisting of Federal members and non-Federal members, and which shall include—

(i) an epidemiologist;

(ii) a toxicologist;

(iii) a mental health professional;

(iv) a pediatrician;

(v) an early childhood education expert;

(vi) a special education expert;

(vii) a dietician; and

(viii) an environmental health expert.

(B) REQUIREMENTS.—Membership in the Committee shall not exceed 15 members and not less than ½ of the members shall be Federal members.

(2) CHAIR.—The Secretary shall designate a chair from among the Federal members appointed to the Committee.

(3) TERMS.—Members of the Committee shall serve for a term of not more than 3 years and the Secretary may reappoint members for consecutive terms.

(4) APPLICATION OF FACA.—The Committee shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(5) RESPONSIBILITIES.—The Committee shall, at a minimum—

(A) review the Federal programs and services available to individuals and communities exposed to lead;

(B) review current research on lead poisoning to identify additional research needs;

(C) review and identify best practices, or the need for best practices, regarding lead screening and the prevention of lead poisoning;

(D) identify effective services, including services relating to healthcare, education, and nutrition for individuals and communities affected by lead exposure and lead poisoning, including in consultation with, as appropriate, the lead exposure registry as established in subsection (b); and

(E) undertake any other review or activities that the Secretary determines to be appropriate.

(6) REPORT.—Annually for 5 years and thereafter as determined necessary by the Secretary or as required by Congress, the Committee shall submit to the Secretary, the Committees on Finance, Health, Education, Labor, and Pensions, and Agriculture, Nutrition, and Forestry of the Senate and the Committees on Education and the Workforce, Energy and Commerce, and Agriculture of the House of Representatives a report that includes—

(A) an evaluation of the effectiveness of the Federal programs and services available to individuals and communities exposed to lead;

(B) an evaluation of additional lead poisoning research needs;

(C) an assessment of any effective screening methods or best practices used or developed to prevent or screen for lead poisoning;

(D) input and recommendations for improved access to effective services relating to health care, education, or nutrition for individuals and communities impacted by lead exposure; and

(E) any other recommendations for communities affected by lead exposure, as appropriate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the period of fiscal years 2017 through 2021—

(1) $17,500,000 to carry out subsection (b); and

(2) $2,500,000 to carry out subsection (c).

SEC. 2204. OTHER LEAD PROGRAMS.

(a) CHILDHOOD LEAD POISONING PREVENTION PROGRAM.—In addition to amounts made available through the Prevention and Public Health Fund established under section 4002 of Public Law 111–148 (42 U.S.C. 300u–11) to carry out section 317A of the Public Health Service Act (42 U.S.C. 247b-1), there are authorized to be appropriated for the period of fiscal years 2017 and 2018, $15,000,000 for carrying out such section 317A.

(b) HEALTHY START PROGRAM.—There are authorized to be appropriated for the period of fiscal years 2017 and 2018 $15,000,000 to carry out the Healthy Start Initiative under section 330H of the Public Health Service Act (42 U.S.C. 254c–8).

Subtitle C—Control of Coal Combustion Residuals

SEC. 2301. APPROVAL OF STATE PROGRAMS FOR CONTROL OF COAL COMBUSTION RESIDUALS.

Section 4005 of the Solid Waste Disposal Act (42 U.S.C. 6945) is amended by adding at the end the following:

''(d) STATE PROGRAMS FOR CONTROL OF COAL COMBUSTION RESIDUALS.—

''(1) APPROVAL BY ADMINISTRATOR.—

''(A) IN GENERAL.—Each State may submit to the Administrator, in such form as the Administrator may establish, evidence of a permit program or other system of prior approval and conditions under State law for regulation by the State of coal combustion residuals units that are located in the State that, after approval by the Administrator, will operate in lieu of regulation of coal combustion residuals units in the State by—

''(i) application of part 257 of title 40, Code of Federal Regulations (or successor regulations promulgated pursuant to sections 1008(a)(3) and 4004(a)); or

''(ii) implementation by the Administrator of a permit program under paragraph (2)(B).

''(B) REQUIREMENT.—Not later than 180 days after the date on which a State submits the evidence described in subparagraph (A), the Administrator, after public notice and an opportunity for public comment, shall approve, in whole or in part, a permit program or other system of prior approval and conditions submitted under subparagraph (A) if the Administrator determines that the program or other system requires each coal combustion residuals unit located in the State to achieve compliance with—

''(i) the applicable criteria for coal combustion residuals units under part 257 of title 40, Code of Federal Regulations (or successor regulations promulgated pursuant to sections 1008(a)(3) and 4004(a)); or

''(ii) such other State criteria that the Administrator, after consultation with the State, determines to be at least as protective as the criteria described in clause (i).

''(C) PERMIT REQUIREMENTS.—The Administrator shall approve under subparagraph (B)(ii) a State permit program or other system of prior approval and conditions that allows a State to include technical standards for individual permits or conditions of approval that differ from the criteria under part 257 of title 40, Code of Federal Regulations (or successor regulations promulgated pursuant to sections 1008(a)(3) and 4004(a)) if, based on site-specific conditions, the Administrator determines that the technical standards established pursuant to a State permit program or other system are at least as protective as the criteria under that part.

''(D) PROGRAM REVIEW AND NOTIFICATION.—

''(i) PROGRAM REVIEW.—The Administrator shall review a State permit program or other system of prior approval and conditions that is approved under subparagraph (B)—

''(I) from time to time, as the Administrator determines necessary, but not less frequently than once every 12 years;

''(II) not later than 3 years after the date on which the Administrator revises the applicable criteria for coal combustion residuals units under part 257 of title 40, Code of Federal Regulations (or successor regulations promulgated pursuant to sections 1008(a)(3) and 4004(a));

''(III) not later than 1 year after the date of a significant release (as defined by the Administrator), that was not authorized at the time the release occurred, from a coal combustion residuals unit located in the State; and

''(IV) on request of any other State that asserts that the soil, groundwater, or surface

water of the State is or is likely to be adversely affected by a release or potential release from a coal combustion residuals unit located in the State for which the program or other system was approved.

''(ii) NOTIFICATION AND OPPORTUNITY FOR A PUBLIC HEARING.—The Administrator shall provide to a State notice of deficiencies with respect to the permit program or other system of prior approval and conditions of the State that is approved under subparagraph (B), and an opportunity for a public hearing, if the Administrator determines that—

''(I) a revision or correction to the permit program or other system of prior approval and conditions of the State is necessary to ensure that the permit program or other system of prior approval and conditions continues to ensure that each coal combustion residuals unit located in the State achieves compliance with the criteria described in clauses (i) and (ii) of subparagraph (B);

''(II) the State has not implemented an adequate permit program or other system of prior approval and conditions that requires each coal combustion residuals unit located in the State to achieve compliance with the criteria described in subparagraph (B); or

''(III) the State has, at any time, approved or failed to revoke a permit for a coal combustion residuals unit, a release from which adversely affects or is likely to adversely affect the soil, groundwater, or surface water of another State.

''(E) WITHDRAWAL.—

''(i) IN GENERAL.—The Administrator shall withdraw approval of a State permit program or other system of prior approval and conditions if, after the Administrator provides notice and an opportunity for a public hearing to the relevant State under subparagraph (D)(ii), the Administrator determines that the State has not corrected the deficiencies identified by the Administrator under subparagraph (D)(ii).

''(ii) REINSTATEMENT OF STATE APPROVAL.—Any withdrawal of approval under clause (i) shall cease to be effective on the date on which the Administrator makes a determination that the State has corrected the deficiencies identified by the Administrator under subparagraph (D)(ii).

''(2) NONPARTICIPATING STATES.—

''(A) DEFINITION OF NONPARTICIPATING STATE.—In this paragraph, the term 'nonparticipating State' means a State—

''(i) for which the Administrator has not approved a State permit program or other system of prior approval and conditions under paragraph (1)(B);

''(ii) the Governor of which has not submitted to the Administrator for approval evidence to operate a State permit program or other system of prior approval and conditions under paragraph (1)(A);

''(iii) the Governor of which provides notice to the Administrator that, not fewer than 90 days after the date on which the Governor provides the notice to the Administrator, the State will relinquish an approval under paragraph (1)(B) to operate a permit program or other system of prior approval and conditions; or

''(iv) for which the Administrator has withdrawn approval for a permit program or other system of prior approval and conditions under paragraph (1)(E).

''(B) IMPLEMENTATION OF PERMIT PROGRAM.—In the case of a nonparticipating State and subject to the availability of appropriations specifically provided in an appropriations Act to carry out a program in a nonparticipating State, the Administrator shall implement a permit program to require each coal combustion residuals unit located in the nonparticipating State to achieve compliance with applicable criteria established by the Administrator under part 257 of title 40, Code of Federal Regulations (or successor regulations promulgated pursuant to sections 1008(a)(3) and 4004(a)).

''(3) APPLICABILITY OF CRITERIA.—The applicable criteria for coal combustion residuals units under part 257 of title 40, Code of Federal Regulations (or successor regulations promulgated pursuant to sections 1008(a)(3) and 4004(a)), shall apply to each coal combustion residuals unit in a State unless—

''(A) a permit under a State permit program or other system of prior approval and conditions approved by the Administrator under paragraph (1)(B) is in effect for the coal combustion residuals unit; or

''(B) a permit issued by the Administrator in a State in which the Administrator is implementing a permit program under paragraph (2)(B) is in effect for the coal combustion residuals unit.

''(4) PROHIBITION ON OPEN DUMPING.—

''(A) IN GENERAL.—The Administrator may use the authority provided by sections 3007 and 3008 to enforce the prohibition on open dumping under subsection (a) with respect to a coal combustion residuals unit—

''(i) in a nonparticipating State (as defined in paragraph (2)); and

''(ii) located in a State that is approved to operate a permit program or other system of prior approval and conditions under paragraph (1)(B), in accordance with subparagraph (B) of this paragraph.

''(B) FEDERAL ENFORCEMENT IN AN APPROVED STATE.—

''(i) IN GENERAL.—In the case of a coal combustion residuals unit located in a State that is approved to operate a permit program or other system of prior approval and conditions under paragraph (1)(B), the Administrator may commence an administrative or judicial enforcement action under section 3008 if—

''(I) the State requests that the Administrator provide assistance in the performance of an enforcement action; or

''(II) after consideration of any other administrative or judicial enforcement action involving the coal combustion residuals unit, the Administrator determines that an enforcement action is likely to be necessary to ensure that the coal combustion residuals unit is operating in accordance with the criteria established under the permit program or other system of prior approval and conditions.

''(ii) NOTIFICATION.—In the case of an enforcement action by the Administrator under clause (i)(II), before issuing an order or commencing a civil action, the Administrator shall notify the State in which the coal combustion residuals unit is located.

''(iii) ANNUAL REPORT TO CONGRESS.—

''(I) IN GENERAL.—Subject to subclause (II), not later than December 31, 2017, and December 31 of each year thereafter, the Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes any enforcement action commenced under clause (i), including a description of the basis for the enforcement action.

''(II) APPLICABILITY.—Subclause (I) shall not apply for any calendar year during which the Administrator does not commence an enforcement action under clause (i).

''(5) INDIAN COUNTRY.—The Administrator shall establish and carry out a permit program, in accordance with this subsection, for coal combustion residuals units in Indian country (as defined in section 1151 of title 18, United States Code) to require each coal combustion residuals unit located in Indian country to achieve compliance with the applicable criteria established by the Administrator under part 257 of title 40, Code of Federal Regulations (or successor regulations promulgated pursuant to sections 1008(a)(3) and 4004(a)).

''(6) TREATMENT OF COAL COMBUSTION RESIDUALS UNITS.—A coal combustion residuals unit shall be considered to be a sanitary landfill for purposes of this Act, including subsection (a), only if the coal combustion residuals unit is operating in accordance with—

''(A) the requirements of a permit issued by—

''(i) the State in accordance with a program or system approved under paragraph (1)(B); or

''(ii) the Administrator pursuant to paragraph (2)(B) or paragraph (5); or

''(B) the applicable criteria for coal combustion residuals units under part 257 of title 40, Code of Federal Regulations (or successor regulations promulgated pursuant to sections 1008(a)(3) and 4004(a)).

''(7) EFFECT OF SUBSECTION.—Nothing in this subsection affects any authority, regulatory determination, other law, or legal obligation in effect on the day before the date of enactment of the Water and Waste Act of 2016.''.

TITLE III—NATURAL RESOURCES

Subtitle A—Indian Dam Safety

SEC. 3101. INDIAN DAM SAFETY.

(a) DEFINITIONS.—In this section:

(1) DAM.—

(A) IN GENERAL.—The term ''dam'' has the meaning given the term in section 2 of the National Dam Safety Program Act (33 U.S.C. 467).

(B) INCLUSIONS.—The term ''dam'' includes any structure, facility, equipment, or vehicle used in connection with the operation of a dam.

(2) FUND.—The term ''Fund'' means, as applicable—

(A) the High-Hazard Indian Dam Safety Deferred Maintenance Fund established by subsection (b)(1)(A); or

(B) the Low-Hazard Indian Dam Safety Deferred Maintenance Fund established by subsection (b)(2)(A).

(3) HIGH HAZARD POTENTIAL DAM.—The term ''high hazard potential dam'' means a dam assigned to the significant or high hazard potential classification under the guidelines published by the Federal Emergency Management Agency entitled ''Federal Guidelines for Dam Safety: Hazard Potential Classification System for Dams'' (FEMA Publication Number 333).

(4) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(5) LOW HAZARD POTENTIAL DAM.—The term ''low hazard potential dam'' means a dam assigned to the low hazard potential classification under the guidelines published by the Federal Emergency Management Agency entitled ''Federal Guidelines for Dam Safety: Hazard Potential Classification System for Dams'' (FEMA Publication Number 333).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Assistant Secretary for Indian Affairs, in consultation with the Secretary of the Army.

(b) INDIAN DAM SAFETY DEFERRED MAINTENANCE FUNDS.—

(1) HIGH-HAZARD FUND.—

(A) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the ''High-Hazard Indian Dam Safety Deferred Maintenance Fund'', consisting of—

(i) such amounts as are deposited in the Fund under subparagraph (B); and

(ii) any interest earned on investment of amounts in the Fund under subparagraph (D).

(B) DEPOSITS TO FUND.—

(i) IN GENERAL.—For each of fiscal years 2017 through 2023, the Secretary of the Treasury shall deposit in the Fund $22,750,000 from the general fund of the Treasury.

(ii) AVAILABILITY OF AMOUNTS.—Amounts deposited in the Fund under clause (i) shall be used, subject to appropriation, to carry out this section.

(C) EXPENDITURES FROM FUND.—

(i) IN GENERAL.—Subject to clause (ii), for each of fiscal years 2017 through 2023, the Secretary may, to the extent provided in advance in appropriations Acts, expend from the Fund, in accordance with this section, not more than the sum of—

(I) $22,750,000; and

(II) the amount of interest accrued in the Fund.

(ii) ADDITIONAL EXPENDITURES.—The Secretary may expend more than $22,750,000 for any fiscal year referred to in clause (i) if the additional amounts are available in the Fund as a result of a failure of the Secretary to expend all of the amounts available under clause (i) in 1 or more prior fiscal years.

(D) INVESTMENTS OF AMOUNTS.—

(i) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary, required to meet current withdrawals.

(ii) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund.

(E) TRANSFERS OF AMOUNTS.—

(i) IN GENERAL.—The amounts required to be transferred to the Fund under this paragraph shall be transferred at least monthly.

(ii) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates are in excess of or less than the amounts required to be transferred.

(F) TERMINATION.—On September 30, 2023—

(i) the Fund shall terminate; and

(ii) the unexpended and unobligated balance of the Fund shall be transferred to the general fund of the Treasury.

(2) LOW-HAZARD FUND.—

(A) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the ''Low-Hazard Indian Dam Safety Deferred Maintenance Fund'', consisting of—

(i) such amounts as are deposited in the Fund under subparagraph (B); and

(ii) any interest earned on investment of amounts in the Fund under subparagraph (D).

(B) DEPOSITS TO FUND.—

(i) IN GENERAL.—For each of fiscal years 2017 through 2023, the Secretary of the Treasury shall deposit in the Fund $10,000,000 from the general fund of the Treasury.

(ii) AVAILABILITY OF AMOUNTS.—Amounts deposited in the Fund under clause (i) shall be used, subject to appropriation, to carry out this section.

(C) EXPENDITURES FROM FUND.—

(i) IN GENERAL.—Subject to clause (ii), for each of fiscal years 2017 through 2023, the Secretary may, to the extent provided in advance in appropriations Acts, expend from the Fund, in accordance with this section, not more than the sum of—

(I) $10,000,000; and

(II) the amount of interest accrued in the Fund.

(ii) ADDITIONAL EXPENDITURES.—The Secretary may expend more than $10,000,000 for any fiscal year referred to in clause (i) if the additional amounts are available in the Fund as a result of a failure of the Secretary to expend all of the amounts available under clause (i) in 1 or more prior fiscal years.

(D) INVESTMENTS OF AMOUNTS.—

(i) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary, required to meet current withdrawals.

(ii) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund.

(E) TRANSFERS OF AMOUNTS.—

(i) IN GENERAL.—The amounts required to be transferred to the Fund under this paragraph shall be transferred at least monthly.

(ii) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates are in excess of or less than the amounts required to be transferred.

(F) TERMINATION.—On September 30, 2023—

(i) the Fund shall terminate; and

(ii) the unexpended and unobligated balance of the Fund shall be transferred to the general fund of the Treasury.

(c) REPAIR, REPLACEMENT, AND MAINTENANCE OF CERTAIN INDIAN DAMS.—

(1) PROGRAM ESTABLISHMENT.—

(A) IN GENERAL.—The Secretary shall establish a program to address the deferred maintenance needs of Indian dams that—

(i) create flood risks or other risks to public or employee safety or natural or cultural resources; and

(ii) unduly impede the management and efficiency of Indian dams.

(B) FUNDING.—

(i) HIGH-HAZARD FUND.—Consistent with subsection (b)(1)(B), the Secretary shall use or transfer to the Bureau of Indian Affairs not less than $22,750,000 of amounts in the High-Hazard Indian Dam Safety Deferred Maintenance Fund, plus accrued interest, for each of fiscal years 2017 through 2023 to carry out maintenance, repair, and replacement activities for 1 or more of the Indian dams described in paragraph (2)(A).

(ii) LOW-HAZARD FUND.—Consistent with subsection (b)(2)(B), the Secretary shall use or transfer to the Bureau of Indian Affairs not less than $10,000,000 of amounts in the Low-Hazard Indian Dam Safety Deferred Maintenance Fund, plus accrued interest, for each of fiscal years 2017 through 2023 to carry out maintenance, repair, and replacement activities for 1 or more of the Indian dams described in paragraph (2)(B).

(C) COMPLIANCE WITH DAM SAFETY POLICIES.—Maintenance, repair, and replacement activities for Indian dams under this section shall be carried out in accordance with the dam safety policies of the Director of the Bureau of Indian Affairs established to carry out the Indian Dams Safety Act of 1994 (25 U.S.C. 3801 et seq.).

(2) ELIGIBLE DAMS.—

(A) HIGH HAZARD POTENTIAL DAMS.—The dams eligible for funding under paragraph (1)(B)(i) are Indian high hazard potential dams in the United States that—

(i) are included in the safety of dams program established pursuant to the Indian Dams Safety Act of 1994 (25 U.S.C. 3801 et seq.); and

(iii)(I)(aa) are owned by the Federal Government, as listed in the Federal inventory required by Executive Order 13327 (40 U.S.C. 121 note; relating to Federal real property asset management); and

(bb) are managed by the Bureau of Indian Affairs (including dams managed under contracts or compacts pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.)); or

(II) have deferred maintenance documented by the Bureau of Indian Affairs.

(B) LOW HAZARD POTENTIAL DAMS.—The dams eligible for funding under paragraph (1)(B)(ii) are Indian low hazard potential dams in the United States that, on the date of enactment of this Act—

(i) are covered under the Indian Dams Safety Act of 1994 (25 U.S.C. 3801 et seq.); and

(ii)(I)(aa) are owned by the Federal Government, as listed in the Federal inventory required by Executive Order 13327 (40 U.S.C. 121 note; relating to Federal real property asset management); and

(bb) are managed by the Bureau of Indian Affairs (including dams managed under contracts or compacts pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.)); or

(II) have deferred maintenance documented by the Bureau of Indian Affairs.

(3) REQUIREMENTS AND CONDITIONS.—Not later than 120 days after the date of enactment of this Act and as a precondition to amounts being expended from the Fund to carry out this subsection, the Secretary, in consultation with representatives of affected Indian tribes, shall develop and submit to Congress—

(A) programmatic goals to carry out this subsection that—

(i) would enable the completion of repairing, replacing, improving, or performing maintenance on Indian dams as expeditiously as practicable, subject to the dam safety policies of the Director of the Bureau of Indian Affairs established to carry out the Indian Dams Safety Act of 1994 (25 U.S.C. 3801 et seq.);

(ii) facilitate or improve the ability of the Bureau of Indian Affairs to carry out the mission of the Bureau of Indian Affairs in operating an Indian dam; and

(iii) ensure that the results of government-to-government consultation required under paragraph (4) be addressed; and

(B) funding prioritization criteria to serve as a methodology for distributing funds under this subsection that take into account—

(i) the extent to which deferred maintenance of Indian dams poses a threat to—

(I) public or employee safety or health;

(II) natural or cultural resources; or

(III) the ability of the Bureau of Indian Affairs to carry out the mission of the Bureau of Indian Affairs in operating an Indian dam;

(ii) the extent to which repairing, replacing, improving, or performing maintenance on an Indian dam will—

(I) improve public or employee safety, health, or accessibility;

(II) assist in compliance with codes, standards, laws, or other requirements;

(III) address unmet needs; or

(IV) assist in protecting natural or cultural resources;

(iii) the methodology of the rehabilitation priority index of the Secretary, as in effect on the date of enactment of this Act;

(iv) the potential economic benefits of the expenditures on job creation and general economic development in the affected tribal communities;

(v) the ability of an Indian dam to address tribal, regional, and watershed level flood prevention needs;

(vi) the need to comply with the dam safety policies of the Director of the Bureau of Indian Affairs established to carry out the Indian Dams Safety Act of 1994 (25 U.S.C. 3801 et seq.);

(vii) the ability of the water storage capacity of an Indian dam to be increased to prevent flooding in downstream tribal and nontribal communities; and

(viii) such other factors as the Secretary determines to be appropriate to prioritize the use of available funds that are, to the fullest extent practicable, consistent with tribal and user recommendations received pursuant to the consultation and input process under paragraph (4).

(4) TRIBAL CONSULTATION AND USER INPUT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), before expending funds on an Indian dam pursuant to paragraph (1) and not later than 60 days after the date of enactment of this Act, the Secretary shall—

(i) consult with the Director of the Bureau of Indian Affairs on the expenditure of funds;

(ii) ensure that the Director of the Bureau of Indian Affairs advises the Indian tribe that has jurisdiction over the land on which a dam eligible to receive funding under paragraph (2) is located on the expenditure of funds; and

(iii) solicit and consider the input, comments, and recommendations of the landowners served by the Indian dam.

(B) EMERGENCIES.—If the Secretary determines that an emergency circumstance exists with respect to an Indian dam, subparagraph (A) shall not apply with respect to that Indian dam.

(5) ALLOCATION AMONG DAMS.—

(A) IN GENERAL.—Subject to subparagraph (B), to the maximum extent practicable, the Secretary shall ensure that, for each of fiscal years 2017 through 2023, each Indian dam eligible for funding under paragraph (2) that has critical maintenance needs receives part of the funding under paragraph (1) to address critical maintenance needs.

(B) PRIORITY.—In allocating amounts under paragraph (1)(B), in addition to considering the funding priorities described in paragraph (3),

the Secretary shall give priority to Indian dams eligible for funding under paragraph (2) that serve—

(i) more than 1 Indian tribe within an Indian reservation; or

(ii) highly populated Indian communities, as determined by the Secretary.

(C) CAP ON FUNDING.—

(i) IN GENERAL.—Subject to clause (ii), in allocating amounts under paragraph (1)(B), the Secretary shall allocate not more than $10,000,000 to any individual dam described in paragraph (2) during any consecutive 3-year period.

(ii) EXCEPTION.—Notwithstanding the cap described in clause (i), if the full amount under paragraph (1)(B) cannot be fully allocated to eligible Indian dams because the costs of the remaining activities authorized in paragraph (1)(B) of an Indian dam would exceed the cap described in clause (i), the Secretary may allocate the remaining funds to eligible Indian dams in accordance with this subsection.

(D) BASIS OF FUNDING.—Any amounts made available under this paragraph shall be nonreimbursable.

(E) APPLICABILITY OF ISDEAA.—The Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.) shall apply to activities carried out under this paragraph.

(d) TRIBAL SAFETY OF DAMS COMMITTEE.—

(1) ESTABLISHMENT OF COMMITTEE.—

(A) ESTABLISHMENT.—The Secretary of the Interior shall establish within the Bureau of Indian Affairs the Tribal Safety of Dams Committee (referred to in this paragraph as the ''Committee'').

(B) MEMBERSHIP.—

(i) COMPOSITION.—The Committee shall be composed of 15 members, of whom—

(I) 11 shall be appointed by the Secretary of the Interior from among individuals who, to the maximum extent practicable, have knowledge and expertise in dam safety issues and flood prevention and mitigation, of whom not less than 1 shall be a member of an Indian tribe in each of the Bureau of Indian Affairs regions of—

(aa) the Northwest Region;

(bb) the Pacific Region;

(cc) the Western Region;

(dd) the Navajo Region;

(ee) the Southwest Region;

(ff) the Rocky Mountain Region;

(gg) the Great Plans Region; and

(hh) the Midwest Region;

(II) 2 shall be appointed by the Secretary of the Interior from among employees of the Bureau of Indian Affairs who have knowledge and expertise in dam safety issues and flood prevention and mitigation;

(III) 1 shall be appointed by the Secretary of the Interior from among employees of the Bureau of Reclamation who have knowledge and expertise in dam safety issues and flood prevention and mitigation; and

(IV) 1 shall be appointed by the Secretary of the Army from among employees of the Corps of Engineers who have knowledge and expertise in dam safety issues and flood prevention and mitigation.

(ii) NONVOTING MEMBERS.—The members of the Committee appointed under subclauses (II) and (III) of clause (i) shall be nonvoting members.

(iii) DATE.—The appointments of the members of the Committee shall be made as soon as practicable after the date of enactment of this Act.

(C) PERIOD OF APPOINTMENT.—Members shall be appointed for the life of the Committee.

(D) VACANCIES.—Any vacancy in the Committee shall not affect the powers of the Committee, but shall be filled in the same manner as the original appointment.

(E) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Committee have been appointed, the Committee shall hold the first meeting.

(F) MEETINGS.—The Committee shall meet at the call of the Chairperson.

(G) QUORUM.—A majority of the members of the Committee shall constitute a quorum, but a lesser number of members may hold hearings.

(H) CHAIRPERSON AND VICE CHAIRPERSON.—The Committee shall select a Chairperson and Vice Chairperson from among the members.

(2) DUTIES OF THE COMMITTEE.—

(A) STUDY.—The Committee shall conduct a thorough study of all matters relating to the modernization of the Indian Dams Safety Act of 1994 (25 U.S.C. 3801 et seq.).

(B) RECOMMENDATIONS.—The Committee shall develop recommendations for legislation to improve the Indian Dams Safety Act of 1994 (25 U.S.C. 3801 et seq.).

(C) REPORT.—Not later than 1 year after the date on which the Committee holds the first meeting, the Committee shall submit a report containing a detailed statement of the findings and conclusions of the Committee, together with recommendations for legislation that the Committee considers appropriate, to—

(i) the Committee on Indian Affairs of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(3) POWERS OF THE COMMITTEE.—

(A) HEARINGS.—The Committee may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Committee considers appropriate to carry out this paragraph.

(B) INFORMATION FROM FEDERAL AGENCIES.—

(i) IN GENERAL.—The Committee may secure directly from any Federal department or agency such information as the Committee considers necessary to carry out this paragraph.

(ii) REQUEST.—On request of the Chairperson of the Committee, the head of any Federal department or agency shall furnish information described in clause (i) to the Committee.

(C) POSTAL SERVICES.—The Committee may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(D) GIFTS.—The Committee may accept, use, and dispose of gifts or donations of services or property.

(4) COMMITTEE PERSONNEL MATTERS.—

(A) COMPENSATION OF MEMBERS.—

(i) NON-FEDERAL MEMBERS.—Each member of the Committee who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Committee.

(ii) FEDERAL MEMBERS.—Each member of the Committee who is an officer or employee of the Federal Government shall serve without compensation in addition to that received for services as an officer or employee of the Federal Government.

(B) TRAVEL EXPENSES.—The members of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Committee.

(C) STAFF.—

(i) IN GENERAL.—

(I) APPOINTMENT.—The Chairperson of the Committee may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Committee to perform the duties of the Committee.

(II) CONFIRMATION.—The employment of an executive director shall be subject to confirmation by the Committee.

(ii) COMPENSATION.—The Chairperson of the Committee may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of that title.

(D) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Committee without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(E) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Committee may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(5) TERMINATION OF THE COMMITTEE.—The Committee shall terminate 90 days after the date on which the Committee submits the report under paragraph (2)(C).

(6) FUNDING.—Of the amounts authorized to be expended from either Fund, $1,000,000 shall be made available from either Fund during fiscal year 2017 to carry out this subsection, to remain available until expended.

(e) INDIAN DAM SURVEYS.—

(1) TRIBAL REPORTS.—The Secretary shall request that, not less frequently than once every 180 days, each Indian tribe submit to the Secretary a report providing an inventory of the dams located on the land of the Indian tribe.

(2) BIA REPORTS.—Not less frequently than once each year, the Secretary shall submit to Congress a report describing the condition of each dam under the partial or total jurisdiction of the Secretary.

(f) FLOOD PLAIN MANAGEMENT PILOT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish, within the Bureau of Indian Affairs, a flood plain management pilot program (referred to in this subsection as the ''program'') to provide, at the request of an Indian tribe, guidance to the Indian tribe relating to best practices for the mitigation and prevention of floods, including consultation with the Indian tribe on—

(A) flood plain mapping; or

(B) new construction planning.

(2) TERMINATION.—The program shall terminate on the date that is 4 years after the date of enactment of this Act.

(3) FUNDING.—Of the amounts authorized to be expended from either Fund, $250,000 shall be made available from either Fund during each of fiscal years 2017, 2018, and 2019 to carry out this subsection, to remain available until expended.

Subtitle B—Irrigation Rehabilitation and Renovation for Indian Tribal Governments and Their Economies

SEC. 3201. DEFINITIONS.

In this subtitle:

(1) DEFERRED MAINTENANCE.—The term ''deferred maintenance'' means any maintenance activity that was delayed to a future date, in lieu of being carried out at the time at which the activity was scheduled to be, or otherwise should have been, carried out.

(2) FUND.—The term ''Fund'' means the Indian Irrigation Fund established by section 3211.

(3) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

PART I—INDIAN IRRIGATION FUND

SEC. 3211. ESTABLISHMENT.

There is established in the Treasury of the United States a fund, to be known as the ''Indian Irrigation Fund'', consisting of—

(1) such amounts as are deposited in the Fund under section 3212; and

(2) any interest earned on investment of amounts in the Fund under section 3214.

SEC. 3212. DEPOSITS TO FUND.

(a) IN GENERAL.—For each of fiscal years 2017 through 2021, the Secretary of the Treasury shall deposit in the Fund $35,000,000 from the general fund of the Treasury.

(b) AVAILABILITY OF AMOUNTS.—Amounts deposited in the Fund under subsection (a) shall be used, subject to appropriation, to carry out this subtitle.

SEC. 3213. EXPENDITURES FROM FUND.

(a) IN GENERAL.—Subject to subsection (b), for each of fiscal years 2017 through 2021, the Secretary may, to the extent provided in advance in appropriations Acts, expend from the Fund, in accordance with this subtitle, not more than the sum of—

(1) $35,000,000; and

(2) the amount of interest accrued in the Fund.

(b) ADDITIONAL EXPENDITURES.—The Secretary may expend more than $35,000,000 for any fiscal year referred to in subsection (a) if the additional amounts are available in the Fund as a result of a failure of the Secretary to expend all of the amounts available under subsection (a) in 1 or more prior fiscal years.

SEC. 3214. INVESTMENTS OF AMOUNTS.

(a) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary, required to meet current withdrawals.

(b) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund.

SEC. 3215. TRANSFERS OF AMOUNTS.

(a) IN GENERAL.—The amounts required to be transferred to the Fund under this part shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(b) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates are in excess of or less than the amounts required to be transferred.

SEC. 3216. TERMINATION.

On September 30, 2021—

(1) the Fund shall terminate; and

(2) the unexpended and unobligated balance of the Fund shall be transferred to the general fund of the Treasury.

PART II—REPAIR, REPLACEMENT, AND MAINTENANCE OF CERTAIN INDIAN IRRIGATION PROJECTS

SEC. 3221. REPAIR, REPLACEMENT, AND MAINTENANCE OF CERTAIN INDIAN IRRIGATION PROJECTS.

(a) IN GENERAL.—The Secretary shall establish a program to address the deferred maintenance needs and water storage needs of Indian irrigation projects that—

(1) create risks to public or employee safety or natural or cultural resources; and

(2) unduly impede the management and efficiency of the Indian irrigation program.

(b) FUNDING.—Consistent with section 3213, the Secretary shall use or transfer to the Bureau of Indian Affairs not less than $35,000,000 of amounts in the Fund, plus accrued interest, for each of fiscal years 2017 through 2021 to carry out maintenance, repair, and replacement activities for 1 or more of the Indian irrigation projects described in section 3222 (including any structures, facilities, equipment, personnel, or vehicles used in connection with the operation of those projects), subject to the condition that the funds expended under this part shall not be—

(1) subject to reimbursement by the owners of the land served by the Indian irrigation projects; or

(2) assessed as debts or liens against the land served by the Indian irrigation projects.

SEC. 3222. ELIGIBLE PROJECTS.

The projects eligible for funding under section 3221(b) are the Indian irrigation projects in the western United States that, on the date of enactment of this Act—

(1) are owned by the Federal Government, as listed in the Federal inventory required by Executive Order 13327 (40 U.S.C. 121 note; relating to Federal real property asset management);

(2) are managed and operated by the Bureau of Indian Affairs (including projects managed, operated, or maintained under contracts or compacts pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.); and

(3) have deferred maintenance documented by the Bureau of Indian Affairs.

SEC. 3223. REQUIREMENTS AND CONDITIONS.

Not later than 120 days after the date of enactment of this Act and as a precondition to amounts being expended from the Fund to carry out this part, the Secretary, in consultation with the Assistant Secretary for Indian Affairs and representatives of affected Indian tribes, shall develop and submit to Congress—

(1) programmatic goals to carry out this part that—

(A) would enable the completion of repairing, replacing, modernizing, or performing maintenance on projects as expeditiously as practicable;

(B) facilitate or improve the ability of the Bureau of Indian Affairs to carry out the mission of the Bureau of Indian Affairs in operating a project;

(C) ensure that the results of government-to-government consultation required under section 3225 be addressed; and

(D) would facilitate the construction of new water storage using non-Federal contributions to address tribal, regional, and watershed-level supply needs; and

(2) funding prioritization criteria to serve as a methodology for distributing funds under this part, that take into account—

(A) the extent to which deferred maintenance of qualifying irrigation projects poses a threat to public or employee safety or health;

(B) the extent to which deferred maintenance poses a threat to natural or cultural resources;

(C) the extent to which deferred maintenance poses a threat to the ability of the Bureau of Indian Affairs to carry out the mission of the Bureau of Indian Affairs in operating the project;

(D) the extent to which repairing, replacing, modernizing, or performing maintenance on a facility or structure will—

(i) improve public or employee safety, health, or accessibility;

(ii) assist in compliance with codes, standards, laws, or other requirements;

(iii) address unmet needs; and

(iv) assist in protecting natural or cultural resources;

(E) the methodology of the rehabilitation priority index of the Secretary, as in effect on the date of enactment of this Act;

(F) the potential economic benefits of the expenditures on job creation and general economic development in the affected tribal communities;

(G) the ability of the qualifying project to address tribal, regional, and watershed level water supply needs; and

(H) such other factors as the Secretary determines to be appropriate to prioritize the use of available funds that are, to the fullest extent practicable, consistent with tribal and user recommendations received pursuant to the consultation and input process under section 3225.

SEC. 3224. STUDY OF INDIAN IRRIGATION PROGRAM AND PROJECT MANAGEMENT.

(a) TRIBAL CONSULTATION AND USER INPUT.—Before beginning to conduct the study required under subsection (b), the Secretary shall—

(1) consult with the Indian tribes that have jurisdiction over the land on which an irrigation project eligible to receive funding under section 3222 is located; and

(2) solicit and consider the input, comments, and recommendations of—

(A) the landowners served by the irrigation project; and

(B) irrigators from adjacent irrigation districts.

(b) STUDY.—Not later than 2 years after the date of enactment of this Act, the Secretary, acting through the Assistant Secretary for Indian Affairs, shall complete a study that evaluates options for improving programmatic and project management and performance of irrigation projects managed and operated in whole or in part by the Bureau of Indian Affairs.

(c) REPORT.—On completion of the study under subsection (b), the Secretary, acting through the Assistant Secretary for Indian Affairs, shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report that—

(1) describes the results of the study;

(2) determines the cost to financially sustain each project;

(3) recommends whether management of each project could be improved by transferring management responsibilities to other Federal agencies or water user groups; and

(4) includes recommendations for improving programmatic and project management and performance—

(A) in each qualifying project area; and

(B) for the program as a whole.

(d) STATUS REPORT.—Not later than 2 years after the date of enactment of this Act, and not less frequently than every 2 years thereafter (until the end of fiscal year 2021), the Secretary, acting through the Assistant Secretary for Indian Affairs, shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report that includes a description of—

(1) the progress made toward addressing the deferred maintenance needs of the Indian irrigation projects described in section 3222, including a list of projects funded during the fiscal period covered by the report;

(2) the outstanding needs of those projects that have been provided funding to address the deferred maintenance needs pursuant to this part;

(3) the remaining needs of any of those projects;

(4) how the goals established pursuant to section 3223 have been met, including—

(A) an identification and assessment of any deficiencies or shortfalls in meeting those goals; and

(B) a plan to address the deficiencies or shortfalls in meeting those goals; and

(5) any other subject matters the Secretary, to the maximum extent practicable consistent with tribal and user recommendations received pursuant to the consultation and input process under section 3225, determines to be appropriate.

SEC. 3225. TRIBAL CONSULTATION AND USER INPUT.

Before expending funds on an Indian irrigation project pursuant to section 3221 and not later than 120 days after the date of enactment of this Act, the Secretary shall—

(1) consult with the Indian tribe that has jurisdiction over the land on which an irrigation project eligible to receive funding under section 3222 is located; and

(2) solicit and consider the input, comments, and recommendations of—

(A) the landowners served by the irrigation project; and

(B) irrigators from adjacent irrigation districts.

SEC. 3226. ALLOCATION AMONG PROJECTS.

(a) IN GENERAL.—Subject to subsection (b), to the maximum extent practicable, the Secretary shall ensure that, for each of fiscal years 2017

through 2021, each Indian irrigation project eligible for funding under section 3222 that has critical maintenance needs receives part of the funding under section 3221 to address critical maintenance needs.

(b) PRIORITY.—In allocating amounts under section 3221(b), in addition to considering the funding priorities described in section 3223, the Secretary shall give priority to eligible Indian irrigation projects serving more than 1 Indian tribe within an Indian reservation and to projects for which funding has not been made available during the 10-year period ending on the day before the date of enactment of this Act under any other Act of Congress that expressly identifies the Indian irrigation project or the Indian reservation of the project to address the deferred maintenance, repair, or replacement needs of the Indian irrigation project.

(c) CAP ON FUNDING.—

(1) IN GENERAL.—Subject to paragraph (2), in allocating amounts under section 3221(b), the Secretary shall allocate not more than $15,000,000 to any individual Indian irrigation project described in section 3222 during any consecutive 3-year period.

(2) EXCEPTION.—Notwithstanding the cap described in paragraph (1), if the full amount under section 3221(b) cannot be fully allocated to eligible Indian irrigation projects because the costs of the remaining activities authorized in section 3221(b) of an irrigation project would exceed the cap described in paragraph (1), the Secretary may allocate the remaining funds to eligible Indian irrigation projects in accordance with this part.

(d) BASIS OF FUNDING.—Any amounts made available under this section shall be nonreimbursable.

(e) APPLICABILITY OF ISDEAA.—The Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.) shall apply to activities carried out under this section.

Subtitle C—Weber Basin Prepayments

SEC. 3301. PREPAYMENT OF CERTAIN REPAYMENT OBLIGATIONS UNDER CONTRACTS BETWEEN THE UNITED STATES AND THE WEBER BASIN WATER CONSERVANCY DISTRICT.

The Secretary of the Interior shall allow for prepayment of repayment obligations under Repayment Contract No. 14–06–400–33 between the United States and the Weber Basin Water Conservancy District, dated December 12, 1952, and supplemented and amended on June 30, 1961, on April 15, 1966, on September 20, 1968, and on May 9, 1985, including future amendments and all related applicable contracts thereto, providing for repayment of Weber Basin Project construction costs allocated to irrigation and municipal and industrial purposes for which repayment is provided pursuant to such contracts under terms and conditions similar to those used in implementing the prepayment provisions in section 210 of the Central Utah Project Completion Act (Public Law 102–575), as amended, for prepayment of Central Utah Project, Bonneville Unit repayment obligations. The prepayment—

(1) shall result in the United States recovering the net present value of all repayment streams that would have been payable to the United States if this Act was not in effect;

(2) may be provided in several installments;

(3) may not be adjusted on the basis of the type of prepayment financing used by the District; and

(4) shall be made such that total repayment is made not later than September 30, 2026.

Subtitle D—Pechanga Water Rights Settlement

SEC. 3401. SHORT TITLE.

This subtitle may be cited as the ''Pechanga Band of Luiseño Mission Indians Water Rights Settlement Act''.

SEC. 3402. PURPOSES.

The purposes of this subtitle are—

(1) to achieve a fair, equitable, and final settlement of claims to water rights and certain claims for injuries to water rights in the Santa Margarita River Watershed for—

(A) the Band; and

(B) the United States, acting in its capacity as trustee for the Band and Allottees;

(2) to achieve a fair, equitable, and final settlement of certain claims by the Band and Allottees against the United States;

(3) to authorize, ratify, and confirm the Pechanga Settlement Agreement to be entered into by the Band, RCWD, and the United States;

(4) to authorize and direct the Secretary—

(A) to execute the Pechanga Settlement Agreement; and

(B) to take any other action necessary to carry out the Pechanga Settlement Agreement in accordance with this subtitle; and

(5) to authorize the appropriation of amounts necessary for the implementation of the Pechanga Settlement Agreement and this subtitle.

SEC. 3403. DEFINITIONS.

In this subtitle:

(1) ADJUDICATION COURT.—The term ''Adjudication Court'' means the United States District Court for the Southern District of California, which exercises continuing jurisdiction over the Adjudication Proceeding.

(2) ADJUDICATION PROCEEDING.—The term ''Adjudication Proceeding'' means litigation initiated by the United States regarding relative water rights in the Santa Margarita River Watershed in United States v. Fallbrook Public Utility District et al., Civ. No. 3:51–cv–01247 (S.D.C.A.), including any litigation initiated to interpret or enforce the relative water rights in the Santa Margarita River Watershed pursuant to the continuing jurisdiction of the Adjudication Court over the Fallbrook Decree.

(3) ALLOTTEE.—The term ''Allottee'' means an individual who holds a beneficial real property interest in an Indian allotment that is—

(A) located within the Reservation; and

(B) held in trust by the United States.

(4) BAND.—The term ''Band'' means Pechanga Band of Luiseño Mission Indians, a federally recognized sovereign Indian tribe that functions as a custom and tradition Indian tribe, acting on behalf of itself and its members, but not acting on behalf of members in their capacities as Allottees.

(5) CLAIMS.—The term ''claims'' means rights, claims, demands, actions, compensation, or causes of action, whether known or unknown.

(6) EMWD.—The term ''EMWD'' means Eastern Municipal Water District, a municipal water district organized and existing in accordance with the Municipal Water District Law of 1911, Division 20 of the Water Code of the State of California, as amended.

(7) EMWD CONNECTION FEE.—The term ''EMWD Connection Fee'' has the meaning set forth in the Extension of Service Area Agreement.

(8) ENFORCEABILITY DATE.—The term ''enforceability date'' means the date on which the Secretary publishes in the Federal Register the statement of findings described in section 3407(e).

(9) ESAA CAPACITY AGREEMENT.—The term ''ESAA Capacity Agreement'' means the ''ESAA Capacity Agreement'', among the Band, RCWD, and the United States.

(10) ESAA WATER.—The term ''ESAA Water'' means imported potable water that the Band receives from EMWD and MWD pursuant to the Extension of Service Area Agreement and delivered by RCWD pursuant to the ESAA Water Delivery Agreement.

(11) ESAA WATER DELIVERY AGREEMENT.—The term ''ESAA Water Delivery Agreement'' means the agreement among EMWD, RCWD, and the Band, establishing the terms and conditions of water service to the Band.

(12) EXTENSION OF SERVICE AREA AGREEMENT.—The term ''Extension of Service Area Agreement'' means the ''Extension of Service Area Agreement'', among the Band, EMWD, and MWD, for the provision of water service by EMWD to a designated portion of the Reservation using water supplied by MWD.

(13) FALLBROOK DECREE.—

(A) IN GENERAL.—The term ''Fallbrook Decree'' means the ''Modified Final Judgment And Decree'', entered in the Adjudication Proceeding on April 6, 1966.

(B) INCLUSIONS.—The term ''Fallbrook Decree'' includes all court orders, interlocutory judgments, and decisions supplemental to the ''Modified Final Judgment And Decree'', including Interlocutory Judgment No. 30, Interlocutory Judgment No. 35, and Interlocutory Judgment No. 41.

(14) FUND.—The term ''Fund'' means the Pechanga Settlement Fund established by section 3409.

(15) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(16) INJURY TO WATER RIGHTS.—The term ''injury to water rights'' means an interference with, diminution of, or deprivation of water rights under Federal or State law.

(17) INTERIM CAPACITY.—The term ''Interim Capacity'' has the meaning set forth in the ESAA Capacity Agreement.

(18) INTERIM CAPACITY NOTICE.—The term ''Interim Capacity Notice'' has the meaning set forth in the ESAA Capacity Agreement.

(19) INTERLOCUTORY JUDGMENT NO. 41.—The term ''Interlocutory Judgment No. 41'' means Interlocutory Judgment No. 41 issued in the Adjudication Proceeding on November 8, 1962, including all court orders, judgments, and decisions supplemental to that interlocutory judgment.

(20) MWD.—The term ''MWD'' means the Metropolitan Water District of Southern California, a metropolitan water district organized and incorporated under the Metropolitan Water District Act of the State of California (Stats. 1969, Chapter 209, as amended).

(21) MWD CONNECTION FEE.—The term ''MWD Connection Fee'' has the meaning set forth in the Extension of Service Area Agreement.

(22) PECHANGA ESAA DELIVERY CAPACITY ACCOUNT.—The term ''Pechanga ESAA Delivery Capacity account'' means the account established by section 3409(c)(2).

(23) PECHANGA RECYCLED WATER INFRASTRUCTURE ACCOUNT.—The term ''Pechanga Recycled Water Infrastructure account'' means the account established by section 3409(c)(1).

(24) PECHANGA SETTLEMENT AGREEMENT.—The term ''Pechanga Settlement Agreement'' means the Pechanga Settlement Agreement, dated April 8, 2016, together with the exhibits to that agreement, entered into by the Band, the United States on behalf of the Band, its members and Allottees, MWD, EMWD, and RCWD, including—

(A) the Extension of Service Area Agreement;

(B) the ESAA Capacity Agreement; and

(C) the ESAA Water Delivery Agreement.

(25) PECHANGA WATER CODE.—The term ''Pechanga Water Code'' means a water code to be adopted by the Band in accordance with section 3405(f).

(26) PECHANGA WATER FUND ACCOUNT.—The term ''Pechanga Water Fund account'' means the account established by section 3409(c)(3).

(27) PECHANGA WATER QUALITY ACCOUNT.—The term ''Pechanga Water Quality account'' means the account established by section 3409(c)(4).

(28) PERMANENT CAPACITY.—The term ''Permanent Capacity'' has the meaning set forth in the ESAA Capacity Agreement.

(29) PERMANENT CAPACITY NOTICE.—The term ''Permanent Capacity Notice'' has the meaning set forth in the ESAA Capacity Agreement.

(30) RCWD.—

(A) IN GENERAL.—The term ''RCWD'' means the Rancho California Water District organized

pursuant to section 34000 et seq. of the California Water Code.

(B) INCLUSIONS.—The term ''RCWD'' includes all real property owners for whom RCWD acts as an agent pursuant to an agency agreement.

(31) RECYCLED WATER INFRASTRUCTURE AGREEMENT.—The term ''Recycled Water Infrastructure Agreement'' means the ''Recycled Water Infrastructure Agreement'' among the Band, RCWD, and the United States.

(32) RECYCLED WATER TRANSFER AGREEMENT.—The term ''Recycled Water Transfer Agreement'' means the ''Recycled Water Transfer Agreement'' between the Band and RCWD.

(33) RESERVATION.—

(A) IN GENERAL.—The term ''Reservation'' means the land depicted on the map attached to the Pechanga Settlement Agreement as Exhibit I.

(B) APPLICABILITY OF TERM.—The term ''Reservation'' shall be used solely for the purposes of the Pechanga Settlement Agreement, this subtitle, and any judgment or decree issued by the Adjudication Court approving the Pechanga Settlement Agreement.

(34) SANTA MARGARITA RIVER WATERSHED.—The term ''Santa Margarita River Watershed'' means the watershed that is the subject of the Adjudication Proceeding and the Fallbrook Decree.

(35) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(36) STATE.—The term ''State'' means the State of California.

(37) STORAGE POND.—The term ''Storage Pond'' has the meaning set forth in the Recycled Water Infrastructure Agreement.

(38) TRIBAL WATER RIGHT.—The term ''Tribal Water Right'' means the water rights ratified, confirmed, and declared to be valid for the benefit of the Band and Allottees, as set forth and described in section 3405.

SEC. 3404. APPROVAL OF THE PECHANGA SETTLEMENT AGREEMENT.

(a) RATIFICATION OF PECHANGA SETTLEMENT AGREEMENT.—

(1) IN GENERAL.—Except as modified by this subtitle, and to the extent that the Pechanga Settlement Agreement does not conflict with this subtitle, the Pechanga Settlement Agreement is authorized, ratified, and confirmed.

(2) AMENDMENTS.—Any amendment to the Pechanga Settlement Agreement is authorized, ratified, and confirmed, to the extent that the amendment is executed to make the Pechanga Settlement Agreement consistent with this subtitle.

(b) EXECUTION OF PECHANGA SETTLEMENT AGREEMENT.—

(1) IN GENERAL.—To the extent that the Pechanga Settlement Agreement does not conflict with this subtitle, the Secretary is directed to and promptly shall execute—

(A) the Pechanga Settlement Agreement (including any exhibit to the Pechanga Settlement Agreement requiring the signature of the Secretary); and

(B) any amendment to the Pechanga Settlement Agreement necessary to make the Pechanga Settlement Agreement consistent with this subtitle.

(2) MODIFICATIONS.—Nothing in this subtitle precludes the Secretary from approving modifications to exhibits to the Pechanga Settlement Agreement not inconsistent with this subtitle, to the extent those modifications do not otherwise require congressional approval pursuant to section 2116 of the Revised Statutes (25 U.S.C. 177) or other applicable Federal law.

(c) ENVIRONMENTAL COMPLIANCE.—

(1) IN GENERAL.—In implementing the Pechanga Settlement Agreement, the Secretary shall promptly comply with all applicable requirements of—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(C) all other applicable Federal environmental laws; and

(D) all regulations promulgated under the laws described in subparagraphs (A) through (C).

(2) EXECUTION OF THE PECHANGA SETTLEMENT AGREEMENT.—

(A) IN GENERAL.—Execution of the Pechanga Settlement Agreement by the Secretary under this section shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) COMPLIANCE.—The Secretary is directed to carry out all Federal compliance necessary to implement the Pechanga Settlement Agreement.

(3) LEAD AGENCY.—The Bureau of Reclamation shall be designated as the lead agency with respect to environmental compliance.

SEC. 3405. TRIBAL WATER RIGHT.

(a) INTENT OF CONGRESS.—It is the intent of Congress to provide to each Allottee benefits that are equal to or exceed the benefits Allottees possess as of the date of enactment of this Act, taking into consideration—

(1) the potential risks, cost, and time delay associated with litigation that would be resolved by the Pechanga Settlement Agreement and this subtitle;

(2) the availability of funding under this subtitle;

(3) the availability of water from the Tribal Water Right and other water sources as set forth in the Pechanga Settlement Agreement; and

(4) the applicability of section 7 of the Act of February 8, 1887 (25 U.S.C. 381), and this subtitle to protect the interests of Allottees.

(b) CONFIRMATION OF TRIBAL WATER RIGHT.—

(1) IN GENERAL.—A Tribal Water Right of up to 4,994 acre-feet of water per year that, under natural conditions, is physically available on the Reservation is confirmed in accordance with the Findings of Fact and Conclusions of Law set forth in Interlocutory Judgment No. 41, as affirmed by the Fallbrook Decree.

(2) USE.—Subject to the terms of the Pechanga Settlement Agreement, this subtitle, the Fallbrook Decree, and applicable Federal law, the Band may use the Tribal Water Right for any purpose on the Reservation.

(c) HOLDING IN TRUST.—The Tribal Water Right, as set forth in subsection (b), shall—

(1) be held in trust by the United States on behalf of the Band and the Allottees in accordance with this section;

(2) include the priority dates described in Interlocutory Judgment No. 41, as affirmed by the Fallbrook Decree; and

(3) not be subject to forfeiture or abandonment.

(d) ALLOTTEES.—

(1) APPLICABILITY OF ACT OF FEBRUARY 8, 1887.—The provisions of section 7 of the Act of February 8, 1887 (25 U.S.C. 381), relating to the use of water for irrigation purposes shall apply to the Tribal Water Right.

(2) ENTITLEMENT TO WATER.—Any entitlement to water of an Allottee under Federal law shall be satisfied from the Tribal Water Right.

(3) ALLOCATIONS.—Allotted land located within the exterior boundaries of the Reservation shall be entitled to a just and equitable allocation of water for irrigation and domestic purposes from the Tribal Water Right.

(4) EXHAUSTION OF REMEDIES.—Before asserting any claim against the United States under section 7 of the Act of February 8, 1887 (25 U.S.C. 381), or any other applicable law, an Allottee shall exhaust remedies available under the Pechanga Water Code or other applicable tribal law.

(5) CLAIMS.—Following exhaustion of remedies available under the Pechanga Water Code or other applicable tribal law, an Allottee may seek relief under section 7 of the Act of February 8, 1887 (25 U.S.C. 381), or other applicable law.

(6) AUTHORITY.—The Secretary shall have the authority to protect the rights of Allottees as specified in this section.

(e) AUTHORITY OF BAND.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Band shall have authority to use, allocate, distribute, and lease the Tribal Water Right on the Reservation in accordance with—

(A) the Pechanga Settlement Agreement; and

(B) applicable Federal law.

(2) LEASES BY ALLOTTEES.—

(A) IN GENERAL.—An Allottee may lease any interest in land held by the Allottee, together with any water right determined to be appurtenant to that interest in land.

(B) WATER RIGHT APPURTENANT.—Any water right determined to be appurtenant to an interest in land leased by an Allottee shall be used on such land on the Reservation.

(f) PECHANGA WATER CODE.—

(1) IN GENERAL.—Not later than 18 months after the enforceability date, the Band shall enact a Pechanga Water Code, that provides for—

(A) the management, regulation, and governance of all uses of the Tribal Water Right in accordance with the Pechanga Settlement Agreement; and

(B) establishment by the Band of conditions, permit requirements, and other limitations relating to the storage, recovery, and use of the Tribal Water Right in accordance with the Pechanga Settlement Agreement.

(2) INCLUSIONS.—Subject to the approval of the Secretary, the Pechanga Water Code shall provide—

(A) that allocations of water to Allottees shall be satisfied with water from the Tribal Water Right;

(B) that charges for delivery of water for irrigation purposes for Allottees shall be assessed on a just and equitable basis;

(C) a process by which an Allottee may request that the Band provide water for irrigation or domestic purposes in accordance with this subtitle;

(D) a due process system for the consideration and determination by the Band of any request by an Allottee (or any successor in interest to an Allottee) for an allocation of such water for irrigation or domestic purposes on allotted land, including a process for—

(i) appeal and adjudication of any denied or disputed distribution of water; and

(ii) resolution of any contested administrative decision; and

(E) a requirement that any Allottee with a claim relating to the enforcement of rights of the Allottee under the Pechanga Water Code or relating to the amount of water allocated to land of the Allottee must first exhaust remedies available to the Allottee under tribal law and the Pechanga Water Code before initiating an action against the United States or petitioning the Secretary pursuant to subsection (d)(4).

(3) ACTION BY SECRETARY.—

(A) IN GENERAL.—The Secretary shall administer the Tribal Water Right until the Pechanga Water Code is enacted and approved under this section.

(B) APPROVAL.—Any provision of the Pechanga Water Code and any amendment to the Pechanga Water Code that affects the rights of Allottees—

(i) shall be subject to the approval of the Secretary; and

(ii) shall not be valid until approved by the Secretary.

(C) APPROVAL PERIOD.—The Secretary shall approve or disapprove the Pechanga Water Code within a reasonable period of time after the date on which the Band submits the Pechanga Water Code to the Secretary for approval.

(g) EFFECT.—Except as otherwise specifically provided in this section, nothing in this subtitle—

(1) authorizes any action by an Allottee against any individual or entity, or against the Band, under Federal, State, tribal, or local law; or

(2) alters or affects the status of any action pursuant to section 1491(a) of title 28, United States Code.

SEC. 3406. SATISFACTION OF CLAIMS.

(a) IN GENERAL.—The benefits provided to the Band under the Pechanga Settlement Agreement and this subtitle shall be in complete replacement of, complete substitution for, and full satisfaction of all claims of the Band against the United States that are waived and released pursuant to section 3407.

(b) ALLOTTEE CLAIMS.—The benefits realized by the Allottees under this subtitle shall be in complete replacement of, complete substitution for, and full satisfaction of—

(1) all claims that are waived and released pursuant to section 3407; and

(2) any claims of the Allottees against the United States that the Allottees have or could have asserted that are similar in nature to any claim described in section 3407.

(c) NO RECOGNITION OF WATER RIGHTS.—Except as provided in section 3405(d), nothing in this subtitle recognizes or establishes any right of a member of the Band or an Allottee to water within the Reservation.

(d) CLAIMS RELATING TO DEVELOPMENT OF WATER FOR RESERVATION.—

(1) IN GENERAL.—The amounts authorized to be appropriated pursuant to section 3411 shall be used to satisfy any claim of the Allottees against the United States with respect to the development or protection of water resources for the Reservation.

(2) SATISFACTION OF CLAIMS.—Upon the complete appropriation of amounts authorized pursuant to section 3411, any claim of the Allottees against the United States with respect to the development or protection of water resources for the Reservation shall be deemed to have been satisfied.

SEC. 3407. WAIVER OF CLAIMS.

(a) IN GENERAL.—

(1) WAIVER OF CLAIMS BY THE BAND AND THE UNITED STATES ACTING IN ITS CAPACITY AS TRUSTEE FOR THE BAND.—

(A) IN GENERAL.—Subject to the retention of rights set forth in subsection (c), in return for recognition of the Tribal Water Right and other benefits as set forth in the Pechanga Settlement Agreement and this subtitle, the Band, and the United States, acting as trustee for the Band, are authorized and directed to execute a waiver and release of all claims for water rights within the Santa Margarita River Watershed that the Band, or the United States acting as trustee for the Band, asserted or could have asserted in any proceeding, including the Adjudication Proceeding, except to the extent that such rights are recognized in the Pechanga Settlement Agreement and this subtitle.

(B) CLAIMS AGAINST RCWD.—Subject to the retention of rights set forth in subsection (c) and notwithstanding any provisions to the contrary in the Pechanga Settlement Agreement, the Band and the United States, on behalf of the Band and Allottees, fully release, acquit, and discharge RCWD from—

(i) claims for injuries to water rights in the Santa Margarita River Watershed for land located within the Reservation arising or occurring at any time up to and including June 30, 2009;

(ii) claims for injuries to water rights in the Santa Margarita River Watershed for land located within the Reservation arising or occurring at any time after June 30, 2009, resulting from the diversion or use of water in a manner not in violation of the Pechanga Settlement Agreement or this subtitle;

(iii) claims for subsidence damage to land located within the Reservation arising or occurring at any time up to and including June 30, 2009;

(iv) claims for subsidence damage arising or occurring after June 30, 2009, to land located within the Reservation resulting from the diversion of underground water in a manner consistent with the Pechanga Settlement Agreement or this subtitle; and

(v) claims arising out of, or relating in any manner to, the negotiation or execution of the Pechanga Settlement Agreement or the negotiation or execution of this subtitle.

(2) CLAIMS BY THE UNITED STATES ACTING IN ITS CAPACITY AS TRUSTEE FOR ALLOTTEES.—Subject to the retention of claims set forth in subsection (c), in return for recognition of the Tribal Water Right and other benefits as set forth in the Pechanga Settlement Agreement and this subtitle, the United States, acting as trustee for Allottees, is authorized and directed to execute a waiver and release of all claims for water rights within the Santa Margarita River Watershed that the United States, acting as trustee for the Allottees, asserted or could have asserted in any proceeding, including the Adjudication Proceeding, except to the extent such rights are recognized in the Pechanga Settlement Agreement and this subtitle.

(3) CLAIMS BY THE BAND AGAINST THE UNITED STATES.—Subject to the retention of rights set forth in subsection (c), the Band, is authorized to execute a waiver and release of—

(A) all claims against the United States (including the agencies and employees of the United States) relating to claims for water rights in, or water of, the Santa Margarita River Watershed that the United States, acting in its capacity as trustee for the Band, asserted, or could have asserted, in any proceeding, including the Adjudication Proceeding, except to the extent that those rights are recognized in the Pechanga Settlement Agreement and this subtitle;

(B) all claims against the United States (including the agencies and employees of the United States) relating to damages, losses, or injuries to water, water rights, land, or natural resources due to loss of water or water rights (including damages, losses or injuries to hunting, fishing, gathering, or cultural rights due to loss of water or water rights, claims relating to interference with, diversion, or taking of water or water rights, or claims relating to failure to protect, acquire, replace, or develop water, water rights, or water infrastructure) in the Santa Margarita River Watershed that first accrued at any time up to and including the enforceability date;

(C) all claims against the United States (including the agencies and employees of the United States) relating to the pending litigation of claims relating to the water rights of the Band in the Adjudication Proceeding; and

(D) all claims against the United States (including the agencies and employees of the United States) relating to the negotiation or execution of the Pechanga Settlement Agreement or the negotiation or execution of this subtitle.

(b) EFFECTIVENESS OF WAIVERS AND RELEASES.—The waivers under subsection (a) shall take effect on the enforceability date.

(c) RESERVATION OF RIGHTS AND RETENTION OF CLAIMS.—Notwithstanding the waivers and releases authorized in this subtitle, the Band, on behalf of itself and the members of the Band, and the United States, acting in its capacity as trustee for the Band and Allottees, retain—

(1) all claims for enforcement of the Pechanga Settlement Agreement and this subtitle;

(2) all claims against any person or entity other than the United States and RCWD, including claims for monetary damages;

(3) all claims for water rights that are outside the jurisdiction of the Adjudication Court;

(4) all rights to use and protect water rights acquired on or after the enforceability date; and

(5) all remedies, privileges, immunities, powers, and claims, including claims for water rights, not specifically waived and released pursuant to this subtitle and the Pechanga Settlement Agreement.

(d) EFFECT OF PECHANGA SETTLEMENT AGREEMENT AND ACT.—Nothing in the Pechanga Settlement Agreement or this subtitle—

(1) affects the ability of the United States, acting as a sovereign, to take actions authorized by law, including any laws relating to health, safety, or the environment, including—

(A) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(B) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(C) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(D) any regulations implementing the Acts described in subparagraphs (A) through (C);

(2) affects the ability of the United States to take actions acting as trustee for any other Indian tribe or an Allottee of any other Indian tribe;

(3) confers jurisdiction on any State court—

(A) to interpret Federal law regarding health, safety, or the environment;

(B) to determine the duties of the United States or other parties pursuant to Federal law regarding health, safety, or the environment; or

(C) to conduct judicial review of Federal agency action;

(4) waives any claim of a member of the Band in an individual capacity that does not derive from a right of the Band;

(5) limits any funding that RCWD would otherwise be authorized to receive under any Federal law, including, the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.) as that Act applies to permanent facilities for water recycling, demineralization, and desalination, and distribution of nonpotable water supplies in Southern Riverside County, California;

(6) characterizes any amounts received by RCWD under the Pechanga Settlement Agreement or this subtitle as Federal for purposes of section 1649 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h–32); or

(7) affects the requirement of any party to the Pechanga Settlement Agreement or any of the exhibits to the Pechanga Settlement Agreement to comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or the California Environmental Quality Act (Cal. Pub. Res. Code 21000 et seq.) prior to performing the respective obligations of that party under the Pechanga Settlement Agreement or any of the exhibits to the Pechanga Settlement Agreement.

(e) ENFORCEABILITY DATE.—The enforceability date shall be the date on which the Secretary publishes in the Federal Register a statement of findings that—

(1) the Adjudication Court has approved and entered a judgment and decree approving the Pechanga Settlement Agreement in substantially the same form as Appendix 2 to the Pechanga Settlement Agreement;

(2) all amounts authorized by this subtitle have been deposited in the Fund;

(3) the waivers and releases authorized in subsection (a) have been executed by the Band and the Secretary;

(4) the Extension of Service Area Agreement—

(A) has been approved and executed by all the parties to the Extension of Service Area Agreement; and

(B) is effective and enforceable in accordance with the terms of the Extension of Service Area Agreement; and

(5) the ESAA Water Delivery Agreement—

(A) has been approved and executed by all the parties to the ESAA Water Delivery Agreement; and

(B) is effective and enforceable in accordance with the terms of the ESAA Water Delivery Agreement.

(f) TOLLING OF CLAIMS.—

(1) IN GENERAL.—Each applicable period of limitation and time-based equitable defense relating to a claim described in this section shall be tolled for the period beginning on the date of enactment of this Act and ending on the earlier of—

(A) April 30, 2030, or such alternate date after April 30, 2030, as is agreed to by the Band and the Secretary; or

(B) the enforceability date.

(2) EFFECTS OF SUBSECTION.—Nothing in this subsection revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

(3) LIMITATION.—Nothing in this section precludes the tolling of any period of limitations or any time-based equitable defense under any other applicable law.

(g) TERMINATION.—

(1) IN GENERAL.—If all of the amounts authorized to be appropriated to the Secretary pursuant to this subtitle have not been made available to the Secretary by April 30, 2030—

(A) the waivers authorized by this section shall expire and have no force or effect; and

(B) all statutes of limitations applicable to any claim otherwise waived under this section shall be tolled until April 30, 2030.

(2) VOIDING OF WAIVERS.—If a waiver authorized by this section is void under paragraph (1)—

(A) the approval of the United States of the Pechanga Settlement Agreement under section 3404 shall be void and have no further force or effect;

(B) any unexpended Federal amounts appropriated or made available to carry out this subtitle, together with any interest earned on those amounts, and any water rights or contracts to use water and title to other property acquired or constructed with Federal amounts appropriated or made available to carry out this subtitle shall be returned to the Federal Government, unless otherwise agreed to by the Band and the United States and approved by Congress; and

(C) except for Federal amounts used to acquire or develop property that is returned to the Federal Government under subparagraph (B), the United States shall be entitled to set off any Federal amounts appropriated or made available to carry out this subtitle that were expended or withdrawn, together with any interest accrued, against any claims against the United States relating to water rights asserted by the Band or Allottees in any future settlement of the water rights of the Band or Allottees.

SEC. 3408. WATER FACILITIES.

(a) IN GENERAL.—The Secretary shall, subject to the availability of appropriations, using amounts from the designated accounts of the Fund, provide the amounts necessary to fulfill the obligations of the Band under the Recycled Water Infrastructure Agreement and the ESAA Capacity Agreement, in an amount not to exceed the amounts deposited in the designated accounts for such purposes plus any interest accrued on such amounts from the date of deposit in the Fund to the date of disbursement from the Fund, in accordance with this subtitle and the terms and conditions of those agreements.

(b) NONREIMBURSABILITY OF COSTS.—All costs incurred by the Secretary in carrying out this section shall be nonreimbursable.

(c) RECYCLED WATER INFRASTRUCTURE.—

(1) IN GENERAL.—The Secretary shall, using amounts from the Pechanga Recycled Water Infrastructure account, provide amounts for the Storage Pond in accordance with this section.

(2) STORAGE POND.—

(A) IN GENERAL.—The Secretary shall, subject to the availability of appropriations, using amounts from the Pechanga Recycled Water Infrastructure account provide the amounts necessary for a Storage Pond in accordance with the Recycled Water Infrastructure Agreement, in an amount not to exceed $2,656,374.

(B) PROCEDURE.—The procedure for the Secretary to provide amounts pursuant to this section shall be as set forth in the Recycled Water Infrastructure Agreement.

(C) LIABILITY.—The United States shall have no responsibility or liability for the Storage Pond.

(d) ESAA DELIVERY CAPACITY.—

(1) IN GENERAL.—The Secretary shall, using amounts from the Pechanga ESAA Delivery Capacity account, provide amounts for Interim Capacity and Permanent Capacity in accordance with this section.

(2) INTERIM CAPACITY.—

(A) IN GENERAL.—The Secretary shall, subject to the availability of appropriations, using amounts from the ESAA Delivery Capacity account, provide amounts necessary for the provision of Interim Capacity in accordance with the ESAA Capacity Agreement in an amount not to exceed $1,000,000.

(B) PROCEDURE.—The procedure for the Secretary to provide amounts pursuant to this section shall be as set forth in the ESAA Capacity Agreement.

(C) LIABILITY.—The United States shall have no responsibility or liability for the Interim Capacity to be provided by RCWD or by the Band.

(D) TRANSFER TO BAND.—If RCWD does not provide the Interim Capacity Notice required pursuant to the ESAA Capacity Agreement by the date that is 60 days after the date required under the ESAA Capacity Agreement, the amounts in the Pechanga ESAA Delivery Capacity account for purposes of the provision of Interim Capacity and Permanent Capacity, including any interest that has accrued on those amounts, shall be available for use by the Band to provide alternative interim capacity in a manner that is similar to the Interim Capacity and Permanent Capacity that the Band would have received had RCWD provided such Interim Capacity and Permanent Capacity.

(3) PERMANENT CAPACITY.—

(A) IN GENERAL.—The Secretary shall, subject to the availability of appropriations, using amounts from the ESAA Delivery Capacity account, provide amounts necessary for the provision of Permanent Capacity in accordance with the ESAA Capacity Agreement.

(B) PROCEDURE.—The procedure for the Secretary to provide funds pursuant to this section shall be as set forth in the ESAA Capacity Agreement.

(C) LIABILITY.—The United States shall have no responsibility or liability for the Permanent Capacity to be provided by RCWD or by the Band.

(D) TRANSFER TO BAND.—If RCWD does not provide the Permanent Capacity Notice required pursuant to the ESAA Capacity Agreement by the date that is 5 years after the enforceability date, the amounts in the Pechanga ESAA Delivery Capacity account for purposes of the provision of Permanent Capacity, including any interest that has accrued on those amounts, shall be available for use by the Band to provide alternative Permanent Capacity in a manner that is similar to the Permanent Capacity that the Band would have received had RCWD provided such Permanent Capacity.

SEC. 3409. PECHANGA SETTLEMENT FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the ''Pechanga Settlement Fund'', to be managed, invested, and distributed by the Secretary and to be available until expended, and, together with any interest earned on those amounts, to be used solely for the purpose of carrying out this subtitle.

(b) TRANSFERS TO FUND.—The Fund shall consist of such amounts as are deposited in the Fund under section 3411(a) of this subtitle, together with any interest earned on those amounts, which shall be available in accordance with subsection (e).

(c) ACCOUNTS OF PECHANGA SETTLEMENT FUND.—The Secretary shall establish in the Fund the following accounts:

(1) Pechanga Recycled Water Infrastructure account, consisting of amounts authorized pursuant to section 3411(a)(1).

(2) Pechanga ESAA Delivery Capacity account, consisting of amounts authorized pursuant to section 3411(a)(2).

(3) Pechanga Water Fund account, consisting of amounts authorized pursuant to section 3411(a)(3).

(4) Pechanga Water Quality account, consisting of amounts authorized pursuant to section 3411(a)(4).

(d) MANAGEMENT OF FUND.—The Secretary shall manage, invest, and distribute all amounts in the Fund in a manner that is consistent with the investment authority of the Secretary under—

(1) the first section of the Act of June 24, 1938 (25 U.S.C. 162a);

(2) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.); and

(3) this section.

(e) AVAILABILITY OF AMOUNTS.—Amounts appropriated to, and deposited in, the Fund, including any investment earnings accrued from the date of deposit in the Fund through the date of disbursement from the Fund, shall be made available to the Band by the Secretary beginning on the enforceability date.

(f) WITHDRAWALS BY BAND PURSUANT TO THE AMERICAN INDIAN TRUST FUND MANAGEMENT REFORM ACT.—

(1) IN GENERAL.—The Band may withdraw all or part of the amounts in the Fund on approval by the Secretary of a tribal management plan submitted by the Band in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(2) REQUIREMENTS.—

(A) IN GENERAL.—In addition to the requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the tribal management plan under paragraph (1) shall require that the Band shall spend all amounts withdrawn from the Fund in accordance with this subtitle.

(B) ENFORCEMENT.—The Secretary may carry out such judicial or administrative actions as the Secretary determines to be necessary to enforce the tribal management plan to ensure that amounts withdrawn by the Band from the Fund under this subsection are used in accordance with this subtitle.

(g) WITHDRAWALS BY BAND PURSUANT TO AN EXPENDITURE PLAN.—

(1) IN GENERAL.—The Band may submit an expenditure plan for approval by the Secretary requesting that all or part of the amounts in the Fund be disbursed in accordance with the plan.

(2) REQUIREMENTS.—The expenditure plan under paragraph (1) shall include a description of the manner and purpose for which the amounts proposed to be disbursed from the Fund will be used, in accordance with subsection (h).

(3) APPROVAL.—If the Secretary determines that an expenditure plan submitted under this subsection is consistent with the purposes of this subtitle, the Secretary shall approve the plan.

(4) ENFORCEMENT.—The Secretary may carry out such judicial or administrative actions as the Secretary determines necessary to enforce an expenditure plan to ensure that amounts disbursed under this subsection are used in accordance with this subtitle.

(h) USES.—Amounts from the Fund shall be used by the Band for the following purposes:

(1) PECHANGA RECYCLED WATER INFRASTRUCTURE ACCOUNT.—The Pechanga Recycled Water Infrastructure account shall be used for expenditures by the Band in accordance with section 3408(c).

(2) PECHANGA ESAA DELIVERY CAPACITY ACCOUNT.—The Pechanga ESAA Delivery Capacity account shall be used for expenditures by the Band in accordance with section 3408(d).

(3) PECHANGA WATER FUND ACCOUNT.—The Pechanga Water Fund account shall be used for—

(A) payment of the EMWD Connection Fee;

(B) payment of the MWD Connection Fee; and

(C) any expenses, charges, or fees incurred by the Band in connection with the delivery or use

of water pursuant to the Pechanga Settlement Agreement.

(4) PECHANGA WATER QUALITY ACCOUNT.—The Pechanga Water Quality account shall be used by the Band to fund groundwater desalination activities within the Wolf Valley Basin.

(i) LIABILITY.—The Secretary and the Secretary of the Treasury shall not be liable for the expenditure of, or the investment of any amounts withdrawn from, the Fund by the Band under subsection (f) or (g).

(j) NO PER CAPITA DISTRIBUTIONS.—No portion of the Fund shall be distributed on a per capita basis to any member of the Band.

SEC. 3410. MISCELLANEOUS PROVISIONS.

(a) WAIVER OF SOVEREIGN IMMUNITY BY THE UNITED STATES.—Except as provided in subsections (a) through (c) of section 208 of the Department of Justice Appropriation Act, 1953 (43 U.S.C. 666), nothing in this subtitle waives the sovereign immunity of the United States.

(b) OTHER TRIBES NOT ADVERSELY AFFECTED.—Nothing in this subtitle quantifies or diminishes any land or water right, or any claim or entitlement to land or water, of an Indian tribe, band, or community other than the Band.

(c) LIMITATION ON CLAIMS FOR REIMBURSEMENT.—With respect to Indian land within the Reservation—

(1) the United States shall not submit against any Indian-owned land located within the Reservation any claim for reimbursement of the cost to the United States of carrying out this subtitle and the Pechanga Settlement Agreement; and

(2) no assessment of any Indian-owned land located within the Reservation shall be made regarding that cost.

(d) EFFECT ON CURRENT LAW.—Nothing in this section affects any provision of law (including regulations) in effect on the day before the date of enactment of this Act with respect to preenforcement review of any Federal environmental enforcement action.

SEC. 3411. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) PECHANGA RECYCLED WATER INFRASTRUCTURE ACCOUNT.—There is authorized to be appropriated $2,656,374, for deposit in the Pechanga Recycled Water Infrastructure account, to carry out the activities described in section 3408(c).

(2) PECHANGA ESAA DELIVERY CAPACITY ACCOUNT.—There is authorized to be appropriated $17,900,000, for deposit in the Pechanga ESAA Delivery Capacity account, which amount shall be adjusted for changes in construction costs since June 30, 2009, as is indicated by ENR Construction Cost Index, 20-City Average, as applicable to the types of construction required for the Band to provide the infrastructure necessary for the Band to provide the Interim Capacity and Permanent Capacity in the event that RCWD elects not to provide the Interim Capacity or Permanent Capacity as set forth in the ESAA Capacity Agreement and contemplated in sections 3408(d)(2)(D) and 3408(d)(3)(D) of this subtitle, with such adjustment ending on the date on which funds authorized to be appropriated under this section have been deposited in the Fund.

(3) PECHANGA WATER FUND ACCOUNT.—There is authorized to be appropriated $5,483,653, for deposit in the Pechanga Water Fund account, which amount shall be adjusted for changes in appropriate cost indices since June 30, 2009, with such adjustment ending on the date of deposit in the Fund, for the purposes set forth in section 3409(h)(3).

(4) PECHANGA WATER QUALITY ACCOUNT.—There is authorized to be appropriated $2,460,000, for deposit in the Pechanga Water Quality account, which amount shall be adjusted for changes in appropriate cost indices since June 30, 2009, with such adjustment ending on the date of deposit in the Fund, for the purposes set forth in section 3409(h)(4).

SEC. 3412. EXPIRATION ON FAILURE OF ENFORCEABILITY DATE.

If the Secretary does not publish a statement of findings under section 3407(e) by April 30, 2021, or such alternative later date as is agreed to by the Band and the Secretary, as applicable—

(1) this subtitle expires on the later of May 1, 2021, or the day after the alternative date agreed to by the Band and the Secretary;

(2) any action taken by the Secretary and any contract or agreement pursuant to the authority provided under any provision of this subtitle shall be void;

(3) any amounts appropriated under section 3411, together with any interest on those amounts, shall immediately revert to the general fund of the Treasury; and

(4) any amounts made available under section 3411 that remain unexpended shall immediately revert to the general fund of the Treasury.

SEC. 3413. ANTIDEFICIENCY.

(a) IN GENERAL.—Notwithstanding any authorization of appropriations to carry out this subtitle, the expenditure or advance of any funds, and the performance of any obligation by the Department in any capacity, pursuant to this subtitle shall be contingent on the appropriation of funds for that expenditure, advance, or performance.

(b) LIABILITY.—The Department of the Interior shall not be liable for the failure to carry out any obligation or activity authorized by this subtitle if adequate appropriations are not provided to carry out this subtitle.

Subtitle E—Delaware River Basin Conservation

SEC. 3501. FINDINGS.

Congress finds that—

(1) the Delaware River Basin is a national treasure of great cultural, environmental, ecological, and economic importance;

(2) the Basin contains over 12,500 square miles of land in the States of Delaware, New Jersey, New York, and Pennsylvania, including nearly 800 square miles of bay and more than 2,000 tributary rivers and streams;

(3) the Basin is home to more than 8,000,000 people who depend on the Delaware River and the Delaware Bay as an economic engine, a place of recreation, and a vital habitat for fish and wildlife;

(4) the Basin provides clean drinking water to more than 15,000,000 people, including New York City, which relies on the Basin for approximately half of the drinking water supply of the city, and Philadelphia, whose most significant threat to the drinking water supply of the city is loss of forests and other natural cover in the Upper Basin, according to a study conducted by the Philadelphia Water Department;

(5) the Basin contributes $25,000,000,000 annually in economic activity, provides $21,000,000,000 in ecosystem goods and services per year, and is directly or indirectly responsible for 600,000 jobs with $10,000,000,000 in annual wages;

(6) almost 180 species of fish and wildlife are considered special status species in the Basin due to habitat loss and degradation, particularly sturgeon, eastern oyster, horseshoe crabs, and red knots, which have been identified as unique species in need of habitat improvement;

(7) the Basin provides habitat for over 200 resident and migrant fish species, includes significant recreational fisheries, and is an important source of eastern oyster, blue crab, and the largest population of the American horseshoe crab;

(8) the annual dockside value of commercial eastern oyster fishery landings for the Delaware Estuary is nearly $4,000,000, making it the fourth most lucrative fishery in the Delaware River Basin watershed, and proven management strategies are available to increase oyster habitat, abundance, and harvest;

(9) the Delaware Bay has the second largest concentration of shorebirds in North America and is designated as one of the 4 most important shorebird migration sites in the world;

(10) the Basin, 50 percent of which is forested, also has over 700,000 acres of wetland, more than 126,000 acres of which are recognized as internationally important, resulting in a landscape that provides essential ecosystem services, including recreation, commercial, and water quality benefits;

(11) much of the remaining exemplary natural landscape in the Basin is vulnerable to further degradation, as the Basin gains approximately 10 square miles of developed land annually, and with new development, urban watersheds are increasingly covered by impervious surfaces, amplifying the quantity of polluted runoff into rivers and streams;

(12) the Delaware River is the longest undammed river east of the Mississippi; a critical component of the National Wild and Scenic Rivers System in the Northeast, with more than 400 miles designated; home to one of the most heavily visited National Park units in the United States, the Delaware Water Gap National Recreation Area; and the location of 6 National Wildlife Refuges;

(13) the Delaware River supports an internationally renowned cold water fishery in more than 80 miles of its northern headwaters that attracts tens of thousands of visitors each year and generates over $21,000,000 in annual revenue through tourism and recreational activities;

(14) management of water volume in the Basin is critical to flood mitigation and habitat for fish and wildlife, and following 3 major floods along the Delaware River since 2004, the Governors of the States of Delaware, New Jersey, New York, and Pennsylvania have called for natural flood damage reduction measures to combat the problem, including restoring the function of riparian corridors;

(15) the Delaware River Port Complex (including docking facilities in the States of Delaware, New Jersey, and Pennsylvania) is one of the largest freshwater ports in the world, the Port of Philadelphia handles the largest volume of international tonnage and 70 percent of the oil shipped to the East Coast, and the Port of Wilmington, a full-service deepwater port and marine terminal supporting more than 12,000 jobs, is the busiest terminal on the Delaware River, handling more than 400 vessels per year with an annual import/export cargo tonnage of more than 4,000,000 tons;

(16) the Delaware Estuary, where freshwater from the Delaware River mixes with saltwater from the Atlantic Ocean, is one of the largest and most complex of the 28 estuaries in the National Estuary Program, and the Partnership for the Delaware Estuary works to improve the environmental health of the Delaware Estuary;

(17) the Delaware River Basin Commission is a Federal-interstate compact government agency charged with overseeing a unified approach to managing the river system and implementing important water resources management projects and activities throughout the Basin that are in the national interest;

(18) restoration activities in the Basin are supported through several Federal and State agency programs, and funding for those important programs should continue and complement the establishment of the Delaware River Basin Restoration Program, which is intended to build on and help coordinate restoration and protection funding mechanisms at the Federal, State, regional, and local levels; and

(19) the existing and ongoing voluntary conservation efforts in the Delaware River Basin necessitate improved efficiency and cost effectiveness, as well as increased private-sector investments and coordination of Federal and non-Federal resources.

SEC. 3502. DEFINITIONS.

In this subtitle:

(1) BASIN.—The term ''Basin'' means the 4-State Delaware Basin region, including all of

Delaware Bay and portions of the States of Delaware, New Jersey, New York, and Pennsylvania located in the Delaware River watershed.

(2) BASIN STATE.—The term ''Basin State'' means each of the States of Delaware, New Jersey, New York, and Pennsylvania.

(3) DIRECTOR.—The term ''Director'' means the Director of the United States Fish and Wildlife Service.

(4) GRANT PROGRAM.—The term ''grant program'' means the voluntary Delaware River Basin Restoration Grant Program established under section 3504.

(5) PROGRAM.—The term ''program'' means the nonregulatory Delaware River Basin restoration program established under section 3503.

(6) RESTORATION AND PROTECTION.—The term ''restoration and protection'' means the conservation, stewardship, and enhancement of habitat for fish and wildlife to preserve and improve ecosystems and ecological processes on which they depend, and for use and enjoyment by the public.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director.

(8) SERVICE.—The term ''Service'' means the United States Fish and Wildlife Service.

SEC. 3503. PROGRAM ESTABLISHMENT.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a nonregulatory program to be known as the ''Delaware River Basin restoration program''.

(b) DUTIES.—In carrying out the program, the Secretary shall—

(1) draw on existing plans for the Basin, or portions of the Basin, and work in consultation with applicable management entities, including representatives of the Partnership for the Delaware Estuary, the Delaware River Basin Commission, the Federal Government, and other State and local governments, and regional organizations, as appropriate, to identify, prioritize, and implement restoration and protection activities within the Basin;

(2) adopt a Basinwide strategy that—

(A) supports the implementation of a shared set of science-based restoration and protection activities developed in accordance with paragraph (1);

(B) targets cost-effective projects with measurable results; and

(C) maximizes conservation outcomes with no net gain of Federal full-time equivalent employees; and

(3) establish the voluntary grant and technical assistance programs in accordance with section 3504.

(c) COORDINATION.—In establishing the program, the Secretary shall consult, as appropriate, with—

(1) the heads of Federal agencies, including—

(A) the Administrator of the Environmental Protection Agency;

(B) the Administrator of the National Oceanic and Atmospheric Administration;

(C) the Chief of the Natural Resources Conservation Service;

(D) the Chief of Engineers; and

(E) the head of any other applicable agency;

(2) the Governors of the Basin States;

(3) the Partnership for the Delaware Estuary;

(4) the Delaware River Basin Commission;

(5) fish and wildlife joint venture partnerships; and

(6) other public agencies and organizations with authority for the planning and implementation of conservation strategies in the Basin.

(d) PURPOSES.—The purposes of the program include—

(1) coordinating restoration and protection activities among Federal, State, local, and regional entities and conservation partners throughout the Basin; and

(2) carrying out coordinated restoration and protection activities, and providing for technical assistance throughout the Basin and Basin States—

(A) to sustain and enhance fish and wildlife habitat restoration and protection activities;

(B) to improve and maintain water quality to support fish and wildlife, as well as the habitats of fish and wildlife, and drinking water for people;

(C) to sustain and enhance water management for volume and flood damage mitigation improvements to benefit fish and wildlife habitat;

(D) to improve opportunities for public access and recreation in the Basin consistent with the ecological needs of fish and wildlife habitat;

(E) to facilitate strategic planning to maximize the resilience of natural systems and habitats under changing watershed conditions;

(F) to engage the public through outreach, education, and citizen involvement, to increase capacity and support for coordinated restoration and protection activities in the Basin;

(G) to increase scientific capacity to support the planning, monitoring, and research activities necessary to carry out coordinated restoration and protection activities; and

(H) to provide technical assistance to carry out restoration and protection activities in the Basin.

SEC. 3504. GRANTS AND ASSISTANCE.

(a) DELAWARE RIVER BASIN RESTORATION GRANT PROGRAM.—To the extent that funds are available to carry out this section, the Secretary shall establish a voluntary grant and technical assistance program to be known as the ''Delaware River Basin Restoration Grant Program'' to provide competitive matching grants of varying amounts to State and local governments, nonprofit organizations, institutions of higher education, and other eligible entities to carry out activities described in section 3503(d).

(b) CRITERIA.—The Secretary, in consultation with the organizations described in section 3503(c), shall develop criteria for the grant program to help ensure that activities funded under this section accomplish one or more of the purposes identified in section 3503(d)(2) and advance the implementation of priority actions or needs identified in the Basinwide strategy adopted under section 3503(b)(2).

(c) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of a project funded under the grant program shall not exceed 50 percent of the total cost of the activity, as determined by the Secretary.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of a project funded under the grant program may be provided in cash or in the form of an in-kind contribution of services or materials.

SEC. 3505. ANNUAL LETTER.

Not later than 180 days after the date of enactment of this Act and annually thereafter, the Secretary shall submit to Congress a detailed letter on the implementation of this subtitle, including a description of each project that has received funding under this subtitle.

SEC. 3506. PROHIBITION ON USE OF FUNDS FOR FEDERAL ACQUISITION OF INTERESTS IN LAND.

No funds may be appropriated or used under this subtitle for acquisition by the Federal Government of any interest in land.

SEC. 3507. SUNSET.

This subtitle shall have no force or effect after September 30, 2023.

Subtitle F—Miscellaneous Provisions

SEC. 3601. BUREAU OF RECLAMATION DAKOTAS AREA OFFICE PERMIT FEES FOR CABINS AND TRAILERS.

During the period ending 5 years after the date of enactment of this Act, the Secretary of the Interior shall not increase the permit fee for a cabin or trailer on land in the State of North Dakota administered by the Dakotas Area Office of the Bureau of Reclamation by more than 33 percent of the permit fee that was in effect on January 1, 2016.

SEC. 3602. USE OF TRAILER HOMES AT HEART BUTTE DAM AND RESERVOIR (LAKE TSCHIDA).

(a) DEFINITIONS.—In this section:

(1) ADDITION.—The term ''addition'' means any enclosed structure added onto the structure of a trailer home that increases the living area of the trailer home.

(2) CAMPER OR RECREATIONAL VEHICLE.—The term ''camper or recreational vehicle'' includes—

(A) a camper, motorhome, trailer camper, bumper hitch camper, fifth wheel camper, or equivalent mobile shelter; and

(B) a recreational vehicle.

(3) IMMEDIATE FAMILY.—The term ''immediate family'' means a spouse, grandparent, parent, sibling, child, or grandchild.

(4) PERMIT.—The term ''permit'' means a permit issued by the Secretary authorizing the use of a lot in a trailer area.

(5) PERMIT YEAR.—The term ''permit year'' means the period beginning on April 1 of a calendar year and ending on March 31 of the following calendar year.

(6) PERMITTEE.—The term ''permittee'' means a person holding a permit.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(8) TRAILER AREA.—The term ''trailer area'' means any of the following areas at Heart Butte Dam and Reservoir (Lake Tschida) (as described in the document of the Bureau of Reclamation entitled ''Heart Butte Reservoir Resource Management Plan'' (March 2008)):

(A) Trailer Area 1 and 2, also known as Management Unit 034.

(B) Southside Trailer Area, also known as Management Unit 014.

(9) TRAILER HOME.—The term ''trailer home'' means a dwelling placed on a supporting frame that—

(A) has or had a tow-hitch; and

(B) is made mobile, or is capable of being made mobile, by an axle and wheels.

(b) PERMIT RENEWAL AND PERMITTED USE.—

(1) IN GENERAL.—The Secretary shall use the same permit renewal process for trailer area permits as the Secretary uses for other permit renewals in other reservoirs in the State of North Dakota administered by the Dakotas Area Office of the Bureau of Reclamation.

(2) TRAILER HOMES.—With respect to a trailer home, a permit for each permit year shall authorize the permittee—

(A) to park the trailer home on the lot;

(B) to use the trailer home on the lot;

(C) to physically move the trailer home on and off the lot; and

(D) to leave on the lot any addition, deck, porch, entryway, step to the trailer home, propane tank, or storage shed.

(3) CAMPERS OR RECREATIONAL VEHICLES.—With respect to a camper or recreational vehicle, a permit shall, for each permit year—

(A) from April 1 to October 31, authorize the permittee—

(i) to park the camper or recreational vehicle on the lot;

(ii) to use the camper or recreational vehicle on the lot; and

(iii) to move the camper or recreational vehicle on and off the lot; and

(B) from November 1 to March 31, require a permittee to remove the camper or recreational vehicle from the lot.

(c) REMOVAL.—

(1) IN GENERAL.—The Secretary may require removal of a trailer home from a lot in a trailer area if the trailer home is flooded after the date of enactment of this Act.

(2) REMOVAL AND NEW USE.—If the Secretary requires removal of a trailer home under paragraph (1), on request by the permittee, the Secretary shall authorize the permittee—

(A) to replace the trailer home on the lot with a camper or recreational vehicle in accordance with this section; or

(B) to place a trailer home on the lot from April 1 to October 31.

(d) TRANSFER OF PERMITS.—

(1) TRANSFER OF TRAILER HOME TITLE.—If a permittee transfers title to a trailer home permitted on a lot in a trailer area, the Secretary shall issue a permit to the transferee, under the same terms as the permit applicable on the date of transfer, subject to the conditions described in paragraph (3).

(2) TRANSFER OF CAMPER OR RECREATIONAL VEHICLE TITLE.—If a permittee who has a permit to use a camper or recreational vehicle on a lot in a trailer area transfers title to the interests of the permittee on or to the lot, the Secretary shall issue a permit to the transferee, subject to the conditions described in paragraph (3).

(3) CONDITIONS.—A permit issued by the Secretary under paragraph (1) or (2) shall be subject to the following conditions:

(A) A permit may not be held in the name of a corporation.

(B) A permittee may not have an interest in, or control of, more than 1 seasonal trailer home site in the Great Plains Region of the Bureau of Reclamation, inclusive of sites located on tracts permitted to organized groups on Reclamation reservoirs.

(C) Not more than 2 persons may be permittees under 1 permit, unless—

(i) approved by the Secretary; or

(ii) the additional persons are immediate family members of the permittees.

(e) ANCHORING REQUIREMENTS FOR TRAILER HOMES.—The Secretary shall require compliance with appropriate anchoring requirements for each trailer home (including additions to the trailer home) and other objects on a lot in a trailer area, as determined by the Secretary, after consulting with permittees.

(f) REPLACEMENT, REMOVAL, AND RETURN.—

(1) REPLACEMENT.—Permittees may replace their trailer home with another trailer home.

(2) REMOVAL AND RETURN.—Permittees may—

(A) remove their trailer home; and

(B) if the permittee removes their trailer home under subparagraph (A), return the trailer home to the lot of the permittee.

(g) LIABILITY; TAKING.—

(1) LIABILITY.—The United States shall not be liable for flood damage to the personal property of a permittee or for damages arising out of any act, omission, or occurrence relating to a lot to which a permit applies, other than for damages caused by an act or omission of the United States or an employee, agent, or contractor of the United States before the date of enactment of this Act.

(2) TAKING.—Any temporary flooding or flood damage to the personal property of a permittee shall not be a taking by the United States.

SEC. 3603. LAKE TAHOE RESTORATION.

(a) FINDINGS AND PURPOSES.—The Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351) is amended by striking section 2 and inserting the following:

"SEC. 2. FINDINGS AND PURPOSES.

''(a) FINDINGS.—Congress finds that—

''(1) Lake Tahoe—

''(A) is one of the largest, deepest, and clearest lakes in the world;

''(B) has a cobalt blue color, a biologically diverse alpine setting, and remarkable water clarity; and

''(C) is recognized nationally and worldwide as a natural resource of special significance;

''(2) in addition to being a scenic and ecological treasure, the Lake Tahoe Basin is one of the outstanding recreational resources of the United States, which—

''(A) offers skiing, water sports, biking, camping, and hiking to millions of visitors each year; and

''(B) contributes significantly to the economies of California, Nevada, and the United States;

''(3) the economy in the Lake Tahoe Basin is dependent on the conservation and restoration of the natural beauty and recreation opportunities in the area;

''(4) the ecological health of the Lake Tahoe Basin continues to be challenged by the impacts of land use and transportation patterns developed in the last century;

''(5) the alteration of wetland, wet meadows, and stream zone habitat have compromised the capacity of the watershed to filter sediment, nutrients, and pollutants before reaching Lake Tahoe;

''(6) forests in the Lake Tahoe Basin suffer from over a century of fire damage and periodic drought, which have resulted in—

''(A) high tree density and mortality;

''(B) the loss of biological diversity; and

''(C) a large quantity of combustible forest fuels, which significantly increases the threat of catastrophic fire and insect infestation;

''(7) the establishment of several aquatic and terrestrial invasive species (including perennial pepperweed, milfoil, and Asian clam) threatens the ecosystem of the Lake Tahoe Basin;

''(8) there is an ongoing threat to the economy and ecosystem of the Lake Tahoe Basin of the introduction and establishment of other invasive species (such as yellow starthistle, New Zealand mud snail, Zebra mussel, and quagga mussel);

''(9) 78 percent of the land in the Lake Tahoe Basin is administered by the Federal Government, which makes it a Federal responsibility to restore ecological health to the Lake Tahoe Basin;

''(10) the Federal Government has a long history of environmental stewardship at Lake Tahoe, including—

''(A) congressional consent to the establishment of the Planning Agency with—

''(i) the enactment in 1969 of Public Law 91–148 (83 Stat. 360); and

''(ii) the enactment in 1980 of Public Law 96–551 (94 Stat. 3233);

''(B) the establishment of the Lake Tahoe Basin Management Unit in 1973;

''(C) the enactment of Public Law 96–586 (94 Stat. 3381) in 1980 to provide for the acquisition of environmentally sensitive land and erosion control grants in the Lake Tahoe Basin;

''(D) the enactment of sections 341 and 342 of the Department of the Interior and Related Agencies Appropriations Act, 2004 (Public Law 108–108; 117 Stat. 1317), which amended the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2346) to provide payments for the environmental restoration programs under this Act; and

''(E) the enactment of section 382 of the Tax Relief and Health Care Act of 2006 (Public Law 109–432; 120 Stat. 3045), which amended the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2346) to authorize development and implementation of a comprehensive 10-year hazardous fuels and fire prevention plan for the Lake Tahoe Basin;

''(11) the Assistant Secretary was an original signatory in 1997 to the Agreement of Federal Departments on Protection of the Environment and Economic Health of the Lake Tahoe Basin;

''(12) the Chief of Engineers, under direction from the Assistant Secretary, has continued to be a significant contributor to Lake Tahoe Basin restoration, including—

''(A) stream and wetland restoration; and

''(B) programmatic technical assistance;

''(13) at the Lake Tahoe Presidential Forum in 1997, the President renewed the commitment of the Federal Government to Lake Tahoe by—

''(A) committing to increased Federal resources for ecological restoration at Lake Tahoe; and

''(B) establishing the Federal Interagency Partnership and Federal Advisory Committee to consult on natural resources issues concerning the Lake Tahoe Basin;

''(14) at the 2011 and 2012 Lake Tahoe Forums, Senator Reid, Senator Feinstein, Senator Heller, Senator Ensign, Governor Gibbons, Governor Sandoval, and Governor Brown—

''(A) renewed their commitment to Lake Tahoe; and

''(B) expressed their desire to fund the Federal and State shares of the Environmental Improvement Program through 2022;

''(15) since 1997, the Federal Government, the States of California and Nevada, units of local government, and the private sector have contributed more than $1,955,500,000 to the Lake Tahoe Basin, including—

''(A) $635,400,000 from the Federal Government;

''(B) $758,600,000 from the State of California;

''(C) $123,700,000 from the State of Nevada;

''(D) $98,900,000 from units of local government; and

''(E) $338,900,000 from private interests;

''(16) significant additional investment from Federal, State, local, and private sources is necessary—

''(A) to restore and sustain the ecological health of the Lake Tahoe Basin;

''(B) to adapt to the impacts of fluctuating water temperature and precipitation; and

''(C) to prevent the introduction and establishment of invasive species in the Lake Tahoe Basin; and

''(17) the Secretary has indicated that the Lake Tahoe Basin Management Unit has the capacity for at least $10,000,000 annually for the Fire Risk Reduction and Forest Management Program.

''(b) PURPOSES.—The purposes of this Act are—

''(1) to enable the Chief of the Forest Service, the Director of the United States Fish and Wildlife Service, and the Administrator, in cooperation with the Planning Agency and the States of California and Nevada, to fund, plan, and implement significant new environmental restoration activities and forest management activities in the Lake Tahoe Basin;

''(2) to ensure that Federal, State, local, regional, tribal, and private entities continue to work together to manage land in the Lake Tahoe Basin;

''(3) to support local governments in efforts related to environmental restoration, stormwater pollution control, fire risk reduction, and forest management activities; and

''(4) to ensure that agency and science community representatives in the Lake Tahoe Basin work together—

''(A) to develop and implement a plan for integrated monitoring, assessment, and applied research to evaluate the effectiveness of the Environmental Improvement Program; and

''(B) to provide objective information as a basis for ongoing decisionmaking, with an emphasis on decisionmaking relating to resource management in the Lake Tahoe Basin.''.

(b) DEFINITIONS.—The Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351) is amended by striking section 3 and inserting the following:

"SEC. 3. DEFINITIONS.

''In this Act:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Environmental Protection Agency.

''(2) ASSISTANT SECRETARY.—The term 'Assistant Secretary' means the Assistant Secretary of the Army for Civil Works.

''(3) CHAIR.—The term 'Chair' means the Chair of the Federal Partnership.

''(4) COMPACT.—The term 'Compact' means the Tahoe Regional Planning Compact included in the first section of Public Law 96–551 (94 Stat. 3233).

''(5) DIRECTORS.—The term 'Directors' means—

''(A) the Director of the United States Fish and Wildlife Service; and

''(B) the Director of the United States Geological Survey.

''(6) ENVIRONMENTAL IMPROVEMENT PROGRAM.—The term 'Environmental Improvement Program' means—

''(A) the Environmental Improvement Program adopted by the Planning Agency; and

''(B) any amendments to the Program.

''(7) ENVIRONMENTAL THRESHOLD CARRYING CAPACITY.—The term 'environmental threshold carrying capacity' has the meaning given the term in Article II of the Compact.

''(8) FEDERAL PARTNERSHIP.—The term 'Federal Partnership' means the Lake Tahoe Federal Interagency Partnership established by Executive Order 13057 (62 Fed. Reg. 41249) (or a successor Executive order).

''(9) FOREST MANAGEMENT ACTIVITY.—The term 'forest management activity' includes—

''(A) prescribed burning for ecosystem health and hazardous fuels reduction;

''(B) mechanical and minimum tool treatment;

''(C) stream environment zone restoration and other watershed and wildlife habitat enhancements;

''(D) nonnative invasive species management; and

''(E) other activities consistent with Forest Service practices, as the Secretary determines to be appropriate.

''(10) MAPS.—The term 'Maps' means the maps—

''(A) entitled—

''(i) 'LTRA USFS–CA Land Exchange/North Shore';

''(ii) 'LTRA USFS–CA Land Exchange/West Shore'; and

''(iii) 'LTRA USFS–CA Land Exchange/South Shore'; and

''(B) dated January 4, 2016, and on file and available for public inspection in the appropriate offices of—

''(i) the Forest Service;

''(ii) the California Tahoe Conservancy; and

''(iii) the California Department of Parks and Recreation.

''(11) NATIONAL WILDLAND FIRE CODE.—The term 'national wildland fire code' means—

''(A) the most recent publication of the National Fire Protection Association codes numbered 1141, 1142, 1143, and 1144;

''(B) the most recent publication of the International Wildland-Urban Interface Code of the International Code Council; or

''(C) any other code that the Secretary determines provides the same, or better, standards for protection against wildland fire as a code described in subparagraph (A) or (B).

''(12) PLANNING AGENCY.—The term 'Planning Agency' means the Tahoe Regional Planning Agency established under Public Law 91–148 (83 Stat. 360) and Public Law 96–551 (94 Stat. 3233).

''(13) PRIORITY LIST.—The term 'Priority List' means the environmental restoration priority list developed under section 5(b).

''(14) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

''(15) STREAM ENVIRONMENT ZONE.—The term 'Stream Environment Zone' means an area that generally owes the biological and physical characteristics of the area to the presence of surface water or groundwater.

''(16) TOTAL MAXIMUM DAILY LOAD.—The term 'total maximum daily load' means the total maximum daily load allocations adopted under section 303(d) of the Federal Water Pollution Control Act (33 U.S.C. 1313(d)).

''(17) WATERCRAFT.—The term 'watercraft' means motorized and non-motorized watercraft, including boats, seaplanes, personal watercraft, kayaks, and canoes.''.

(c) IMPROVED ADMINISTRATION OF THE LAKE TAHOE BASIN MANAGEMENT UNIT.—Section 4 of the Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2353) is amended—

(1) in subsection (b)(3), by striking ''basin'' and inserting ''Basin''; and

(2) by adding at the end the following:

''(c) FOREST MANAGEMENT ACTIVITIES.—

''(1) COORDINATION.—

''(A) IN GENERAL.—In conducting forest management activities in the Lake Tahoe Basin Management Unit, the Secretary shall, as appropriate, coordinate with the Administrator and State and local agencies and organizations, including local fire departments and volunteer groups.

''(B) GOALS.—The coordination of activities under subparagraph (A) should aim to increase efficiencies and maximize the compatibility of management practices across public property boundaries.

''(2) MULTIPLE BENEFITS.—

''(A) IN GENERAL.—In conducting forest management activities in the Lake Tahoe Basin Management Unit, the Secretary shall conduct the activities in a manner that—

''(i) except as provided in subparagraph (B), attains multiple ecosystem benefits, including—

''(I) reducing forest fuels;

''(II) maintaining biological diversity;

''(III) improving wetland and water quality, including in Stream Environment Zones; and

''(IV) increasing resilience to changing water temperature and precipitation; and

''(ii) helps achieve and maintain the environmental threshold carrying capacities established by the Planning Agency.

''(B) EXCEPTION.—Notwithstanding subparagraph (A)(i), the attainment of multiple ecosystem benefits shall not be required if the Secretary determines that management for multiple ecosystem benefits would excessively increase the cost of a program in relation to the additional ecosystem benefits gained from the management activity.

''(3) GROUND DISTURBANCE.—Consistent with applicable Federal law and Lake Tahoe Basin Management Unit land and resource management plan direction, the Secretary shall—

''(A) establish post-program ground condition criteria for ground disturbance caused by forest management activities; and

''(B) provide for monitoring to ascertain the attainment of the post-program conditions.

''(4) AVAILABILITY OF CATEGORICAL EXCLUSION FOR CERTAIN FOREST MANAGEMENT PROJECTS.—A forest management activity conducted in the Lake Tahoe Basin Management Unit for the purpose of reducing forest fuels is categorically excluded from the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) if the forest management activity—

''(A) notwithstanding section 423 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2009 (division E of Public Law 111–8; 123 Stat. 748), does not exceed 10,000 acres, including not more than 3,000 acres of mechanical thinning;

''(B) is developed—

''(i) in coordination with impacted parties, specifically including representatives of local governments, such as county supervisors or county commissioners; and

''(ii) in consultation with other interested parties; and

''(C) is consistent with the Lake Tahoe Basin Management Unit land and resource management plan.

''(d) WITHDRAWAL OF FEDERAL LAND.—

''(1) IN GENERAL.—Subject to valid existing rights and paragraph (2), the Federal land located in the Lake Tahoe Basin Management Unit is withdrawn from—

''(A) all forms of entry, appropriation, or disposal under the public land laws;

''(B) location, entry, and patent under the mining laws; and

''(C) disposition under all laws relating to mineral and geothermal leasing.

''(2) EXCEPTIONS.—A conveyance of land shall be exempt from withdrawal under this subsection if carried out under—

''(A) this Act; or

''(B) Public Law 96–586 (94 Stat. 3381) (commonly known as the 'Santini-Burton Act').

''(e) ENVIRONMENTAL THRESHOLD CARRYING CAPACITY.—The Lake Tahoe Basin Management Unit shall support the attainment of the environmental threshold carrying capacities.

''(f) COOPERATIVE AUTHORITIES.—During the 4 fiscal years following the date of enactment of the Water Resources Development Act of 2016, the Secretary, in conjunction with land adjustment programs, may enter into contracts and cooperative agreements with States, units of local government, and other public and private entities to provide for fuel reduction, erosion control, reforestation, Stream Environment Zone restoration, and similar management activities on Federal land and non-Federal land within the programs.''.

(d) AUTHORIZED PROGRAMS.—The Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351) is amended by striking section 5 and inserting the following:

''SEC. 5. AUTHORIZED PROGRAMS.

''(a) IN GENERAL.—The Secretary, the Assistant Secretary, the Directors, and the Administrator, in coordination with the Planning Agency and the States of California and Nevada, may carry out or provide financial assistance to any program that—

''(1) is described in subsection (d);

''(2) is included in the Priority List under subsection (b); and

''(3) furthers the purposes of the Environmental Improvement Program if the program has been subject to environmental review and approval, respectively, as required under Federal law, Article VII of the Compact, and State law, as applicable.

''(b) PRIORITY LIST.—

''(1) DEADLINE.—Not later than March 15 of the year after the date of enactment of the Water Resources Development Act of 2016, the Chair, in consultation with the Secretary, the Administrator, the Directors, the Planning Agency, the States of California and Nevada, the Federal Partnership, the Washoe Tribe, the Lake Tahoe Federal Advisory Committee, and the Tahoe Science Consortium (or a successor organization) shall submit to Congress a prioritized Environmental Improvement Program list for the Lake Tahoe Basin for the program categories described in subsection (d).

''(2) CRITERIA.—The ranking of the Priority List shall be based on the best available science and the following criteria:

''(A) The 4-year threshold carrying capacity evaluation.

''(B) The ability to measure progress or success of the program.

''(C) The potential to significantly contribute to the achievement and maintenance of the environmental threshold carrying capacities identified in Article II of the Compact.

''(D) The ability of a program to provide multiple benefits.

''(E) The ability of a program to leverage non-Federal contributions.

''(F) Stakeholder support for the program.

''(G) The justification of Federal interest.

''(H) Agency priority.

''(I) Agency capacity.

''(J) Cost-effectiveness.

''(K) Federal funding history.

''(3) REVISIONS.—The Priority List submitted under paragraph (1) shall be revised every 2 years.

''(4) FUNDING.—Of the amounts made available under section 10(a), $80,000,000 shall be made available to the Secretary to carry out projects listed on the Priority List.

''(c) RESTRICTION.—The Administrator shall use not more than 3 percent of the funds provided under subsection (a) for administering the programs described in paragraphs (1) and (2) of subsection (d).

''(d) DESCRIPTION OF ACTIVITIES.—

''(1) FIRE RISK REDUCTION AND FOREST MANAGEMENT.—

''(A) IN GENERAL.—Of the amounts made available under section 10(a), $150,000,000 shall be made available to the Secretary to carry out, including by making grants, the following programs:

''(i) Programs identified as part of the Lake Tahoe Basin Multi-Jurisdictional Fuel Reduction and Wildfire Prevention Strategy 10-Year Plan.

''(ii) Competitive grants for fuels work to be awarded by the Secretary to communities that have adopted national wildland fire codes to implement the applicable portion of the 10-year plan described in clause (i).

''(iii) Biomass programs, including feasibility assessments.

''(iv) Angora Fire Restoration under the jurisdiction of the Secretary.

''(v) Washoe Tribe programs on tribal lands within the Lake Tahoe Basin.

''(vi) Development of an updated Lake Tahoe Basin multijurisdictional fuel reduction and wildfire prevention strategy, consistent with section 4(c).

''(vii) Development of updated community wildfire protection plans by local fire districts.

''(viii) Municipal water infrastructure that significantly improves the firefighting capability of local government within the Lake Tahoe Basin.

''(ix) Stewardship end result contracting projects carried out under section 604 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c).

''(B) MINIMUM ALLOCATION.—Of the amounts made available to the Secretary to carry out subparagraph (A), at least $100,000,000 shall be used by the Secretary for programs under subparagraph (A)(i).

''(C) PRIORITY.—Units of local government that have dedicated funding for inspections and enforcement of defensible space regulations shall be given priority for amounts provided under this paragraph.

''(D) COST-SHARING REQUIREMENTS.—

''(i) IN GENERAL.—As a condition on the receipt of funds, communities or local fire districts that receive funds under this paragraph shall provide a 25-percent match.

''(ii) FORM OF NON-FEDERAL SHARE.—

''(I) IN GENERAL.—The non-Federal share required under clause (i) may be in the form of cash contributions or in-kind contributions, including providing labor, equipment, supplies, space, and other operational needs.

''(II) CREDIT FOR CERTAIN DEDICATED FUNDING.—There shall be credited toward the non-Federal share required under clause (i) any dedicated funding of the communities or local fire districts for a fuels reduction management program, defensible space inspections, or dooryard chipping.

''(III) DOCUMENTATION.—Communities and local fire districts shall—

''(aa) maintain a record of in-kind contributions that describes—

''(AA) the monetary value of the in-kind contributions; and

''(BB) the manner in which the in-kind contributions assist in accomplishing program goals and objectives; and

''(bb) document in all requests for Federal funding, and include in the total program budget, evidence of the commitment to provide the non-Federal share through in-kind contributions.

''(2) INVASIVE SPECIES MANAGEMENT.—

''(A) IN GENERAL.—Of the amounts made available under section 10(a), $45,000,000 shall be made available to the Director of the United States Fish and Wildlife Service for the Aquatic Invasive Species Program and the watercraft inspections described in subparagraph (B).

''(B) DESCRIPTION OF ACTIVITIES.—The Director of the United States Fish and Wildlife Service, in coordination with the Assistant Secretary, the Planning Agency, the California Department of Fish and Wildlife, and the Nevada Department of Wildlife, shall deploy strategies consistent with the Lake Tahoe Aquatic Invasive Species Management Plan to prevent the introduction or spread of aquatic invasive species in the Lake Tahoe region.

''(C) CRITERIA.—The strategies referred to in subparagraph (B) shall provide that—

''(i) combined inspection and decontamination stations be established and operated at not less than 2 locations in the Lake Tahoe region; and

''(ii) watercraft not be allowed to launch in waters of the Lake Tahoe region if the watercraft has not been inspected in accordance with the Lake Tahoe Aquatic Invasive Species Management Plan.

''(D) CERTIFICATION.—The Planning Agency may certify State and local agencies to perform the decontamination activities described in subparagraph (C)(i) at locations outside the Lake Tahoe Basin if standards at the sites meet or exceed standards for similar sites in the Lake Tahoe Basin established under this paragraph.

''(E) APPLICABILITY.—The strategies and criteria developed under this paragraph shall apply to all watercraft to be launched on water within the Lake Tahoe region.

''(F) FEES.—The Director of the United States Fish and Wildlife Service may collect and spend fees for decontamination only at a level sufficient to cover the costs of operation of inspection and decontamination stations under this paragraph.

''(G) CIVIL PENALTIES.—

''(i) IN GENERAL.—Any person that launches, attempts to launch, or facilitates launching of watercraft not in compliance with strategies deployed under this paragraph shall be liable for a civil penalty in an amount not to exceed $1,000 per violation.

''(ii) OTHER AUTHORITIES.—Any penalties assessed under this subparagraph shall be separate from penalties assessed under any other authority.

''(H) LIMITATION.—The strategies and criteria under subparagraphs (B) and (C), respectively, may be modified if the Secretary of the Interior, in a nondelegable capacity and in consultation with the Planning Agency and State governments, issues a determination that alternative measures will be no less effective at preventing introduction of aquatic invasive species into Lake Tahoe than the strategies and criteria developed under subparagraphs (B) and (C), respectively.

''(I) SUPPLEMENTAL AUTHORITY.—The authority under this paragraph is supplemental to all actions taken by non-Federal regulatory authorities.

''(J) SAVINGS CLAUSE.—Nothing in this title restricts, affects, or amends any other law or the authority of any department, instrumentality, or agency of the United States, or any State or political subdivision thereof, respecting the control of invasive species.

''(3) STORMWATER MANAGEMENT, EROSION CONTROL, AND TOTAL WATERSHED RESTORATION.—Of the amounts made available under section 10(a), $113,000,000 shall be made available—

''(A) to the Secretary, the Secretary of the Interior, the Assistant Secretary, or the Administrator for the Federal share of stormwater management and related programs consistent with the adopted Total Maximum Daily Load and near-shore water quality goals;

''(B) for grants by the Secretary and the Administrator to carry out the programs described in subparagraph (A);

''(C) to the Secretary or the Assistant Secretary for the Federal share of the Upper Truckee River restoration programs and other watershed restoration programs identified in the Priority List established under section 5(b); and

''(D) for grants by the Administrator to carry out the programs described in subparagraph (C).

''(4) SPECIAL STATUS SPECIES MANAGEMENT.—Of the amounts made available under section 10(a), $20,000,000 shall be made available to the Director of the United States Fish and Wildlife Service for the Lahontan Cutthroat Trout Recovery Program.''.

(e) PROGRAM PERFORMANCE AND ACCOUNTABILITY.—The Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351) is amended by striking section 6 and inserting the following:

''SEC. 6. PROGRAM PERFORMANCE AND ACCOUNTABILITY.

''(a) PROGRAM PERFORMANCE AND ACCOUNTABILITY.—

''(1) IN GENERAL.—Of the amounts made available under section 10(a), not less than $5,000,000 shall be made available to the Secretary to carry out this section.

''(2) PLANNING AGENCY.—Of the amounts described in paragraph (1), not less than 50 percent shall be made available to the Planning Agency to carry out the program oversight and coordination activities established under subsection (d).

''(b) CONSULTATION.—In carrying out this Act, the Secretary, the Administrator, and the Directors shall, as appropriate and in a timely manner, consult with the heads of the Washoe Tribe, applicable Federal, State, regional, and local governmental agencies, and the Lake Tahoe Federal Advisory Committee.

''(c) CORPS OF ENGINEERS; INTERAGENCY AGREEMENTS.—

''(1) IN GENERAL.—The Assistant Secretary may enter into interagency agreements with non-Federal interests in the Lake Tahoe Basin to use Lake Tahoe Partnership-Miscellaneous General Investigations funds to provide programmatic technical assistance for the Environmental Improvement Program.

''(2) LOCAL COOPERATION AGREEMENTS.—

''(A) IN GENERAL.—Before providing technical assistance under this section, the Assistant Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for the technical assistance.

''(B) COMPONENTS.—The agreement entered into under subparagraph (A) shall—

''(i) describe the nature of the technical assistance;

''(ii) describe any legal and institutional structures necessary to ensure the effective long-term viability of the end products by the non-Federal interest; and

''(iii) include cost-sharing provisions in accordance with subparagraph (C).

''(C) FEDERAL SHARE.—

''(i) IN GENERAL.—The Federal share of program costs under each local cooperation agreement under this paragraph shall be 65 percent.

''(ii) FORM.—The Federal share may be in the form of reimbursements of program costs.

''(iii) CREDIT.—The non-Federal interest may receive credit toward the non-Federal share for the reasonable costs of related technical activities completed by the non-Federal interest before entering into a local cooperation agreement with the Assistant Secretary under this paragraph.

''(d) EFFECTIVENESS EVALUATION AND MONITORING.—In carrying out this Act, the Secretary, the Administrator, and the Directors, in coordination with the Planning Agency and the States of California and Nevada, shall—

''(1) develop and implement a plan for integrated monitoring, assessment, and applied research to evaluate the effectiveness of the Environmental Improvement Program;

''(2) include funds in each program funded under this section for monitoring and assessment of results at the program level; and

''(3) use the integrated multiagency performance measures established under this section.

''(e) REPORTING REQUIREMENTS.—Not later than March 15 of each year, the Secretary, in cooperation with the Chair, the Administrator, the Directors, the Planning Agency, and the States of California and Nevada, consistent with subsection (a), shall submit to Congress a report that describes—

''(1) the status of all Federal, State, local, and private programs authorized under this Act, including to the maximum extent practicable, for programs that will receive Federal funds under this Act during the current or subsequent fiscal year—

''(A) the program scope;

''(B) the budget for the program; and

''(C) the justification for the program, consistent with the criteria established in section 5(b)(2);

''(2) Federal, State, local, and private expenditures in the preceding fiscal year to implement the Environmental Improvement Program;

''(3) accomplishments in the preceding fiscal year in implementing this Act in accordance with the performance measures and other monitoring and assessment activities; and

''(4) public education and outreach efforts undertaken to implement programs authorized under this Act.

''(f) ANNUAL BUDGET PLAN.—As part of the annual budget of the President, the President shall submit information regarding each Federal agency involved in the Environmental Improvement Program (including the Forest Service, the Environmental Protection Agency, the United States Fish and Wildlife Service, the United States Geological Survey, and the Corps of Engineers), including—

''(1) an interagency crosscut budget that displays the proposed budget for use by each Federal agency in carrying out restoration activities relating to the Environmental Improvement Program for the following fiscal year;

''(2) a detailed accounting of all amounts received and obligated by Federal agencies to achieve the goals of the Environmental Improvement Program during the preceding fiscal year; and

''(3) a description of the Federal role in the Environmental Improvement Program, including the specific role of each agency involved in the restoration of the Lake Tahoe Basin.''.

(f) CONFORMING AMENDMENTS; UPDATES TO RELATED LAWS.—

(1) LAKE TAHOE RESTORATION ACT.—The Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351) is amended—

(A) by striking sections 8 and 9;

(B) by redesignating sections 10, 11, and 12 as sections 8, 9, and 10, respectively; and

(C) in section 9 (as redesignated by subparagraph (B)) by inserting '', Director, or Administrator'' after ''Secretary''.

(2) TAHOE REGIONAL PLANNING COMPACT.—Subsection (c) of Article V of the Tahoe Regional Planning Compact (Public Law 96–551; 94 Stat. 3240) is amended in the third sentence by inserting ''and, in so doing, shall ensure that the regional plan reflects changing economic conditions and the economic effect of regulation on commerce'' after ''maintain the regional plan''.

(3) TREATMENT UNDER TITLE 49, UNITED STATES CODE.—Section 5303(r)(2)(C) of title 49, United States Code, is amended—

(A) by inserting ''and 25 square miles of land area'' after ''145,000''; and

(B) by inserting ''and 12 square miles of land area'' after ''65,000''.

(g) AUTHORIZATION OF APPROPRIATIONS.—The Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351) is amended by striking section 10 (as redesignated by subsection (f)(1)(B)) and inserting the following:

''SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

''(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this Act $415,000,000 for a period of 7 fiscal years beginning the first fiscal year after the date of enactment of the Water Resources Development Act of 2016.

''(b) EFFECT ON OTHER FUNDS.—Amounts authorized under this section and any amendments made by this Act—

''(1) shall be in addition to any other amounts made available to the Secretary, the Administrator, or the Directors for expenditure in the Lake Tahoe Basin; and

''(2) shall not reduce allocations for other Regions of the Forest Service, the Environmental Protection Agency, or the United States Fish and Wildlife Service.

''(c) COST-SHARING REQUIREMENT.—Except as provided in subsection (d) and section 5(d)(1)(D), funds for activities carried out under section 5 shall be available for obligation on a 1-to-1 basis with funding of restoration activities in the Lake Tahoe Basin by the States of California and Nevada.

''(d) RELOCATION COSTS.—Notwithstanding subsection (c), the Secretary shall provide to local utility districts two-thirds of the costs of relocating facilities in connection with—

''(1) environmental restoration programs under sections 5 and 6; and

''(2) erosion control programs under section 2 of Public Law 96–586 (94 Stat. 3381).

''(e) SIGNAGE.—To the maximum extent practicable, a program provided assistance under this Act shall include appropriate signage at the program site that—

''(1) provides information to the public on—

''(A) the amount of Federal funds being provided to the program; and

''(B) this Act; and

''(2) displays the visual identity mark of the Environmental Improvement Program.''.

(1) LAND TRANSFERS TO IMPROVE MANAGEMENT EFFICIENCIES OF FEDERAL AND STATE LAND.—Section 3(b) of Public Law 96–586 (94 Stat. 3384) (commonly known as the ''Santini-Burton Act'') is amended—

(A) by striking ''(b) Lands'' and inserting the following:

''(b) ADMINISTRATION OF ACQUIRED LAND.—

''(1) IN GENERAL.—Land''; and

(B) by adding at the end the following:

''(2) CALIFORNIA CONVEYANCES.—

''(A) IN GENERAL.—If the State of California (acting through the California Tahoe Conservancy and the California Department of Parks and Recreation) offers to donate to the United States the non-Federal land described in subparagraph (B)(i), the Secretary—

''(i) may accept the offer; and

''(ii) convey to the State of California, subject to valid existing rights and for no consideration, all right, title, and interest of the United States in and to the Federal land.

''(B) DESCRIPTION OF LAND.—

''(i) NON-FEDERAL LAND.—The non-Federal land referred to in subparagraph (A) includes—

''(I) the approximately 1,936 acres of land administered by the California Tahoe Conservancy and identified on the Maps as 'Tahoe Conservancy to the USFS'; and

''(II) the approximately 183 acres of land administered by California State Parks and identified on the Maps as 'Total USFS to California'.

''(ii) FEDERAL LAND.—The Federal land referred to in subparagraph (A) includes the approximately 1,995 acres of Forest Service land identified on the Maps as 'U.S. Forest Service to Conservancy and State Parks'.

''(C) CONDITIONS.—Any land conveyed under this paragraph shall—

''(i) be for the purpose of consolidating Federal and State ownerships and improving management efficiencies;

''(ii) not result in any significant changes in the uses of the land; and

''(iii) be subject to the condition that the applicable deed include such terms, restrictions, covenants, conditions, and reservations as the Secretary determines necessary—

''(I) to ensure compliance with this Act; and

''(II) to ensure that the transfer of development rights associated with the conveyed parcels shall not be recognized or available for transfer under chapter 51 of the Code of Ordinances for the Tahoe Regional Planning Agency.

''(D) CONTINUATION OF SPECIAL USE PERMITS.—The land conveyance under this paragraph shall be subject to the condition that the State of California accept all special use permits applicable, as of the date of enactment of the Water Resources Development Act of 2016, to the land described in subparagraph (B)(ii) for the duration of the special use permits, and subject to the terms and conditions of the special use permits.

''(3) NEVADA CONVEYANCES.—

''(A) IN GENERAL.—In accordance with this section and on request by the Governor of Nevada, the Secretary may transfer the land or interests in land described in subparagraph (B) to the State of Nevada without consideration, subject to appropriate deed restrictions to protect the environmental quality and public recreational use of the land transferred.

''(B) DESCRIPTION OF LAND.—The land referred to in subparagraph (A) includes—

''(i) the approximately 38.68 acres of Forest Service land identified on the map entitled 'State of Nevada Conveyances' as 'Van Sickle Unit USFS Inholding'; and

''(ii) the approximately 92.28 acres of Forest Service land identified on the map entitled 'State of Nevada Conveyances' as 'Lake Tahoe Nevada State Park USFS Inholding'.

''(C) CONDITIONS.—Any land conveyed under this paragraph shall—

''(i) be for the purpose of consolidating Federal and State ownerships and improving management efficiencies;

''(ii) not result in any significant changes in the uses of the land; and

''(iii) be subject to the condition that the applicable deed include such terms, restrictions, covenants, conditions, and reservations as the Secretary determines necessary—

''(I) to ensure compliance with this Act; and

''(II) to ensure that the development rights associated with the conveyed parcels shall not be recognized or available for transfer under section 90.2 of the Code of Ordinances for the Tahoe Regional Planning Agency.

''(D) CONTINUATION OF SPECIAL USE PERMITS.—The land conveyance under this paragraph shall be subject to the condition that the State of Nevada accept all special use permits applicable, as of the date of enactment of the Water Resources Development Act of 2016, to the land described in subparagraph (B)(ii) for the duration of the special use permits, and subject to the terms and conditions of the special use permits.

''(4) AUTHORIZATION FOR CONVEYANCE OF FOREST SERVICE URBAN LOTS.—

''(A) CONVEYANCE AUTHORITY.—Except in the case of land described in paragraphs (2) and (3), the Secretary of Agriculture may convey any urban lot within the Lake Tahoe Basin under the administrative jurisdiction of the Forest Service.

''(B) CONSIDERATION.—A conveyance under subparagraph (A) shall require consideration in an amount equal to the fair market value of the conveyed lot.

''(C) AVAILABILITY AND USE.—The proceeds from a conveyance under subparagraph (A) shall be retained by the Secretary of Agriculture and used for—

''(i) purchasing inholdings throughout the Lake Tahoe Basin; or

''(ii) providing additional funds to carry out the Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351) in excess of amounts made available under section 10 of that Act.

''(D) OBLIGATION LIMIT.—The obligation and expenditure of proceeds retained under this paragraph shall be subject to such fiscal year limitation as may be specified in an Act making appropriations for the Forest Service for a fiscal year.

''(5) REVERSION.—If a parcel of land transferred under paragraph (2) or (3) is used in a manner that is inconsistent with the use described for the parcel of land in paragraph (2) or (3), respectively, the parcel of land, shall, at the discretion of the Secretary, revert to the United States.

''(6) FUNDING.—

''(A) IN GENERAL.—Of the amounts made available under section 10(a) of the Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351), $2,000,000 shall be made available to the Secretary to carry out the activities under paragraphs (2), (3), and (4).

''(B) OTHER FUNDS.—Of the amounts available to the Secretary under paragraph (1), not less

than 50 percent shall be provided to the California Tahoe Conservancy to facilitate the conveyance of land described in paragraphs (2) and (3).''.

SEC. 3604. TUOLUMNE BAND OF ME-WUK INDIANS.

(a) FEDERAL LAND.—Subject to valid existing rights, all right, title, and interest (including improvements and appurtenances) of the United States in and to the Federal land described in subsection (b) shall be held in trust by the United States for the benefit of the Tuolumne Band of Me-Wuk Indians for nongaming purposes.

(b) LAND DESCRIPTION.—The land taken into trust under subsection (a) is the approximately 80 acres of Federal land under the administrative jurisdiction of the United States Forest Service, located in Tuolumne County, California, and described as follows:

(1) Southwest 1/4 of Southwest 1/4 of Section 2, Township 1 North, Range 16 East.

(2) Northeast 1/4 of Northwest 1/4 of Section 11, Township 1 North, Range 16 East of the Mount Diablo Meridian.

(c) GAMING.—Class II and class III gaming (as those terms are defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)) shall not be permitted at any time on the land taken into trust under subsection (a).

SEC. 3605. SAN LUIS REY SETTLEMENT AGREEMENT IMPLEMENTATION.

(a) SAN LUIS REY SETTLEMENT AGREEMENT IMPLEMENTATION.—The San Luis Rey Indian Water Rights Settlement Act (Public Law 100–675) is amended by inserting after section 111 the following:

''SEC. 112. IMPLEMENTATION OF SETTLEMENT.

''(a) FINDINGS.—Congress finds and recognizes as follows:

''(1) The City of Escondido, California, the Vista Irrigation District, the San Luis Rey River Indian Water Authority, and the Bands have approved an agreement, dated December 5, 2014, resolving their disputes over the use of certain land and water rights in or near the San Luis Rey River watershed, the terms of which are consistent with this Act.

''(2) The Bands, the San Luis Rey River Indian Water Authority, the City of Escondido, California, the Vista Irrigation District, and the United States have approved a Settlement Agreement dated January 30, 2015 (hereafter in this section referred to as the 'Settlement Agreement') that conforms to the requirements of this Act.

''(b) APPROVAL AND RATIFICATION.—All provisions of the Settlement Agreement, including the waivers and releases of the liability of the United States, the provisions regarding allottees, and the provision entitled 'Effect of Settlement Agreement and Act,' are hereby approved and ratified.

''(c) AUTHORIZATIONS.—The Secretary and the Attorney General are authorized to execute, on behalf of the United States, the Settlement Agreement and any amendments approved by the parties as necessary to make the Settlement Agreement consistent with this Act. Such execution shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The Secretary is further authorized and directed to take all steps that the Secretary may deem necessary or appropriate to implement the Settlement Agreement and this Act.

''(d) CONTINUED FEDERALLY RESERVED AND OTHER WATER RIGHTS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, including any provisions in this Act, the Bands had, have, and continue to possess federally reserved rights and other water rights held in trust by the United States.

''(2) FUTURE PROCEEDINGS.—In any proceeding involving the assertion, enforcement, or defense of the rights described in this subsection, the United States, in its capacity as trustee for any Band, shall not be a required party and any decision by the United States regarding participation in any such proceeding shall not be subject to judicial review or give rise to any claim for relief against the United States.

''(e) ALLOTTEES.—Congress finds and confirms that the benefits to allottees in the Settlement Agreement, including the remedies and provisions requiring that any rights of allottees shall be satisfied from supplemental water and other water available to the Bands or the Indian Water Authority, are equitable and fully satisfy the water rights of the allottees.

''(f) NO PRECEDENT.—Nothing in this Act shall be construed or interpreted as a precedent for the litigation or settlement of Indian reserved water rights.''.

(b) DISBURSEMENT OF FUNDS.—The second sentence of section 105(b)(1) of the San Luis Rey Indian Water Rights Settlement Act (Public Law 100–675) is amended by striking the period at the end, and inserting the following: '', provided that—

''(i) no more than $3,700,000 per year (in principal, interest or both) may be so allocated; and

''(ii) none of the funds made available by this section shall be available unless the Director of the Office of Management and Budget first certifies in writing to the Committee on Natural Resources of the House of Representatives and the Committee on Indian Affairs of the Senate that the federal budget will record budgetary outlays from the San Luis Rey Tribal Development Fund of only the monies, not to exceed $3,700,000 annually, that the Secretary of the Treasury, pursuant to this section, allocates and makes available to the Indian Water Authority from the trust fund.''.

SEC. 3606. TULE RIVER INDIAN TRIBE.

(a) IN GENERAL.—Subject to subsection (b), valid, existing rights, and management agreements related to easements and rights-of-way, all right, title, and interest (including improvements and appurtenances) of the United States in and to the approximately 34 acres of Federal lands generally depicted on the map titled ''Proposed Lands to be Held in Trust for the Tule River Tribe'' and dated May 14, 2015, are hereby held in trust by the United States for the benefit of the Tule River Indian Tribe.

(b) EASEMENTS AND RIGHTS-OF-WAY.—For the purposes of subsection (a), valid, existing rights include any easement or right-of-way for which an application is pending with the Bureau of Land Management on the date of the enactment of this Act. If such application is denied upon final action, the valid, existing right related to the application shall cease to exist.

(c) AVAILABILITY OF MAP.—The map referred to in subsection (a) shall be on file and available for public inspection at the office of the California State Director, Bureau of Land Management.

(d) CONVERSION OF VALID, EXISTING RIGHTS.—

(1) CONTINUITY OF USE.—Any person claiming in good faith to have valid, existing rights to lands taken into trust by this section may continue to exercise such rights to the same extent that the rights were exercised before the date of the enactment of this Act until the Secretary makes a determination on an application submitted under paragraph (2)(B) or the application is deemed to be granted under paragraph (3).

(2) NOTICE AND APPLICATION.—Consistent with sections 2800 through 2880 of title 43, Code of Federal Regulations, as soon as practicable after the date of the enactment of this Act, the Secretary of the Interior shall notify any person that claims to have valid, existing rights, such as a management agreement, easement, or other right-of-way, to lands taken into trust under subsection (a) that—

(A) such lands have been taken into trust; and

(B) the person claiming the valid, existing rights has 60 days to submit an application to the Secretary requesting that the valid, existing rights be converted to a long-term easement or other right-of-way.

(3) DETERMINATION.—The Secretary of the Interior shall grant or deny an application submitted under paragraph (2)(B) not later than 180 days after the application is submitted. Such a determination shall be considered a final action. If the Secretary does not make a determination within 180 days after the application is submitted, the application shall be deemed to be granted.

(e) RESTRICTION ON GAMING.—Lands taken into trust pursuant to subsection (a) shall not be considered to have been taken into trust for, and shall not be eligible for, class II gaming or class III gaming (as those terms are defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)).

SEC. 3607. MORONGO BAND OF MISSION INDIANS.

(a) DEFINITIONS.—For the purposes of this section, the following definitions apply:

(1) BANNING.—The term ''Banning'' means the City of Banning, which is located in Riverside County, California adjacent to the Morongo Indian Reservation.

(2) FIELDS.—The term ''Fields'' means Lloyd L. Fields, the owner of record of Parcel A.

(3) MAP.—The term ''map'' means the map entitled 'Morongo Indian Reservation, County of Riverside, State of California Land Exchange Map', and dated May 22, 2014, which is on file in the Bureau of Land Management State Office in Sacramento, California.

(4) PARCEL A.—The term ''Parcel A'' means the approximately 41.15 acres designated on the map as ''Fields lands''.

(5) PARCEL B.—The term ''Parcel B'' means the approximately 41.15 acres designated on the map as ''Morongo lands''.

(6) PARCEL C.—The term ''Parcel C'' means the approximately 1.21 acres designated on the map as ''Banning land''.

(7) PARCEL D.—The term ''Parcel D'' means the approximately 1.76 acres designated on the map as ''Easement to Banning''.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(9) TRIBE.—The term ''Tribe'' means the Morongo Band of Mission Indians, a federally recognized Indian tribe.

(b) TRANSFER OF LANDS; TRUST LANDS, EASEMENT.—

(1) TRANSFER OF PARCEL A AND PARCEL B AND EASEMENT OVER PARCEL D.—Subject to any valid existing rights of any third parties and to legal review and approval of the form and content of any and all instruments of conveyance and policies of title insurance, upon receipt by the Secretary of confirmation that Fields has duly executed and deposited with a mutually acceptable and jointly instructed escrow holder in California a deed conveying clear and unencumbered title to Parcel A to the United States in trust for the exclusive use and benefit of the Tribe, and upon receipt by Fields of confirmation that the Secretary has duly executed and deposited into escrow with the same mutually acceptable and jointly instructed escrow holder a patent conveying clear and unencumbered title in fee simple to Parcel B to Fields and has duly executed and deposited into escrow with the same mutually acceptable and jointly instructed escrow holder an easement to the City for a public right-of-way over Parcel D, the Secretary shall instruct the escrow holder to simultaneously cause—

(A) the patent to Parcel B to be recorded and issued to Fields;

(B) the easement over Parcel D to be recorded and issued to the City; and

(C) the deed to Parcel A to be delivered to the Secretary, who shall immediately cause said deed to be recorded and held in trust for the Tribe.

(2) TRANSFER OF PARCEL C.—After the simultaneous transfer of parcels A, B, and D under paragraph (1), upon receipt by the Secretary of

confirmation that the City has vacated its interest in Parcel C pursuant to all applicable State and local laws, the Secretary shall immediately cause Parcel C to be held in trust for the Tribe subject to—

(A) any valid existing rights of any third parties; and

(B) legal review and approval of the form and content of any and all instruments of conveyance.

SEC. 3608. CHOCTAW NATION OF OKLAHOMA AND THE CHICKASAW NATION WATER SETTLEMENT.

(a) PURPOSES.—The purposes of this section are—

(1) to permanently resolve and settle those claims to Settlement Area Waters of the Choctaw Nation of Oklahoma and the Chickasaw Nation as set forth in the Settlement Agreement and this section, including all claims or defenses in and to Chickasaw Nation, Choctaw Nation v. Fallin et al., CIV 11–927 (W.D. Ok.), OWRB v. United States, et al. CIV 12–275 (W.D. Ok.), or any future stream adjudication;

(2) to approve, ratify, and confirm the Settlement Agreement;

(3) to authorize and direct the Secretary of the Interior to execute the Settlement Agreement and to perform all obligations of the Secretary of the Interior under the Settlement Agreement and this section;

(4) to approve, ratify, and confirm the amended storage contract among the State, the City and the Trust;

(5) to authorize and direct the Secretary to approve the amended storage contract for the Corps of Engineers to perform all obligations under the 1974 storage contract, the amended storage contract, and this section; and

(6) to authorize all actions necessary for the United States to meet its obligations under the Settlement Agreement, the amended storage contract, and this section.

(b) DEFINITIONS.—In this section:

(1) 1974 STORAGE CONTRACT.—The term ''1974 storage contract'' means the contract approved by the Secretary on April 9, 1974, between the Secretary and the Water Conservation Storage Commission of the State of Oklahoma pursuant to section 301 of the Water Supply Act of 1958, and other applicable Federal law.

(2) 2010 AGREEMENT.—The term ''2010 agreement'' means the agreement entered into among the OWRB and the Trust, dated June 15, 2010, relating to the assignment by the State of the 1974 storage contract and transfer of rights, title, interests, and obligations under that contract to the Trust, including the interests of the State in the conservation storage capacity and associated repayment obligations to the United States.

(3) ADMINISTRATIVE SET-ASIDE SUBCONTRACTS.—The term ''administrative set-aside subcontracts'' means the subcontracts the City shall issue for the use of Conservation Storage Capacity in Sardis Lake as provided by section 4 of the amended storage contract.

(4) ALLOTMENT.—The term ''allotment'' means the land within the Settlement Area held by an allottee subject to a statutory restriction on alienation or held by the United States in trust for the benefit of an allottee.

(5) ALLOTTEE.—The term ''allottee'' means an enrolled member of the Choctaw Nation or citizen of the Chickasaw Nation who, or whose estate, holds an interest in an allotment.

(6) AMENDED PERMIT APPLICATION.—The term ''amended permit application'' means the permit application of the City to the OWRB, No. 2007–17, as amended as provided by the Settlement Agreement.

(7) AMENDED STORAGE CONTRACT TRANSFER AGREEMENT; AMENDED STORAGE CONTRACT.—The terms ''amended storage contract transfer agreement'' and ''amended storage contract'' mean the 2010 Agreement between the City, the Trust, and the OWRB, as amended, as provided by the Settlement Agreement and this section.

(8) ATOKA AND SARDIS CONSERVATION PROJECTS FUND.—The term ''Atoka and Sardis Conservation Projects Fund'' means the Atoka and Sardis Conservation Projects Fund established, funded, and managed in accordance with the Settlement Agreement.

(9) CITY.—The term ''City'' means the City of Oklahoma City, or the City and the Trust acting jointly, as applicable.

(10) CITY PERMIT.—The term ''City permit'' means any permit issued to the City by the OWRB pursuant to the amended permit application and consistent with the Settlement Agreement.

(11) CONSERVATION STORAGE CAPACITY.—The term ''conservation storage capacity'' means the total storage space as stated in the 1974 storage contract in Sardis Lake between elevations 599.0 feet above mean sea level and 542.0 feet above mean sea level, which is estimated to contain 297,200 acre-feet of water after adjustment for sediment deposits, and which may be used for municipal and industrial water supply, fish and wildlife, and recreation.

(12) ENFORCEABILITY DATE.—The term ''enforceability date'' means the date on which the Secretary of the Interior publishes in the Federal Register a notice certifying that the conditions of subsection (i) have been satisfied.

(13) FUTURE USE STORAGE.—The term ''future use storage'' means that portion of the conservation storage capacity that was designated by the 1974 Contract to be utilized for future water use storage and was estimated to contain 155,500 acre feet of water after adjustment for sediment deposits, or 52.322 percent of the conservation storage capacity.

(14) NATIONS.—The term ''Nations'' means, collectively, the Choctaw Nation of Oklahoma (''Choctaw Nation'') and the Chickasaw Nation.

(15) OWRB.—The term ''OWRB'' means the Oklahoma Water Resources Board.

(16) SARDIS LAKE.—The term ''Sardis Lake'' means the reservoir, formerly known as Clayton Lake, whose dam is located in Section 19, Township 2 North, Range 19 East of the Indian Meridian, Pushmataha County, Oklahoma, the construction, operation, and maintenance of which was authorized by section 203 of the Flood Control Act of 1962 (Public Law 87–874; 76 Stat. 1187).

(17) SETTLEMENT AGREEMENT.—The term ''Settlement Agreement'' means the settlement agreement as approved by the Nations, the State, the City, and the Trust effective August 22, 2016, as revised to conform with this section, as applicable.

(18) SETTLEMENT AREA.—The term ''settlement area'' means—

(A) the area lying between—

(i) the South Canadian River and Arkansas River to the north;

(ii) the Oklahoma–Texas State line to the south;

(iii) the Oklahoma–Arkansas State line to the east; and

(iv) the 98th Meridian to the west; and

(B) the area depicted in Exhibit 1 to the Settlement Agreement and generally including the following counties, or portions of, in the State:

(i) Atoka.
(ii) Bryan.
(iii) Carter.
(iv) Choctaw.
(v) Coal.
(vi) Garvin.
(vii) Grady.
(viii) McClain.
(ix) Murray.
(x) Haskell.
(xi) Hughes.
(xii) Jefferson.
(xiii) Johnston.
(xiv) Latimer.
(xv) LeFlore.
(xvi) Love.
(xvii) Marshall.
(xviii) McCurtain.
(xix) Pittsburgh.
(xx) Pontotoc.
(xxi) Pushmataha.
(xxii) Stephens.

(19) SETTLEMENT AREA WATERS.—The term ''settlement area waters'' means the waters located—

(A) within the settlement area; and

(B) within a basin depicted in Exhibit 10 to the Settlement Agreement, including any of the following basins as denominated in the 2012 Update of the Oklahoma Comprehensive Water Plan:

(i) Beaver Creek (24, 25, and 26).
(ii) Blue (11 and 12).
(iii) Clear Boggy (9).
(iv) Kiamichi (5 and 6).
(v) Lower Arkansas (46 and 47).
(vi) Lower Canadian (48, 56, 57, and 58).
(vii) Lower Little (2).
(viii) Lower Washita (14).
(ix) Mountain Fork (4).
(x) Middle Washita (15 and 16).
(xi) Mud Creek (23).
(xii) Muddy Boggy (7 and 8).
(xiii) Poteau (44 and 45).
(xiv) Red River Mainstem (1, 10, 13, and 21).
(xv) Upper Little (3).
(xvi) Walnut Bayou (22).

(20) STATE.—The term ''State'' means the State of Oklahoma.

(21) TRUST.—

(A) IN GENERAL.—The term ''Trust'' means the Oklahoma City Water Utilities Trust, formerly known as the Oklahoma City Municipal Improvement Authority, a public trust established pursuant to State law with the City as the beneficiary.

(B) REFERENCES.—A reference in this section to ''Trust'' refers to the Oklahoma City Water Utilities Trust, acting severally.

(22) UNITED STATES.—The term ''United States'' means the United States of America acting in its capacity as trustee for the Nations, their respective members, citizens, and allottees, or as specifically stated or limited in any given reference herein, in which case it means the United States of America acting in the capacity as set forth in said reference.

(c) APPROVAL OF THE SETTLEMENT AGREEMENT.—

(1) RATIFICATION.—

(A) IN GENERAL.—Except as modified by this section, and to the extent the Settlement Agreement does not conflict with this section, the Settlement Agreement is authorized, ratified, and confirmed.

(B) AMENDMENTS.—If an amendment is executed to make the Settlement Agreement consistent with this section, the amendment is also authorized, ratified and confirmed to the extent the amendment is consistent with this section.

(2) EXECUTION OF SETTLEMENT AGREEMENT.—

(A) IN GENERAL.—To the extent the Settlement Agreement does not conflict with this section, the Secretary of the Interior shall promptly execute the Settlement Agreement, including all exhibits to or parts of the Settlement Agreement requiring the signature of the Secretary of the Interior and any amendments necessary to make the Settlement Agreement consistent with this section.

(B) NOT A MAJOR FEDERAL ACTION.—Execution of the Settlement Agreement by the Secretary of the Interior under this subsection shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(d) APPROVAL OF THE AMENDED STORAGE CONTRACT AND 1974 STORAGE CONTRACT.—

(1) RATIFICATION.—

(A) IN GENERAL.—Except to the extent any provision of the amended storage contract conflicts with any provision of this section, the amended storage contract is authorized, ratified, and confirmed.

(B) 1974 STORAGE CONTRACT.—To the extent the amended storage contract, as authorized,

ratified, and confirmed, modifies or amends the 1974 storage contract, the modification or amendment to the 1974 storage contract is authorized, ratified, and confirmed.

(C) AMENDMENTS.—To the extent an amendment is executed to make the amended storage contract consistent with this section, the amendment is authorized, ratified, and confirmed.

(2) APPROVAL BY THE SECRETARY.—After the State and the City execute the amended storage contract, the Secretary shall approve the amended storage contract.

(3) MODIFICATION OF SEPTEMBER 11, 2009, ORDER IN UNITED STATES V. OKLAHOMA WATER RESOURCES BOARD, CIV 98–00521 (N.D. OK).—The Secretary, through counsel, shall cooperate and work with the State to file any motion and proposed order to modify or amend the order of the United States District Court for the Northern District of Oklahoma dated September 11, 2009, necessary to conform the order to the amended storage contract transfer agreement, the Settlement Agreement, and this section.

(4) CONSERVATION STORAGE CAPACITY.—The allocation of the use of the conservation storage capacity in Sardis Lake for administrative setaside subcontracts, City water supply, and fish and wildlife and recreation as provided by the amended storage contract is authorized, ratified and approved.

(5) ACTIVATION; WAIVER.—

(A) FINDINGS.—Congress finds that—

(i) the earliest possible activation of any increment of future use storage in Sardis Lake will not occur until after 2050; and

(ii) the obligation to make annual payments for the Sardis future use storage operation, maintenance and replacement costs, capital costs, or interest attributable to Sardis future use storage only arises if, and only to the extent, that an increment of Sardis future use storage is activated by withdrawal or release of water from the future use storage that is authorized by the user for a consumptive use of water.

(B) WAIVER OF OBLIGATIONS FOR STORAGE THAT IS NOT ACTIVATED.—Notwithstanding section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b), section 203 of the Flood Control Act of 1962 (Public Law 87–874; 76 Stat. 1187), the 1974 storage contract, or any other provision of law, effective as of January 1, 2050—

(i) the entirety of any repayment obligations (including interest), relating to that portion of conservation storage capacity allocated by the 1974 storage contract to future use storage in Sardis Lake is waived and shall be considered nonreimbursable; and

(ii) any obligation of the State and, on execution and approval of the amended storage contract, of the City and the Trust, under the 1974 storage contract regarding capital costs and any operation, maintenance, and replacement costs and interest otherwise attributable to future use storage in Sardis Lake is waived and shall be nonreimbursable, if by January 1, 2050, the right to future use storage is not activated by the withdrawal or release of water from future use storage for an authorized consumptive use of water.

(6) CONSISTENT WITH AUTHORIZED PURPOSES; NO MAJOR OPERATIONAL CHANGE.—

(A) CONSISTENT WITH AUTHORIZED PURPOSE.—The amended storage contract, the approval of the Secretary of the amended storage contract, and the waiver of future use storage under paragraph (5)—

(i) are deemed consistent with the authorized purposes for Sardis Lake as described in section 203 of the Flood Control Act of 1962 (Public Law 87–874; 76 Stat. 1187) and do not affect the authorized purposes for which the project was authorized, surveyed, planned, and constructed; and

(ii) shall not constitute a reallocation of storage.

(B) NO MAJOR OPERATIONAL CHANGE.—The amended storage contract, the approval of the Secretary of the amended storage contract, and the waiver of future use storage under paragraph (5) shall not constitute a major operational change under section 301(e) of the Water Supply Act of 1958 (43 U.S.C. 390b(e)).

(7) NO FURTHER AUTHORIZATION REQUIRED.—This section shall be considered sufficient and complete authorization, without further study or analysis, for—

(A) the Secretary to approve the amended storage contract; and

(B) after approval under subparagraph (A), the Corps of Engineers to manage storage in Sardis Lake pursuant to and in accordance with the 1974 storage contract, the amended storage contract, and the Settlement Agreement.

(e) SETTLEMENT AREA WATERS.—

(1) FINDINGS.—Congress finds that—

(A) pursuant to the Atoka Agreement as ratified by section 29 of the Act of June 28, 1898 (30 Stat. 505, chapter 517) (as modified by the Act of July 1, 1902 (32 Stat. 641, chapter 1362)), the Nations issued patents to their respective tribal members and citizens and thereby conveyed to individual Choctaws and Chickasaws, all right, title, and interest in and to land that was possessed by the Nations, other than certain mineral rights; and

(B) when title passed from the Nations to their respective tribal members and citizens, the Nations did not convey and those individuals did not receive any right of regulatory or sovereign authority, including with respect to water.

(2) PERMITTING, ALLOCATION, AND ADMINISTRATION OF SETTLEMENT AREA WATERS PURSUANT TO THE SETTLEMENT AGREEMENT.—Beginning on the enforceability date, settlement area waters shall be permitted, allocated, and administered by the OWRB in accordance with the Settlement Agreement and this section.

(3) CHOCTAW NATION AND CHICKASAW NATION.—Beginning on the enforceability date, the Nations shall have the right to use and to develop the right to use settlement area waters only in accordance with the Settlement Agreement and this section.

(4) WAIVER AND DELEGATION BY NATIONS.—In addition to the waivers under subsection (h), the Nations, on their own behalf, shall permanently delegate to the State any regulatory authority each Nation may possess over water rights on allotments, which the State shall exercise in accordance with the Settlement Agreement and this subsection.

(5) RIGHT TO USE WATER.—

(A) IN GENERAL.—An allottee may use water on an allotment in accordance with the Settlement Agreement and this subsection.

(B) SURFACE WATER USE.—

(i) IN GENERAL.—An allottee may divert and use, on the allotment of the allottee, 6 acre-feet per year of surface water per 160 acres, to be used solely for domestic uses on an allotment that constitutes riparian land under applicable State law as of the date of enactment of this Act.

(ii) EFFECT OF STATE LAW.—The use of surface water described in clause (i) shall be subject to all rights and protections of State law, as of the date of enactment of this Act, including all protections against loss for nonuse.

(iii) NO PERMIT REQUIRED.—An allottee may divert water under this subsection without a permit or any other authorization from the OWRB.

(C) GROUNDWATER USE.—

(i) IN GENERAL.—An allottee may drill wells on the allotment of the allottee to take and use for domestic uses the greater of—

(I) 5 acre-feet per year; or

(II) any greater quantity allowed under State law.

(ii) EFFECT OF STATE LAW.—The groundwater use described in clause (i) shall be subject to all rights and protections of State law, as of the date of enactment of this Act, including all protections against loss for nonuse.

(iii) NO PERMIT REQUIRED.—An allottee may drill wells and use water under this subsection without a permit or any other authorization from the OWRB.

(D) FUTURE CHANGES IN STATE LAW.—

(i) IN GENERAL.—If State law changes to limit use of water to a quantity that is less than the applicable quantity specified in subparagraph (B) or (C), as applicable, an allottee shall retain the right to use water in accord with those subparagraphs, subject to paragraphs (6)(B)(iv) and (7).

(ii) OPPORTUNITY TO BE HEARD.—Prior to taking any action to limit the use of water by an individual, the OWRB shall provide to the individual an opportunity to demonstrate that the individual is—

(I) an allottee; and

(II) using water on the allotment pursuant to and in accordance with the Settlement Agreement and this section.

(6) ALLOTTEE OPTIONS FOR ADDITIONAL WATER.—

(A) IN GENERAL.—To use a quantity of water in excess of the quantities provided under paragraph (5), an allottee shall—

(i) file an action under subparagraph (B); or

(ii) apply to the OWRB for a permit pursuant to, and in accordance with, State law.

(B) DETERMINATION IN FEDERAL DISTRICT COURT.—

(i) IN GENERAL.—In lieu of applying to the OWRB for a permit to use more water than is allowed under paragraph (5), an allottee may file an action in the United States District Court for the Western District of Oklahoma for determination of the right to water of the allottee. At least 90 days prior to filing such an action, the allottee shall provide written notice of the suit to the United States and the OWRB. For the United States, notice shall be provided to the Solicitor's Office, Department of the Interior, Washington D.C., and to the Office of the Regional Director of the Muskogee Region, Bureau of Indian Affairs, Department of the Interior.

(ii) JURISDICTION.—For purposes of this subsection—

(I) the United States District Court for the Western District of Oklahoma shall have jurisdiction; and

(II) as part of the complaint, the allottee shall include certification of the pre-filing notice to the United States and OWRB required by subparagraph (B)(i). If such certification is not included with the complaint, the complaint will be deemed filed 90 days after such certification is complete and filed with the court. Within 60 days after the complaint is filed or deemed filed or within such extended time as the District Court in its discretion may permit, the United States may appear or intervene. After such appearance, intervention or the expiration of the said 60 days or any extension thereof, the proceedings and judgment in such action shall bind the United States and the parties thereto without regard to whether the United States elects to appear or intervene in such action.

(iii) REQUIREMENTS.—An allottee filing an action pursuant to this subparagraph shall—

(I) join the OWRB as a party; and

(II) publish notice in a newspaper of general circulation within the Settlement Area Hydrologic Basin for 2 consecutive weeks, with the first publication appearing not later than 30 days after the date on which the action is filed.

(iv) DETERMINATION FINAL.—

(I) IN GENERAL.—Subject to subclause (II), if an allottee elects to have the rights of the allottee determined pursuant to this subparagraph, the determination shall be final as to any rights under Federal law and in lieu of any rights to use water on an allotment as provided in paragraph (5).

(II) RESERVATION OF RIGHTS.—Subclause (I) shall not preclude an allottee from—

(aa) applying to the OWRB for water rights pursuant to State law; or

(bb) using any rights allowed by State law that do not require a permit from the OWRB.

(7) OWRB ADMINISTRATION AND ENFORCEMENT.—

(A) IN GENERAL.—If an allottee exercises any right under paragraph (5) or has rights determined under paragraph (6)(B), the OWRB shall have jurisdiction to administer those rights.

(B) CHALLENGES.—An allottee may challenge OWRB administration of rights determined under this paragraph, in the United States District Court for the Western District of Oklahoma.

(8) PRIOR EXISTING STATE LAW RIGHTS.—Water rights held by an allottee as of the enforceability date pursuant to a permit issued by the OWRB shall be governed by the terms of that permit and applicable State law (including regulations).

(f) CITY PERMIT FOR APPROPRIATION OF STREAM WATER FROM THE KIAMICHI RIVER.—The City permit shall be processed, evaluated, issued, and administered consistent with and in accordance with the Settlement Agreement and this section.

(g) SETTLEMENT COMMISSION.—

(1) ESTABLISHMENT.—There is established a Settlement Commission.

(2) MEMBERS.—

(A) IN GENERAL.—The Settlement Commission shall be comprised of 5 members, appointed as follows:

(i) 1 by the Governor of the State.

(ii) 1 by the Attorney General of the State.

(iii) 1 by the Chief of the Choctaw Nation.

(iv) 1 by the Governor of the Chickasaw Nation.

(v) 1 by agreement of the members described in clauses (i) through (iv).

(B) JOINTLY APPOINTED MEMBER.—If the members described in clauses (i) through (iv) of subparagraph (A) do not agree on a member appointed pursuant to subparagraph (A)(v)—

(i) the members shall submit to the Chief Judge for the United States District Court for the Eastern District of Oklahoma, a list of not less than 3 persons; and

(ii) from the list under clause (i), the Chief Judge shall make the appointment.

(C) INITIAL APPOINTMENTS.—The initial appointments to the Settlement Commission shall be made not later than 90 days after the enforceability date.

(3) MEMBER TERMS.—

(A) IN GENERAL.—Each Settlement Commission member shall serve at the pleasure of appointing authority.

(B) COMPENSATION.—A member of the Settlement Commission shall serve without compensation, but an appointing authority may reimburse the member appointed by the entity for costs associated with service on the Settlement Commission.

(C) VACANCIES.—If a member of the Settlement Commission is removed or resigns, the appointing authority shall appoint the replacement member.

(D) JOINTLY APPOINTED MEMBER.—The member of the Settlement Commission described in paragraph (2)(A)(v) may be removed or replaced by a majority vote of the Settlement Commission based on a failure of the member to carry out the duties of the member.

(4) DUTIES.—The duties and authority of the Settlement Commission shall be set forth in the Settlement Agreement, and the Settlement Commission shall not possess or exercise any duty or authority not stated in the Settlement Agreement.

(h) WAIVERS AND RELEASES OF CLAIMS.—

(1) CLAIMS BY THE NATIONS AND THE UNITED STATES AS TRUSTEE FOR THE NATIONS.—Subject to the retention of rights and claims provided in paragraph (3) and except to the extent that rights are recognized in the Settlement Agreement or this section, the Nations, each in its own right and on behalf of itself and its respective citizens and members (but not individuals in their capacities as allottees), and the United States, acting as a trustee for the Nations (but not individuals in their capacities as allottees), shall execute a waiver and release of—

(A) all of the following claims asserted or which could have been asserted in any proceeding filed or that could have been filed during the period ending on the enforceability date, including Chickasaw Nation, Choctaw Nation v. Fallin et al., CIV 11–927 (W.D. Ok.), OWRB v. United States, et al. CIV 12–275 (W.D. Ok.), or any general stream adjudication, relating to—

(i) claims to the ownership of water in the State;

(ii) claims to water rights and rights to use water diverted or taken from a location within the State;

(iii) claims to authority over the allocation and management of water and administration of water rights, including authority over third-party ownership of or rights to use water diverted or taken from a location within the State and ownership or use of water on allotments by allottees or any other person using water on an allotment with the permission of an allottee;

(iv) claims that the State lacks authority over the allocation and management of water and administration of water rights, including authority over the ownership of or rights to use water diverted or taken from a location within the State;

(v) any other claim relating to the ownership of water, regulation of water, or authorized diversion, storage, or use of water diverted or taken from a location within the State, which claim is based on the status of the Chickasaw Nation's or the Choctaw Nation's unique sovereign status and rights as defined by Federal law and alleged to arise from treaties to which they are signatories, including but not limited to the Treaty of Dancing Rabbit Creek, Act of Sept. 30, 1830, 7 Stat. 333, Treaty of Doaksville, Act of Jan. 17, 1837, 11 Stat. 573, and the related March 23, 1842, patent to the Choctaw Nation; and

(vi) claims or defenses asserted or which could have been asserted in Chickasaw Nation, Choctaw Nation v. Fallin et al., CIV 11–927 (W.D. Ok.), OWRB v. United States, et al. CIV 12–275 (W.D. Ok.), or any general stream adjudication;

(B) all claims for damages, losses or injuries to water rights or water, or claims of interference with, diversion, storage, taking, or use of water (including claims for injury to land resulting from the damages, losses, injuries, interference with, diversion, storage, taking, or use of water) attributable to any action by the State, the OWRB, or any water user authorized pursuant to State law to take or use water in the State, including the City, that accrued during the period ending on the enforceability date;

(C) all claims and objections relating to the amended permit application, and the City permit, including—

(i) all claims regarding regulatory control over or OWRB jurisdiction relating to the permit application and permit; and

(ii) all claims for damages, losses or injuries to water rights or rights to use water, or claims of interference with, diversion, storage, taking, or use of water (including claims for injury to land resulting from the damages, losses, injuries, interference with, diversion, storage, taking, or use of water) attributable to the issuance and lawful exercise of the City permit;

(D) all claims to regulatory control over the Permit Numbers P80–48 and 54–613 of the City for water rights from the Muddy Boggy River for Atoka Reservoir and P73–282D for water rights from the Muddy Boggy River, including McGee Creek, for the McGee Creek Reservoir;

(E) all claims that the State lacks regulatory authority over or OWRB jurisdiction relating to Permit Numbers P80–48 and 54–613 for water rights from the Muddy Boggy River for Atoka Reservoir and P73–282D for water rights from the Muddy Boggy River, including McGee Creek, for the McGee Creek Reservoir;

(F) all claims to damages, losses or injuries to water rights or water, or claims of interference with, diversion, storage, taking, or use of water (including claims for injury to land resulting from such damages, losses, injuries, interference with, diversion, storage, taking, or use of water) attributable to the lawful exercise of Permit Numbers P80–48 and 54–613 for water rights from the Muddy Boggy River for Atoka Reservoir and P73–282D for water rights from the Muddy Boggy River, including McGee Creek, for the McGee Creek Reservoir, that accrued during the period ending on the enforceability date;

(G) all claims and objections relating to the approval by the Secretary of the assignment of the 1974 storage contract pursuant to the amended storage contract; and

(H) all claims for damages, losses, or injuries to water rights or water, or claims of interference with, diversion, storage, taking, or use of water (including claims for injury to land resulting from such damages, losses, injuries, interference with, diversion, storage, taking, or use of water) attributable to the lawful exercise of rights pursuant to the amended storage contract.

(2) WAIVERS AND RELEASES OF CLAIMS BY THE NATIONS AGAINST THE UNITED STATES.—Subject to the retention of rights and claims provided in paragraph (3) and except to the extent that rights are recognized in the Settlement Agreement or this section, the Nations are authorized to execute a waiver and release of all claims against the United States (including any agency or employee of the United States) relating to—

(A) all of the following claims asserted or which could have been asserted in any proceeding filed or that could have been filed by the United States as a trustee during the period ending on the enforceability date, including Chickasaw Nation, Choctaw Nation v. Fallin et al., CIV 11–927 (W.D. Ok.) or OWRB v. United States, et al. CIV 12–275 (W.D. Ok.), or any general stream adjudication, relating to—

(i) claims to the ownership of water in the State;

(ii) claims to water rights and rights to use water diverted or taken from a location within the State;

(iii) claims to authority over the allocation and management of water and administration of water rights, including authority over third-party ownership of or rights to use water diverted or taken from a location within the State and ownership or use of water on allotments by allottees or any other person using water on an allotment with the permission of an allottee;

(iv) claims that the State lacks authority over the allocation and management of water and administration of water rights, including authority over the ownership of or rights to use water diverted or taken from a location within the State;

(v) any other claim relating to the ownership of water, regulation of water, or authorized diversion, storage, or use of water diverted or taken from a location within the State, which claim is based on the status of the Chickasaw Nation's or the Choctaw Nation's unique sovereign status and rights as defined by Federal law and alleged to arise from treaties to which they are signatories, including but not limited to the Treaty of Dancing Rabbit Creek, Act of Sept. 30, 1830, 7 Stat. 333, Treaty of Doaksville, Act of Jan. 17, 1837, 11 Stat. 573, and the related March 23, 1842, patent to the Choctaw Nation; and

(vi) claims or defenses asserted or which could have been asserted in Chickasaw Nation, Choctaw Nation v. Fallin et al., CIV 11–927 (W.D. Ok.), OWRB v. United States, et al. CIV 12–275 (W.D. Ok.), or any general stream adjudication;

(B) all claims for damages, losses or injuries to water rights or water, or claims of interference with, diversion, storage, taking, or use of water (including claims for injury to land resulting from the damages, losses, injuries, interference with, diversion, storage, taking, or use of water) attributable to any action by the State, the OWRB, or any water user authorized pursuant to State law to take or use water in the State, including the City, that accrued during the period ending on the enforceability date;

(C) all claims and objections relating to the amended permit application, and the City permit, including—

(i) all claims regarding regulatory control over or OWRB jurisdiction relating to the permit application and permit; and

(ii) all claims for damages, losses or injuries to water rights or rights to use water, or claims of interference with, diversion, storage, taking, or use of water (including claims for injury to land resulting from the damages, losses, injuries, interference with, diversion, storage, taking, or use of water) attributable to the issuance and lawful exercise of the City permit;

(D) all claims to regulatory control over the Permit Numbers P80–48 and 54–613 for water rights from the Muddy Boggy River for Atoka Reservoir and P73–282D for water rights from the Muddy Boggy River, including McGee Creek, for the McGee Creek Reservoir;

(E) all claims that the State lacks regulatory authority over or OWRB jurisdiction relating to Permit Numbers P80–48 and 54–613 for water rights from the Muddy Boggy River for Atoka Reservoir and P73–282D for water rights from the Muddy Boggy River, including McGee Creek, for the McGee Creek Reservoir;

(F) all claims to damages, losses or injuries to water rights or water, or claims of interference with, diversion, storage, taking, or use of water (including claims for injury to land resulting from the damages, losses, injuries, interference with, diversion, storage, taking, or use of water) attributable to the lawful exercise of Permit Numbers P80–48 and 54–613 for water rights from the Muddy Boggy River for Atoka Reservoir and P73–282D for water rights from the Muddy Boggy River, including McGee Creek, for the McGee Creek Reservoir, that accrued during the period ending on the enforceability date;

(G) all claims and objections relating to the approval by the Secretary of the assignment of the 1974 storage contract pursuant to the amended storage contract;

(H) all claims relating to litigation brought by the United States prior to the enforceability date of the water rights of the Nations in the State; and

(I) all claims relating to the negotiation, execution, or adoption of the Settlement Agreement (including exhibits) or this section.

(3) RETENTION AND RESERVATION OF CLAIMS BY NATIONS AND THE UNITED STATES.—

(A) IN GENERAL.—Notwithstanding the waiver and releases of claims authorized under paragraphs (1) and (2), the Nations and the United States, acting as trustee, shall retain—

(i) all claims for enforcement of the Settlement Agreement and this section;

(ii) all rights to use and protect any water right of the Nations recognized by or established pursuant to the Settlement Agreement, including the right to assert claims for injuries relating to the rights and the right to participate in any general stream adjudication, including any inter se proceeding;

(iii) all claims under—

(I) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), including for damages to natural resources;

(II) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(III) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(IV) any regulations implementing the Acts described in items (I) through (III);

(iv) all claims relating to damage, loss, or injury resulting from an unauthorized diversion, use, or storage of water, including damages, losses, or injuries to land or nonwater natural resources associated with any hunting, fishing, gathering, or cultural right; and

(v) all rights, remedies, privileges, immunities, and powers not specifically waived and released pursuant to this section or the Settlement Agreement.

(B) AGREEMENT.—

(i) IN GENERAL.—As provided in the Settlement Agreement, the Chickasaw Nation shall convey an easement to the City, which easement shall be as described and depicted in Exhibit 15 to the Settlement Agreement.

(ii) APPLICATION.—The Chickasaw Nation and the City shall cooperate and coordinate on the submission of an application for approval by the Secretary of the Interior of the conveyance under clause (i), in accordance with applicable Federal law.

(iii) RECORDING.—On approval by the Secretary of the Interior of the conveyance of the easement under this clause, the City shall record the easement.

(iv) CONSIDERATION.—In exchange for conveyance of the easement under clause (i), the City shall pay to the Chickasaw Nation the value of past unauthorized use and consideration for future use of the land burdened by the easement, based on an appraisal secured by the City and Nations and approved by the Secretary of the Interior.

(4) EFFECTIVE DATE OF WAIVER AND RELEASES.—The waivers and releases under this subsection take effect on the enforceability date.

(5) TOLLING OF CLAIMS.—Each applicable period of limitation and time-based equitable defense relating to a claim described in this subsection shall be tolled during the period beginning on the date of enactment of this Act and ending on the earlier of the enforceability date or the expiration date under subsection (i)(2).

(i) ENFORCEABILITY DATE.—

(1) IN GENERAL.—The Settlement Agreement shall take effect and be enforceable on the date on which the Secretary of the Interior publishes in the Federal Register a certification that—

(A) to the extent the Settlement Agreement conflicts with this section, the Settlement Agreement has been amended to conform with this section;

(B) the Settlement Agreement, as amended, has been executed by the Secretary of the Interior, the Nations, the Governor of the State, the OWRB, the City, and the Trust;

(C) to the extent the amended storage contract conflicts with this section, the amended storage contract has been amended to conform with this section;

(D) the amended storage contract, as amended to conform with this section, has been—

(i) executed by the State, the City, and the Trust; and

(ii) approved by the Secretary;

(E) an order has been entered in United States v. Oklahoma Water Resources Board, Civ. 98–C–521–E with any modifications to the order dated September 11, 2009, as provided in the Settlement Agreement;

(F) orders of dismissal have been entered in Chickasaw Nation, Choctaw Nation v. Fallin et al., Civ 11–297 (W.D. Ok.) and OWRB v. United States, et al. Civ 12–275 (W.D. Ok.) as provided in the Settlement Agreement;

(G) the OWRB has issued the City Permit;

(H) the final documentation of the Kiamichi Basin hydrologic model is on file at the Oklahoma City offices of the OWRB; and

(I) the Atoka and Sardis Conservation Projects Fund has been funded as provided in the Settlement Agreement.

(2) EXPIRATION DATE.—If the Secretary of the Interior fails to publish a statement of findings under paragraph (1) by not later than September 30, 2020, or such alternative later date as is agreed to by the Secretary of the Interior, the Nations, the State, the City, and the Trust under paragraph (4), the following shall apply:

(A) This section, except for this subsection and any provisions of this section that are necessary to carry out this subsection (but only for purposes of carrying out this subsection) are not effective beginning on September 30, 2020, or the alternative date.

(B) The waivers and release of claims, and the limited waivers of sovereign immunity, shall not become effective.

(C) The Settlement Agreement shall be null and void, except for this paragraph and any provisions of the Settlement Agreement that are necessary to carry out this paragraph.

(D) Except with respect to this paragraph, the State, the Nations, the City, the Trust, and the United States shall not be bound by any obligations or benefit from any rights recognized under the Settlement Agreement.

(E) If the City permit has been issued, the permit shall be null and void, except that the City may resubmit to the OWRB, and the OWRB shall be considered to have accepted, OWRB permit application No. 2007–017 without having waived the original application priority date and appropriative quantities.

(F) If the amended storage contract has been executed or approved, the contract shall be null and void, and the 2010 agreement shall be considered to be in force and effect as between the State and the Trust.

(G) If the Atoka and Sardis Conservation Projects Fund has been established and funded, the funds shall be returned to the respective funding parties with any accrued interest.

(3) NO PREJUDICE.—The occurrence of the expiration date under paragraph (2) shall not in any way prejudice—

(A) any argument or suit that the Nations may bring to contest—

(i) the pursuit by the City of OWRB permit application No. 2007–017, or a modified version; or

(ii) the 2010 agreement;

(B) any argument, defense, or suit the State may bring or assert with regard to the claims of the Nations to water or over water in the settlement area; or

(C) any argument, defense or suit the City may bring or assert—

(i) with regard to the claims of the Nations to water or over water in the settlement area relating to OWRB permit application No. 2007–017, or a modified version; or

(ii) to contest the 2010 agreement.

(4) EXTENSION.—The expiration date under paragraph (2) may be extended in writing if the Nations, the State, the OWRB, the United States, and the City agree that an extension is warranted.

(j) JURISDICTION, WAIVERS OF IMMUNITY FOR INTERPRETATION AND ENFORCEMENT.—

(1) JURISDICTION.—

(A) IN GENERAL.—

(i) EXCLUSIVE JURISDICTION.—The United States District Court for the Western District of Oklahoma shall have exclusive jurisdiction for all purposes and for all causes of action relating to the interpretation and enforcement of the Settlement Agreement, the amended storage contract, or interpretation or enforcement of this section, including all actions filed by an allottee pursuant to subsection (e)(6)(B).

(ii) RIGHT TO BRING ACTION.—The Choctaw Nation, the Chickasaw Nation, the State, the City, the Trust, and the United States shall each have the right to bring an action pursuant to this section.

(iii) NO ACTION IN OTHER COURTS.—No action may be brought in any other Federal, Tribal, or State court or administrative forum for any purpose relating to the Settlement Agreement, amended storage contract, or this section.

(iv) NO MONETARY JUDGMENT.—Nothing in this section authorizes any money judgment or otherwise allows the payment of funds by the United States, the Nations, the State (including the OWRB), the City, or the Trust.

(B) NOTICE AND CONFERENCE.—An entity seeking to interpret or enforce the Settlement Agreement shall comply with the following:

(i) Any party asserting noncompliance or seeking interpretation of the Settlement Agreement or this section shall first serve written notice on the party alleged to be in breach of the Settlement Agreement or violation of this section.

(ii) The notice under clause (i) shall identify the specific provision of the Settlement Agreement or this section alleged to have been violated or in dispute and shall specify in detail the contention of the party asserting the claim and any factual basis for the claim.

(iii) Representatives of the party alleging a breach or violation and the party alleged to be in breach or violation shall meet not later than 30 days after receipt of notice under clause (i) in an effort to resolve the dispute.

(iv) If the matter is not resolved to the satisfaction of the party alleging breach not later than 90 days after the original notice under clause (i), the party may take any appropriate enforcement action consistent with the Settlement Agreement and this subsection.

(2) LIMITED WAIVERS OF SOVEREIGN IMMUNITY.—

(A) IN GENERAL.—The United States and the Nations may be joined in an action filed in the United States District Court for the Western District of Oklahoma.

(B) UNITED STATES IMMUNITY.—Any claim by the United States to sovereign immunity from suit is irrevocably waived for any action brought by the State, the Chickasaw Nation, the Choctaw Nation, the City, or the Trust in the Western District of Oklahoma relating to interpretation or enforcement of the Settlement Agreement or this section, including of the appellate jurisdiction of the United States Court of Appeals for the Tenth Circuit and the Supreme Court of the United States.

(C) CHICKASAW NATION IMMUNITY.—For the exclusive benefit of the State (including the OWRB), the City, the Trust, the Choctaw Nation, and the United States, the sovereign immunity of the Chickasaw Nation from suit is waived solely for any action brought in the Western District of Oklahoma relating to interpretation or enforcement of the Settlement Agreement or this section, if the action is brought by the State or the OWRB, the City, the Trust, the Choctaw Nation, or the United States, including the appellate jurisdiction of the United States Court of Appeals for the Tenth Circuit and the Supreme Court of the United States.

(D) CHOCTAW NATION IMMUNITY.—For the exclusive benefit of the State (including of the OWRB), the City, the Trust, the Chickasaw Nation, and the United States, the Choctaw Nation shall expressly and irrevocably consent to a suit and waive sovereign immunity from a suit solely for any action brought in the Western District of Oklahoma relating to interpretation or enforcement of the Settlement Agreement or this section, if the action is brought by the State, the OWRB, the City, the Trust, the Chickasaw Nation, or the United States, including the appellate jurisdiction of the United States Court of Appeals for the Tenth Circuit and the Supreme Court of the United States.

(k) DISCLAIMER.—

(1) IN GENERAL.—The Settlement Agreement applies only to the claims and rights of the Nations.

(2) NO PRECEDENT.—Nothing in this section or the Settlement Agreement shall be construed in any way to quantify, establish, or serve as precedent regarding the land and water rights, claims, or entitlements to water of any American Indian Tribe other than the Nations, including any other American Indian Tribe in the State.

(3) LIMITATION.—Nothing in the Settlement Agreement—

(A) affects the ability of the United States, acting as sovereign, to take actions authorized by law, including any laws related to health, safety, or the environment, including—

(i) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(ii) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(iii) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(iv) any regulations implementing the Acts described in this section;

(B) affects the ability of the United States to raise defenses based on 43 U.S.C. 666(a); and

(C) affects any rights, claims, or defenses the United States may have with respect to the use of water on Federal lands in the Settlement Area that are not trust lands or Allotments.

Subtitle G—Blackfeet Water Rights Settlement

SEC. 3701. SHORT TITLE.

This subtitle may be cited as the ''Blackfeet Water Rights Settlement Act''.

SEC. 3702. PURPOSES.

The purposes of this subtitle are—

(1) to achieve a fair, equitable, and final settlement of claims to water rights in the State of Montana for—

(A) the Blackfeet Tribe of the Blackfeet Indian Reservation; and

(B) the United States, for the benefit of the Tribe and allottees;

(2) to authorize, ratify, and confirm the water rights compact entered into by the Tribe and the State, to the extent that the Compact is consistent with this subtitle;

(3) to authorize and direct the Secretary of the Interior—

(A) to execute the Compact; and

(B) to take any other action necessary to carry out the Compact in accordance with this subtitle; and

(4) to authorize funds necessary for the implementation of the Compact and this subtitle.

SEC. 3703. DEFINITIONS.

In this subtitle:

(1) ALLOTTEE.—The term ''allottee'' means any individual who holds a beneficial real property interest in an allotment of Indian land that is—

(A) located within the Reservation; and

(B) held in trust by the United States.

(2) BIRCH CREEK AGREEMENT.—The term ''Birch Creek Agreement'' means—

(A) the agreement between the Tribe and the State regarding Birch Creek water use dated January 31, 2008 (as amended on February 13, 2009); and

(B) any amendment or exhibit (including exhibit amendments) to that agreement that is executed in accordance with this subtitle.

(3) BLACKFEET IRRIGATION PROJECT.—The term ''Blackfeet Irrigation Project'' means the irrigation project authorized by the matter under the heading ''Montana'' of title II of the Act of March 1, 1907 (34 Stat. 1035, chapter 2285), and administered by the Bureau of Indian Affairs.

(4) COMPACT.—The term ''Compact'' means—

(A) the Blackfeet-Montana water rights compact dated April 15, 2009, as contained in section 85–20–1501 of the Montana Code Annotated (2015); and

(B) any amendment or exhibit (including exhibit amendments) to the Compact that is executed to make the Compact consistent with this subtitle.

(5) ENFORCEABILITY DATE.—The term ''enforceability date'' means the date described in section 3720(f).

(6) LAKE ELWELL.—The term ''Lake Elwell'' means the water impounded on the Marias River in the State by Tiber Dam, a feature of the Lower Marias Unit of the Pick-Sloan Missouri River Basin Program authorized by section 9 of the Act of December 22, 1944 (commonly known as the ''Flood Control Act of 1944'') (58 Stat. 891, chapter 665).

(7) MILK RIVER BASIN.—The term ''Milk River Basin'' means the North Fork, Middle Fork, South Fork, and main stem of the Milk River and tributaries, from the headwaters to the confluence with the Missouri River.

(8) MILK RIVER PROJECT.—

(A) IN GENERAL.—The term ''Milk River Project'' means the Bureau of Reclamation project conditionally approved by the Secretary on March 14, 1903, pursuant to the Act of June 17, 1902 (32 Stat. 388, chapter 1093), commencing at Lake Sherburne Reservoir and providing water to a point approximately 6 miles east of Nashua, Montana.

(B) INCLUSIONS.—The term ''Milk River Project'' includes—

(i) the St. Mary Unit;

(ii) the Fresno Dam and Reservoir; and

(iii) the Dodson pumping unit.

(9) MILK RIVER PROJECT WATER RIGHTS.—The term ''Milk River Project water rights'' means the water rights held by the Bureau of Reclamation on behalf of the Milk River Project, as finally adjudicated by the Montana Water Court.

(10) MILK RIVER WATER RIGHT.—The term ''Milk River water right'' means the portion of the Tribal water rights described in article III.F of the Compact and this subtitle.

(11) MISSOURI RIVER BASIN.—The term ''Missouri River Basin'' means the hydrologic basin of the Missouri River (including tributaries).

(12) MR&I SYSTEM.—The term ''MR&I System'' means the intake, treatment, pumping, storage, pipelines, appurtenant items, and any other feature of the system, as generally described in the document entitled ''Blackfeet Regional Water System'', prepared by DOWL HKM, and dated June 2010, and modified by DOWL HKM, as set out in the addendum to the report dated March 2013.

(13) OM&R.—The term ''OM&R'' means—

(A) any recurring or ongoing activity associated with the day-to-day operation of a project;

(B) any activity relating to scheduled or unscheduled maintenance of a project; and

(C) any activity relating to replacing a feature of a project.

(14) RESERVATION.—The term ''Reservation'' means the Blackfeet Indian Reservation of Montana, as—

(A) established by the Treaty of October 17, 1855 (11 Stat. 657); and

(B) modified by—

(i) the Executive order of July 5, 1873 (relating to the Blackfeet Reserve);

(ii) the Act of April 15, 1874 (18 Stat. 28, chapter 96);

(iii) the Executive order of August 19, 1874 (relating to the Blackfeet Reserve);

(iv) the Executive order of April 13, 1875 (relating to the Blackfeet Reserve);

(v) the Executive order of July 13, 1880 (relating to the Blackfeet Reserve);

(vi) the Agreement with the Blackfeet, ratified by the Act of May 1, 1888 (25 Stat. 113, chapter 213); and

(vii) the Agreement with the Blackfeet, ratified by the Act of June 10, 1896 (29 Stat. 353, chapter 398).

(15) ST. MARY RIVER WATER RIGHT.—The term ''St. Mary River water right'' means that portion of the Tribal water rights described in article III.G.1.a.i. of the Compact and this subtitle.

(16) ST. MARY UNIT.—

(A) IN GENERAL.—The term ''St. Mary Unit'' means the St. Mary Storage Unit of the Milk River Project authorized by Congress on March 25, 1905.

(B) INCLUSIONS.—The term ''St. Mary Unit'' includes—

(i) Sherburne Dam and Reservoir;

(ii) Swift Current Creek Dike;

(iii) Lower St. Mary Lake;

(iv) St. Mary Canal Diversion Dam; and

(v) St. Mary Canal and appurtenances.

(17) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(18) STATE.—The term ''State'' means the State of Montana.

(19) SWIFTCURRENT CREEK BANK STABILIZATION PROJECT.—The term ''Swiftcurrent Creek Bank Stabilization Project'' means the project to mitigate the physical and environmental problems associated with the St. Mary Unit from Sherburne Dam to the St. Mary River, as described in the report entitled ''Boulder/Swiftcurrent Creek Stabilization Project, Phase II Investigations Report'', prepared by DOWL HKM, and dated March 2012.

(20) TRIBAL WATER RIGHTS.—The term ''Tribal water rights'' means the water rights of the Tribe described in article III of the Compact and this subtitle, including—

(A) the Lake Elwell allocation provided to the Tribe under section 3709; and

(B) the instream flow water rights described in section 3719.

(21) TRIBE.—The term ''Tribe'' means the Blackfeet Tribe of the Blackfeet Indian Reservation of Montana.

SEC. 3704. RATIFICATION OF COMPACT.

(a) RATIFICATION.—

(1) IN GENERAL.—As modified by this subtitle, the Compact is authorized, ratified, and confirmed.

(2) AMENDMENTS.—Any amendment to the Compact is authorized, ratified, and confirmed, to the extent that such amendment is executed to make the Compact consistent with this subtitle.

(b) EXECUTION.—

(1) IN GENERAL.—To the extent that the Compact does not conflict with this subtitle, the Secretary shall execute the Compact, including all exhibits to, or parts of, the Compact requiring the signature of the Secretary.

(2) MODIFICATIONS.—Nothing in this subtitle precludes the Secretary from approving any modification to an appendix or exhibit to the Compact that is consistent with this subtitle, to the extent that the modification does not otherwise require congressional approval under section 2116 of the Revised Statutes (25 U.S.C. 177) or any other applicable provision of Federal law.

(c) ENVIRONMENTAL COMPLIANCE.—

(1) IN GENERAL.—In implementing the Compact and this subtitle, the Secretary shall comply with all applicable provisions of—

(A) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(B) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(C) all other applicable environmental laws and regulations.

(2) EFFECT OF EXECUTION.—

(A) IN GENERAL.—The execution of the Compact by the Secretary under this section shall not constitute a major Federal action for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) COMPLIANCE.—The Secretary shall carry out all Federal compliance activities necessary to implement the Compact and this subtitle.

SEC. 3705. MILK RIVER WATER RIGHT.

(a) IN GENERAL.—With respect to the Milk River water right, the Tribe—

(1) may continue the historical uses and the uses in existence on the date of enactment of this Act; and

(2) except as provided in article III.F.1.d of the Compact, shall not develop new uses until the date on which—

(A) the Tribe has entered into the agreement described in subsection (c); or

(B) the Secretary has established the terms and conditions described in subsection (e).

(b) WATER RIGHTS ARISING UNDER STATE LAW.—With respect to any water rights arising under State law in the Milk River Basin owned or acquired by the Tribe, the Tribe—

(1) may continue any use in existence on the date of enactment of this Act; and

(2) shall not change any use until the date on which—

(A) the Tribe has entered into the agreement described in subsection (c); or

(B) the Secretary has established the terms and conditions described in subsection (e).

(c) TRIBAL AGREEMENT.—

(1) IN GENERAL.—In consultation with the Commissioner of Reclamation and the Director of the Bureau of Indian Affairs, the Tribe and the Fort Belknap Indian Community shall enter into an agreement to provide for the exercise of their respective water rights on the respective reservations of the Tribe and the Fort Belknap Indian Community in the Milk River.

(2) CONSIDERATIONS.—The agreement entered into under paragraph (1) shall take into consideration—

(A) the equal priority dates of the 2 Indian tribes;

(B) the water supplies of the Milk River; and

(C) historical, current, and future uses identified by each Indian tribe.

(d) SECRETARIAL DETERMINATION.—

(1) IN GENERAL.—Not later than 120 days after the date on which the agreement described in subsection (c) is submitted to the Secretary, the Secretary shall review and approve or disapprove the agreement.

(2) APPROVAL.—The Secretary shall approve the agreement if the Secretary finds that the agreement—

(A) equitably accommodates the interests of each Indian tribe in the Milk River;

(B) adequately considers the factors described in subsection (c)(2); and

(C) is otherwise in accordance with applicable law.

(3) DEADLINE EXTENSION.—The deadline to review the agreement described in paragraph (1) may be extended by the Secretary after consultation with the Tribe and the Fort Belknap Indian Community.

(e) SECRETARIAL DECISION.—

(1) IN GENERAL.—If the Tribe and the Fort Belknap Indian Community do not, by 3 years after the Secretary certifies under section 3720(f)(5) that the Tribal membership has approved the Compact and this subtitle, enter into an agreement approved under subsection d(2), the Secretary, in the Secretary's sole discretion, shall establish, after consultation with the Tribe and the Fort Belknap Indian Community, terms and conditions that reflect the considerations described in subsection (c)(2) by which the respective water rights of the Tribe and the Fort Belknap Indian Community in the Milk River may be exercised.

(2) CONSIDERATION AS FINAL AGENCY ACTION.—The establishment by the Secretary of terms and conditions under paragraph (1) shall be considered to be a final agency action for purposes of review under chapter 7 of title 5, United States Code.

(3) JUDICIAL REVIEW.—An action for judicial review pursuant to this section shall be brought by not later than the date that is 1 year after the date of notification of the establishment of the terms and conditions under this subsection.

(4) INCORPORATION INTO DECREES.—The agreement under subsection (c), or the decision of the Secretary under this subsection, shall be filed with the Montana Water Court, or the district court with jurisdiction, for incorporation into the final decrees of the Tribe and the Fort Belknap Indian Community.

(5) EFFECTIVE DATE.—The agreement under subsection (c) and a decision of the Secretary under this subsection—

(A) shall be effective immediately; and

(B) may not be modified absent—

(i) the approval of the Secretary; and

(ii) the consent of the Tribe and the Fort Belknap Indian Community.

(f) USE OF FUNDS.—The Secretary shall distribute equally the funds made available under section 3718(a)(2)(C)(ii) to the Tribe and the Fort Belknap Indian Community to use to reach an agreement under this section, including for technical analyses and legal and other related efforts.

SEC. 3706. WATER DELIVERY THROUGH MILK RIVER PROJECT.

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary, acting through the Commissioner of Reclamation, shall carry out the activities authorized under this section with respect to the St. Mary River water right.

(b) TREATMENT.—Notwithstanding article IV.D.4 of the Compact, any responsibility of the United States with respect to the St. Mary River water right shall be limited to, and fulfilled pursuant to—

(1) subsection (c) of this section; and

(2) subsection (b)(3) of section 3716 and subsection (a)(1)(C) of section 3718.

(c) WATER DELIVERY CONTRACT.—

(1) IN GENERAL.—Not later than 180 days after the enforceability date, the Secretary shall enter into a water delivery contract with the Tribe for the delivery of not greater than 5,000 acre-feet per year of the St. Mary River water right through Milk River Project facilities to the Tribe or another entity specified by the Tribe.

(2) TERMS AND CONDITIONS.—The contract under paragraph (1) shall establish the terms and conditions for the water deliveries described in paragraph (1) in accordance with the Compact and this subtitle.

(3) REQUIREMENTS.—The water delivery contract under paragraph (1) shall include provisions requiring that—

(A) the contract shall be without limit as to term;

(B) the Tribe, and not the United States, shall collect, and shall be entitled to, all consideration due to the Tribe under any lease, contract, or agreement entered into by the Tribe pursuant to subsection (f);

(C) the United States shall have no obligation to monitor, administer, or account for—

(i) any funds received by the Tribe as consideration under any lease, contract, or agreement entered into by the Tribe pursuant to subsection (f); or

(ii) the expenditure of such funds;

(D) if water deliveries under the contract are interrupted for an extended period of time because of damage to, or a reduction in the capacity of, St. Mary Unit facilities, the rights of the Tribe shall be treated in the same manner as the rights of other contractors receiving water deliveries through the Milk River Project with respect to the water delivered under this section;

(E) deliveries of water under this section shall be—

(i) limited to not greater than 5,000 acre-feet of water in any 1 year;

(ii) consistent with operations of the Milk River Project and without additional costs to the Bureau of Reclamation, including OM&R costs; and

(iii) without additional cost to the Milk River Project water users; and

(F) the Tribe shall be required to pay OM&R for water delivered under this section.

(d) SHORTAGE SHARING OR REDUCTION.—

(1) IN GENERAL.—The 5,000 acre-feet per year of water delivered under paragraph (3)(E)(i) of subsection (c) shall not be subject to shortage sharing or reduction, except as provided in paragraph (3)(D) of that subsection.

(2) NO INJURY TO MILK RIVER PROJECT WATER USERS.—Notwithstanding article IV.D.4 of the Compact, any reduction in the Milk River Project water supply caused by the delivery of water under subsection (c) shall not constitute injury to Milk River Project water users.

(e) SUBSEQUENT CONTRACTS.—

(1) IN GENERAL.—As part of the studies authorized by section 3707(c)(1), the Secretary, acting through the Commissioner of Reclamation, and in cooperation with the Tribe, shall identify alternatives to provide to the Tribe water from the St. Mary River water right in quantities greater than the 5,000 acre-feet per year of water described in subsection (c)(3)(E)(i).

(2) CONTRACT FOR WATER DELIVERY.—If the Secretary determines under paragraph (1) that more than 5,000 acre-feet per year of the St. Mary River water right can be delivered to the Tribe, the Secretary shall offer to enter into 1 or more contracts with the Tribe for the delivery of that water, subject to the requirements of subsection (c)(3) (except subsection (c)(3)(E)(i)) and this subsection.

(3) TREATMENT.—Any delivery of water under this subsection shall be subject to reduction in the same manner as for Milk River Project contract holders.

(f) SUBCONTRACTS.—

(1) IN GENERAL.—The Tribe may enter into any subcontract for the delivery of water under this section to a third party, in accordance with section 3715(e).

(2) COMPLIANCE WITH OTHER LAW.—All subcontracts described in paragraph (1) shall comply with—

(A) this subtitle;

(B) the Compact;

(C) the tribal water code; and

(D) other applicable law.

(3) NO LIABILITY.—The Secretary shall not be liable to any party, including the Tribe, for any term of, or any loss or other detriment resulting from, a lease, contract, or other agreement entered into pursuant to this subsection.

(g) EFFECT OF PROVISIONS.—Nothing in this section—

(1) precludes the Tribe from taking the water described in subsection (c)(3)(E)(i), or any additional water provided under subsection (e), from the direct flow of the St. Mary River; or

(2) modifies the quantity of the Tribal water rights described in article III.G.1. of the Compact.

(h) OTHER RIGHTS.—Notwithstanding the requirements of article III.G.1.d of the Compact, after satisfaction of all water rights under State law for use of St. Mary River water, including the Milk River Project water rights, the Tribe shall have the right to the remaining portion of the share of the United States in the St. Mary River under the International Boundary Waters Treaty of 1909 (36 Stat. 2448) for any tribally authorized use or need consistent with this subtitle.

SEC. 3707. BUREAU OF RECLAMATION ACTIVITIES TO IMPROVE WATER MANAGEMENT.

(a) MILK RIVER PROJECT PURPOSES.—The purposes of the Milk River Project shall include—

(1) irrigation;

(2) flood control;

(3) the protection of fish and wildlife;

(4) recreation;

(5) the provision of municipal, rural, and industrial water supply; and

(6) hydroelectric power generation.

(b) USE OF MILK RIVER PROJECT FACILITIES FOR THE BENEFIT OF TRIBE.—The use of Milk River Project facilities to transport water for the Tribe pursuant to subsections (c) and (e) of section 3706, together with any use by the Tribe of that water in accordance with this subtitle—

(1) shall be considered to be an authorized purpose of the Milk River Project; and

(2) shall not change the priority date of any Tribal water rights.

(c) ST. MARY RIVER STUDIES.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary, in cooperation with the Tribe and the State, shall conduct—

(A) an appraisal study—

(i) to develop a plan for the management and development of water supplies in the St. Mary River Basin and Milk River Basin, including the St. Mary River and Milk River water supplies for the Tribe and the Milk River water supplies for the Fort Belknap Indian Community; and

(ii) to identify alternatives to develop additional water of the St. Mary River for the Tribe; and

(B) a feasibility study—

(i) using the information resulting from the appraisal study conducted under subparagraph (A) and such other information as is relevant, to evaluate the feasibility of—

(I) alternatives for the rehabilitation of the St. Mary Diversion Dam and Canal; and

(II) increased storage in Fresno Dam and Reservoir; and

(ii) to create a cost allocation study that is based on the authorized purposes described in subsections (a) and (b).

(2) COOPERATIVE AGREEMENT.—On request of the Tribe, the Secretary shall enter into a cooperative agreement with the Tribe with respect to the portion of the appraisal study described in paragraph (1)(A).

(3) COSTS NONREIMBURSABLE.—The cost of the studies under this subsection shall not be—

(A) considered to be a cost of the Milk River Project; or

(B) reimbursable in accordance with the reclamation laws.

(d) SWIFTCURRENT CREEK BANK STABILIZATION.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary, acting through the Commissioner of Reclamation, shall carry out appropriate activities concerning the Swiftcurrent Creek Bank Stabilization Project, including—

(A) a review of the final project design; and

(B) value engineering analyses.

(2) MODIFICATION OF FINAL DESIGN.—Prior to beginning construction activities for the Swiftcurrent Creek Bank Stabilization Project, on the basis of the review conducted under paragraph (1), the Secretary shall negotiate with the Tribe appropriate changes, if any, to the final design—

(A) to ensure compliance with applicable industry standards;

(B) to improve the cost-effectiveness of the Swiftcurrent Creek Bank Stabilization Project; and

(C) to ensure that the Swiftcurrent Creek Bank Stabilization Project may be constructed using only the amounts made available under section 3718.

(3) APPLICABILITY OF ISDEAA.—At the request of the Tribe, and in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.), the Secretary shall enter into 1 or more agreements with the Tribe to carry out the Swiftcurrent Bank Stabilization Project.

(e) ADMINISTRATION.—The Commissioner of Reclamation and the Tribe shall negotiate the cost of any oversight activity carried out by the Bureau of Reclamation under any agreement entered into under this section, subject to the condition that the total cost for the oversight shall not exceed 4 percent of the total costs incurred under this section.

(f) MILK RIVER PROJECT RIGHTS-OF-WAY AND EASEMENTS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Tribe shall grant the United States a right-of-way on Reservation land owned by the Tribe for all uses by the Milk River Project (permissive or otherwise) in existence as of December 31, 2015, including all facilities, flowage easements, and access easements necessary for the operation and maintenance of the Milk River Project.

(2) AGREEMENT REGARDING EXISTING USES.—The Tribe and the Secretary shall enter into an agreement for a process to determine the location, nature, and extent of the existing uses referenced in this subsection. The agreement shall require that—

(A) a panel of three individuals determine the location, nature, and extent of existing uses necessary for the operation and maintenance of the Milk River Project (the ''Panel Determination''), with the Tribe appointing one representative of the Tribe, the Secretary appointing one representative of the Secretary, and those two representatives jointly appointing a third individual;

(B) if the Panel Determination is unanimous, the Tribe grant a right-of-way to the United States for the existing uses identified in the Panel Determination in accordance with applicable law without additional compensation;

(C) if the Panel Determination is not unanimous—

(i) the Secretary adopt the Panel Determination with any amendments the Secretary reasonably determines necessary to correct any clear error (the ''Interior Determination''), provided that if any portion of the Panel Determination is unanimous, the Secretary will not amend that portion; and

(ii) the Tribe grant a right-of-way to the United States for the existing uses identified in the Interior Determination in accordance with applicable law without additional compensation, with the agreement providing for the timing of the grant to take into consideration the possibility of review under paragraph (5).

(3) EFFECT.—Determinations made under this subsection—

(A) do not address title as between the United States and the Tribe; and

(B) do not apply to any new use of Reservation land by the United States for the Milk River Project after December 31, 2015.

(4) INTERIOR DETERMINATION AS FINAL AGENCY ACTION.—Any determination by the Secretary under paragraph (2)(C) shall be considered to be a final agency action for purposes of review under chapter 7 of title 5, United States Code.

(5) JUDICIAL REVIEW.—An action for judicial review pursuant to this section shall be brought by not later than the date that is 1 year after the date of notification of the Interior Determination.

(g) FUNDING.—The total amount of obligations incurred by the Secretary, prior to any adjustment provided for in section 3718, shall not exceed—

(1) $3,800,000 to carry out subsection (c);

(2) $20,700,000 to carry out subsection (d); and

(3) $3,100,000 to carry out subsection (f).

SEC. 3708. ST. MARY CANAL HYDROELECTRIC POWER GENERATION.

(a) BUREAU OF RECLAMATION JURISDICTION.—Effective beginning on the date of enactment of this Act, the Commissioner of Reclamation shall have exclusive jurisdiction to authorize the development of hydropower on the St. Mary Unit.

(b) RIGHTS OF TRIBE.—

(1) EXCLUSIVE RIGHT OF TRIBE.—Subject to paragraph (2) and notwithstanding any other provision of law, the Tribe shall have the exclusive right to develop and market hydroelectric power of the St. Mary Unit.

(2) LIMITATIONS.—The exclusive right described in paragraph (1)—

(A) shall expire on the date that is 15 years after the date of enactment of an Act appropriating funds for rehabilitation of the St. Mary Unit; but

(B) may be extended by the Secretary at the request of the Tribe.

(3) OM&R COSTS.—Effective beginning on the date that is 10 years after the date on which the Tribe begins marketing hydroelectric power generated from the St. Mary Unit to any third party, the Tribe shall make annual payments for OM&R costs attributable to the direct use of any facilities by the Tribe for hydroelectric power generation, in amounts determined in accordance with the guidelines and methods of the Bureau of Reclamation for assessing OM&R charges.

(c) BUREAU OF RECLAMATION COOPERATION.—The Commissioner of Reclamation shall cooperate with the Tribe in the development of any hydroelectric power generation project under this section.

(d) AGREEMENT.—Before construction of a hydroelectric power generation project under this section, the Tribe shall enter into an agreement with the Commissioner of Reclamation that includes provisions—

(1) requiring that—

(A) the design, construction, and operation of the project shall be consistent with the Bureau of Reclamation guidelines and methods for hydroelectric power development at Bureau facilities, as appropriate; and

(B) the hydroelectric power generation project will not impair the efficiencies of the Milk River Project for authorized purposes;

(2) regarding construction and operating criteria and emergency procedures; and

(3) under which any modification proposed by the Tribe to a facility owned by the Bureau of Reclamation shall be subject to review and approval by the Secretary, acting through the Commissioner of Reclamation.

(e) USE OF HYDROELECTRIC POWER BY TRIBE.—Any hydroelectric power generated in

accordance with this section shall be used or marketed by the Tribe.

(f) REVENUES.—The Tribe shall collect and retain any revenues from the sale of hydroelectric power generated by a project under this section.

(g) LIABILITY OF UNITED STATES.—The United States shall have no obligation to monitor, administer, or account for—

(1) any revenues received by the Tribe under this section; or

(2) the expenditure of those revenues.

(h) PREFERENCE.—During any period for which the exclusive right of the Tribe described in subsection (b)(1) is not in effect, the Tribe shall have a preference to develop hydropower on the St. Mary Unit facilities, in accordance with Bureau of Reclamation guidelines and methods for hydroelectric power development at Bureau facilities.

SEC. 3709. STORAGE ALLOCATION FROM LAKE ELWELL.

(a)(1) STORAGE ALLOCATION TO TRIBE.—The Secretary shall allocate to the Tribe 45,000 acre-feet per year of water stored in Lake Elwell for use by the Tribe for any beneficial purpose on or off the Reservation, under a water right held by the United States and managed by the Bureau of Reclamation, as measured at the outlet works of Tiber Dam or through direct pumping from Lake Elwell.

(2) REDUCTION.—Up to 10,000 acre-feet per year of water allocated to the Tribe pursuant to paragraph (1) will be subject to an acre-foot for acre-foot reduction if depletions from the Tribal water rights above Lake Elwell exceed 88,000 acre-feet per year of water because of New Development (as defined in article II.37 of the Compact).

(b) TREATMENT.—

(1) IN GENERAL.—The allocation to the Tribe under subsection (a) shall be considered to be part of the Tribal water rights.

(2) PRIORITY DATE.—The priority date of the allocation to the Tribe under subsection (a) shall be the priority date of the Lake Elwell water right held by the Bureau of Reclamation.

(3) ADMINISTRATION.—The Tribe shall administer the water allocated under subsection (a) in accordance with the Compact and this subtitle.

(c) ALLOCATION AGREEMENT.—

(1) IN GENERAL.—As a condition of receiving an allocation under this section, the Tribe shall enter into an agreement with the Secretary to establish the terms and conditions of the allocation, in accordance with the Compact and this subtitle.

(2) INCLUSIONS.—The agreement under paragraph (1) shall include provisions establishing that—

(A) the agreement shall be without limit as to term;

(B) the Tribe, and not the United States, shall be entitled to all consideration due to the Tribe under any lease, contract, or agreement entered into by the Tribe pursuant to subsection (d);

(C) the United States shall have no obligation to monitor, administer, or account for—

(i) any funds received by the Tribe as consideration under any lease, contract, or agreement entered into by the Tribe pursuant to subsection (d); or

(ii) the expenditure of those funds;

(D) if the capacity or function of Lake Elwell facilities are significantly reduced, or are anticipated to be significantly reduced, for an extended period of time, the Tribe shall have the same rights as other storage contractors with respect to the allocation under this section;

(E) the costs associated with the construction of the storage facilities at Tiber Dam allocable to the Tribe shall be nonreimbursable;

(F) no water service capital charge shall be due or payable for any water allocated to the Tribe pursuant to this section or the allocation agreement, regardless of whether that water is delivered for use by the Tribe or under a lease, contract, or by agreement entered into by the Tribe pursuant to subsection (d);

(G) the Tribe shall not be required to make payments to the United States for any water allocated to the Tribe under this subtitle or the allocation agreement, except for each acre-foot of stored water leased or transferred for industrial purposes as described in subparagraph (H);

(H) for each acre-foot of stored water leased or transferred by the Tribe for industrial purposes—

(i) the Tribe shall pay annually to the United States an amount necessary to cover the proportional share of the annual OM&R costs allocable to the quantity of water leased or transferred by the Tribe for industrial purposes; and

(ii) the annual payments of the Tribe shall be reviewed and adjusted, as appropriate, to reflect the actual OM&R costs for Tiber Dam; and

(I) the adjustment process identified in subsection (a)(2) will be based on specific enumerated provisions.

(d) AGREEMENTS BY TRIBE.—The Tribe may use, lease, contract, exchange, or enter into other agreements for use of the water allocated to the Tribe under subsection (a), if—

(1) the use of water that is the subject of such an agreement occurs within the Missouri River Basin; and

(2) the agreement does not permanently alienate any portion of the water allocated to the Tribe under subsection (a).

(e) EFFECTIVE DATE.—The allocation under subsection (a) takes effect on the enforceability date.

(f) NO CARRYOVER STORAGE.—The allocation under subsection (a) shall not be increased by any year-to-year carryover storage.

(g) DEVELOPMENT AND DELIVERY COSTS.—The United States shall not be required to pay the cost of developing or delivering any water allocated under this section.

SEC. 3710. IRRIGATION ACTIVITIES.

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary, acting through the Commissioner of Reclamation and in accordance with subsection (c), shall carry out the following actions relating to the Blackfeet Irrigation Project:

(1) Deferred maintenance.

(2) Dam safety improvements for Four Horns Dam.

(3) Rehabilitation and enhancement of the Four Horns Feeder Canal, Dam, and Reservoir.

(b) LEAD AGENCY.—The Bureau of Reclamation shall serve as the lead agency with respect to any activities carried out under this section.

(c) SCOPE OF DEFERRED MAINTENANCE ACTIVITIES AND FOUR HORNS DAM SAFETY IMPROVEMENTS.—

(1) IN GENERAL.—Subject to the conditions described in paragraph (2), the scope of the deferred maintenance activities and Four Horns Dam safety improvements shall be as generally described in—

(A) the document entitled ''Engineering Evaluation and Condition Assessment, Blackfeet Irrigation Project'', prepared by DOWL HKM, and dated August 2007; and

(B) the provisions relating to Four Horns Rehabilitated Dam of the document entitled ''Four Horns Dam Enlarged Appraisal Evaluation Design Report'', prepared by DOWL HKM, and dated April 2007.

(2) CONDITIONS.—The conditions referred to in paragraph (1) are that, before commencing construction activities, the Secretary shall—

(A) review the design of the proposed rehabilitation or improvement;

(B) perform value engineering analyses;

(C) perform appropriate Federal environmental compliance activities; and

(D) ensure that the deferred maintenance activities and dam safety improvements may be constructed using only the amounts made available under section 3718.

(d) SCOPE OF REHABILITATION AND ENHANCEMENT OF FOUR HORNS FEEDER CANAL, DAM, AND RESERVOIR.—

(1) IN GENERAL.—The scope of the rehabilitation and improvements shall be as generally described in the document entitled ''Four Horns Feeder Canal Rehabilitation with Export'', prepared by DOWL HKM, and dated April 2013, subject to the condition that, before commencing construction activities, the Secretary shall—

(A) review the design of the proposed rehabilitation or improvement;

(B) perform value engineering analyses;

(C) perform appropriate Federal environmental compliance activities; and

(D) ensure that the rehabilitation and improvements may be constructed using only the amounts made available under section 3718.

(2) INCLUSIONS.—The activities carried out by the Secretary under this subsection shall include—

(A) the rehabilitation or improvement of the Four Horns feeder canal system to a capacity of not fewer than 360 cubic feet per second;

(B) the rehabilitation or improvement of the outlet works of Four Horns Dam and Reservoir to deliver not less than 15,000 acre-feet of water per year, in accordance with subparagraph (C); and

(C) construction of facilities to deliver not less than 15,000 acre-feet of water per year from Four Horns Dam and Reservoir, to a point on or near Birch Creek to be designated by the Tribe and the State for delivery of water to the water delivery system of the Pondera County Canal and Reservoir Company on Birch Creek, in accordance with the Birch Creek Agreement.

(3) NEGOTIATION WITH TRIBE.—On the basis of the review described in paragraph (1)(A), the Secretary shall negotiate with the Tribe appropriate changes to the final design of any activity under this subsection to ensure that the final design meets applicable industry standards.

(e) FUNDING.—The total amount of obligations incurred by the Secretary in carrying out this section, prior to any adjustment provided for in section 3718, shall not exceed $54,900,000, of which—

(1) $40,900,000 shall be allocated to carry out the activities described in subsection (c); and

(2) $14,000,000 shall be allocated to carry out the activities described in subsection (d)(2).

(f) NONREIMBURSABILITY OF COSTS.—All costs incurred by the Secretary in carrying out this section shall be nonreimbursable.

(g) NON-FEDERAL CONTRIBUTION.—No part of the project under subsection (d) shall be commenced until the State has made available $20,000,000 to carry out the activities described in subsection (d)(2).

(h) ADMINISTRATION.—The Commissioner of Reclamation and the Tribe shall negotiate the cost of any oversight activity carried out by the Bureau of Reclamation under any agreement entered into under subsection (m), subject to the condition that the total cost for the oversight shall not exceed 4 percent of the total project costs for each project.

(i) PROJECT EFFICIENCIES.—If the total cost of planning, design, and construction activities relating to the projects described in this section results in cost savings and is less than the amounts authorized to be obligated, the Secretary, at the request of the Tribe, may—

(1) use those cost savings to carry out a project described in section 3707(d), 3711, 3712, or 3713; or

(2) deposit those cost savings to the Blackfeet OM&R Trust Account.

(j) OWNERSHIP BY TRIBE OF BIRCH CREEK DELIVERY FACILITIES.—Notwithstanding any other provision of law, the Secretary shall transfer to the Tribe, at no cost, title in and to the facilities constructed under subsection (d)(2)(C).

(k) OWNERSHIP, OPERATION, AND MAINTENANCE.—On transfer to the Tribe of title under subsection (j), the Tribe shall—

(1) be responsible for OM&R in accordance with the Birch Creek Agreement; and

(2) enter into an agreement with the Bureau of Indian Affairs regarding the operation of the facilities described in that subsection.

(l) LIABILITY OF UNITED STATES.—The United States shall have no obligation or responsibility with respect the facilities described in subsection (d)(2)(C).

(m) APPLICABILITY OF ISDEAA.—At the request of the Tribe, and in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.), the Secretary shall enter into 1 or more agreements with the Tribe to carry out this section.

(n) EFFECT.—Nothing in this section—

(1) alters any applicable law (including regulations) under which the Bureau of Indian Affairs collects assessments or carries out Blackfeet Irrigation Project OM&R; or

(2) impacts the availability of amounts made available under subsection (a)(1)(B) of section 3718.

SEC. 3711. DESIGN AND CONSTRUCTION OF MR&I SYSTEM.

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary, acting through the Commissioner of Reclamation, shall plan, design, and construct the water diversion and delivery features of the MR&I System in accordance with 1 or more agreements between the Secretary and the Tribe.

(b) LEAD AGENCY.—The Bureau of Reclamation shall serve as the lead agency with respect to any activity to design and construct the water diversion and delivery features of the MR&I System.

(c) SCOPE.—

(1) IN GENERAL.—The scope of the design and construction under this section shall be as generally described in the document entitled ''Blackfeet Regional Water System'', prepared by DOWL HKM, dated June 2010, and modified by DOWL HKM in the addendum to the report dated March 2013, subject to the condition that, before commencing final design and construction activities, the Secretary shall—

(A) review the design of the proposed rehabilitation and construction;

(B) perform value engineering analyses; and

(C) perform appropriate Federal compliance activities.

(2) NEGOTIATION WITH TRIBE.—On the basis of the review described in paragraph (1)(A), the Secretary shall negotiate with the Tribe appropriate changes, if any, to the final design—

(A) to ensure that the final design meets applicable industry standards;

(B) to improve the cost-effectiveness of the delivery of MR&I System water; and

(C) to ensure that the MR&I System may be constructed using only the amounts made available under section 3718.

(d) NONREIMBURSABILITY OF COSTS.—All costs incurred by the Secretary in carrying out this section shall be nonreimbursable.

(e) FUNDING.—The total amount of obligations incurred by the Secretary in carrying out this section, prior to any adjustment provided for in section 3718, shall not exceed $76,200,000.

(f) NON-FEDERAL CONTRIBUTION.—

(1) CONSULTATION.—Before completion of the final design of the MR&I System required by subsection (c), the Secretary shall consult with the Tribe, the State, and other affected non-Federal parties to discuss the possibility of receiving non-Federal contributions for the cost of the MR&I System.

(2) NEGOTIATIONS.—If, based on the extent to which non-Federal parties are expected to use the MR&I System, a non-Federal contribution to the MR&I System is determined by the parties described in paragraph (1) to be appropriate, the Secretary shall initiate negotiations for an agreement regarding the means by which the contributions shall be provided.

(g) OWNERSHIP BY TRIBE.—Title to the MR&I System and all facilities rehabilitated or constructed under this section shall be held by the Tribe.

(h) ADMINISTRATION.—The Commissioner of Reclamation and the Tribe shall negotiate the cost of any oversight activity carried out by the Bureau of Reclamation under any agreement entered into under this section, subject to the condition that the total cost for the oversight shall not exceed 4 percent of the total costs incurred under this section.

(i) OM&R COSTS.—The Federal Government shall have no obligation to pay for the OM&R costs for any facility rehabilitated or constructed under this section.

(j) PROJECT EFFICIENCIES.—If the total cost of planning, design, and construction activities relating to the projects described in this section results in cost savings and is less than the amounts authorized to be obligated, the Secretary, at the request of the Tribe, may—

(1) use those cost savings to carry out a project described in section 3707(d), 3710, 3712, or 3713; or

(2) deposit those cost savings to the Blackfeet OM&R Trust Account.

(k) APPLICABILITY OF ISDEAA.—At the request of the Tribe, and in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.), the Secretary shall enter into 1 or more agreements with the Tribe to carry out this section.

SEC. 3712. DESIGN AND CONSTRUCTION OF WATER STORAGE AND IRRIGATION FACILITIES.

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary, acting through the Commissioner of Reclamation, shall plan, design, and construct 1 or more facilities to store water and support irrigation on the Reservation in accordance with 1 or more agreements between the Secretary and the Tribe.

(b) LEAD AGENCY.—The Bureau of Reclamation shall serve as the lead agency with respect to any activity to design and construct the irrigation development and water storage facilities described in subsection (c).

(c) SCOPE.—

(1) IN GENERAL.—The scope of the design and construction under this section shall be as generally described in the document entitled ''Blackfeet Water Storage, Development, and Project Report'', prepared by DOWL HKM, and dated March 13, 2013, as modified and agreed to by the Secretary and the Tribe, subject to the condition that, before commencing final design and construction activities, the Secretary shall—

(A) review the design of the proposed construction;

(B) perform value engineering analyses; and

(C) perform appropriate Federal compliance activities.

(2) MODIFICATION.—The Secretary may modify the scope of construction for the projects described in the document referred to in paragraph (1), if—

(A) the modified project is—

(i) similar in purpose to the proposed projects; and

(ii) consistent with the purposes of this subtitle; and

(B) the Secretary has consulted with the Tribe regarding any modification.

(3) NEGOTIATION WITH TRIBE.—On the basis of the review described in paragraph (1)(A), the Secretary shall negotiate with the Tribe appropriate changes, if any, to the final design—

(A) to ensure that the final design meets applicable industry standards;

(B) to improve the cost-effectiveness of any construction; and

(C) to ensure that the projects may be constructed using only the amounts made available under section 3718.

(d) NONREIMBURSABILITY OF COSTS.—All costs incurred by the Secretary in carrying out this section shall be nonreimbursable.

(e) FUNDING.—The total amount of obligations incurred by the Secretary in carrying out this section, prior to any adjustment provided for in section 3718, shall not exceed $87,300,000.

(f) OWNERSHIP BY TRIBE.—Title to all facilities rehabilitated or constructed under this section shall be held by the Tribe, except that title to the Birch Creek Unit of the Blackfeet Indian Irrigation Project shall remain with the Bureau of Indian Affairs.

(g) ADMINISTRATION.—The Commissioner of Reclamation and the Tribe shall negotiate the cost of any oversight activity carried out by the Bureau of Reclamation under any agreement entered into under this section, subject to the condition that the total cost for the oversight shall not exceed 4 percent of the total costs incurred under this section.

(h) OM&R COSTS.—The Federal Government shall have no obligation to pay for the OM&R costs for the facilities rehabilitated or constructed under this section.

(i) PROJECT EFFICIENCIES.—If the total cost of planning, design, and construction activities relating to the projects described in this section results in cost savings and is less than the amounts authorized to be obligated, the Secretary, at the request of the Tribe, may—

(1) use those cost savings to carry out a project described in section 3707(d), 3710, 3711, or 3713; or

(2) deposit those cost savings to the Blackfeet OM&R Trust Account.

(j) APPLICABILITY OF ISDEAA.—At the request of the Tribe, and in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.), the Secretary shall enter into 1 or more agreements with the Tribe to carry out this section.

SEC. 3713. BLACKFEET WATER, STORAGE, AND DEVELOPMENT PROJECTS.

(a) IN GENERAL.—

(1) SCOPE.—The scope of the construction under this section shall be as generally described in the document entitled ''Blackfeet Water Storage, Development, and Project Report'', prepared by DOWL HKM, and dated March 13, 2013, as modified and agreed to by the Secretary and the Tribe.

(2) MODIFICATION.—The Tribe may modify the scope of the projects described in the document referred to in paragraph (1) if—

(A) the modified project is—

(i) similar to the proposed project; and

(ii) consistent with the purposes of this subtitle; and

(B) the modification is approved by the Secretary.

(b) NONREIMBURSABILITY OF COSTS.—All costs incurred by the Secretary in carrying out this section shall be nonreimbursable.

(c) FUNDING.—The total amount of obligations incurred by the Secretary in carrying out this section, prior to any adjustment provided for in section 3718, shall not exceed $91,000,000.

(d) OM&R COSTS.—The Federal Government shall have no obligation to pay for the OM&R costs for the facilities rehabilitated or constructed under this section.

(e) OWNERSHIP BY TRIBE.—Title to any facility constructed under this section shall be held by the Tribe.

SEC. 3714. EASEMENTS AND RIGHTS-OF-WAY.

(a) TRIBAL EASEMENTS AND RIGHTS-OF-WAY.—

(1) IN GENERAL.—On request of the Secretary, the Tribe shall grant, at no cost to the United States, such easements and rights-of-way over tribal land as are necessary for the construction of the projects authorized by sections 3710 and 3711.

(2) JURISDICTION.—An easement or right-of-way granted by the Tribe pursuant to paragraph (1) shall not affect in any respect the civil or criminal jurisdiction of the Tribe over the easement or right-of-way.

(b) LANDOWNER EASEMENTS AND RIGHTS-OF-WAY.—In partial consideration for the construction activities authorized by section 3711, and as a condition of receiving service from the MR&I System, a landowner shall grant, at no cost to the United States or the Tribe, such easements and rights-of-way over the land of the landowner as may be necessary for the construction of the MR&I System.

(c) LAND ACQUIRED BY UNITED STATES OR TRIBE.—Any land acquired within the boundaries of the Reservation by the United States on behalf of the Tribe, or by the Tribe on behalf of the Tribe, in connection with achieving the purposes of this subtitle shall be held in trust by the United States for the benefit of the Tribe.

SEC. 3715. TRIBAL WATER RIGHTS.

(a) CONFIRMATION OF TRIBAL WATER RIGHTS.—

(1) IN GENERAL.—The Tribal water rights are ratified, confirmed, and declared to be valid.

(2) USE.—Any use of the Tribal water rights shall be subject to the terms and conditions of the Compact and this subtitle.

(3) CONFLICT.—In the event of a conflict between the Compact and this subtitle, the provisions of this subtitle shall control.

(b) INTENT OF CONGRESS.—It is the intent of Congress to provide to each allottee benefits that are equivalent to, or exceed, the benefits the allottees possess on the day before the date of enactment of this Act, taking into consideration—

(1) the potential risks, cost, and time delay associated with litigation that would be resolved by the Compact and this subtitle;

(2) the availability of funding under this subtitle and from other sources;

(3) the availability of water from the Tribal water rights; and

(4) the applicability of section 7 of the Act of February 8, 1887 (25 U.S.C. 381), and this subtitle to protect the interests of allottees.

(c) TRUST STATUS OF TRIBAL WATER RIGHTS.—The Tribal water rights—

(1) shall be held in trust by the United States for the use and benefit of the Tribe and the allottees in accordance with this subtitle; and

(2) shall not be subject to forfeiture or abandonment.

(d) ALLOTTEES.—

(1) APPLICABILITY OF ACT OF FEBRUARY 8, 1887.—The provisions of section 7 of the Act of February 8, 1887 (25 U.S.C. 381), relating to the use of water for irrigation purposes, shall apply to the Tribal water rights.

(2) ENTITLEMENT TO WATER.—Any entitlement to water of an allottee under Federal law shall be satisfied from the Tribal water rights.

(3) ALLOCATIONS.—An allottee shall be entitled to a just and equitable allocation of water for irrigation purposes.

(4) CLAIMS.—

(A) EXHAUSTION OF REMEDIES.—Before asserting any claim against the United States under section 7 of the Act of February 8, 1887 (25 U.S.C. 381), or any other applicable law, an allottee shall exhaust remedies available under the tribal water code or other applicable tribal law.

(B) ACTION FOR RELIEF.—After the exhaustion of all remedies available under the tribal water code or other applicable tribal law, an allottee may seek relief under section 7 of the Act of February 8, 1887 (25 U.S.C. 381), or other applicable law.

(5) AUTHORITY OF SECRETARY.—The Secretary shall have the authority to protect the rights of allottees in accordance with this section.

(e) AUTHORITY OF TRIBE.—

(1) IN GENERAL.—The Tribe shall have the authority to allocate, distribute, and lease the Tribal water rights for any use on the Reservation in accordance with the Compact, this subtitle, and applicable Federal law.

(2) OFF-RESERVATION USE.—The Tribe may allocate, distribute, and lease the Tribal water rights for off-Reservation use in accordance with the Compact, subject to the approval of the Secretary.

(3) LAND LEASES BY ALLOTTEES.—Notwithstanding paragraph (1), an allottee may lease any interest in land held by the allottee, together with any water right determined to be appurtenant to the interest in land, in accordance with the tribal water code.

(f) TRIBAL WATER CODE.—

(1) IN GENERAL.—Notwithstanding article IV.C.1. of the Compact, not later than 4 years after the date on which the Tribe ratifies the Compact in accordance with this subtitle, the Tribe shall enact a tribal water code that provides for—

(A) the management, regulation, and governance of all uses of the Tribal water rights in accordance with the Compact and this subtitle; and

(B) establishment by the Tribe of conditions, permit requirements, and other requirements for the allocation, distribution, or use of the Tribal water rights in accordance with the Compact and this subtitle.

(2) INCLUSIONS.—Subject to the approval of the Secretary, the tribal water code shall provide—

(A) that use of water by allottees shall be satisfied with water from the Tribal water rights;

(B) a process by which an allottee may request that the Tribe provide water for irrigation use in accordance with this subtitle, including the provision of water under any allottee lease under section 4 of the Act of June 25, 1910 (25 U.S.C. 403);

(C) a due process system for the consideration and determination by the Tribe of any request by an allottee (or a successor in interest to an allottee) for an allocation of water for irrigation purposes on allotted land, including a process for—

(i) appeal and adjudication of any denied or disputed distribution of water; and

(ii) resolution of any contested administrative decision; and

(D) a requirement that any allottee asserting a claim relating to the enforcement of rights of the allottee under the tribal water code, or to the quantity of water allocated to land of the allottee, shall exhaust all remedies available to the allottee under tribal law before initiating an action against the United States or petitioning the Secretary pursuant to subsection (d)(4)(B).

(3) ACTION BY SECRETARY.—

(A) IN GENERAL.—During the period beginning on the date of enactment of this Act and ending on the date on which a tribal water code described in paragraphs (1) and (2) is enacted, the Secretary shall administer, with respect to the rights of allottees, the Tribal water rights in accordance with this subtitle.

(B) APPROVAL.—The tribal water code described in paragraphs (1) and (2) shall not be valid unless—

(i) the provisions of the tribal water code required by paragraph (2) are approved by the Secretary; and

(ii) each amendment to the tribal water code that affects a right of an allottee is approved by the Secretary.

(C) APPROVAL PERIOD.—

(i) IN GENERAL.—The Secretary shall approve or disapprove the tribal water code or an amendment to the tribal water code not later than 180 days after the date on which the tribal water code or amendment is submitted to the Secretary.

(ii) EXTENSION.—The deadline described in clause (i) may be extended by the Secretary after consultation with the Tribe.

(g) ADMINISTRATION.—

(1) NO ALIENATION.—The Tribe shall not permanently alienate any portion of the Tribal water rights.

(2) PURCHASES OR GRANTS OF LAND FROM INDIANS.—An authorization provided by this subtitle for the allocation, distribution, leasing, or other arrangement entered into pursuant to this subtitle shall be considered to satisfy any requirement for authorization of the action by treaty or convention imposed by section 2116 of the Revised Statutes (25 U.S.C. 177).

(3) PROHIBITION ON FORFEITURE.—The nonuse of all or any portion of the Tribal water rights by a lessee or contractor shall not result in the forfeiture, abandonment, relinquishment, or other loss of all or any portion of the Tribal water rights.

(h) EFFECT.—Except as otherwise expressly provided in this section, nothing in this subtitle—

(1) authorizes any action by an allottee against any individual or entity, or against the Tribe, under Federal, State, tribal, or local law; or

(2) alters or affects the status of any action brought pursuant to section 1491(a) of title 28, United States Code.

SEC. 3716. BLACKFEET SETTLEMENT TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund, to be known as the ''Blackfeet Settlement Trust Fund'' (referred to in this section as the ''Trust Fund''), to be managed, invested, and distributed by the Secretary and to remain available until expended, consisting of the amounts deposited in the Trust Fund under subsection (c), together with any interest earned on those amounts, for the purpose of carrying out this subtitle.

(b) ACCOUNTS.—The Secretary shall establish in the Trust Fund the following accounts:

(1) The Administration and Energy Account.

(2) The OM&R Account.

(3) The St. Mary Account.

(4) The Blackfeet Water, Storage, and Development Projects Account.

(c) DEPOSITS.—The Secretary shall deposit in the Trust Fund—

(1) in the Administration and Energy Account, the amount made available pursuant to section 3718(a)(1)(A);

(2) in the OM&R Account, the amount made available pursuant to section 3718(a)(1)(B);

(3) in the St. Mary Account, the amount made available pursuant to section 3718(a)(1)(C); and

(4) in the Blackfeet Water, Storage, and Development Projects Account, the amount made available pursuant to section 3718(a)(1)(D).

(d) MANAGEMENT AND INTEREST.—

(1) MANAGEMENT.—The Secretary shall manage, invest, and distribute all amounts in the Trust Fund in a manner that is consistent with the investment authority of the Secretary under—

(A) the first section of the Act of June 24, 1938 (25 U.S.C. 162a);

(B) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.); and

(C) this section.

(2) INTEREST.—In addition to the deposits under subsection (c), any interest credited to amounts unexpended in the Trust Fund are authorized to be appropriated to be used in accordance with the uses described in subsection (h).

(e) AVAILABILITY OF AMOUNTS.—

(1) IN GENERAL.—Amounts appropriated to, and deposited in, the Trust Fund, including any investment earnings, shall be made available to the Tribe by the Secretary beginning on the enforceability date.

(2) FUNDING FOR TRIBAL IMPLEMENTATION ACTIVITIES.—Notwithstanding paragraph (1), on approval pursuant to this subtitle and the Compact by a referendum vote of a majority of votes cast by members of the Tribe on the day of the vote, as certified by the Secretary and the Tribe and subject to the availability of appropriations, of the amounts in the Administration and Energy Account, $4,800,000 shall be made available to the Tribe for the implementation of this subtitle.

(f) WITHDRAWALS UNDER AIFRMRA.—

(1) IN GENERAL.—The Tribe may withdraw any portion of the funds in the Trust Fund on approval by the Secretary of a tribal management plan submitted by the Tribe in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(2) REQUIREMENTS.—

(A) IN GENERAL.—In addition to the requirements under the American Indian Trust Fund

Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the tribal management plan under paragraph (1) shall require that the Tribe shall spend all amounts withdrawn from the Trust Fund in accordance with this subtitle.

(B) ENFORCEMENT.—The Secretary may carry out such judicial and administrative actions as the Secretary determines to be necessary to enforce the tribal management plan to ensure that amounts withdrawn by the Tribe from the Trust Fund under this subsection are used in accordance with this subtitle.

(g) WITHDRAWALS UNDER EXPENDITURE PLAN.—

(1) IN GENERAL.—The Tribe may submit to the Secretary a request to withdraw funds from the Trust Fund pursuant to an approved expenditure plan.

(2) REQUIREMENTS.—To be eligible to withdraw funds under an expenditure plan under paragraph (1), the Tribe shall submit to the Secretary for approval an expenditure plan for any portion of the Trust Fund that the Tribe elects to withdraw pursuant to this subsection, subject to the condition that the funds shall be used for the purposes described in this subtitle.

(3) INCLUSIONS.—An expenditure plan under this subsection shall include a description of the manner and purpose for which the amounts proposed to be withdrawn from the Trust Fund will be used by the Tribe, in accordance with subsection (h).

(4) APPROVAL.—On receipt of an expenditure plan under this subsection, the Secretary shall approve the plan, if the Secretary determines that the plan—

(A) is reasonable; and

(B) is consistent with, and will be used for, the purposes of this subtitle.

(5) ENFORCEMENT.—The Secretary may carry out such judicial and administrative actions as the Secretary determines to be necessary to enforce an expenditure plan to ensure that amounts disbursed under this subsection are used in accordance with this subtitle.

(h) USES.—Amounts from the Trust Fund shall be used by the Tribe for the following purposes:

(1) The Administration and Energy Account shall be used for administration of the Tribal water rights and energy development projects under this subtitle and the Compact.

(2) The OM&R Account shall be used to assist the Tribe in paying OM&R costs.

(3) The St. Mary Account shall be distributed pursuant to an expenditure plan approved under subsection (g), subject to the conditions that—

(A) during the period for which the amount is available and held by the Secretary, $500,000 shall be distributed to the Tribe annually as compensation for the deferral of the St. Mary water right; and

(B) any additional amounts deposited in the account may be withdrawn and used by the Tribe to pay OM&R costs or other expenses for 1 or more projects to benefit the Tribe, as approved by the Secretary, subject to the requirement that the Secretary shall not approve an expenditure plan under this paragraph unless the Tribe provides a resolution of the tribal council—

(i) approving the withdrawal of the funds from the account; and

(ii) acknowledging that the Secretary will not be able to distribute funds under subparagraph (A) indefinitely if the principal funds in the account are reduced.

(4) The Blackfeet Water, Storage, and Development Projects Account shall be used to carry out section 3713.

(i) LIABILITY.—The Secretary and the Secretary of the Treasury shall not be liable for the expenditure or investment of any amounts withdrawn from the Trust Fund by the Tribe under subsection (f) or (g).

(j) NO PER CAPITA DISTRIBUTIONS.—No portion of the Trust Fund shall be distributed on a per capita basis to any member of the Tribe.

(k) DEPOSIT OF FUNDS.—On request by the Tribe, the Secretary may deposit amounts from an account described in paragraph (1), (2), or (4) of subsection (b) to any other account the Secretary determines to be appropriate.

SEC. 3717. BLACKFEET WATER SETTLEMENT IMPLEMENTATION FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a nontrust, interest-bearing account, to be known as the ''Blackfeet Water Settlement Implementation Fund'' (referred to in this section as the ''Implementation Fund''), to be managed and distributed by the Secretary, for use by the Secretary for carrying out this subtitle.

(b) ACCOUNTS.—The Secretary shall establish in the Implementation Fund the following accounts:

(1) The MR&I System, Irrigation, and Water Storage Account.

(2) The Blackfeet Irrigation Project Deferred Maintenance and Four Horns Dam Safety Improvements Account.

(3) The St. Mary/Milk Water Management and Activities Fund.

(c) DEPOSITS.—The Secretary shall deposit in the Implementation Fund—

(1) in the MR&I System, Irrigation, and Water Storage Account, the amount made available pursuant to section 3718(a)(2)(A);

(2) in the Blackfeet Irrigation Project Deferred Maintenance and Four Horns Dam Safety Improvements Account, the amount made available pursuant to section 3718(a)(2)(B); and

(3) in the St. Mary/Milk Water Management and Activities Fund, the amount made available pursuant to section 3718(a)(2)(C).

(d) USES.—

(1) MR&I SYSTEM, IRRIGATION, AND WATER STORAGE ACCOUNT.—The MR&I System, Irrigation, and Water Storage Account shall be used to carry out sections 3711 and 3712.

(2) BLACKFEET IRRIGATION PROJECT DEFERRED MAINTENANCE AND FOUR HORNS DAM SAFETY IMPROVEMENTS ACCOUNT.—The Blackfeet Irrigation Project Deferred Maintenance and Four Horns Dam Safety Improvements Account shall be used to carry out section 3710.

(3) ST. MARY/MILK WATER MANAGEMENT AND ACTIVITIES ACCOUNT.—The St. Mary/Milk Water Management and Activities Account shall be used to carry out sections 3705 and 3707.

(e) MANAGEMENT.—Amounts in the Implementation Fund shall not be available to the Secretary for expenditure until the enforceability date.

(f) INTEREST.—In addition to the deposits under subsection (c), any interest credited to amounts unexpended in the Implementation Fund are authorized to be appropriated to be used in accordance with the uses described in subsection (d).

SEC. 3718. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subject to subsection (b), there are authorized to be appropriated to the Secretary—

(1) as adjusted on appropriation to reflect changes since April 2010 in the Consumer Price Index for All Urban Consumers West Urban 50,000 to 1,500,000 index for the amount appropriated—

(A) for deposit in the Administration and Energy Account of the Blackfeet Settlement Trust Fund established under section 3716(b)(1), $28,900,000;

(B) for deposit in the OM&R Account of the Blackfeet Settlement Trust Fund established under section 3716(b)(2), $27,760,000;

(C) for deposit in the St. Mary Account of the Blackfeet Settlement Trust Fund established under section 3716(b)(3), $27,800,000;

(D) for deposit in the Blackfeet Water, Storage, and Development Projects Account of the Blackfeet Settlement Trust Fund established under section 3716(b)(4), $91,000,000; and

(E) the amount of interest credited to the unexpended amounts of the Blackfeet Settlement Trust Fund; and

(2) as adjusted annually to reflect changes since April 2010 in the Bureau of Reclamation Construction Cost Trends Index applicable to the types of construction involved—

(A) for deposit in the MR&I System, Irrigation, and Water Storage Account of the Blackfeet Water Settlement Implementation Fund established under section 3717(b)(1), $163,500,000;

(B) for deposit in the Blackfeet Irrigation Project Deferred Maintenance, Four Horns Dam Safety, and Rehabilitation and Enhancement of the Four Horns Feeder Canal, Dam, and Reservoir Improvements Account of the Blackfeet Water Settlement Implementation Fund established under section 3717(b)(2), $54,900,000, of which—

(i) $40,900,000 shall be made available for activities and projects under section 3710(c); and

(ii) $14,000,000 shall be made available for activities and projects under section 3710(d)(2);

(C) for deposit in the St. Mary/Milk Water Management and Activities Account of the Blackfeet Water Settlement Implementation Fund established under section 3717(b)(3), $28,100,000, of which—

(i) $27,600,000 shall be allocated in accordance with section 3707(g); and

(ii) $500,000 shall be used to carry out section 3705; and

(D) the amount of interest credited to the unexpended amounts of the Blackfeet Water Settlement Implementation Fund.

(b) ADJUSTMENTS.—

(1) IN GENERAL.—The adjustment of the amounts authorized to be appropriated pursuant to subsection (a)(1) shall occur each time an amount is appropriated for an account and shall add to, or subtract from, as applicable, the total amount authorized.

(2) REPETITION.—The adjustment process under this subsection shall be repeated for each subsequent amount appropriated until the amount authorized, as adjusted, has been appropriated.

(3) TREATMENT.—The amount of an adjustment may be considered—

(A) to be authorized as of the date on which congressional action occurs; and

(B) in determining the amount authorized to be appropriated.

SEC. 3719. WATER RIGHTS IN LEWIS AND CLARK NATIONAL FOREST AND GLACIER NATIONAL PARK.

The instream flow water rights of the Tribe on land within the Lewis and Clark National Forest and Glacier National Park—

(1) are confirmed; and

(2) shall be as described in the document entitled ''Stipulation to Address Claims by and for the Benefit of the Blackfeet Indian Tribe to Water Rights in the Lewis & Clark National Forest and Glacier National Park'' and as finally decreed by the Montana Water Court, or, if the Montana Water Court is found to lack jurisdiction, by the United States district court with jurisdiction.

SEC. 3720. WAIVERS AND RELEASES OF CLAIMS.

(a) IN GENERAL.—

(1) WAIVER AND RELEASE OF CLAIMS BY TRIBE AND UNITED STATES AS TRUSTEE FOR TRIBE.—Subject to the reservation of rights and retention of claims under subsection (c), as consideration for recognition of the Tribal water rights and other benefits as described in the Compact and this subtitle, the Tribe, acting on behalf of the Tribe and members of the Tribe (but not any member of the Tribe as an allottee), and the United States, acting as trustee for the Tribe and the members of the Tribe (but not any member of the Tribe as an allottee), shall execute a waiver and release of all claims for water rights within the State that the Tribe, or the United States acting as trustee for the Tribe, asserted or could have asserted in any proceeding, including a State stream adjudication, on or before the enforceability date, except to the extent that such rights are recognized in the Compact and this subtitle.

(2) WAIVER AND RELEASE OF CLAIMS BY UNITED STATES AS TRUSTEE FOR ALLOTTEES.—Subject to the reservation of rights and the retention of claims under subsection (c), as consideration for recognition of the Tribal water rights and other benefits as described in the Compact and this subtitle, the United States, acting as trustee for allottees, shall execute a waiver and release of all claims for water rights within the Reservation that the United States, acting as trustee for the allottees, asserted or could have asserted in any proceeding, including a State stream adjudication, on or before the enforceability date, except to the extent that such rights are recognized in the Compact and this subtitle.

(3) WAIVER AND RELEASE OF CLAIMS BY TRIBE AGAINST UNITED STATES.—Subject to the reservation of rights and retention of claims under subsection (d), the Tribe, acting on behalf of the Tribe and members of the Tribe (but not any member of the Tribe as an allottee), shall execute a waiver and release of all claims against the United States (including any agency or employee of the United States)—

(A) relating to—

(i) water rights within the State that the United States, acting as trustee for the Tribe, asserted or could have asserted in any proceeding, including a stream adjudication in the State, except to the extent that such rights are recognized as Tribal water rights under this subtitle;

(ii) damage, loss, or injury to water, water rights, land, or natural resources due to loss of water or water rights (including damages, losses, or injuries to hunting, fishing, gathering, or cultural rights due to loss of water or water rights, claims relating to interference with, diversion, or taking of water, or claims relating to failure to protect, acquire, replace, or develop water, water rights, or water infrastructure) within the State that first accrued at any time on or before the enforceability date;

(iii) a failure to establish or provide a municipal rural or industrial water delivery system on the Reservation;

(iv) a failure to provide for operation or maintenance, or deferred maintenance, for the Blackfeet Irrigation Project or any other irrigation system or irrigation project on the Reservation;

(v) the litigation of claims relating to the water rights of the Tribe in the State; and

(vi) the negotiation, execution, or adoption of the Compact (including exhibits) or this subtitle;

(B) reserved in subsections (b) through (d) of section 3706 of the settlement for the case styled Blackfeet Tribe v. United States, No. 02–127L (Fed. Cl. 2012); and

(C) that first accrued at any time on or before the enforceability date—

(i) arising from the taking or acquisition of the land of the Tribe or resources for the construction of the features of the St. Mary Unit of the Milk River Project;

(ii) relating to the construction, operation, and maintenance of the St. Mary Unit of the Milk River Project, including Sherburne Dam, St. Mary Diversion Dam, St. Mary Canal and associated infrastructure, and the management of flows in Swiftcurrent Creek, including the diversion of Swiftcurrent Creek into Lower St. Mary Lake;

(iii) relating to the construction, operation, and management of Lower Two Medicine Dam and Reservoir and Four Horns Dam and Reservoir, including any claim relating to the failure to provide dam safety improvements for Four Horns Reservoir; or

(iv) relating to the allocation of waters of the Milk River and St. Mary River (including tributaries) between the United States and Canada pursuant to the International Boundary Waters Treaty of 1909 (36 Stat. 2448).

(b) EFFECTIVENESS.—The waivers and releases under subsection (a) shall take effect on the enforceability date.

(c) WITHDRAWAL OF OBJECTIONS.—The Tribe shall withdraw all objections to the water rights claims filed by the United States for the benefit of the Milk River Project, except objections to those claims consolidated for adjudication within Basin 40J, within 14 days of the certification under subsection (f)(5) that the Tribal membership has approved the Compact and this subtitle.

(1) Prior to withdrawal of the objections, the Tribe may seek leave of the Montana Water Court for a right to reinstate the objections in the event the conditions of enforceability in subsection (f)(1) through (8) are not satisfied by the date of expiration described in section 3723 of this subtitle.

(2) If the conditions of enforceability in subsection (f)(1) through (8) are satisfied, and any authority the Montana Water Court may have granted the Tribe to reinstate objections described in this section has not yet expired, the Tribe shall notify the Montana Water Court and the United States in writing that it will not exercise any such authority.

(d) RESERVATION OF RIGHTS AND RETENTION OF CLAIMS.—Notwithstanding the waivers and releases under subsection (a), the Tribe, acting on behalf of the Tribe and members of the Tribe, and the United States, acting as trustee for the Tribe and allottees, shall retain—

(1) all claims relating to—

(A) enforcement of, or claims accruing after the enforceability date relating to water rights recognized under, the Compact, any final decree, or this subtitle;

(B) activities affecting the quality of water, including any claim under—

(i) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), including damages to natural resources;

(ii) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(iii) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (commonly referred to as the ''Clean Water Act''); and

(iv) any regulations implementing the Acts described in clauses (i) through (iii); or

(C) damage, loss, or injury to land or natural resources that are not due to loss of water or water rights (including hunting, fishing, gathering, or cultural rights);

(2) all rights to use and protect water rights acquired after the date of enactment of this Act; and

(3) all rights, remedies, privileges, immunities, and powers not specifically waived and released pursuant to this subtitle or the Compact.

(e) EFFECT OF COMPACT AND SUBTITLE.—Nothing in the Compact or this subtitle—

(1) affects the ability of the United States, acting as a sovereign, to take any action authorized by law (including any law relating to health, safety, or the environment), including—

(A) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(B) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(C) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (commonly referred to as the ''Clean Water Act''); and

(D) any regulations implementing the Acts described in subparagraphs (A) through (C);

(2) affects the ability of the United States to act as trustee for any other Indian tribe or allottee of any other Indian tribe;

(3) confers jurisdiction on any State court—

(A) to interpret Federal law regarding health, safety, or the environment;

(B) to determine the duties of the United States or any other party pursuant to a Federal law regarding health, safety, or the environment; or

(C) to conduct judicial review of a Federal agency action;

(4) waives any claim of a member of the Tribe in an individual capacity that does not derive from a right of the Tribe;

(5) revives any claim waived by the Tribe in the case styled Blackfeet Tribe v. United States, No. 02–127L (Fed. Cl. 2012); or

(6) revives any claim released by an allottee or a tribal member in the settlement for the case styled Cobell v. Salazar, No. 1:96CV01285–JR (D.D.C. 2012).

(f) ENFORCEABILITY DATE.—The enforceability date shall be the date on which the Secretary publishes in the Federal Register a statement of findings that—

(1)(A) the Montana Water Court has approved the Compact, and that decision has become final and nonappealable; or

(B) if the Montana Water Court is found to lack jurisdiction, the appropriate United States district court has approved the Compact, and that decision has become final and nonappealable;

(2) all amounts authorized under section 3718(a) have been appropriated;

(3) the agreements required by sections 3706(c), 3707(f), and 3709(c) have been executed;

(4) the State has appropriated and paid into an interest-bearing escrow account any payments due as of the date of enactment of this Act to the Tribe under the Compact, the Birch Creek Agreement, and this subtitle;

(5) the members of the Tribe have voted to approve this subtitle and the Compact by a majority of votes cast on the day of the vote, as certified by the Secretary and the Tribe;

(6) the Secretary has fulfilled the requirements of section 3709(a);

(7) the agreement or terms and conditions referred to in section 3705 are executed and final; and

(8) the waivers and releases described in subsection (a) have been executed by the Tribe and the Secretary.

(g) TOLLING OF CLAIMS.—

(1) IN GENERAL.—Each applicable period of limitation and time-based equitable defense relating to a claim described in this section shall be tolled during the period beginning on the date of enactment of this Act and ending on the date on which the amounts made available to carry out this subtitle are transferred to the Secretary.

(2) EFFECT OF SUBSECTION.—Nothing in this subsection revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

(h) EXPIRATION.—If all appropriations authorized by this subtitle have not been made available to the Secretary by January 21, 2026, or such alternative later date as is agreed to by the Tribe and the Secretary, the waivers and releases described in this section shall—

(1) expire; and

(2) have no further force or effect.

(i) VOIDING OF WAIVERS.—If the waivers and releases described in this section are void under subsection (h)—

(1) the approval of the United States of the Compact under section 3704 shall no longer be effective;

(2) any unexpended Federal funds appropriated or made available to carry out the activities authorized by this subtitle, together with any interest earned on those funds, and any water rights or contracts to use water and title to other property acquired or constructed with Federal funds appropriated or made available to carry out the activities authorized under this subtitle shall be returned to the Federal Government, unless otherwise agreed to by the Tribe and the United States and approved by Congress; and

(3) except for Federal funds used to acquire or develop property that is returned to the Federal Government under paragraph (2), the United States shall be entitled to offset any Federal funds appropriated or made available to carry out the activities authorized under this subtitle that were expended or withdrawn, together with any interest accrued, against any claims against the United States relating to water rights in the State asserted by the Tribe or any user of the Tribal water rights or in any future settlement of the water rights of the Tribe or an allottee.

SEC. 3721. SATISFACTION OF CLAIMS.

(a) TRIBAL CLAIMS.—The benefits realized by the Tribe under this subtitle shall be in complete replacement of, complete substitution for, and full satisfaction of all—

(1) claims of the Tribe against the United States waived and released pursuant to section 3720(a); and

(2) objections withdrawn pursuant to section 3720(c).

(b) ALLOTTEE CLAIMS.—The benefits realized by the allottees under this subtitle shall be in complete replacement of, complete substitution for, and full satisfaction of—

(1) all claims waived and released pursuant to section 3720(a)(2); and

(2) any claim of an allottee against the United States similar in nature to a claim described in section 3720(a)(2) that the allottee asserted or could have asserted.

SEC. 3722. MISCELLANEOUS PROVISIONS.

(a) WAIVER OF SOVEREIGN IMMUNITY.—Except as provided in subsections (a) through (c) of section 208 of the Department of Justice Appropriation Act, 1953 (43 U.S.C. 666), nothing in this subtitle waives the sovereign immunity of the United States.

(b) OTHER TRIBES NOT ADVERSELY AFFECTED.—Nothing in this subtitle quantifies or diminishes any land or water right, or any claim or entitlement to land or water, of an Indian tribe, band, or community other than the Tribe.

(c) LIMITATION ON CLAIMS FOR REIMBURSEMENT.—With respect to any Indian-owned land located within the Reservation—

(1) the United States shall not submit against that land any claim for reimbursement of the cost to the United States of carrying out this subtitle or the Compact; and

(2) no assessment of that land shall be made regarding that cost.

(d) LIMITATION ON LIABILITY OF UNITED STATES.—

(1) IN GENERAL.—The United States has no obligation—

(A) to monitor, administer, or account for, in any manner, any funds provided to the Tribe by the State; or

(B) to review or approve any expenditure of those funds.

(2) INDEMNITY.—The Tribe shall indemnify the United States, and hold the United States harmless, with respect to all claims (including claims for takings or breach of trust) arising from the receipt or expenditure of amounts described in this subsection.

(e) EFFECT ON CURRENT LAW.—Nothing in this section affects any provision of law (including regulations) in effect on the day before the date of enactment of this Act with respect to preenforcement review of any Federal environmental enforcement action.

(f) EFFECT ON RECLAMATION LAWS.—The activities carried out by the Commissioner of Reclamation under this subtitle shall not establish a precedent or impact the authority provided under any other provision of the reclamation laws, including—

(1) the Reclamation Rural Water Supply Act of 2006 (43 U.S.C. 2401 et seq.); and

(2) the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 991).

(g) IRRIGATION EFFICIENCY IN UPPER BIRCH CREEK DRAINAGE.—Any activity carried out by the Tribe in the Upper Birch Creek Drainage (as defined in article II.50 of the Compact) using funds made available to carry out this subtitle shall achieve an irrigation efficiency of not less than 50 percent.

(h) BIRCH CREEK AGREEMENT APPROVAL.—The Birch Creek Agreement is approved to the extent that the Birch Creek Agreement requires approval under section 2116 of the Revised Statutes (25 U.S.C. 177).

(i) LIMITATION ON EFFECT.—Nothing in this subtitle or the Compact—

(1) makes an allocation or apportionment of water between or among States; or

(2) addresses or implies whether, how, or to what extent the Tribal water rights, or any portion of the Tribal water rights, should be accounted for as part of, or otherwise charged against, an allocation or apportionment of water made to a State in an interstate allocation or apportionment.

SEC. 3723. EXPIRATION ON FAILURE TO MEET ENFORCEABILITY DATE.

If the Secretary fails to publish a statement of findings under section 3720(f) by not later than January 21, 2025, or such alternative later date as is agreed to by the Tribe and the Secretary, after reasonable notice to the State, as applicable—

(1) this subtitle expires effective on the later of—

(A) January 22, 2025; and

(B) the day after such alternative later date as is agreed to by the Tribe and the Secretary;

(2) any action taken by the Secretary and any contract or agreement entered into pursuant to this subtitle shall be void;

(3) any amounts made available under section 3718, together with any interest on those amounts, that remain unexpended shall immediately revert to the general fund of the Treasury, except for any funds made available under section 3716(e)(2) if the Montana Water Court denies the Tribe's request to reinstate the objections in section 3720(c); and

(4) the United States shall be entitled to offset against any claims asserted by the Tribe against the United States relating to water rights—

(A) any funds expended or withdrawn from the amounts made available pursuant to this subtitle; and

(B) any funds made available to carry out the activities authorized by this subtitle from other authorized sources, except for any funds provided under section 3716(e)(2) if the Montana Water court denies the Tribe's request to reinstate the objections in section 3720(c).

SEC. 3724. ANTIDEFICIENCY.

The United States shall not be liable for any failure to carry out any obligation or activity authorized by this subtitle (including any obligation or activity under the Compact) if—

(1) adequate appropriations are not provided expressly by Congress to carry out the purposes of this subtitle; or

(2) there are not enough monies available to carry out the purposes of this subtitle in the Reclamation Water Settlements Fund established under section 10501(a) of the Omnibus Public Land Management Act of 2009 (43 U.S.C. 407(a)).

Subtitle H—Water Desalination

SEC. 3801. REAUTHORIZATION OF WATER DESALINATION ACT OF 1996.

(a) AUTHORIZATION OF RESEARCH AND STUDIES.—Section 3 of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104–298) is amended—

(1) in subsection (a)—

(A) in paragraph (6), by striking ''and'' at the end;

(B) in paragraph (7), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(8) development of metrics to analyze the costs and benefits of desalination relative to other sources of water (including costs and benefits related to associated infrastructure, energy use, environmental impacts, and diversification of water supplies); and

''(9) development of design and siting specifications that avoid or minimize, adverse economic and environmental impacts.''; and

(2) by adding at the end the following:

''(e) PRIORITIZATION.—In carrying out this section, the Secretary shall prioritize funding for research—

''(1) to reduce energy consumption and lower the cost of desalination, including chloride control;

''(2) to reduce the environmental impacts of seawater desalination and develop technology and strategies to minimize those impacts;

''(3) to improve existing reverse osmosis and membrane technology;

''(4) to carry out basic and applied research on next generation desalination technologies, including improved energy recovery systems and renewable energy-powered desalination systems that could significantly reduce desalination costs;

''(5) to develop portable or modular desalination units capable of providing temporary emergency water supplies for domestic or military deployment purposes; and

''(6) to develop and promote innovative desalination technologies, including chloride control, identified by the Secretary.''.

(b) DESALINATION DEMONSTRATION AND DEVELOPMENT.—Section 4 of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104–298) is amended by adding at the end the following:

''(c) PRIORITIZATION.—In carrying out demonstration and development activities under this section, the Secretary shall prioritize projects—

''(1) for the benefit of drought-stricken States and communities;

''(2) for the benefit of States that have authorized funding for research and development of desalination technologies and projects;

''(3) that can reduce reliance on imported water supplies that have an impact on species listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

''(4) that demonstrably leverage the experience of international partners with considerable expertise in desalination, such as the State of Israel.

''(d) WATER PRODUCTION.—The Secretary shall provide, as part of the annual budget submission to Congress, an estimate of how much water has been produced and delivered in the past fiscal year using processes and facilities developed or demonstrated using assistance provided under sections 3 and 4. This submission shall include, to the extent practicable, available information on a detailed water accounting by process and facility and the cost per acre foot of water produced and delivered.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 8 of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104–298) is amended—

(1) in subsection (a), by striking ''2013'' and inserting ''2021''; and

(2) in subsection (b), by striking ''for each of fiscal years 2012 through 2013'' and inserting ''for each of fiscal years 2017 through 2021''.

(d) CONSULTATION.—Section 9 of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104–298) is amended—

(1) by striking the section designation and heading and all that follows through ''In carrying out'' in the first sentence and inserting the following:

''SEC. 9. CONSULTATION AND COORDINATION.

''(a) CONSULTATION.—In carrying out'';

(2) in the second sentence, by striking ''The authorization'' and inserting the following:

''(c) OTHER DESALINATION PROGRAMS.—The authorization''; and

(3) by inserting after subsection (a) (as designated by paragraph (1)) the following:

''(b) COORDINATION OF FEDERAL DESALINATION RESEARCH AND DEVELOPMENT.—The White House Office of Science and Technology Policy shall develop a coordinated strategic plan that—

''(1) establishes priorities for future Federal investments in desalination;

''(2) coordinates the activities of Federal agencies involved in desalination, including the Bureau of Reclamation, the Corps of Engineers, the United States Army Tank Automotive Research, Development and Engineering Center, the National Science Foundation, the Office of Naval Research of the Department of Defense, the National Laboratories of the Department of Energy, the United States Geological Survey, the Environmental Protection Agency, and the

National Oceanic and Atmospheric Administration;

''(3) strengthens research and development cooperation with international partners, such as the State of Israel, in the area of desalination technology; and

''(4) promotes public-private partnerships to develop a framework for assessing needs for, and to optimize siting and design of, future ocean desalination projects.''.

Subtitle I—Amendments to the Great Lakes Fish and Wildlife Restoration Act of 1990

SEC. 3901. AMENDMENTS TO THE GREAT LAKES FISH AND WILDLIFE RESTORATION ACT OF 1990.

(a) REFERENCES.—Except as otherwise expressly provided, wherever in this section an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Great Lakes Fish and Wildlife Restoration Act of 1990 (16 U.S.C. 941 et seq.).

(b) FINDINGS.—The Act is amended by striking section 1002 and inserting the following:

''SEC. 1002. FINDINGS.

''Congress finds that—

''(1) the Great Lakes have fish and wildlife communities that are structurally and functionally changing;

''(2) successful fish and wildlife management focuses on the lakes as ecosystems, and effective management requires the coordination and integration of efforts of many partners;

''(3) additional actions and better coordination are needed to protect and effectively manage the fish and wildlife resources, and the habitats on which the resources depend, in the Great Lakes Basin; and

''(4) this Act allows Federal agencies, States, and Indian tribes to work in an effective partnership by providing the funding for restoration work.''.

(c) IDENTIFICATION, REVIEW, AND IMPLEMENTATION OF PROPOSALS AND REGIONAL PROJECTS.—

(1) REQUIREMENTS FOR PROPOSALS AND REGIONAL PROJECTS.—Section 1005(b)(2)(B) (16 U.S.C. 941c(b)(2)(B)) is amended—

(A) in clause (v), by striking ''and'' at the end;

(B) in clause (vi), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(vii) the strategic action plan of the Great Lakes Restoration Initiative; and

''(viii) each applicable State wildlife action plan.''.

(2) REVIEW OF PROPOSALS.—Section 1005(c)(2)(C) (16 U.S.C. 941c(c)(2)(C)) is amended by striking ''Great Lakes Coordinator of the''.

(3) COST SHARING.—Section 1005(e) (16 U.S.C. 941c(e)) is amended—

(A) in paragraph (1)—

(i) by striking ''Except as provided in paragraphs (2) and (4), not less than 25 percent of the cost of implementing a proposal'' and inserting the following:

''(A) NON-FEDERAL SHARE.—Except as provided in paragraphs (3) and (5) and subject to paragraph (2), not less than 25 percent of the cost of implementing a proposal or regional project''; and

(ii) by adding at the end the following:

''(B) TIME PERIOD FOR PROVIDING MATCH.—The non-Federal share of the cost of implementing a proposal or regional project required under subparagraph (A) may be provided at any time during the 2-year period preceding January 1 of the year in which the Director receives the application for the proposal or regional project.'';

(B) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(C) by inserting before paragraph (3) (as so redesignated) the following:

''(2) AUTHORIZED SOURCES OF NON-FEDERAL SHARE.—

''(A) IN GENERAL.—The Director may determine the non-Federal share under paragraph (1) by taking into account—

''(i) the appraised value of land or a conservation easement as described in subparagraph (B); or

''(ii) as described in subparagraph (C), the costs associated with—

''(I) securing a conservation easement; and

''(II) restoration or enhancement of the conservation easement.

''(B) APPRAISAL OF CONSERVATION EASEMENT.—

''(i) IN GENERAL.—The value of a conservation easement may be used to satisfy the non-Federal share of the cost of implementing a proposal or regional project required under paragraph (1)(A) if the Director determines that the conservation easement—

''(I) meets the requirements of subsection (b)(2);

''(II) is acquired before the end of the grant period of the proposal or regional project;

''(III) is held in perpetuity for the conservation purposes of the programs of the United States Fish and Wildlife Service related to the Great Lakes Basin, as described in section 1006, by an accredited land trust or conservancy or a Federal, State, or tribal agency;

''(IV) is connected either physically or through a conservation planning process to the proposal or regional project; and

''(V) is appraised in accordance with clause (ii).

''(ii) APPRAISAL.—With respect to the appraisal of a conservation easement described in clause (i)—

''(I) the appraisal valuation date shall be not later than 1 year after the price of the conservation easement was set under a contract; and

''(II) the appraisal shall—

''(aa) conform to the Uniform Standards of Professional Appraisal Practice (USPAP); and

''(bb) be completed by a Federal- or State-certified appraiser.

''(C) COSTS OF SECURING CONSERVATION EASEMENTS.—

''(i) IN GENERAL.—All costs associated with securing a conservation easement and restoration or enhancement of that conservation easement may be used to satisfy the non-Federal share of the cost of implementing a proposal or regional project required under paragraph (1)(A) if the activities and expenses associated with securing the conservation easement and restoration or enhancement of that conservation easement meet the requirements of subparagraph (B)(i).

''(ii) INCLUSION.—The costs referred to in clause (i) may include cash, in-kind contributions, and indirect costs.

''(iii) EXCLUSION.—The costs referred to in clause (i) may not be costs associated with mitigation or litigation (other than costs associated with the Natural Resource Damage Assessment program).''.

(d) ESTABLISHMENT OF OFFICES.—Section 1007 (16 U.S.C. 941e) is amended—

(1) in subsection (b)—

(A) in the subsection heading, by striking ''FISHERY RESOURCES'' and inserting ''FISH AND WILDLIFE CONSERVATION''; and

(B) by striking ''Fishery Resources'' each place it appears and inserting ''Fish and Wildlife Conservation'';

(2) in subsection (c)—

(A) in the subsection heading, by striking ''FISHERY RESOURCES'' and inserting ''FISH AND WILDLIFE CONSERVATION''; and

(B) by striking ''Fishery Resources'' each place it appears and inserting ''Fish and Wildlife Conservation'';

(3) by striking subsection (a); and

(4) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively.

(e) REPORTS.—Section 1008 (16 U.S.C. 941f) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking ''2011'' and inserting ''2021'';

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''2007 through 2012'' and inserting ''2016 through 2020''; and

(B) in paragraph (5), by inserting ''the Great Lakes Restoration Initiative Action Plan based on'' after ''in support of''; and

(3) by striking subsection (c) and inserting the following:

''(c) CONTINUED MONITORING AND ASSESSMENT OF STUDY FINDINGS AND RECOMMENDATIONS.—The Director—

''(1) shall continue to monitor the status, and the assessment, management, and restoration needs, of the fish and wildlife resources of the Great Lakes Basin; and

''(2) may reassess and update, as necessary, the findings and recommendations of the Report.''.

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 1009 (16 U.S.C. 941g) is amended—

(1) in the matter preceding paragraph (1), by striking ''2007 through 2012'' and inserting ''2016 through 2021'';

(2) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''$14,000,000'' and inserting ''$6,000,000'';

(B) in subparagraph (A), by striking ''$4,600,000'' and inserting ''$2,000,000''; and

(C) in subparagraph (B), by striking ''$700,000'' and inserting ''$300,000''; and

(3) in paragraph (2), by striking ''the activities of'' and all that follows through ''section 1007'' and inserting ''the activities of the Upper Great Lakes Fish and Wildlife Conservation Offices and the Lower Great Lakes Fish and Wildlife Conservation Office under section 1007''.

(g) PROHIBITION ON USE OF FUNDS FOR FEDERAL ACQUISITION OF INTERESTS IN LAND.—Section 1009 (16 U.S.C. 941g) is further amended—

(1) by inserting before the sentence the following:

''(a) AUTHORIZATION.—''; and

(2) by adding at the end the following:

''(b) PROHIBITION ON USE OF FUNDS FOR FEDERAL ACQUISITION OF INTERESTS IN LAND.—No funds appropriated or used to carry out this Act may be used for acquisition by the Federal Government of any interest in land.''.

(h) CONFORMING AMENDMENT.—Section 8 of the Great Lakes Fish and Wildlife Restoration Act of 2006 (16 U.S.C. 941 note; Public Law 109–326) is repealed.

Subtitle J—California Water

SEC. 4001. OPERATIONS AND REVIEWS.

(a) WATER SUPPLIES.—The Secretary of the Interior and Secretary of Commerce shall provide the maximum quantity of water supplies practicable to Central Valley Project agricultural, municipal and industrial contractors, water service or repayment contractors, water rights settlement contractors, exchange contractors, refuge contractors, and State Water Project contractors, by approving, in accordance with applicable Federal and State laws (including regulations), operations or temporary projects to provide additional water supplies as quickly as possible, based on available information.

(b) ADMINISTRATION.—In carrying out subsection (a), the Secretary of the Interior and Secretary of Commerce shall, consistent with applicable laws (including regulations)—

(1)(A) in close coordination with the California Department of Water Resources and the California Department of Fish and Wildlife, implement a pilot project to test and evaluate the ability to operate the Delta cross-channel gates daily or as otherwise may be appropriate to keep them open to the greatest extent practicable to protect out-migrating salmonids, manage salinities in the interior Delta and any other water quality issues, and maximize Central Valley Project and State Water Project pumping,

subject to the condition that the pilot project shall be designed and implemented consistent with operational criteria and monitoring criteria required by the California State Water Resources Control Board; and

(B) design, implement, and evaluate such real-time monitoring capabilities to enable effective real-time operations of the cross channel in order efficiently to meet the objectives described in subparagraph (A);

(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 benefits;

(3) collaborate with the California Department of Water Resources to install a deflection barrier at Georgiana Slough and the Delta Cross Channel Gate to protect migrating salmonids, consistent with knowledge gained from activities carried out during 2014 and 2015;

(4) upon completion of the pilot project in paragraph (1), submit to the Senate Committees on Energy and Natural Resources and Environment and Public Works and the House Committee on Natural Resources a written notice and explanation on the extent to which the gates are able to remain open and the pilot project achieves all the goals set forth in paragraphs (1) through (3);

(5) implement turbidity control strategies that may allow for increased water deliveries while avoiding jeopardy to adult Delta smelt (Hypomesus transpacificus);

(6) in a timely manner, evaluate any proposal to increase flow in the San Joaquin River through a voluntary sale, transfer, or exchange of water from an agency with rights to divert water from the San Joaquin River or its tributaries;

(7) adopt a 1:1 inflow to export ratio for the increment of increased flow, as measured as a 3-day running average at Vernalis during the period from April 1 through May 31, that results from the voluntary sale, transfer, or exchange, unless the Secretary of the Interior and Secretary of Commerce determine in writing that a 1:1 inflow to export ratio for that increment of increased flow will cause additional adverse effects on listed salmonid species beyond the range of the effects anticipated to occur to the listed salmonid species for the duration of the salmonid biological opinion using the best scientific and commercial data available; and subject to the condition that any individual sale, transfer, or exchange using a 1:1 inflow to export ratio adopted under the authority of this section may only proceed if—

(A) the Secretary of the Interior determines that the environmental effects of the proposed sale, transfer, or exchange are consistent with effects permitted under applicable law (including the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.), and the Porter-Cologne Water Quality Control Act (California Water Code 13000 et seq.));

(B) Delta conditions are suitable to allow movement of the acquired, transferred, or exchanged water through the Delta consistent with existing Central Valley Project and State Water Project permitted water rights and the requirements of subsection (a)(1)(H) of the Central Valley Project Improvement Act; and

(C) such voluntary sale, transfer, or exchange of water results in flow that is in addition to flow that otherwise would occur in the absence of the voluntary sale, transfer, or exchange;

(8)(A) issue all necessary permit decisions during emergency consultation under the authority of the Secretary of the Interior and Secretary of Commerce not later than 60 days after receiving a completed application by the State to place and use temporary barriers or operable gates in Delta channels to improve water quantity and quality for State Water Project and Central Valley Project south-of-Delta water contractors and other water users, which barriers or gates shall provide benefits for species protection and in-Delta water user water quality, provided that they are designed so that, if practicable, formal consultations under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) are not necessary; and

(B) take longer to issue the permit decisions in subparagraph (A) only if the Secretary determines in writing that an Environmental Impact Statement is needed for the proposal to comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(9) 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;

(10) require the Director of the United States Fish and Wildlife Service and the Commissioner of Reclamation to—

(A) determine if a written transfer proposal is complete within 30 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;

(B) complete 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. et seq.) necessary to make final permit decisions on water transfer requests in the State, not later than 45 days after receiving a completed request;

(C) take longer to issue the permit decisions in subparagraph (B) only if the Secretary determines in writing that an Environmental Impact Statement is needed for the proposal to comply with the National Environmental Policy Act of 1969 (42 U.S.C. et seq.), or that the application is incomplete pursuant to subparagraph (A); and

(D) approve any water transfer request described in subparagraph (A) to maximize the quantity of water supplies on the condition that actions associated with the water transfer are consistent with—

(i) existing Central Valley Project and State Water Project permitted water rights and the requirements of section 3405(a)(1)(H) of the Central Valley Project Improvement Act; and

(ii) all other applicable laws and regulations;

(11) in coordination with the Secretary of Agriculture, enter into an agreement with the National Academy of Sciences to conduct a comprehensive study, to be completed not later than 1 year after the date of enactment of this subtitle, on the effectiveness and environmental impacts of salt cedar biological control efforts on increasing water supplies and improving riparian habitats of the Colorado River and its principal tributaries, in the State of California and elsewhere;

(12) pursuant to the research and adaptive management procedures of the smelt biological opinion and the salmonid biological opinion use all available scientific tools to identify any changes to the real-time operations of Bureau of Reclamation, State, and local water projects that could result in the availability of additional water supplies; and

(13) determine whether alternative operational or other management measures would meet applicable regulatory requirements for listed species while maximizing water supplies and water supply reliability; and

(14) continue to vary the averaging period of the Delta Export/Inflow ratio, to the extent consistent with any applicable State Water Resources Control Board orders under decision D–1641, to operate to a

(A) ratio using a 3-day averaging period on the rising limb of a Delta inflow hydrograph; and

(B) 14-day averaging period on the falling limb of the Delta inflow hydrograph.

(c) OTHER AGENCIES.—To the extent that a Federal agency other than the Department of the Interior and the Department of Commerce has a role in approving projects described in subsections (a) and (b), this section shall apply to the Federal agency.

(d) ACCELERATED PROJECT DECISION AND ELEVATION.—

(1) IN GENERAL.—On request of the Governor of California, the Secretary of the Interior and Secretary of Commerce shall use the expedited procedures under this subsection to make final decisions relating to Federal or federally approved projects or operational changes proposed pursuant to subsections (a) and (b) to provide additional water supplies or otherwise address emergency drought conditions.

(2) REQUEST FOR RESOLUTION.—Not later than 7 days after receiving a request of the Governor of California, the Secretaries referred to 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 emergency water supplies or otherwise address emergency drought condition.

(3) NOTIFICATION.—Upon receipt of a request for a meeting under this subsection, the Secretary of the Interior shall notify the heads of all relevant Federal agencies of the request, including a description of the project to be reviewed and the date for 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.

(2) 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).

(3) LIMITATION.—The expedited procedures under this subsection apply only to—

(A) proposed new Federal projects or operational changes pursuant to subsection (a) or (b); and

(B) the extent they are consistent with applicable laws (including regulations).

(e) OPERATIONS PLAN.—The Secretaries of Commerce and the Interior, in consultation with appropriate State officials, shall develop an operations plan that is consistent with the provisions of this subtitle and other applicable Federal and State laws, including provisions that are intended to provide additional water supplies that could be of assistance during the current drought.

SEC. 4002. SCIENTIFICALLY SUPPORTED IMPLEMENTATION OF OMR FLOW REQUIREMENTS.

(a) IN GENERAL.—In implementing the provisions of the smelt biological opinion and the salmonid biological opinion, the Secretary of the Interior and the Secretary of Commerce shall manage reverse flow in Old and Middle Rivers at the most negative reverse flow rate allowed under the applicable biological opinion to maximize water supplies for the Central Valley Project and the State Water Project, unless that management of reverse flow in Old and Middle Rivers to maximize water supplies would cause additional adverse effects on the listed fish species beyond the range of effects anticipated to occur to the listed fish species for the duration of the applicable biological opinion, or would be inconsistent with applicable State law requirements, including water quality, salinity control, and compliance with State Water Resources Control Board Order D–1641 or a successor order.

(b) REQUIREMENTS.—If the Secretary of the Interior or Secretary of Commerce determines to

manage rates of pumping at the C.W. ''Bill'' Jones and the Harvey O. Banks pumping plants in the southern Delta to achieve a reverse OMR flow rate less negative than the most negative reverse flow rate prescribed by the applicable biological opinion, the Secretary shall—

(1) document in writing any significant facts regarding real-time conditions relevant to the determinations of OMR reverse flow rates, including—

(A) targeted real-time fish monitoring in the Old River pursuant to this section, including as it pertains to the smelt biological opinion monitoring of Delta smelt in the vicinity of Station 902;

(B) near-term forecasts with available salvage models under prevailing conditions of the effects on the listed species of OMR flow at the most negative reverse flow rate prescribed by the biological opinion; and

(C) any requirements under applicable State law; and

(2) explain in writing why any decision to manage OMR reverse flow at rates less negative than the most negative reverse flow rate prescribed by the biological opinion is necessary to avoid additional adverse effects on the listed fish species beyond the range of effects anticipated to occur to the listed fish species for the duration of the applicable biological opinion, after considering relevant factors such as—

(A) the distribution of the listed species throughout the Delta;

(B) the potential effects of high entrainment risk on subsequent species abundance;

(C) the water temperature;

(D) other significant factors relevant to the determination, as required by applicable Federal or State laws;

(E) turbidity; and

(F) whether any alternative measures could have a substantially lesser water supply impact.

(c) LEVEL OF DETAIL REQUIRED.—The analyses and documentation required by this section shall be comparable to the depth and complexity as is appropriate for real time decision-making. This section shall not be interpreted to require a level of administrative findings and documentation that could impede the execution of effective real time adaptive management.

(d) 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, notwithstanding subsection (a), the Secretary of the Interior shall manage OMR flow pursuant to the provisions of the smelt biological opinion that protects adult Delta smelt from the first flush if required to do so by the smelt biological opinion.

(e) CONSTRUCTION.—The Secretary of the Interior and the Secretary of Commerce are authorized to implement subsection (a) consistent with the results of monitoring through Early Warning Surveys to make real time operational decisions consistent with the current applicable biological opinion.

(f) CALCULATION OF REVERSE FLOW IN OMR.—Within 180 days of the enactment of this subtitle, the Secretary of the Interior is directed, in consultation with the California Department of Water Resources, and consistent with the smelt biological opinion and the salmonid biological opinion, to review, modify, and implement, if appropriate, 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.

SEC. 4003. TEMPORARY OPERATIONAL FLEXIBILITY FOR STORM EVENTS.

(a) IN GENERAL.—

(1) Nothing in this subtitle authorizes additional adverse effects on listed species beyond the range of the effects anticipated to occur to the listed species for the duration of the smelt biological opinion or salmonid biological opinion, using the best scientific and commercial data available.

(2) When consistent with the environmental protection mandate in paragraph (1) while maximizing water supplies for Central Valley Project and State Water Project contractors, the Secretary of the Interior and the Secretary of Commerce, through an operations plan, shall evaluate and may authorize the Central Valley Project and the State Water Project, combined, to operate at levels that result in OMR flows more negative than the most negative reverse flow rate prescribed by the applicable biological opinion (based on United States Geological Survey gauges on Old and Middle Rivers) daily average as described in subsections (b) and (c) to capture peak flows during storm-related events.

(b) FACTORS TO BE CONSIDERED.—In determining additional adverse effects on any listed fish species beyond the range of effects anticipated to occur to the listed fish species for the duration of the smelt biological opinion or salmonid biological opinion, using the best scientific and commercial data available, the Secretaries of the Interior and Commerce may consider factors including:

(1) The degree to which the Delta outflow index indicates a higher level of flow available for diversion.

(2) Relevant physical parameters including projected inflows, turbidity, salinities, and tidal cycles.

(3) The real-time distribution of listed species.

(c) OTHER ENVIRONMENTAL PROTECTIONS.—

(1) STATE LAW.—The actions of the Secretary of the Interior and the Secretary of Commerce under this section shall be consistent with applicable regulatory requirements under State law.

(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, the Secretary of the Interior shall manage OMR flow pursuant to the portion of the smelt biological opinion that protects adult Delta smelt from the first flush if required to do so by the smelt biological opinion.

(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 on listed salmonid species beyond the range of the effects anticipated to occur to the listed salmonid species for the duration of the salmonid biological opinion using the best scientific and commercial data available. 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 and other applicable law. Water transfers solely or exclusively through the State Water Project are not required to be consistent with subsection (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 expanded monitoring programs and other data gathering to improve the efficiency of operations for listed species protections and Central Valley Project and State Water Project water supply to ensure incidental take levels are not exceeded, and to identify potential negative impacts, if any.

(d) EFFECT OF HIGH OUTFLOWS.—When exercising their authorities to capture peak flows pursuant to subsection (c), the Secretary of the Interior and the Secretary of Commerce shall not count such days toward the 5-day and 14-day running averages of tidally filtered daily Old and Middle River flow requirements under the smelt biological opinion and salmonid biological opinion, unless doing so is required to avoid additional adverse effects on listed fish species beyond those anticipated to occur through implementation of the smelt biological opinion and salmonid biological opinion using the best scientific and commercial data available.

(e) LEVEL OF DETAIL REQUIRED FOR ANALYSIS.—In articulating the determinations required under this section, the Secretary of the Interior and the Secretary of Commerce shall fully satisfy the requirements herein but shall not be expected to provide a greater level of supporting detail for the analysis than feasible to provide within the short timeframe permitted for timely real-time decisionmaking in response to changing conditions in the Delta.

SEC. 4004. CONSULTATION ON COORDINATED OPERATIONS.

(a) RESOLUTION OF WATER RESOURCE ISSUES.—In furtherance of the policy established by section 2(c)(2) of the Endangered Species Act of 1973, that Federal agencies shall cooperate with State and local agencies to resolve water resource issues in concert with conservation of endangered species, in any consultation or reconsultation on the coordinated operations of the Central Valley Project and the State Water Project, the Secretaries of the Interior and Commerce shall ensure that any public water agency that contracts for the delivery of water from the Central Valley Project or the State Water Project that so requests shall—

(1) have routine and continuing opportunities to discuss and submit information to the action agency for consideration during the development of any biological assessment;

(2) be informed by the action agency of the schedule for preparation of a biological assessment;

(3) be informed by the consulting agency, the U.S. Fish and Wildlife Service or the National Marine Fisheries Service, of the schedule for preparation of the biological opinion at such time as the biological assessment is submitted to the consulting agency by the action agency;

(4) receive a copy of any draft biological opinion and have the opportunity to review that document and provide comment to the consulting agency through the action agency, which comments will be afforded due consideration during the consultation;

(5) have the opportunity to confer with the action agency and applicant, if any, about reasonable and prudent alternatives prior to the action agency or applicant identifying one or more reasonable and prudent alternatives for consideration by the consulting agency; and

(6) where the consulting agency suggests a reasonable and prudent alternative be informed—

(A) how each component of the alternative will contribute to avoiding jeopardy or adverse modification of critical habitat and the scientific data or information that supports each component of the alternative; and

(B) why other proposed alternative actions that would have fewer adverse water supply and economic impacts are inadequate to avoid jeopardy or adverse modification of critical habitat.

(b) INPUT.—When consultation is ongoing, the Secretaries of the Interior and Commerce shall regularly solicit input from and report their progress to the Collaborative Adaptive Management Team and the Collaborative Science and Adaptive Management Program policy group. The Collaborative Adaptive Management Team and the Collaborative Science and Adaptive Management Program policy group may provide the Secretaries with recommendations to improve the effects analysis and Federal agency determinations. The Secretaries shall give due consideration to the recommendations when developing the Biological Assessment and Biological Opinion.

(c) MEETINGS.—The Secretaries shall establish a quarterly stakeholder meeting during any consultation or reconsultation for the purpose of providing updates on the development of the Biological Assessment and Biological Opinion. The quarterly stakeholder meeting shall be open to stakeholders identified by the Secretaries representing a broad range of interests including environmental, recreational and commercial fishing, agricultural, municipal, Delta, and other regional interests, and including stakeholders that are not state or local agencies.

(d) CLARIFICATION.—Neither subsection (b) or (c) of this section may be used to meet the requirements of subsection (a).

(e) NON-APPLICABILITY OF FACA.—For the purposes of subsection (b), the Collaborative Adaptive Management Team, the Collaborative Science and Adaptive Management Program policy group, and any recommendations made to the Secretaries, are exempt from the Federal Advisory Committee Act.

SEC. 4005. PROTECTIONS.

(a) APPLICABILITY.—This section shall apply only to sections 4001 through 4006.

(b) OFFSET FOR STATE WATER PROJECT.—

(1) IMPLEMENTATION IMPACTS.—The Secretary of the Interior shall confer with the California Department of Fish and Wildlife in connection with the implementation of the applicable provisions of this subtitle on potential impacts to any consistency determination for operations of the State Water Project issued pursuant to California Fish and Game Code section 2080.1.

(2) ADDITIONAL YIELD.—If, as a result of the application of the applicable provisions of this subtitle, the California Department of Fish and Wildlife—

(A) determines that operations of the State Water Project are inconsistent with the consistency determinations issued pursuant to California Fish and Game Code section 2080.1 for operations of the State Water Project; or

(B) requires take authorization under California Fish and Game Code section 2081 for operation of the State Water Project;

in a manner that directly or indirectly results in reduced water supply to the State Water Project as compared with the water supply available under the smelt biological opinion and the salmonid biological opinion; and as a result, Central Valley Project yield is greater than it otherwise would have been, then that additional yield shall be made available to the State Water Project for delivery to State Water Project contractors to offset that reduced water supply, provided that if it is necessary to reduce water supplies for any Central Valley Project authorized uses or contractors to make available to the State Water Project that additional yield, such reductions shall be applied proportionately to those uses or contractors that benefit from that increased yield.

(3) NOTIFICATION RELATED TO ENVIRONMENTAL PROTECTIONS.—The Secretary of the Interior and Secretary of Commerce shall—

(A) notify the Director of the California Department of Fish and Wildlife regarding any changes in the manner in which the smelt biological opinion or the salmonid biological opinion is implemented; and

(B) confirm that those changes are consistent with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(4) SAVINGS.—Nothing in the applicable provisions of this subtitle shall have any effect on the application of the California Endangered Species Act (California Fish and Game Code sections 2050 through 2116).

(c) AREA OF ORIGIN AND WATER RIGHTS PROTECTIONS.—

(1) IN GENERAL.—The Secretary of the Interior and the Secretary of Commerce, in carrying out the mandates of the applicable provisions of this subtitle, shall take no action that—

(A) diminishes, impairs, or otherwise affects in any manner any area of origin, watershed of origin, county of origin, or any other water rights protection, including rights to water appropriated before December 19, 1914, provided under State law;

(B) limits, expands or otherwise affects the application of section 10505, 10505.5, 11128, 11460, 11461, 11462, 11463 or 12200 through 12220 of the California Water Code or any other provision of State water rights law, without respect to whether such a provision is specifically referred to in this section; or

(C) diminishes, impairs, or otherwise affects in any manner any water rights or water rights priorities under applicable law.

(2) EFFECT OF ACT.—

(A) Nothing in the applicable provisions of this subtitle affects or modifies any obligation of the Secretary of the Interior under section 8 of the Act of June 17, 1902 (32 Stat. 390, chapter 1093).

(B) Nothing in the applicable provisions of this subtitle diminishes, impairs, or otherwise affects in any manner any Project purposes or priorities for the allocation, delivery or use of water under applicable law, including the Project purposes and priorities established under section 3402 and section 3406 of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4706).

(d) NO REDIRECTED ADVERSE IMPACTS.—

(1) IN GENERAL.—The Secretary of the Interior and Secretary of Commerce shall not carry out any specific action authorized under the applicable provisions of this subtitle that would directly or through State agency action indirectly result in the involuntary reduction of water supply to an individual, district, or agency that has in effect a contract for water with the State Water Project or the Central Valley Project, including Settlement and Exchange contracts, refuge contracts, and Friant Division contracts, as compared to the water supply that would be provided in the absence of action under this subtitle, and nothing in this section is intended to modify, amend or affect any of the rights and obligations of the parties to such contracts.

(2) ACTION ON DETERMINATION.—If, after exploring all options, the Secretary of the Interior or the Secretary of Commerce makes a final determination that a proposed action under the applicable provisions of this subtitle cannot be carried out in accordance with paragraph (1), that Secretary—

(A) shall document that determination in writing for that action, including a statement of the facts relied on, and an explanation of the basis, for the decision; and

(B) is subject to applicable law, including the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(e) ALLOCATIONS FOR SACRAMENTO VALLEY WATER SERVICE CONTRACTORS.—

(1) DEFINITIONS.—In this subsection:

(A) EXISTING CENTRAL VALLEY PROJECT AGRICULTURAL WATER SERVICE CONTRACTOR WITHIN THE SACRAMENTO RIVER WATERSHED.—The term ''existing Central Valley Project agricultural water service contractor within the Sacramento River Watershed'' means any water service contractor within the Shasta, Trinity, or Sacramento River division of the Central Valley Project that has in effect a water service contract on the date of enactment of this subtitle that provides water for irrigation.

(B) YEAR TERMS.—The terms ''Above Normal'', ''Below Normal'', ''Dry'', and ''Wet'', with respect to a year, have the meanings given those terms in the Sacramento Valley Water Year Type (40–30–30) Index.

(2) ALLOCATIONS OF WATER.—

(A) ALLOCATIONS.—Subject to paragraph (3), the Secretary of the Interior shall make every reasonable effort in the operation of the Central Valley Project to allocate water provided for irrigation purposes to each existing Central Valley Project agricultural water service contractor within the Sacramento River Watershed in accordance with the following:

(i) Not less than 100 percent of the contract quantity of the existing Central Valley Project agricultural water service contractor within the Sacramento River Watershed in a ''Wet'' year.

(ii) Not less than 100 percent of the contract quantity of the existing Central Valley Project agricultural water service Contractor within the Sacramento River Watershed in an ''Above Normal'' year.

(iii) Not less than 100 percent of the contract quantity of the existing Central Valley Project agricultural water service contractor within the Sacramento River Watershed in a ''Below Normal'' year that is preceded by an ''Above Normal'' or ''Wet'' year.

(iv) Not less than 50 percent of the contract quantity of the existing Central Valley Project agricultural water service contractor within the Sacramento River Watershed in a ''Dry'' year that is preceded by a ''Below Normal'', ''Above Normal'', or ''Wet'' year.

(v) In any other year not identified in any of clauses (i) through (iv), not less than twice the allocation percentage to south-of-Delta Central Valley Project agricultural water service contractors, up to 100 percent.

(B) EFFECT OF CLAUSE.—In the event of anomalous circumstances, nothing in clause (A)(v) precludes an allocation to an existing Central Valley Project agricultural water service contractor within the Sacramento River Watershed that is greater than twice the allocation percentage to a south-of-Delta Central Valley Project agricultural water service contractor.

(3) PROTECTION OF ENVIRONMENT, MUNICIPAL AND INDUSTRIAL SUPPLIES, AND OTHER CONTRACTORS.—

(A) ENVIRONMENT.—Nothing in paragraph (2) shall adversely affect any protections for the environment, including—

(i) the obligation of the Secretary of the Interior to make water available to managed wetlands pursuant to section 3406(d) of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4722); or

(ii) any obligation—

(I) of the Secretary of the Interior and the Secretary of Commerce under the smelt biological opinion, the salmonid biological opinion, or any other applicable biological opinion; including the Shasta Dam cold water pool requirements as set forth in the salmonid biological opinion or any other applicable State or Federal law (including regulations); or

(II) under the Endangered Species Act of 1973 (16 U.S.C. et seq.), the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4706), or any other applicable State or Federal law (including regulations).

(B) MUNICIPAL AND INDUSTRIAL SUPPLIES.—Nothing in paragraph (2) shall—

(i) modify any provision of a water service contract that addresses municipal or industrial water shortage policies of the Secretary of the Interior and the Secretary of Commerce;

(ii) affect or limit the authority of the Secretary of the Interior and the Secretary of Commerce to adopt or modify municipal and industrial water shortage policies;

(iii) affect or limit the authority of the Secretary of the Interior and the Secretary of Commerce to implement a municipal or industrial water shortage policy;

(iv) constrain, govern, or affect, directly or indirectly, the operations of the American River division of the Central Valley Project or any deliveries from that division or a unit or facility of that division; or

(v) affects any allocation to a Central Valley Project municipal or industrial water service contractor by increasing or decreasing allocations to the contractor, as compared to the allocation the contractor would have received absent paragraph (2).

(C) OTHER CONTRACTORS.—Nothing in paragraph (2) shall—

(i) affect the priority of any individual or entity with a Sacramento River settlement contract over water service or repayment contractors;

(ii) affect the obligation of the United States to make a substitute supply of water available to the San Joaquin River exchange contractors;

(iii) affect the allocation of water to Friant division contractors of the Central Valley Project;

(iv) result in the involuntary reduction in contract water allocations to individuals or entities with contracts to receive water from the Friant division;

(v) result in the involuntary reduction in water allocations to refuge contractors; or

(vi) authorize any actions inconsistent with State water rights law.

SEC. 4006. NEW MELONES RESERVOIR.

The Commissioner is directed to work with local water and irrigation districts in the Stanislaus River Basin to ascertain the water storage made available by the Draft Plan of Operations in New Melones Reservoir (DRPO) for water conservation programs, conjunctive use projects, water transfers, rescheduled project water and other projects to maximize water storage and ensure the beneficial use of the water resources in the Stanislaus River Basin. All such programs and projects shall be implemented according to all applicable laws and regulations. The source of water for any such storage program at New Melones Reservoir shall be made available under a valid water right, consistent with the State water transfer guidelines and any other applicable State water law. The Commissioner shall inform the Congress within 18 months setting forth the amount of storage made available by the DRPO that has been put to use under this program, including proposals received by the Commissioner from interested parties for the purpose of this section.

SEC. 4007. STORAGE.

(a) DEFINITIONS.—In this subtitle:

(1) FEDERALLY OWNED STORAGE PROJECT.—The term ''federally owned storage project'' means any project involving a surface water storage facility in a Reclamation State—

(A) to which the United States holds title; and

(B) that was authorized to be constructed, operated, and maintained pursuant to the reclamation laws.

(2) STATE-LED STORAGE PROJECT.—The term ''State-led storage project'' means any project in a Reclamation State that—

(A) involves a groundwater or surface water storage facility constructed, operated, and maintained by any State, department of a State, subdivision of a State, or public agency organized pursuant to State law; and

(B) provides a benefit in meeting any obligation under Federal law (including regulations).

(b) FEDERALLY OWNED STORAGE PROJECTS.—

(1) AGREEMENTS.—On the request of any State, any department, agency, or subdivision of a State, or any public agency organized pursuant to State law, the Secretary of the Interior may negotiate and enter into an agreement on behalf of the United States for the design, study, and construction or expansion of any federally owned storage project in accordance with this section.

(2) FEDERAL COST SHARE.—Subject to the requirements of this subsection, the Secretary of the Interior may participate in a federally owned storage project in an amount equal to not more than 50 percent of the total cost of the federally owned storage project.

(3) COMMENCEMENT.—The construction of a federally owned storage project that is the subject of an agreement under this subsection shall not commence until the Secretary of the Interior—

(A) determines that the proposed federally owned storage project is feasible in accordance with the reclamation laws;

(B) secures an agreement providing upfront funding as is necessary to pay the non-Federal share of the capital costs; and

(C) determines that, in return for the Federal cost-share investment in the federally owned storage project, at least a proportionate share of the project benefits are Federal benefits, including water supplies dedicated to specific purposes such as environmental enhancement and wildlife refuges.

(4) ENVIRONMENTAL LAWS.—In participating in a federally owned storage project under this subsection, the Secretary of the Interior shall comply with all applicable environmental laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(c) STATE-LED STORAGE PROJECTS.—

(1) IN GENERAL.—Subject to the requirements of this subsection, the Secretary of the Interior may participate in a State-led storage project in an amount equal to not more than 25 percent of the total cost of the State-led storage project.

(2) REQUEST BY GOVERNOR.—Participation by the Secretary of the Interior in a State-led storage project under this subsection shall not occur unless—

(A) the participation has been requested by the Governor of the State in which the State-led storage project is located;

(B) the State or local sponsor determines, and the Secretary of the Interior concurs, that—

(i) the State-led storage project is technically and financially feasible and provides a Federal benefit in accordance with the reclamation laws;

(ii) sufficient non-Federal funding is available to complete the State-led storage project; and

(iii) the State-led storage project sponsors are financially solvent;

(C) the Secretary of the Interior determines that, in return for the Federal cost-share investment in the State-led storage project, at least a proportional share of the project benefits are the Federal benefits, including water supplies dedicated to specific purposes such as environmental enhancement and wildlife refuges; and

(D) the Secretary of the Interior submits to Congress a written notification of these determinations within 30 days of making such determinations.

(3) ENVIRONMENTAL LAWS.—When participating in a State-led storage project under this subsection, the Secretary shall comply with all applicable environmental laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(4) INFORMATION.—When participating in a State-led storage project under this subsection, the Secretary of the Interior—

(A) may rely on reports prepared by the sponsor of the State-led storage project, including feasibility (or equivalent) studies, environmental analyses, and other pertinent reports and analyses; but

(B) shall retain responsibility for making the independent determinations described in paragraph (2).

(d) AUTHORITY TO PROVIDE ASSISTANCE.—The Secretary of the Interior may provide financial assistance under this subtitle to carry out projects within any Reclamation State.

(e) RIGHTS TO USE CAPACITY.—Subject to compliance with State water rights laws, the right to use the capacity of a federally owned storage project or State-led storage project for which the Secretary of the Interior has entered into an agreement under this subsection shall be allocated in such manner as may be mutually agreed to by the Secretary of the Interior and each other party to the agreement.

(f) COMPLIANCE WITH CALIFORNIA WATER BOND.—

(1) IN GENERAL.—The provision of Federal funding for construction of a State-led storage project in the State of California shall be subject to the condition that the California Water Commission shall determine that the State-led storage project is consistent with the California Water Quality, Supply, and Infrastructure Improvement Act, approved by California voters on November 4, 2014.

(2) APPLICABILITY.—This subsection expires on the date on which State bond funds available under the Act referred to in paragraph (1) are expended.

(g) PARTNERSHIP AND AGREEMENTS.—The Secretary of the Interior, acting through the Commissioner, may partner or enter into an agreement regarding the water storage projects identified in section 103(d)(1) of the Water Supply, Reliability, and Environmental Improvement Act (Public Law 108–361; 118 Stat. 1688) 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.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) $335,000,000 of funding in section 4011(e) is authorized to remain available until expended.

(2) Projects can only receive funding if enacted appropriations legislation designates funding to them by name, after the Secretary recommends specific projects for funding pursuant to this section and transmits such recommendations to the appropriate committees of Congress.

(i) SUNSET.—This section shall apply only to federally owned storage projects and State-led storage projects that the Secretary of the Interior determines to be feasible before January 1, 2021.

(j) CONSISTENCY WITH STATE LAW.—Nothing in this section preempts or modifies any obligation of the United States to act in conformance with applicable State law.

(k) CALFED AUTHORIZATION.—Title I of Public Law 108–361 (the Calfed Bay-Delta Authorization Act) (118 Stat. 1681; 123 Stat. 2860; 128 Stat. 164; 128 Stat. 2312) (as amended by section 207 of Public Law 114–113) is amended by striking ''2017'' each place it appears and inserting ''2019''.

SEC. 4008. LOSSES CAUSED BY THE CONSTRUCTION AND OPERATION OF STORAGE PROJECTS.

(a) MARINAS, RECREATIONAL FACILITIES, OTHER BUSINESSES.—If in constructing any new or modified water storage project included in section 103(d)(1)(A) of Public Law 108–361 (118 Stat. 1684), the Bureau of Reclamation destroys or otherwise adversely affects any existing marina, recreational facility, or other water-dependent business when constructing or operating a new or modified water storage project, the Secretaries of the Interior and Agriculture, acting through the Bureau and the Forest Service shall—

(1) provide compensation otherwise required by law; and

(2) provide the owner of the affected marina, recreational facility, or other water-dependent business under mutually agreeable terms and conditions with the right of first refusal to construct and operate a replacement marina, recreational facility, or other water-dependent business, as the case may be, on United States land associated with the new or modified water storage project.

(b) HYDROELECTRIC PROJECTS.—If in constructing any new or modified water storage project included in section 103(d)(1)(A) of Public Law 108-361 (118 Stat. 1684), the Bureau of Reclamation reduces or eliminates the capacity or generation of any existing non-Federal hydroelectric project by inundation or otherwise, the Secretary of the Interior shall, subject to the requirements and limitations of this section—

(1) provide compensation otherwise required by law;

(2) provide the owner of the affected hydroelectric project under mutually agreeable terms and conditions with a right of first refusal to construct, operate, and maintain replacement hydroelectric generating facilities at such new or modified water storage project on Federal land associated with the new or modified water storage project or on private land owned by the affected hydroelectric project owner;

(3) provide compensation for the construction of any water conveyance facilities as are necessary to convey water to any new powerhouse constructed by such owner in association with such new hydroelectric generating facilities;

(4) provide for paragraphs (1), (2), and (3) at a cost not to exceed the estimated value of the actual impacts to any existing non-Federal hydroelectric project, including impacts to its capacity and energy value, and as estimated for the associated feasibility study, including additional planning, environmental, design, construction, and operations and maintenance costs for existing and replacement facilities; and

(5) ensure that action taken under paragraphs (1), (2), (3), and (4) shall not directly or indirectly increase the costs to recipients of power marketed by the Western Area Power Administration, nor decrease the value of such power.

(c) EXISTING LICENSEE.—The owner of any project affected under subsection (b)(2) shall be deemed the existing licensee, in accordance with section 15(a) of the Act of June 10, 1920 (16 U.S.C. 808(a)), for any replacement project to be constructed within the proximate geographic area of the affected project.

(d) COST ALLOCATION.—

(1) COMPENSATION.—Any compensation under this section shall be a project cost allocated solely to the direct beneficiaries of the new or modified water project constructed under this section.

(2) REPLACEMENT COSTS.—The costs of the replacement project, and any compensation, shall be—

(A) treated as a stand-alone project and shall not be financially integrated in any other project; and

(B) allocated in accordance with mutually agreeable terms between the Secretary and project beneficiaries.

(e) APPLICABILITY.—This section shall only apply to federally owned water storage projects whether authorized under section 4007 or some other authority.

(f) LIMITATION.—Nothing in this section affects the ability of landowners or Indian tribes to seek compensation or any other remedy otherwise provided by law.

(g) SAVINGS CLAUSE.—No action taken under this section shall directly or indirectly increase the costs to recipients of power marketed by the Western Area Power Administration, nor decrease the value of such power.

SEC. 4009. OTHER WATER SUPPLY PROJECTS.

(a) WATER DESALINATION ACT AMENDMENTS.—Section 4 of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104–298) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following:

''(1) PROJECTS.—

''(A) IN GENERAL.—Subject to the requirements of this subsection, the Secretary of the Interior may participate in an eligible desalination project in an amount equal to not more than 25 percent of the total cost of the eligible desalination project.

''(B) ELIGIBLE DESALINATION PROJECT.—The term 'eligible desalination project' means any project in a Reclamation State, that—

''(i) involves an ocean or brackish water desalination facility either constructed, operated and maintained; or sponsored by any State, department of a State, subdivision of a State or public agency organized pursuant to a State law; and

''(ii) provides a Federal benefit in accordance with the reclamation laws (including regulations).

''(C) STATE ROLE.—Participation by the Secretary of the Interior in an eligible desalination project under this subsection shall not occur unless—

''(i) the project is included in a state-approved plan or federal participation has been requested by the Governor of the State in which the eligible desalination project is located; and

''(ii) the State or local sponsor determines, and the Secretary of the Interior concurs, that—

''(I) the eligible desalination project is technically and financially feasible and provides a Federal benefit in accordance with the reclamation laws;

''(II) sufficient non-Federal funding is available to complete the eligible desalination project; and

''(III) the eligible desalination project sponsors are financially solvent; and

''(iii) the Secretary of the Interior submits to Congress a written notification of these determinations within 30 days of making such determinations.

''(D) ENVIRONMENTAL LAWS.—When participating in an eligible desalination project under this subsection, the Secretary shall comply with all applicable environmental laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(E) INFORMATION.—When participating in an eligible desalination project under this subsection, the Secretary of the Interior—

''(i) may rely on reports prepared by the sponsor of the eligible desalination project, including feasibility (or equivalent) studies, environmental analyses, and other pertinent reports and analyses; but

''(ii) shall retain responsibility for making the independent determinations described in subparagraph (C).

''(F) AUTHORIZATION OF APPROPRIATIONS.—

''(i) $30,000,000 of funding is authorized to remain available until expended; and

''(ii) Projects can only receive funding if enacted appropriations legislation designates funding to them by name, after the Secretary recommends specific projects for funding pursuant to this subsection and transmits such recommendations to the appropriate committees of Congress.''.

(c) AUTHORIZATION OF NEW WATER RECYCLING AND REUSE PROJECTS.—Section 1602 of the Reclamation Wastewater and Groundwater Study and Facilities Act (title XVI of Public Law 102–575; 43 U.S.C. 390h et. seq.) is amended by adding at the end the following new subsections:

''(e) AUTHORIZATION OF NEW WATER RECYCLING AND REUSE PROJECTS.—

''(1) SUBMISSION TO THE SECRETARY.—

''(A) IN GENERAL.—Non-Federal interests may submit proposals for projects eligible to be authorized pursuant to this section in the form of completed feasibility studies to the Secretary.

''(B) ELIGIBLE PROJECTS.—A project shall be considered eligible for consideration under this section if the project reclaims and reuses—

''(i) municipal, industrial, domestic, or agricultural wastewater; or

''(ii) impaired ground or surface waters.

''(C) GUIDELINES.—Within 60 days of the enactment of this Act the Secretary shall issue guidelines for feasibility studies for water recycling and reuse projects to provide sufficient information for the formulation of the studies.

''(2) REVIEW BY THE SECRETARY.—The Secretary shall review each feasibility study received under paragraph (1)(A) for the purpose of—

''(A) determining whether the study, and the process under which the study was developed, each comply with Federal laws and regulations applicable to feasibility studies of water recycling and reuse projects; and

''(B) the project is technically and financially feasible and provides a Federal benefit in accordance with the reclamation laws.

''(3) SUBMISSION TO CONGRESS.—Not later than 180 days after the date of receipt of a feasibility study received under paragraph (1)(A), the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes—

''(A) the results of the Secretary's review of the study under paragraph (2), including a determination of whether the project is feasible;

''(B) any recommendations the Secretary may have concerning the plan or design of the project; and

''(C) any conditions the Secretary may require for construction of the project.

''(4) ELIGIBILITY FOR FUNDING.—The non-Federal project sponsor of any project determined by the Secretary to be feasible under paragraph (3)(A) shall be eligible to apply to the Secretary for funding for the Federal share of the costs of planning, designing and constructing the project pursuant to subsection (f).

''(f) COMPETITIVE GRANT PROGRAM FOR THE FUNDING OF WATER RECYCLING AND REUSE PROJECTS.—

''(1) ESTABLISHMENT.—The Secretary shall establish a competitive grant program under which the non-Federal project sponsor of any project determined by the Secretary to be feasible under subsection (e)(3)(A) shall be eligible to apply for funding for the planning, design, and construction of the project, subject to subsection (g)(2).

''(2) PRIORITY.—When funding projects under paragraph (1), the Secretary shall give funding priority to projects that meet one or more of the criteria listed in paragraph (3) and are located in an area that—

''(A) has been identified by the United States Drought Monitor as experiencing severe, extreme, or exceptional drought at any time in the 4-year period before such funds are made available; or

''(B) was designated as a disaster area by a State during the 4-year period before such funds are made available.

''(3) CRITERIA.—The project criteria referred to in paragraph (2) are the following:

''(A) Projects that are likely to provide a more reliable water supply for States and local governments.

''(B) Projects that are likely to increase the water management flexibility and reduce impacts on environmental resources from projects operated by Federal and State agencies.

''(C) Projects that are regional in nature.

''(D) Projects with multiple stakeholders.

''(E) Projects that provide multiple benefits, including water supply reliability, eco-system benefits, groundwater management and enhancements, and water quality improvements.

''(g) AUTHORIZATION OF APPROPRIATIONS.—

''(1) There is authorized to be appropriated to the Secretary of the Interior an additional $50,000,000 to remain available until expended.

''(2) Projects can only receive funding if enacted appropriations legislation designates funding to them by name, after the Secretary recommends specific projects for funding pursuant to subsection (f) and transmits such recommendations to the appropriate committees of Congress.''.

(d) FUNDING.—Section 9504 of the Omnibus Public Land Management Act of 2009 (42 U.S.C. 10364) is amended in subsection (e) by striking ''$350,000,000'' and inserting ''$450,000,000'' on the condition that of that amount, $50,000,000 of it is used to carry out section 206 of the Energy and Water Development and Related Agencies Appropriation Act, 2015 (43 U.S.C. 620 note; Public Law 113–235).

SEC. 4010. ACTIONS TO BENEFIT THREATENED AND ENDANGERED SPECIES AND OTHER WILDLIFE.

(a) INCREASED REAL-TIME MONITORING AND UPDATED SCIENCE.—

(1) SMELT BIOLOGICAL OPINION.—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.

(2) INCREASED MONITORING TO INFORM REAL-TIME OPERATIONS.—

(A) IN GENERAL.—The Secretary of the Interior shall conduct additional surveys, on an annual basis at the appropriate time of year based on environmental conditions, in collaboration with interested stakeholders regarding the science of the Delta in general, and to enhance real time decisionmaking in particular, working

in close coordination with relevant State authorities.

(B) REQUIREMENTS.—In carrying out this subsection, the Secretary of the Interior shall use—

(i) the most appropriate and accurate survey methods available for the detection of Delta smelt to determine the extent to which adult Delta smelt are distributed in relation to certain levels of turbidity or other environmental factors that may influence salvage rate;

(ii) results from appropriate surveys for the detection of Delta smelt to determine how the Central Valley Project and State Water Project may be operated more efficiently to maximize fish and water supply benefits; and

(iii) science-based recommendations developed by any of the persons or entities described in paragraph (4)(B) to inform the agencies' real-time decisions.

(C) WINTER MONITORING.—During the period between December 1 and March 31, 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 (NTUs) to values above 12 NTUs, the Secretary of the Interior shall—

(i) conduct daily monitoring using appropriate survey methods at locations including the vicinity of Station 902 to determine the extent to which adult Delta smelt are moving with turbidity toward the export pumps; and

(ii) use results from the monitoring under subparagraph (A) to determine how increased trawling can inform daily real-time Central Valley Project and State Water Project operations to maximize fish and water supply benefits.

(3) PERIODIC REVIEW OF MONITORING.—Not later than 1 year after the date of enactment of this subtitle, the Secretary of the Interior shall—

(A) evaluate whether the monitoring program under paragraph (2), combined with other monitoring programs for the Delta, is providing sufficient data to inform Central Valley Project and State Water Project operations to maximize the water supply for fish and water supply benefits; and

(B) determine whether the monitoring efforts should be changed in the short or long term to provide more useful data.

(4) DELTA SMELT DISTRIBUTION STUDY.—

(A) IN GENERAL.—Not later than March 15, 2021, the Secretary of the Interior shall—

(i) complete studies, to be initiated by not later than 90 days after the date of enactment of this subtitle, designed—

(I) to understand the location and determine the abundance and distribution of Delta smelt throughout the range of the Delta smelt; and

(II) to determine potential methods to minimize the effects of Central Valley Project and State Water Project operations on the Delta smelt;

(ii) based on the best available science, if appropriate and practicable, implement new targeted sampling and monitoring of Delta smelt in order to maximize fish and water supply benefits prior to completion of the study under clause (i);

(iii) to the maximum extent practicable, use new technologies to allow for better tracking of Delta smelt, such as acoustic tagging, optical recognition during trawls, and fish detection using residual deoxyribonucleic acid (DNA); and

(iv) if new sampling and monitoring is not implemented under clause (ii), provide a detailed explanation of the determination of the Secretary of the Interior that no change is warranted.

(B) CONSULTATION.—In determining the scope of the studies under this subsection, the Secretary of the Interior shall consult with—

(i) Central Valley Project and State Water Project water contractors and public water agencies;

(ii) other public water agencies;

(iii) the California Department of Fish and Wildlife and the California Department of Water Resources; and

(iv) nongovernmental organizations.

(b) ACTIONS TO BENEFIT ENDANGERED FISH POPULATIONS.—

(1) FINDINGS.—Congress finds that—

(A) minimizing or eliminating stressors to fish populations and their habitat in an efficient and structured manner is a key aspect of a fish recovery strategy;

(B) functioning, diverse, and interconnected habitats are necessary for a species to be viable; and

(C) providing for increased fish habitat may not only allow for a more robust fish recovery, but also reduce impacts to water supplies.

(2) ACTIONS FOR BENEFIT OF ENDANGERED SPECIES.—There is authorized to be appropriated the following amounts:

(A) $15,000,000 for the Secretary of Commerce, through the Administrator of the National Oceanic and Atmospheric Administration, to carry out the following activities in accordance with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.):

(i) Gravel and rearing area additions and habitat restoration to the Sacramento River to benefit Chinook salmon and steelhead trout.

(ii) Scientifically improved and increased real-time monitoring to inform real-time operations of Shasta and related Central Valley Project facilities, and alternative methods, models, and equipment to improve temperature modeling and related forecasted information for purposes of predicting impacts to salmon and salmon habitat as a result of water management at Shasta.

(iii) Methods to improve the Delta salvage systems, including alternative methods to redeposit salvaged salmon smolts and other fish from the Delta in a manner that reduces predation losses.

(B) $3,000,000 for the Secretary of the Interior to conduct the Delta smelt distribution study referenced in subsection (a)(4).

(3) COMMENCEMENT.—If the Administrator of the National Oceanic and Atmospheric Administration determines that a proposed activity is feasible and beneficial for protecting and recovering a fish population, the Administrator shall commence implementation of the activity by not later than 1 year after the date of enactment of this subtitle.

(4) CONSULTATION.—The Administrator shall take such steps as are necessary to partner with, and coordinate the efforts of, the Department of the Interior, the Department of Commerce, and other relevant Federal departments and agencies to ensure that all Federal reviews, analyses, opinions, statements, permits, licenses, and other approvals or decisions required under Federal law are completed on an expeditious basis, consistent with Federal law.

(5) CONSERVATION FISH HATCHERIES.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this subtitle, the Secretaries of the Interior and Commerce, in coordination with the Director of the California Department of Fish and Wildlife, shall develop and implement as necessary the expanded use of conservation hatchery programs to enhance, supplement, and rebuild Delta smelt and Endangered Species Act-listed fish species under the smelt and salmonid biological opinions.

(B) REQUIREMENTS.—The conservation hatchery programs established under paragraph (1) and the associated hatchery and genetic management plans shall be designed—

(i) to benefit, enhance, support, and otherwise recover naturally spawning fish species to the point where the measures provided under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) are no longer necessary; and

(ii) to minimize adverse effects to Central Valley Project and State Water Project operations.

(C) PRIORITY; COOPERATIVE AGREEMENTS.—In implementing this section, the Secretaries of the Interior and Commerce—

(i) shall give priority to existing and prospective hatchery programs and facilities within the Delta and the riverine tributaries thereto; and

(ii) may enter into cooperative agreements for the operation of conservation hatchery programs with States, Indian tribes, and other nongovernmental entities for the benefit, enhancement, and support of naturally spawning fish species.

(6) ACQUISITION OF LAND, WATER, OR INTERESTS FROM WILLING SELLERS FOR ENVIRONMENTAL PURPOSES IN CALIFORNIA.—

(A) IN GENERAL.—The Secretary of the Interior is authorized to acquire by purchase, lease, donation, or otherwise, land, water, or interests in land or water from willing sellers in California—

(i) to benefit listed or candidate species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or the California Endangered Species Act (California Fish and Game Code sections 2050 through 2116);

(ii) to meet requirements of, or otherwise provide water quality benefits under, the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) or the Porter Cologne Water Quality Control Act (division 7 of the California Water Code); or

(iii) for protection and enhancement of the environment, as determined by the Secretary of the Interior.

(B) STATE PARTICIPATION.—In implementing this section, the Secretary of the Interior is authorized to participate with the State of California or otherwise hold such interests identified in subparagraph (A) in joint ownership with the State of California based on a cost share deemed appropriate by the Secretary.

(C) TREATMENT.—Any expenditures under this subsection shall be nonreimbursable and nonreturnable to the United States.

(7) REAUTHORIZATION OF THE FISHERIES RESTORATION AND IRRIGATION MITIGATION ACT OF 2000.—

(A) Section 10(a) of the Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106–502) is amended by striking ''$25 million for each of fiscal years 2009 through 2015'' and inserting ''$15 million through 2021''; and

(B) Section 2 of the Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106–502) is amended by striking ''Montana, and Idaho'' and inserting ''Montana, Idaho, and California''.

(c) ACTIONS TO BENEFIT REFUGES.—

(1) IN GENERAL.—In addition to funding under section 3407 of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4726), there is authorized to be appropriated to the Secretary of the Interior $2,000,000 for each of fiscal years 2017 through 2021 for the acceleration and completion of water infrastructure and conveyance facilities necessary to achieve full water deliveries to Central Valley wildlife refuges and habitat areas pursuant to section 3406(d) of that Act (Public Law 102–575; 106 Stat. 4722).

(2) COST SHARING.—

(A) FEDERAL SHARE.—The Federal share of the cost of carrying out an activity described in this section shall be not more than 50 percent.

(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of carrying out an activity described in this section—

(i) shall be not less than 50 percent; and

(ii) may be provided in cash or in kind.

(d) NON-FEDERAL PROGRAM TO PROTECT NATIVE ANADROMOUS FISH IN STANISLAUS RIVER.—

(1) DEFINITION OF DISTRICT.—In this section, the term ''district'' means—

(A) the Oakdale Irrigation District of the State of California; and

(B) the South San Joaquin Irrigation District of the State of California.

(2) ESTABLISHMENT.—The Secretary of Commerce, acting through the Assistant Administrator of the National Marine Fisheries Service, and the districts shall jointly establish and conduct a nonnative predator research and pilot fish removal program to study the effects of removing from the Stanislaus River—

(A) nonnative striped bass, smallmouth bass, largemouth bass, black bass; and

(B) other nonnative predator fish species.

(3) REQUIREMENTS.—The program under this section shall—

(A) be scientifically based, with research questions determined jointly by—

(i) National Marine Fisheries Service scientists; and

(ii) technical experts of the districts;

(B) include methods to quantify by, among other things, evaluating the number of juvenile anadromous fish that migrate past the rotary screw trap located at Caswell—

(i) the number and size of predator fish removed each year; and

(ii) the impact of the removal on—

(I) the overall abundance of predator fish in the Stanislaus River; and

(II) the populations of juvenile anadromous fish in the Stanislaus River;

(C) among other methods, consider using wire fyke trapping, portable resistance board weirs, and boat electrofishing; and

(D) be implemented as quickly as practicable after the date of issuance of all necessary scientific research permits.

(4) MANAGEMENT.—The management of the program shall be the joint responsibility of the Assistant Administrator and the districts, which shall—

(A) work collaboratively to ensure the performance of the program; and

(B) discuss and agree on, among other things—

(i) qualified scientists to lead the program;

(ii) research questions;

(iii) experimental design;

(iv) changes in the structure, management, personnel, techniques, strategy, data collection and access, reporting, and conduct of the program; and

(v) the need for independent peer review.

(5) CONDUCT.—

(A) IN GENERAL.—For each applicable calendar year, the districts, on agreement of the Assistant Administrator, may elect to conduct the program under this section using—

(i) the personnel of the Assistant Administrator or districts;

(ii) qualified private contractors hired by the districts;

(iii) personnel of, on loan to, or otherwise assigned to the National Marine Fisheries Service; or

(iv) a combination of the individuals described in clauses (i) through (iii).

(B) PARTICIPATION BY NATIONAL MARINE FISHERIES SERVICE.—

(i) IN GENERAL.—If the districts elect to conduct the program using district personnel or qualified private contractors hired under clause (i) or (ii) of subparagraph (A), the Assistant Administrator 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 to ensure compliance with paragraph (4).

(ii) COSTS.—The districts shall pay the cost of participation by the employee under clause (i), in accordance with paragraph (6).

(C) TIMING OF ELECTION.—The districts shall notify the Assistant Administrator of an election under subparagraph (A) by not later than October 15 of the calendar year preceding the calendar year for which the election applies.

(6) FUNDING.—

(A) IN GENERAL.—The districts shall be responsible for 100 percent of the cost of the program.

(B) CONTRIBUTED FUNDS.—The Secretary of Commerce may accept and use contributions of funds from the districts to carry out activities under the program.

(C) ESTIMATION OF COST.—

(i) IN GENERAL.—Not later than December 1 of each year of the program, the Secretary of Commerce shall submit to the districts an estimate of the cost to be incurred by the National Marine Fisheries Service for the program during the following calendar year, if any, including the cost of any data collection and posting under paragraph (7).

(ii) FAILURE TO FUND.—If an amount equal to the estimate of the Secretary of Commerce is not provided through contributions pursuant to subparagraph (B) before December 31 of that calendar year—

(I) the Secretary shall have no obligation to conduct the program activities otherwise scheduled for the following calendar year until the amount is contributed by the districts; and

(II) the districts may not conduct any aspect of the program until the amount is contributed by the districts.

(D) ACCOUNTING.—

(i) IN GENERAL.—Not later than September 1 of each year, the Secretary of Commerce shall provide to the districts an accounting of the costs incurred by the Secretary for the program during the preceding calendar year.

(ii) EXCESS AMOUNTS.—If the amount contributed by the districts pursuant to subparagraph (B) for a calendar year was greater than the costs incurred by the Secretary of Commerce during that year, the Secretary shall—

(I) apply the excess amounts to the cost of activities to be performed by the Secretary under the program, if any, during the following calendar year; or

(II) if no such activities are to be performed, repay the excess amounts to the districts.

(7) PUBLICATION AND EVALUATION OF DATA.—

(A) IN GENERAL.—All data generated through the program, including by any private consultants, shall be routinely provided to the Assistant Administrator.

(B) INTERNET.—Not later than the 15th day of each month of the program, the Assistant Administrator shall publish on the Internet website of the National Marine Fisheries Service a tabular summary of the raw data collected under the program during the preceding month.

(C) REPORT.—On completion of the program, the Assistant Administrator shall prepare a final report evaluating the effectiveness of the program, including recommendations for future research and removal work.

(8) CONSISTENCY WITH LAW.—

(A) IN GENERAL.—The programs in this section and subsection (e) are found to be consistent with the requirements of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4706).

(B) LIMITATION.—No provision, plan, or definition under that Act, including section 3406(b)(1) of that Act (Public Law 102–575; 106 Stat. 4714), shall be used—

(i) to prohibit the implementation of the programs in this subsection and subsection (e); or

(ii) to prevent the accomplishment of the goals of the programs.

(e) PILOT PROJECTS TO IMPLEMENT CALFED INVASIVE SPECIES PROGRAM.—

(1) IN GENERAL.—Not later than January 1, 2018, 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 establish and carry out pilot projects to implement the invasive species control program under section 103(d)(6)(A)(iv) of Public Law 108–361 (118 Stat. 1690).

(2) REQUIREMENTS.—The pilot projects under this section shall—

(A) seek to reduce invasive aquatic vegetation (such as water hyacinth), predators, and other competitors that contribute to the decline of native listed pelagic and anadromous species that occupy the Sacramento and San Joaquin Rivers and their tributaries and the Delta; and

(B) remove, reduce, or control the effects of species including Asiatic clams, silversides, gobies, Brazilian water weed, largemouth bass, smallmouth bass, striped bass, crappie, bluegill, white and channel catfish, zebra and quagga mussels, and brown bullheads.

(3) EMERGENCY ENVIRONMENTAL REVIEWS.—To expedite environmentally beneficial programs in this subtitle for the conservation of threatened and endangered species, the Secretaries of the Interior and Commerce 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 those programs.

(f) COLLABORATIVE PROCESSES.—Notwithstanding the Federal Advisory Committee Act (5 U.S.C. App.) and applicable Federal acquisitions and contracting authorities, the Secretaries of the Interior and Commerce may use the collaborative processes under the Collaborative Science Adaptive Management Program to enter into contracts with specific individuals or organizations directly or in conjunction with appropriate State agencies.

(g) THE ''SAVE OUR SALMON ACT''.—

(1) TREATMENT OF STRIPED BASS.—

(A) ANADROMOUS FISH.—Section 3403(a) of the Central Valley Project Improvement Act (title XXXIV of Public Law 102–575) is amended by striking ''striped bass,'' after ''stocks of salmon (including steelhead),''.

(B) FISH AND WILDLIFE RESTORATION ACTIVITIES.—Section 3406(b) of the Central Valley Project Improvement Act (title XXXIV of Public Law 102–575) is amended by—

(i) striking paragraphs (14) and (18);

(ii) redesignating paragraphs (15) through (17) as paragraphs (14) through (16), respectively; and

(iii) redesignating paragraphs (19) through (23) as paragraphs (17) through (21), respectively.

(2) CONFORMING CHANGES.—Section 3407(a) of the Central Valley Project Improvement Act (title XXXIV of Public Law 102–575) is amended by striking ''(10)–(18), and (20)–(22)'' and inserting ''(10)–(16), and (18)–(20)''.

SEC. 4011. OFFSETS AND WATER STORAGE ACCOUNT.

(a) PREPAYMENT OF CERTAIN REPAYMENT CONTRACTS BETWEEN THE UNITED STATES AND CONTRACTORS OF FEDERALLY DEVELOPED WATER SUPPLIES.—

(1) CONVERSION AND PREPAYMENT OF CONTRACTS.—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 subtitle 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 (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 subtitle 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 schedules, 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 conversion 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 subtitle 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 schedules, 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 the 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 conversion 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, with the exception of Restoration Fund charges pursuant to section 3407(d) of Public Law 102–575.

(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) has 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 subtitle, 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.);

(3) the priority of a water service or repayment contractor to receive water; or

(4) except as expressly provided in this section, any obligations under the reclamation law, including the continuation of Restoration Fund charges pursuant to section 3407(d) (Public Law 102–575), of the water service and repayment contractors making prepayments pursuant to this section.

(e) WATER STORAGE ENHANCEMENT PROGRAM.—

(1) IN GENERAL.—Except as provided in subsection (d)(2), $335,000,000 out 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 Water Storage Account under paragraph (2).

(2) STORAGE ACCOUNT.—The Secretary shall allocate amounts collected under paragraph (1) into the ''Reclamation Storage Account'' to fund the construction of water storage. The Secretary may also enter into cooperative agreements with water users' associations for the construction of water storage and amounts within the Storage Account may be used to fund such construction. Water storage projects that are otherwise not federally authorized shall not be considered Federal facilities as a result of any amounts allocated from the Storage Account for part or all of such facilities.

(3) REPAYMENT.—Amounts used for water storage construction from the Account shall be fully reimbursed to the Account consistent with the requirements 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.)) 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.

(f) DEFINITIONS.—For the purposes of this subtitle, the following definitions apply:

(1) ACCOUNT.—The term ''Account'' means the Reclamation Water Storage Account established under subsection (e)(2).

(2) CONSTRUCTION.—The term ''construction'' means the designing, materials engineering and testing, surveying, and building of water storage including additions to existing water storage and construction of new water storage facilities, exclusive of any Federal statutory or regulatory obligations relating to any permit, review, approval, or other such requirement.

(3) WATER STORAGE.—The term ''water storage'' means any federally owned facility under the jurisdiction of the Bureau of Reclamation or any non-Federal facility used for the 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 end 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, conservancy districts, irrigation districts, municipalities, and water project contract units.

SEC. 4012. SAVINGS LANGUAGE.

(a) IN GENERAL.—This subtitle shall not be interpreted or implemented in a manner that—

(1) preempts or modifies any obligation of the United States to act in conformance with applicable State law, including applicable State water law;

(2) affects or modifies any obligation under the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4706), except for the savings provisions for the Stanislaus River predator management program expressly established by section 11(d) and provisions in section 11(g);

(3) overrides, modifies, or amends the applicability of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or the application of the smelt and salmonid biological opinions to the operation of the Central Valley Project or the State Water Project;

(4) would cause additional adverse effects on listed fish species beyond the range of effects anticipated to occur to the listed fish species for the duration of the applicable biological opinion, using the best scientific and commercial data available; or

(5) overrides, modifies, or amends any obligation of the Pacific Fisheries Management Council, required by the Magnuson Stevens Act or the Endangered Species Act of 1973, to manage fisheries off the coast of California, Oregon, or Washington.

(b) SUCCESSOR BIOLOGICAL OPINIONS.—

(1) IN GENERAL.—The Secretaries of the Interior and Commerce shall apply this Act to any successor biological opinions to the smelt or salmonid biological opinions only to the extent that the Secretaries determine is consistent with—

(A) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), its implementing regulations, and the successor biological opinions; and

(B) subsection (a)(4).

(2) LIMITATION.—Nothing in this Act shall restrict the Secretaries of the Interior and Commerce from completing consultation on successor biological opinions and through those successor biological opinions implementing whatever adjustments in operations or other activities as may be required by the Endangered Species Act of 1973 and its implementing regulations.

(c) SEVERABILITY.—If any provision of this subtitle, or any application of such provision to any person or circumstance, is held to be inconsistent with any law or the biological opinions, the remainder of this subtitle and the application of this subtitle to any other person or circumstance shall not be affected.

SEC. 4013. DURATION.

This subtitle shall expire on the date that is 5 years after the date of its enactment, with the exception of—

(1) section 4004, which shall expire 10 years after the date of its enactment; and

(2) projects under construction in sections 4007, 4009(a), and 4009(c).

SEC. 4014. DEFINITIONS.

In this subtitle:

(1) ASSISTANT ADMINISTRATOR.—The term ''Assistant Administrator'' means the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration.

(2) 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).

(3) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of Reclamation.

(4) DELTA.—The term ''Delta'' means the Sacramento-San Joaquin Delta and the Suisun Marsh (as defined in section 12220 of the California Water Code and section 29101 of the California Public Resources Code (as in effect on the date of enactment of this Act)).

(5) DELTA SMELT.—The term ''Delta smelt'' means the fish species with the scientific name Hypomesus transpacificus.

(6) DIRECTOR.—The term ''Director'' means the Director of the United States Fish and Wildlife Service.

(7) LISTED FISH SPECIES.—The term ''listed fish species'' means—

(A) any natural origin steelhead, natural origin genetic spring run Chinook, or genetic winter run Chinook salmon (including any hatchery steelhead or salmon population within the evolutionary significant unit or a distinct population segment); and

(B) Delta smelt.

(8) RECLAMATION STATE.—The term ''Reclamation State'' means any of the States of—

(A) Arizona;
(B) California;
(C) Colorado;
(D) Idaho;
(E) Kansas;
(F) Montana;
(G) Nebraska;
(H) Nevada;
(I) New Mexico;
(J) North Dakota;
(K) Oklahoma;
(L) Oregon;
(M) South Dakota;
(N) Texas;
(O) Utah;
(P) Washington; and
(Q) Wyoming.

(9) SALMONID BIOLOGICAL OPINION.—

(A) IN GENERAL.—The term ''salmonid biological opinion'' means the biological and conference opinion of the National Marine Fisheries Service dated June 4, 2009, regarding the long-term operation of the Central Valley Project and the State Water Project, and successor biological opinions.

(B) INCLUSIONS.—The term ''salmonid biological opinion'' includes the operative incidental take statement of the opinion described in subparagraph (A).

(10) SMELT BIOLOGICAL OPINION.—

(A) IN GENERAL.—The term ''smelt biological opinion'' means the biological opinion dated December 15, 2008, regarding the coordinated operation of the Central Valley Project and the State Water Project, and successor biological opinions.

(B) INCLUSIONS.—The term ''smelt biological opinion'' includes the operative incidental take statement of the opinion described in subparagraph (A).

(11) STATE WATER PROJECT.—The term ''State Water Project'' means the water project described in chapter 5 of part 3 of division 6 of the California Water Code (sections 11550 et seq.) (as in effect on the date of enactment of this Act) and operated by the California Department of Water Resources.

TITLE IV—OTHER MATTERS

SEC. 5001. CONGRESSIONAL NOTIFICATION REQUIREMENTS.

(a) IN GENERAL.—Subchapter I of chapter 3 of title 49, United States Code, is amended by adding at the end the following:

''§ 311. Congressional notification requirements

''(a) IN GENERAL.—Except as provided in subsection (b) or as expressly provided in another provision of law, the Secretary of Transportation shall provide to the appropriate committees of Congress notice of an announcement concerning a covered project at least 3 full business days before the announcement is made by the Department.

''(b) EMERGENCY PROGRAM.—With respect to an allocation of funds under section 125 of title 23, the Secretary shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate notice of the allocation—

''(1) at least 3 full business days before the issuance of the allocation; or

''(2) concurrently with the issuance of the allocation, if the allocation is made using the quick release process of the Department (or any successor process).

''(c) DEFINITIONS.—In this section, the following definitions apply:

''(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term 'appropriate committees of Congress' means—

''(A) the Committee on Transportation and Infrastructure of the House of Representatives; and

''(B) the Committee on Environment and Public Works, the Committee on Commerce, Science, and Transportation, and the Committee on Banking, Housing, and Urban Affairs of the Senate.

''(2) COVERED PROJECT.—The term 'covered project' means a project competitively selected by the Department to receive a discretionary grant award, letter of intent, loan commitment, loan guarantee commitment, or line of credit commitment in an amount equal to or greater than $750,000.

''(3) DEPARTMENT.—The term 'Department' means the Department of Transportation, including the modal administrations of the Department.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 3 of title 49, United States Code, is amended by inserting after the item relating to section 310 the following:

''311. Congressional notification requirements.''.

SEC. 5002. REAUTHORIZATION OF DENALI COMMISSION.

(a) ADMINISTRATION.—Section 303 of the Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105–277) is amended—

(1) in subsection (c)—

(A) in the first sentence by striking ''The Federal Cochairperson'' and inserting the following:

''(1) TERM OF FEDERAL COCHAIRPERSON.—The Federal Cochairperson'';

(B) in the second sentence by striking ''All other members'' and inserting the following:

''(3) TERM OF ALL OTHER MEMBERS.—All other members'';

(C) in the third sentence by striking ''Any vacancy'' and inserting the following:

''(4) VACANCIES.—Except as provided in paragraph (2), any vacancy''; and

(D) by inserting before paragraph (3) (as designated by subparagraph (B)) the following:

''(2) INTERIM FEDERAL COCHAIRPERSON.—In the event of a vacancy for any reason in the position of Federal Cochairperson, the Secretary may appoint an Interim Federal Cochairperson, who shall have all the authority of the Federal Cochairperson, to serve until such time as the vacancy in the position of Federal Cochairperson is filled in accordance with subsection (b)(2)).''; and

(2) by adding at the end the following:

''(f) NO FEDERAL EMPLOYEE STATUS.—No member of the Commission, other than the Federal Cochairperson, shall be considered to be a Federal employee for any purpose.

''(g) CONFLICTS OF INTEREST.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), no member of the Commission (referred to in this subsection as a 'member') shall participate personally or substantially, through recommendation, the rendering of advice, investigation, or otherwise, in any proceeding, application, request for a ruling or other determination, contract claim, controversy, or other matter in which, to the knowledge of the member, 1 or more of the following has a direct financial interest:

''(A) The member.

''(B) The spouse, minor child, or partner of the member.

''(C) An organization described in subparagraph (B), (C), (D), (E), or (F) of subsection (b)(1) for which the member is serving as an officer, director, trustee, partner, or employee.

''(D) Any individual, person, or organization with which the member is negotiating or has any arrangement concerning prospective employment.

''(2) DISCLOSURE.—Paragraph (1) shall not apply if the member—

''(A) immediately advises the designated agency ethics official for the Commission of the nature and circumstances of the matter presenting a potential conflict of interest;

''(B) makes full disclosure of the financial interest; and

''(C) before the proceeding concerning the matter presenting the conflict of interest, receives a written determination by the designated agency ethics official for the Commission that the interest is not so substantial as to be likely to affect the integrity of the services that the Commission may expect from the member. The written determination shall specify the rationale and any evidence or support for the decision, identify steps, if any, that should be taken to mitigate any conflict of interest, and be available to the public.

''(3) ANNUAL DISCLOSURES.—Once each calendar year, each member shall make full disclosure of financial interests, in a manner to be determined by the designated agency ethics official for the Commission.

''(4) TRAINING.—Once each calendar year, each member shall undergo disclosure of financial interests training, as prescribed by the designated agency ethics official for the Commission.

''(5) CLARIFICATION.—A member of the Commission may continue to participate personally or substantially, through decision, approval, or disapproval on the focus of applications to be considered but not on individual applications where a conflict of interest exists.

''(6) VIOLATION.—Any person that violates this subsection shall be fined not more than $10,000, imprisoned for not more than 2 years, or both.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Section 310 of the Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105–277) (as redesignated by section 1960(1) of SAFETEA–LU (Public Law 109–59; 119 Stat. 1516)) is amended, in subsection (a), by striking ''under section 4 under this Act'' and all that follows through ''2008'' and inserting ''under section 304, $15,000,000 for each of fiscal years 2017 through 2021.''.

(2) CLERICAL AMENDMENT.—Section 310 of the Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105–277) (as redesignated by section 1960(1) of SAFETEA–LU (Public Law 109–59; 119 Stat. 1516)) is redesignated as section 312.

SEC. 5003. RECREATIONAL ACCESS FOR FLOATING CABINS AT TVA RESERVOIRS.

The Tennessee Valley Authority Act of 1933 is amended by inserting after section 9a (16 U.S.C. 831h-1) the following:

''SEC. 9b. RECREATIONAL ACCESS.

''(a) DEFINITION OF FLOATING CABIN.—In this section, the term 'floating cabin' means a watercraft or other floating structure—

''(1) primarily designed and used for human habitation or occupation; and

''(2) not primarily designed or used for navigation or transportation on water.

''(b) RECREATIONAL ACCESS.—The Board may allow the use of a floating cabin if—

''(1) the floating cabin is maintained by the owner to reasonable health, safety, and environmental standards, as required by the Board;

''(2) the Corporation has authorized the use of recreational vessels on the waters; and

''(3) the floating cabin was located on waters under the jurisdiction of the Corporation as of the date of enactment of this section.

''(c) FEES.—The Board may levy fees on the owner of a floating cabin on waters under the jurisdiction of the Corporation for the purpose of ensuring compliance with subsection (b) if the fees are necessary and reasonable for such purpose.

''(d) CONTINUED RECREATIONAL USE.—

''(1) IN GENERAL.—With respect to a floating cabin located on waters under the jurisdiction of the Corporation on the date of enactment of this section, the Board—

''(A) may not require the removal of the floating cabin—

''(i) in the case of a floating cabin that was granted a permit by the Corporation before the date of enactment of this section, for a period of 15 years beginning on such date of enactment; and

''(ii) in the case of a floating cabin not granted a permit by the Corporation before the date of enactment of this section, for a period of 5 years beginning on such date of enactment; and

''(B) shall approve and allow the use of the floating cabin on waters under the jurisdiction of the Corporation at such time and for such duration as—

''(i) the floating cabin meets the requirements of subsection (b); and

''(ii) the owner of the floating cabin has paid any fee assessed pursuant to subsection (c).

''(2) SAVINGS PROVISIONS.—

''(A) Nothing in this subsection restricts the ability of the Corporation to enforce reasonable health, safety, or environmental standards.

''(B) This section applies only to floating cabins located on waters under the jurisdiction of the Corporation.

''(e) NEW CONSTRUCTION.—The Corporation may establish regulations to prevent the construction of new floating cabins.''.

SEC. 5004. GOLD KING MINE SPILL RECOVERY.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) CLAIMANT.—The term ''claimant'' means a State, Indian tribe, or local government that submits a claim under subsection (c).

(3) GOLD KING MINE RELEASE.—The term ''Gold King Mine release'' means the discharge on August 5, 2015, of approximately 3,000,000 gallons of contaminated water from the Gold King Mine north of Silverton, Colorado, into Cement Creek that occurred while contractors of the Environmental Protection Agency were conducting an investigation of the Gold King Mine to assess mine conditions.

(4) NATIONAL CONTINGENCY PLAN.—The term ''National Contingency Plan'' means the National Contingency Plan prepared and published under part 300 of title 40, Code of Federal Regulations (or successor regulations).

(5) RESPONSE.—The term ''response'' has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Administrator should receive and process, as expeditiously as possible, claims under chapter 171 of title 28, United States Code (commonly known as the ''Federal Tort Claims Act'') for any injury arising out of the Gold King Mine release.

(c) GOLD KING MINE RELEASE CLAIMS PURSUANT TO COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT.—

(1) IN GENERAL.—The Administrator shall, consistent with the National Contingency Plan, receive and process under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), and pay from appropriations made available to the Administrator to carry out such Act, any claim made by a State, Indian tribe, or local government for eligible response costs relating to the Gold King Mine release.

(2) ELIGIBLE RESPONSE COSTS.—

(A) IN GENERAL.—Response costs incurred between August 5, 2015, and September 9, 2016, are eligible for payment by the Administrator under this subsection, without prior approval by the Administrator, if the response costs are consistent with the National Contingency Plan.

(B) PRIOR APPROVAL REQUIRED.—Response costs incurred after September 9, 2016, are eligible for payment by the Administrator under this subsection if—

(i) the Administrator approves the response costs under section 111(a)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9611(a)(2)); and

(ii) the response costs are consistent with the National Contingency Plan.

(3) TIMING.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator shall make a decision on, and pay, any eligible response costs submitted to the Administrator before such date of enactment.

(B) SUBSEQUENTLY FILED CLAIMS.—Not later than 90 days after the date on which a claim is submitted to the Administrator, the Administrator shall make a decision on, and pay, any eligible response costs.

(C) DEADLINE.—All claims under this subsection shall be submitted to the Administrator not later than 180 days after the date of enactment of this Act.

(D) NOTIFICATION.—Not later than 30 days after the date on which the Administrator makes a decision under subparagraph (A) or (B), the Administrator shall notify the claimant of the decision.

(d) WATER QUALITY PROGRAM.—

(1) IN GENERAL.—In response to the Gold King Mine release, the Administrator, in conjunction with affected States, Indian tribes, and local governments, shall, subject to the availability of appropriations, develop and implement a program for long-term water quality monitoring of rivers contaminated by the Gold King Mine release.

(2) REQUIREMENTS.—In carrying out the program described in paragraph (1), the Administrator, in conjunction with affected States, Indian tribes, and local governments, shall—

(A) collect water quality samples and sediment data;

(B) provide the public with a means of viewing the water quality sample results and sediment data referred to in subparagraph (A) by, at a minimum, posting the information on the website of the Administrator;

(C) take any other reasonable measure necessary to assist affected States, Indian tribes, and local governments with long-term water monitoring; and

(D) carry out additional program activities related to long-term water quality monitoring that the Administrator determines to be necessary.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator $4,000,000.00 for each of fiscal years 2017 through 2021 to carry out this subsection, including the reimbursement of affected States, Indian tribes, and local governments for the costs of long-term water quality monitoring of any river contaminated by the Gold King Mine release.

(e) EXISTING STATE AND TRIBAL LAW.—Nothing in this section affects the jurisdiction or authority of any department, agency, or officer of any State government or any Indian tribe.

(f) SAVINGS CLAUSE.—Nothing in this section affects any right of any State, Indian tribe, or other person to bring a claim against the United States for response costs or natural resources damages pursuant to section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607).

SEC. 5005. GREAT LAKES RESTORATION INITIATIVE.

Section 118(c)(7) of the Federal Water Pollution Control Act (33 U.S.C. 1268(c)(7)) is amended—

(1) by striking subparagraphs (B) and (C) and inserting the following:

''(B) FOCUS AREAS.—In carrying out the Initiative, the Administrator shall prioritize programs and projects, to be carried out in coordination with non-Federal partners, that address the priority areas described in the Initiative Action Plan, including—

''(i) the remediation of toxic substances and areas of concern;

''(ii) the prevention and control of invasive species and the impacts of invasive species;

''(iii) the protection and restoration of nearshore health and the prevention and mitigation of nonpoint source pollution;

''(iv) habitat and wildlife protection and restoration, including wetlands restoration and preservation; and

''(v) accountability, monitoring, evaluation, communication, and partnership activities.

''(C) PROJECTS.—

''(i) IN GENERAL.—In carrying out the Initiative, the Administrator shall collaborate with other Federal partners, including the Great Lakes Interagency Task Force established by Executive Order No. 13340 (69 Fed. Reg. 29043), to select the best combination of programs and projects for Great Lakes protection and restoration using appropriate principles and criteria, including whether a program or project provides—

''(I) the ability to achieve strategic and measurable environmental outcomes that implement the Initiative Action Plan and the Great Lakes Water Quality Agreement;

''(II) the feasibility of—

''(aa) prompt implementation;

''(bb) timely achievement of results; and

''(cc) resource leveraging; and

''(III) the opportunity to improve interagency, intergovernmental, and interorganizational coordination and collaboration to reduce duplication and streamline efforts.

''(ii) OUTREACH.—In selecting the best combination of programs and projects for Great

Lakes protection and restoration under clause (i), the Administrator shall consult with the Great Lakes States and Indian tribes and solicit input from other non-Federal stakeholders.

''(iii) HARMFUL ALGAL BLOOM COORDINATOR.—The Administrator shall designate a point person from an appropriate Federal partner to coordinate, with Federal partners and Great Lakes States, Indian tribes, and other non-Federal stakeholders, projects and activities under the Initiative involving harmful algal blooms in the Great Lakes.'';

(2) in subparagraph (D)—

(A) by striking clause (i) and inserting the following:

''(i) IN GENERAL.—Subject to subparagraph (J)(ii), funds made available to carry out the Initiative shall be used to strategically implement—

''(I) Federal projects;

''(II) projects carried out in coordination with States, Indian tribes, municipalities, institutions of higher education, and other organizations; and

''(III) operations and activities of the Program Office, including remediation of sediment contamination in areas of concern.'';

(B) in clause (ii)(I), by striking ''(G)(i)'' and inserting ''(J)(i)''; and

(C) by inserting after clause (ii) the following:

''(iii) AGREEMENTS WITH NON-FEDERAL ENTITIES.—

''(I) IN GENERAL.—The Administrator, or the head of any other Federal department or agency receiving funds under clause (ii)(I), may make a grant to, or otherwise enter into an agreement with, a qualified non-Federal entity, as determined by the Administrator or the applicable head of the other Federal department or agency receiving funds, for planning, research, monitoring, outreach, or implementation of a project selected under subparagraph (C), to support the Initiative Action Plan or the Great Lakes Water Quality Agreement.

''(II) QUALIFIED NON-FEDERAL ENTITY.—For purposes of this clause, a qualified non-Federal entity may include a governmental entity, nonprofit organization, institution, or individual.''; and

(3) by striking subparagraphs (E) through (G) and inserting the following:

''(E) SCOPE.—

''(i) IN GENERAL.—Projects may be carried out under the Initiative on multiple levels, including—

''(I) locally;

''(II) Great Lakes-wide; or

''(III) Great Lakes basin-wide.

''(ii) LIMITATION.—No funds made available to carry out the Initiative may be used for any water infrastructure activity (other than a green infrastructure project that improves habitat and other ecosystem functions in the Great Lakes) for which financial assistance is received—

''(I) from a State water pollution control revolving fund established under title VI;

''(II) from a State drinking water revolving loan fund established under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12); or

''(III) pursuant to the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.).

''(F) ACTIVITIES BY OTHER FEDERAL AGENCIES.—Each relevant Federal department or agency shall, to the maximum extent practicable—

''(i) maintain the base level of funding for the Great Lakes activities of that department or agency without regard to funding under the Initiative; and

''(ii) identify new activities and projects to support the environmental goals of the Initiative.

''(G) REVISION OF INITIATIVE ACTION PLAN.—

''(i) IN GENERAL.—Not less often than once every 5 years, the Administrator, in conjunction with the Great Lakes Interagency Task Force, shall review, and revise as appropriate, the Initiative Action Plan to guide the activities of the Initiative in addressing the restoration and protection of the Great Lakes system.

''(ii) OUTREACH.—In reviewing and revising the Initiative Action Plan under clause (i), the Administrator shall consult with the Great Lakes States and Indian tribes and solicit input from other non-Federal stakeholders.

''(H) MONITORING AND REPORTING.—The Administrator shall—

''(i) establish and maintain a process for monitoring and periodically reporting to the public on the progress made in implementing the Initiative Action Plan;

''(ii) make information about each project carried out under the Initiative Action Plan available on a public website; and

''(iii) provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a yearly detailed description of the progress of the Initiative and amounts transferred to participating Federal departments and agencies under subparagraph (D)(ii).

''(I) INITIATIVE ACTION PLAN DEFINED.—In this paragraph, the term 'Initiative Action Plan' means the comprehensive, multiyear action plan for the restoration of the Great Lakes, first developed pursuant to the Joint Explanatory Statement of the Conference Report accompanying the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010 (Public Law 111–88).

''(J) FUNDING.—

''(i) IN GENERAL.—There is authorized to be appropriated to carry out this paragraph $300,000,000 for each of fiscal years 2017 through 2021.

''(ii) LIMITATION.—Nothing in this paragraph creates, expands, or amends the authority of the Administrator to implement programs or projects under—

''(I) this section;

''(II) the Initiative Action Plan; or

''(III) the Great Lakes Water Quality Agreement.''.

SEC. 5006. REHABILITATION OF HIGH HAZARD POTENTIAL DAMS.

(a) DEFINITIONS.—Section 2 of the National Dam Safety Program Act (33 U.S.C. 467) is amended—

(1) by redesignating paragraphs (4), (5), (6), (7), (8), (9), (10), (11), (12), and (13) as paragraphs (5), (6), (7), (8), (9), (11), (13), (14), (15), and (16), respectively;

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

''(4) ELIGIBLE HIGH HAZARD POTENTIAL DAM.—

''(A) IN GENERAL.—The term 'eligible high hazard potential dam' means a non-Federal dam that—

''(i) is located in a State with a State dam safety program;

''(ii) is classified as 'high hazard potential' by the State dam safety agency in the State in which the dam is located;

''(iii) has an emergency action plan approved by the relevant State dam safety agency; and

''(iv) the State in which the dam is located determines—

''(I) fails to meet minimum dam safety standards of the State; and

''(II) poses an unacceptable risk to the public.

''(B) EXCLUSION.—The term 'eligible high hazard potential dam' does not include—

''(i) a licensed hydroelectric dam; or

''(ii) a dam built under the authority of the Secretary of Agriculture.'';

(3) by inserting after paragraph (9) (as redesignated by paragraph (1) of this subsection) the following:

''(10) NON-FEDERAL SPONSOR.—The term 'non-Federal sponsor', in the case of a project receiving assistance under section 8A, includes—

''(A) a governmental organization; and

''(B) a nonprofit organization.''; and

(4) by inserting after paragraph (11) (as redesignated by paragraph (1) of this subsection) the following:

''(12) REHABILITATION.—The term 'rehabilitation' means the repair, replacement, reconstruction, or removal of a dam that is carried out to meet applicable State dam safety and security standards.''.

(b) PROGRAM FOR REHABILITATION OF HIGH HAZARD POTENTIAL DAMS.—The National Dam Safety Program Act is amended by inserting after section 8 (33 U.S.C. 467f) the following:

''SEC. 8A. REHABILITATION OF HIGH HAZARD POTENTIAL DAMS.

''(a) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish, within FEMA, a program to provide technical, planning, design, and construction assistance in the form of grants to non-Federal sponsors for rehabilitation of eligible high hazard potential dams.

''(b) ELIGIBLE ACTIVITIES.—A grant awarded under this section for a project may be used for—

''(1) repair;

''(2) removal; or

''(3) any other structural or nonstructural measures to rehabilitate an eligible high hazard potential dam.

''(c) AWARD OF GRANTS.—

''(1) APPLICATION.—

''(A) IN GENERAL.—A non-Federal sponsor interested in receiving a grant under this section may submit to the Administrator an application for the grant.

''(B) REQUIREMENTS.—An application submitted to the Administrator under this section shall be submitted at such time, be in such form, and contain such information as the Administrator may prescribe by regulation.

''(2) GRANT.—

''(A) IN GENERAL.—The Administrator may make a grant in accordance with this section for rehabilitation of an eligible high hazard potential dam to a non-Federal sponsor that submits an application for the grant in accordance with the regulations prescribed by the Administrator.

''(B) PROJECT GRANT AGREEMENT.—The Administrator shall enter into a project grant agreement with the non-Federal sponsor to establish the terms of the grant and the project, including the amount of the grant.

''(C) GRANT ASSURANCE.—As part of a project grant agreement under subparagraph (B), the Administrator shall require the non-Federal sponsor to provide an assurance, with respect to the dam to be rehabilitated under the project, that the owner of the dam has developed and will carry out a plan for maintenance of the dam during the expected life of the dam.

''(D) LIMITATION.—A grant provided under this section shall not exceed the lesser of—

''(i) 12.5 percent of the total amount of funds made available to carry out this section; or

''(ii) $7,500,000.

''(d) REQUIREMENTS.—

''(1) APPROVAL.—A grant awarded under this section for a project shall be approved by the relevant State dam safety agency.

''(2) NON-FEDERAL SPONSOR REQUIREMENTS.—To receive a grant under this section, the non-Federal sponsor shall—

''(A) participate in, and comply with, all applicable Federal flood insurance programs;

''(B) have in place a hazard mitigation plan that—

''(i) includes all dam risks; and

''(ii) complies with the Disaster Mitigation Act of 2000 (Public Law 106–390; 114 Stat. 1552);

''(C) commit to provide operation and maintenance of the project for the 50-year period following completion of rehabilitation;

''(D) comply with such minimum eligibility requirements as the Administrator may establish to ensure that each owner and operator of a dam under a participating State dam safety program and that receives assistance under this section—

''(i) acts in accordance with the State dam safety program; and

''(ii) carries out activities relating to the public in the area around the dam in accordance with the hazard mitigation plan described in subparagraph (B); and

''(E) comply with section 611(j)(9) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196(j)(9)) (as in effect on the date of enactment of this section) with respect to projects receiving assistance under this section in the same manner as recipients are required to comply in order to receive financial contributions from the Administrator for emergency preparedness purposes.

''(e) FLOODPLAIN MANAGEMENT PLANS.—

''(1) IN GENERAL.—As a condition of receipt of assistance under this section, the non-Federal sponsor shall demonstrate that a floodplain management plan to reduce the impacts of future flood events in the area protected by the project—

''(A) is in place; or

''(B) will be—

''(i) developed not later than 1 year after the date of execution of a project agreement for assistance under this section; and

''(ii) implemented not later than 1 year after the date of completion of construction of the project.

''(2) INCLUSIONS.—A plan under paragraph (1) shall address—

''(A) potential measures, practices, and policies to reduce loss of life, injuries, damage to property and facilities, public expenditures, and other adverse impacts of flooding in the area protected by the project;

''(B) plans for flood fighting and evacuation; and

''(C) public education and awareness of flood risks.

''(3) TECHNICAL SUPPORT.—The Administrator may provide technical support for the development and implementation of floodplain management plans prepared under this subsection.

''(f) PRIORITY SYSTEM.—The Administrator, in consultation with the Board, shall develop a risk-based priority system for use in identifying eligible high hazard potential dams for which grants may be made under this section.

''(g) FUNDING.—

''(1) COST SHARING.—

''(A) IN GENERAL.—Any assistance provided under this section for a project shall be subject to a non-Federal cost-sharing requirement of not less than 35 percent.

''(B) IN-KIND CONTRIBUTIONS.—The non-Federal share under subparagraph (A) may be provided in the form of in-kind contributions.

''(2) ALLOCATION OF FUNDS.—The total amount of funds made available to carry out this section for each fiscal year shall be distributed as follows:

''(A) EQUAL DISTRIBUTION.—1/3 shall be distributed equally among the States in which the projects for which applications are submitted under subsection (c)(1) are located.

''(B) NEED-BASED.—2/3 shall be distributed among the States in which the projects for which applications are submitted under subsection (c)(1) are located based on the proportion that—

''(i) the number of eligible high hazard potential dams in the State; bears to

''(ii) the number of eligible high hazard potential dams in all such States.

''(h) USE OF FUNDS.—None of the funds provided in the form of a grant or otherwise made available under this section shall be used—

''(1) to rehabilitate a Federal dam;

''(2) to perform routine operation or maintenance of a dam;

''(3) to modify a dam to produce hydroelectric power;

''(4) to increase water supply storage capacity; or

''(5) to make any other modification to a dam that does not also improve the safety of the dam.

''(i) CONTRACTUAL REQUIREMENTS.—

''(1) IN GENERAL.—Subject to paragraph (2), as a condition on the receipt of a grant under this section of an amount greater than $1,000,000, a non-Federal sponsor that receives the grant shall require that each contract and subcontract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping, and related services entered into using funds from the grant be awarded in the same manner as a contract for architectural and engineering services is awarded under—

''(A) chapter 11 of title 40, United States Code; or

''(B) an equivalent qualifications-based requirement prescribed by the relevant State.

''(2) NO PROPRIETARY INTEREST.—A contract awarded in accordance with paragraph (1) shall not be considered to confer a proprietary interest upon the United States.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $10,000,000 for fiscal years 2017 and 2018;

''(2) $25,000,000 for fiscal year 2019;

''(3) $40,000,000 for fiscal year 2020; and

''(4) $60,000,000 for each of fiscal years 2021 through 2026.''.

(c) RULEMAKING.—

(1) PROPOSED RULEMAKING.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall issue a notice of proposed rulemaking regarding applications for grants of assistance under the amendments made by subsection (b) to the National Dam Safety Program Act (33 U.S.C. 467 et seq.).

(2) FINAL RULE.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall promulgate a final rule regarding the amendments described in paragraph (1).

SEC. 5007. CHESAPEAKE BAY GRASS SURVEY.

Section 117(i) of the Federal Water Pollution Control Act (33 U.S.C. 1267(i)) is amended by adding at the end the following:

''(3) ANNUAL SURVEY.—The Administrator shall carry out an annual survey of sea grasses in the Chesapeake Bay.''.

SEC. 5008. WATER INFRASTRUCTURE FINANCE AND INNOVATION.

(a) AUTHORITY TO PROVIDE ASSISTANCE.—Section 5023(b)(2) of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3902(b)(2)) is amended by striking ''carry out'' and inserting ''provide financial assistance to carry out''.

(b) PROJECTS ELIGIBLE FOR ASSISTANCE.—

(1) IN GENERAL.—Section 5026 of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3905) is amended—

(A) in paragraph (6)—

(i) by striking ''desalination project'' and inserting ''desalination project, including chloride control''; and

(ii) by striking ''or a water recycling project'' and inserting ''a water recycling project, or a project to provide alternative water supplies to reduce aquifer depletion'';

(B) by redesignating paragraphs (7), (8), and (9) as paragraphs (8), (9), and (10), respectively;

(C) by inserting after paragraph (6) the following:

''(7) A project to prevent, reduce, or mitigate the effects of drought, including projects that enhance the resilience of drought-stricken watersheds.''; and

(D) in paragraph (10) (as redesignated by subparagraph (B)), by striking ''or (7)'' and inserting ''(7), or (8)''.

(2) CONFORMING AMENDMENTS.—

(A) Section 5023(b) of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3902(b)) is amended—

(i) in paragraph (2) by striking ''and (8)'' and inserting ''(7), and (9)''; and

(ii) in paragraph (3) by striking ''paragraph (7) or (9)'' and inserting ''paragraph (8) or (10)''.

(B) Section 5024(b) of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3903(b)) is amended by striking ''paragraph (8) or (9)'' and inserting ''paragraph (9) or (10)''.

(C) Section 5027(3) of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3906(3)) is amended by striking ''section 5026(7)'' and inserting ''section 5026(8)''.

(D) Section 5028 of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3907) is amended—

(i) in subsection (a)(1)(E)—

(I) by striking ''section 5026(9)'' and inserting ''section 5026(10)''; and

(II) by striking ''section 5026(8)'' and inserting ''section 5026(9)''; and

(ii) in subsection (b)(3) by striking ''section 5026(8)'' and inserting ''section 5026(9)''.

(c) TERMS AND CONDITIONS.—Section 5029(b) of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3908(b)) is amended—

(1) in paragraph (7)—

(A) by striking ''The Secretary'' and inserting the following:

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary''; and

(B) by adding at the end the following:

''(B) FINANCING FEES.—On request of an eligible entity, the Secretary or the Administrator, as applicable, shall allow the fees under subparagraph (A) to be financed as part of the loan.''; and

(2) by adding at the end the following:

''(10) CREDIT.—Any eligible project costs incurred and the value of any integral in-kind contributions made before receipt of assistance under this subtitle shall be credited toward the 51 percent of project costs to be provided by sources of funding other than a secured loan under this subtitle (as described in paragraph (2)(A)).''.

(d) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) appropriations made available to carry out the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.) should be in addition to robust funding for the State water pollution control revolving funds established under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) and State drinking water treatment revolving loan funds established under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12); and

(2) the appropriations made available for the funds referred to in paragraph (1) should not decrease for any fiscal year.

SEC. 5009. REPORT ON GROUNDWATER CONTAMINATION.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and annually thereafter for the next 4 years, the Secretary of the Navy shall submit a report to Congress on the groundwater contamination from the site that includes—

(1) a description of the status of the groundwater contaminants that are leaving the site and migrating to a location within a 10-mile radius of the site, including—

(A) detailed mapping of the movement of the plume over time; and

(B) projected migration rates of the plume;

(2) an analysis of the current and future impact of the movement of the plume on drinking water facilities; and

(3) a comprehensive strategy to prevent the groundwater contaminants from the site from contaminating drinking water wells that, as of the date of the submission of the report, have not been affected by the migration of the plume.

(b) DEFINITIONS.—In this section, the following definitions apply:

(1) COMPREHENSIVE STRATEGY.—The term ''comprehensive strategy'' means a plan for—

(A) the remediation of the plume under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); or

(B) corrective action under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(2) GROUNDWATER.—The term ''groundwater'' means water in a saturated zone or stratum beneath the surface of land or water.

(3) PLUME.—The term ''plume'' means any hazardous waste (as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903)) or hazardous substance (as defined in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601)) found in the groundwater supply.

(4) SITE.—The term ''site'' means the site located at 830 South Oyster Bay Road, Bethpage, New York, 11714 (Environmental Protection Agency identification number NYD002047967).

SEC. 5010. COLUMBIA RIVER BASIN RESTORATION.

Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended by adding at the end the following:

''SEC. 123. COLUMBIA RIVER BASIN RESTORATION.

''(a) DEFINITIONS.—In this section, the following definitions apply:

''(1) COLUMBIA RIVER BASIN.—The term 'Columbia River Basin' means the entire United States portion of the Columbia River watershed.

''(2) ESTUARY PARTNERSHIP.—The term 'Estuary Partnership' means the Lower Columbia Estuary Partnership, an entity created by the States of Oregon and Washington and the Environmental Protection Agency under section 320.

''(3) ESTUARY PLAN.—

''(A) IN GENERAL.—The term 'Estuary Plan' means the Estuary Partnership Comprehensive Conservation and Management Plan adopted by the Environmental Protection Agency and the Governors of Oregon and Washington on October 20, 1999, under section 320.

''(B) INCLUSION.—The term 'Estuary Plan' includes any amendments to the plan.

''(4) LOWER COLUMBIA RIVER ESTUARY.—The term 'Lower Columbia River Estuary' means the mainstem Columbia River from the Bonneville Dam to the Pacific Ocean and tidally influenced portions of tributaries to the Columbia River in that region.

''(5) MIDDLE AND UPPER COLUMBIA RIVER BASIN.—The term 'Middle and Upper Columbia River Basin' means the region consisting of the United States portion of the Columbia River Basin above Bonneville Dam.

''(6) PROGRAM.—The term 'Program' means the Columbia River Basin Restoration Program established under subsection (b)(1)(A).

''(b) COLUMBIA RIVER BASIN RESTORATION PROGRAM.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—The Administrator shall establish within the Environmental Protection Agency a Columbia River Basin Restoration Program.

''(B) EFFECT.—

''(i) The establishment of the Program does not modify any legal or regulatory authority or program in effect as of the date of enactment of this section, including the roles of Federal agencies in the Columbia River Basin.

''(ii) This section does not create any new regulatory authority.

''(2) SCOPE OF PROGRAM.—The Program shall consist of a collaborative stakeholder-based program for environmental protection and restoration activities throughout the Columbia River Basin.

''(3) DUTIES.—The Administrator shall—

''(A) assess trends in water quality, including trends that affect uses of the water of the Columbia River Basin;

''(B) collect, characterize, and assess data on water quality to identify possible causes of environmental problems; and

''(C) provide grants in accordance with subsection (d) for projects that assist in—

''(i) eliminating or reducing pollution;

''(ii) cleaning up contaminated sites;

''(iii) improving water quality;

''(iv) monitoring to evaluate trends;

''(v) reducing runoff;

''(vi) protecting habitat; or

''(vii) promoting citizen engagement or knowledge.

''(c) STAKEHOLDER WORKING GROUP.—

''(1) ESTABLISHMENT.—The Administrator shall establish a Columbia River Basin Restoration Working Group (referred to in this subsection as the 'Working Group').

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—Membership in the Working Group shall be on a voluntary basis and any person invited by the Administrator under this subsection may decline membership.

''(B) INVITED REPRESENTATIVES.—The Administrator shall invite, at a minimum, representatives of—

''(i) each State located in whole or in part in the Columbia River Basin;

''(ii) the Governors of each State located in whole or in part in the Columbia River Basin;

''(iii) each federally recognized Indian tribe in the Columbia River Basin;

''(iv) local governments in the Columbia River Basin;

''(v) industries operating in the Columbia River Basin that affect or could affect water quality;

''(vi) electric, water, and wastewater utilities operating in the Columba River Basin;

''(vii) private landowners in the Columbia River Basin;

''(viii) soil and water conservation districts in the Columbia River Basin;

''(ix) nongovernmental organizations that have a presence in the Columbia River Basin;

''(x) the general public in the Columbia River Basin; and

''(xi) the Estuary Partnership.

''(3) GEOGRAPHIC REPRESENTATION.—The Working Group shall include representatives from—

''(A) each State located in whole or in part in the Columbia River Basin; and

''(B) each of the lower, middle, and upper basins of the Columbia River.

''(4) DUTIES AND RESPONSIBILITIES.—The Working Group shall—

''(A) recommend and prioritize projects and actions; and

''(B) review the progress and effectiveness of projects and actions implemented.

''(5) LOWER COLUMBIA RIVER ESTUARY.—

''(A) ESTUARY PARTNERSHIP.—The Estuary Partnership shall perform the duties and fulfill the responsibilities of the Working Group described in paragraph (4) as those duties and responsibilities relate to the Lower Columbia River Estuary for such time as the Estuary Partnership is the management conference for the Lower Columbia River National Estuary Program under section 320.

''(B) DESIGNATION.—If the Estuary Partnership ceases to be the management conference for the Lower Columbia River National Estuary Program under section 320, the Administrator may designate the new management conference to assume the duties and responsibilities of the Working Group described in paragraph (4) as those duties and responsibilities relate to the Lower Columbia River Estuary.

''(C) INCORPORATION.—If the Estuary Partnership is removed from the National Estuary Program, the duties and responsibilities for the lower 146 miles of the Columbia River pursuant to this section shall be incorporated into the duties of the Working Group.

''(d) GRANTS.—

''(1) IN GENERAL.—The Administrator shall establish a voluntary, competitive Columbia River Basin program to provide grants to State governments, tribal governments, regional water pollution control agencies and entities, local government entities, nongovernmental entities, or soil and water conservation districts to develop or implement projects authorized under this section for the purpose of environmental protection and restoration activities throughout the Columbia River Basin.

''(2) FEDERAL SHARE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of the cost of any project or activity carried out using funds from a grant provided to any person (including a State, tribal, or local government or interstate or regional agency) under this subsection for a fiscal year—

''(i) shall not exceed 75 percent of the total cost of the project or activity; and

''(ii) shall be made on condition that the non-Federal share of such total cost shall be provided from non-Federal sources.

''(B) EXCEPTIONS.—With respect to cost-sharing for a grant provided under this subsection—

''(i) a tribal government may use Federal funds for the non-Federal share; and

''(ii) the Administrator may increase the Federal share under such circumstances as the Administrator determines to be appropriate.

''(3) ALLOCATION.—In making grants using funds appropriated to carry out this section, the Administrator shall—

''(A) provide not less than 25 percent of the funds to make grants for projects, programs, and studies in the Lower Columbia River Estuary;

''(B) provide not less than 25 percent of the funds to make grants for projects, programs, and studies in the Middle and Upper Columbia River Basin, including the Snake River Basin; and

''(C) retain not more than 5 percent of the funds for the Environmental Protection Agency for purposes of implementing this section.

''(4) REPORTING.—

''(A) IN GENERAL.—Each grant recipient under this subsection shall submit to the Administrator reports on progress being made in achieving the purposes of this section.

''(B) REQUIREMENTS.—The Administrator shall establish requirements and timelines for recipients of grants under this subsection to report on progress made in achieving the purposes of this section.

''(5) RELATIONSHIP TO OTHER FUNDING.—

''(A) IN GENERAL.—Nothing in this subsection limits the eligibility of the Estuary Partnership to receive funding under section 320(g).

''(B) LIMITATION.—None of the funds made available under this subsection may be used for the administration of a management conference under section 320.

''(e) ANNUAL BUDGET PLAN.—The President, as part of the annual budget submission of the President to Congress under section 1105(a) of title 31, United States Code, shall submit information regarding each Federal agency involved in protection and restoration of the Columbia River Basin, including an interagency crosscut budget that displays for each Federal agency—

''(1) the amounts obligated for the preceding fiscal year for protection and restoration projects, programs, and studies relating to the Columbia River Basin;

''(2) the estimated budget for the current fiscal year for protection and restoration projects, programs, and studies relating to the Columbia River Basin; and

''(3) the proposed budget for protection and restoration projects, programs, and studies relating to the Columbia River Basin.''.

SEC. 5011. REGULATION OF ABOVEGROUND STORAGE AT FARMS.

Section 1049(c) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 1361 note; Public Law 113–121) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(2) by striking the subsection designation and heading and all that follows through ''subsection (b),'' and inserting the following:

''(c) REGULATION OF ABOVEGROUND STORAGE AT FARMS.—

''(1) CALCULATION OF AGGREGATE ABOVEGROUND STORAGE CAPACITY.—For purposes of subsection (b),''; and

(3) by adding at the end the following:

''(2) CERTAIN FARM CONTAINERS.—Part 112 of title 40, Code of Federal Regulations (or successor regulations), shall not apply to the following containers located at a farm:

''(A) Containers on a separate parcel that have—

''(i) an individual capacity of not greater than 1,000 gallons; and

''(ii) an aggregate capacity of not greater than 2,500 gallons.

''(B) A container holding animal feed ingredients approved for use in livestock feed by the Food and Drug Administration.''.

SEC. 5012. IRRIGATION DISTRICTS.

Section 603(i)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1383) is amended—

(1) in the matter preceding subparagraph (A) by striking ''to a municipality or intermunicipal, interstate, or State agency'' and inserting ''to an eligible recipient''; and

(2) in subparagraph (A), in the matter preceding clause (i), by inserting ''in assistance to a municipality or intermunicipal, interstate, or State agency'' before ''to benefit''.

SEC. 5013. ESTUARY RESTORATION.

(a) PARTICIPATION OF NON-FEDERAL INTERESTS.—Section 104(f) of the Estuary Restoration Act of 2000 (33 U.S.C. 2903(f)) is amended by adding at the end the following:

''(3) PROJECT AGREEMENTS.—For a project carried out under this title, the requirements of section 103(j)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(j)(1)) may be fulfilled by a nongovernmental organization serving as the non-Federal interest for the project pursuant to paragraph (2).''.

(b) EXTENSION.—Section 109(a) of the Estuary Restoration Act of 2000 (33 U.S.C. 2908(a)) is amended by striking ''2012'' each place it appears and inserting ''2021''.

SEC. 5014. ENVIRONMENTAL BANKS.

The Coastal Wetlands Planning, Protection and Restoration Act (Public Law 101–646; 16 U.S.C. 3951 et seq.) is amended by adding at the end the following:

''SEC. 309. ENVIRONMENTAL BANKS.

''(a) GUIDELINES.—Not later than 1 year after the date of enactment of the Water Resources Development Act of 2016, the Task Force shall, after public notice and opportunity for comment, issue guidelines for the use, maintenance, and oversight of environmental banks in Louisiana.

''(b) REQUIREMENTS.—The guidelines issued pursuant to subsection (a) shall—

''(1) set forth procedures for establishment and approval of environmental banks subject to the approval of the heads of the appropriate Federal agencies responsible for implementation of Federal environmental laws for which mitigation credits may be used;

''(2) establish criteria for siting of environmental banks that enhance the resilience of coastal resources to inundation and coastal erosion in high priority areas, as identified within Federal or State restoration plans, including the restoration of resources within the scope of a project authorized for construction;

''(3) establish criteria that ensure environmental banks secure adequate financial assurances and legally enforceable protection for the land or resources that generate the credits from environmental banks;

''(4) stipulate that credits from environmental banks may not be used for mitigation of impacts required under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1342) or the Endangered Species Act (16 U.S.C. 1531 et seq.) in an area where an existing mitigation bank approved pursuant to such laws within 5 years of enactment of the Water Resources Development Act of 2016 has credits available;

''(5) establish performance criteria for environmental banks; and

''(6) establish criteria and financial assurance for the operation and monitoring of environmental banks.

''(c) ENVIRONMENTAL BANK.—

''(1) DEFINITION OF ENVIRONMENTAL BANK.—In this section, the term 'environmental bank' means a project, project increment, or projects for purposes of restoring, creating, or enhancing natural resources at a designated site to establish mitigation credits.

''(2) CREDITS.—Mitigation credits created from environmental banks approved pursuant to this section may be used to satisfy existing liability under Federal environmental laws.

''(d) SAVINGS CLAUSE.—

''(1) APPLICATION OF FEDERAL LAW.—Guidelines developed under this section and mitigation carried out through an environmental bank established pursuant to such guidelines shall comply with all applicable requirements of Federal law (including regulations), including—

''(A) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

''(B) the Endangered Species Act (16 U.S.C. 1531 et seq.);

''(C) the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.);

''(D) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

''(E) section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283).

''(2) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to affect—

''(A) any authority, regulatory determination, or legal obligation in effect the day before the date of enactment of the Water Resources Development Act of 2016; or

''(B) the obligations or requirements of any Federal environmental law.

''(e) SUNSET.—No new environmental bank may be created or approved pursuant to this section after the date that is 10 years after the date of enactment of this section.''.

The SPEAKER pro tempore. The bill shall be debatable for 1 hour equally divided and controlled by the chairs and ranking minority members of the Committee on Energy and Commerce, Committee on Natural Resources, and the Committee on Transportation and Infrastructure.

The gentleman from Pennsylvania (Mr. SHUSTER), the gentleman from Oregon (Mr. DEFAZIO), the gentleman from Indiana (Mr. BUCSHON), the gentleman from New York (Mr. TONKO), the gentleman from Utah (Mr. BISHOP), and the gentleman from California (Mr. HUFFMAN) each will control 10 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on S. 612.

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

There was no objection.

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

Mr. Speaker, I rise today in strong support of S. 612, the Water Infrastructure Improvements for the Nation Act, or the WIIN Act. This is a comprehensive bill to address water resources and infrastructure issues across the country and could be one of the final achievements of this Congress.

Today we have an opportunity to deliver one more win for America. The WIIN Act includes the Water Resources Development Act as title I.

Ranking Member DEFAZIO and I worked very closely throughout the process to ensure his and other Democratic priorities were preserved in this final bill. So I want to thank Ranking Member DEFAZIO for his work with me on the WRDA title.

However, this bill is bigger than just WRDA, and I also want to thank the Energy and Commerce Committee Chairman UPTON, the Natural Resources Committee Chairman BISHOP, and our Senate counterparts for helping us put together this package today.

This legislation provides important direction from Congress to the Army Corps of Engineers in their missions to improve our infrastructure. The bill strengthens America's competitiveness, creates jobs, and grows the economy. The WIIN Act maintains congressional constitutional authority to ensure our infrastructure is safe and effective.

This bill contains authorizations for 30 Corps Chief's Reports, eight Post-Authorization Change Reports, and 37 feasibility studies for projects across the United States.

Today's legislation restores regular order and the 2-year cycle of Congress considering these essential WRDA bills. Simply put, Mr. Speaker, this is good public policy, so I strongly urge my colleagues to support this jobs and infrastructure bill.

WATER INFRASTRUCTURE IMPROVEMENTS FOR THE NATION (WIIN) ACT—LETTERS OF SUPPORT

OVER 70 ORGANIZATIONS SUPPORT

Waterways Council, Inc.; American Public Works Association; Association of California Water Agencies; Family Farm Alliance; The American Waterways Operators; American Society of Civil Engineers; Ducks Unlimited; Archer Daniels Midland Company; National Waterways Conference Inc.; Inland Rivers Ports and Terminals Association, Inc.; Global Tech Power; Terral RiverService; National Association of Flood and Stormwater Management Agencies; Tuloma Stevedoring, Inc.

Port of Pittsburgh Commission; National Milk Producers Federation; U.S. Chamber of Commerce; American Association of Port Authorities; National Ready Mixed Concrete Association; Great Lakes and St. Lawrence Cities Initiative; National Corn Growers Association; National Association of Manufacturers; American Water Works Association; Pacific Northwest Waterways Association; Association of Metropolitan Water Agencies; Great Lakes Metro Chambers Coalition; Tennessee River Valley Association; Alliance for the Great Lakes.

API Coalition letter: American Association of Port Authorities; American Chemistry Council; American Farm Bureau; American Forest and Paper Association; American Fuel and Petrochemical Manufacturers; American Great Lakes Ports Association; American Petroleum Institute; American Road and Transportation Builders Association; American Waterways Operators; Big River Coalition; Dredging Contractors of America; Great Lakes Metro Chambers Coalition; Lake Carriers' Association; Mississippi Valley Flood Control Association; National Grain and Feed Association; National Mining Association; National Retail

Federation; National Stone, Sand and Gravel Association; Portland Cement Association; Retail Industry Leaders Association; The Fertilizer Institute; Waterways Council, Inc.; U.S. Chamber of Commerce.

California Water Authorities Coalition: Friant North Authority; Friant Water Authority; Kern County Water Agency; Metropolitan Water District; San Joaquin River Exchange Contractors; South Valley Water Association; Tehama Colusa Canal Authority; Westlands Water District.

Water Infrastructure Network: American Council of Engineering Companies; American Public Works Association; American Society of Civil Engineers; Associated General Contractors of America; International Union of Operating Engineers; Laborers International Union of North America; National Association Clean Water Agencies; National Rural Water Association; United Association of Plumbers and Pipefitters; Vinyl Institute.

Highway Materials Group: American Coal Ash Association; American Traffic Safety Services Association; Association of Equipment Manufacturers; National Asphalt Pavement Association; National Stone, Sand & Gravel Association; Precast/Prestressed Concrete Institute; American Concrete Pavement Association; Associated Equipment Distributors; Concrete Reinforcing Steel Institute; National Ready Mixed Concrete Association; Portland Cement Association.

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

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

Unfortunately, today I rise in opposition to S. 612. At one point, I wholeheartedly supported this bill.

There should be nothing partisan about infrastructure. Building and rebuilding infrastructure for transportation of goods and people, for shipping, for rail, for other aspects, and clean water—all that should be nonpartisan. It is in the best interests of the United States of America to make us more competitive and more efficient. This bill reflected the best of that tradition when it came out of the committee.

Unfortunately, a number of things have happened since. First, when we came to the floor, the leadership stripped out a provision which was adopted unanimously in committee to make the Harbor Maintenance Trust Fund into a trust fund—spending the tax that is collected for harbor maintenance on—shocking in Washington, D.C.—harbor maintenance.

Right now, the Budget Committee diverts that money every year somewhere else—imaginary deficit reduction or some other program—and we underspend, through the appropriations process, that money. So the Americans are paying a tax. Every good you buy that is imported you pay a little bit more for it. You are paying that tax, and Congress is diverting the money while our harbors shoal in and our jetties crumble, and we can't compete in the world market.

The committee had adopted a provision to turn that into a real trust fund and spend the money on harbor maintenance. That was stripped out because of objections by the Budget Committee that wants to divert the money and the Appropriations Committee that wants to divert the money. That just shouldn't be.

I want to thank the chairman for promising to continue to work on that issue, which came out of committee, when we do the Water Resources Development bill again next year. Hopefully, the Trump administration will take a different position on this. There is $9 billion sitting there waiting to be spent tomorrow of taxes that have already been collected to maintain our harbors that Congress doesn't want to spend, despite the shoaling in and the jetties' deteriorating conditions. So, hopefully, the new administration will take a different position in the budget on that.

Secondly, just this week, a 100-page provision which did not come from our committee, which relates to a hugely controversial water diversion and settlement of disputes in California pitting members of the California delegation on both sides of the aisle against one another, doesn't only just affect California, because Sacramento salmon swim north, and the last time we had a bad drought they shut down all the fishing on the southern Oregon coast because of endangered Sacramento salmon. Our salmon were doing fine. So if they start diverting more water from the delta, from the Sacramento, it is likely that our fisheries will be shut down in Oregon because of this misplaced provision which has not had any congressional review of any sort in any committee in this House.

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Finally, gratuitously, as part of that gigantic project in California, they are undermining Buy America and Davis-Bacon provisions. I hope this isn't a harbinger of things to come, that despite the President who wants a stronger Buy America, that the Republican House is going to want to undermine Buy America and start buying Chinese and Russian steel for our projects and doing away with prevailing wages paying a good living wage to people who work in construction jobs. It is very unfortunate that was inserted in this bill.

But there are many meritorious provisions in the bill set aside for dredging of small harbors and many, many individual projects and authorizations in the bill. Had these other three things not happened, I would have enthusiastically supported it, but, unfortunately, I will have to oppose the bill.

I reserve the balance of my time.

I rise in reluctant opposition to S. 612.

Mr. Speaker, at one time, this bill had great promise. At one time, this bill represented the bipartisan traditions of the Committee on Transportation and Infrastructure. When the Committee unanimously reported this bill to the House, I was proud to support the Water Resources Development Act of 2016.

However, since that time, the House Republican Leadership has unilaterally stripped key Democratic priorities and air-dropped-in controversial Republican provisions making it impossible for me to support the bill today. At every step of the legislative process, House Republican Leaders have morphed what was once the product of months of hard work by the Committee on Transportation and Infrastructure into something that I, as the Ranking Democrat on the Committee, can no longer support—despite the fact that some good policy provisions remain in this bill.

That being said, I thank the Chairman of the Committee, Mr. SHUSTER, for following through on his promise to pass a Water Resources Development Act this Congress.

In May, the Committee on Transportation and Infrastructure unanimously approved WRDA. That bipartisan bill took a bold step to ensure that Congress would begin to draw down the enormous surplus in the Harbor Maintenance Trust Fund (HMTF). This position, one that the Committee on Transportation and Infrastructure has fought for, on a bipartisan basis, for decades, would have made the $9 billion surplus of the HMTF immediately available to the Secretary of the Army to dredge our Nation's harbors.

Unfortunately, this provision was stripped from the bill by the House Republican Leadership before Floor consideration, and was not included in the House-passed WRDA. This important provision would have unlocked the HMTF to ensure that revenues collected from shippers are used to dredge our Nation's harbors, and are not diverted to cover other debts of the U.S. Treasury.

Despite this, I want to thank Chairman SHUSTER for his commitment to work with me in the next Congress to unlock the HMTF once and for all. Without this provision, the balance in the Trust Fund will double in the next decade to more than $17 billion and continue to grow year after year, despite the tremendous needs of our Nation's ports and harbors. I am confident that, in the 115th Congress, the Committee on Transportation and Infrastructure can achieve full use of the HMTF, and strengthen and maintain our ports, harbors and waterways, and our Nation's economic competitiveness. I thank Chairman SHUSTER for his promise to work with me to achieve full use of the HMTF in the next Congress.

Again, while I will oppose final passage of this bill, I do want to highlight several promising provisions in the bill. Emblematic of prior water resources legislation, S. 612 authorizes all pending Corps of Engineers' project authorizations—valued at more than $10 billion. It also authorizes 32 new feasibility studies and additional project modifications to existing Corps' projects—the first such provisions enacted since 2007.

The bill also includes several provisions to improve the overall efficiency and transparency of the Corps in carrying out its construction and regulatory missions while preserving existing Federal environmental protections.

For example, S. 612 includes a provision that requires the Corps to coordinate the regulatory review of project modifications (so-called section 408 reviews) with the expectation that these coordinated reviews will help expedite the decision-making process.

S. 612 also directs the Secretary to expeditiously complete a report to Congress on any materials, articles, or supplies manufactured outside the United States that are currently used in Corps projects. This report will be critical to increased oversight by this Committee of the use of foreign-manufactured goods in Corps projects.

S. 612 also includes provisions to preserve and enhance the participation of Indian tribes in our water-related infrastructure, as well as honor commitments made by the U.S. government to the tribes. First, the bill includes a provision that authorizes the Corps to provide immediate housing assistance to the Indian tribes displaced as a result of the construction of the Bonneville Dam, as well as to further study those Indian tribes displaced from the construction of the John Day Dam. Both of these provisions are intended to ensure that the Federal Government lives up to the commitments made to the tribes for construction of these two projects generations ago.

In addition, S. 612 includes a provision that directs the Corps to undertake a comprehensive study of the existing tribal consultation process for the construction of any water resources development project, or any other project that may require the Corps' approval or the issuance of a Corps permit. As recent events have shown, it is past time for the Corps to revisit its existing tribal consultation processes to ensure that the Corps undertakes meaningful consultation with Indian tribes for projects that may have an impact on tribal cultural or natural resources. I look forward to working with the Corps to ensure that this study and report are completed within the year.

I am also pleased that S. 612 provides the framework for the Federal Government to finally meet its commitment to help the families affected by lead-contaminated water in Flint, Michigan. While the funding for these projects will ultimately be included in the appropriations bill that funds the government into next year, I support the inclusion of additional Drinking Water State Revolving Fund resources for communities experiencing public health threats associated with lead-water contamination, and urge the Administration to release these funds to the State of Michigan and to the City of Flint as quickly as possible.

The bill also benefits my home state of Oregon.

First, and foremost, the bill makes permanent the existing set-aside of harbor maintenance funding for small commercial harbors. These small commercial harbors are the lifeblood of local and regional economies; yet, for decades, Federal dredging needs at these harbors went unmet. S. 612 makes permanent the existing 10 percent set-aside of annual Federal maintenance dredging funds for these types of harbors, and ensures that this 10 percent is the minimum (not the maximum) amount allocated to small commercial harbors from both baseline funding and priority funds.

The bill also provides for the first-ever survey of the condition of existing breakwaters and jetties protecting Federal harbors. In the Northwest, these critical structures are crumbling, failing to provide necessary protection for shippers and fishermen alike, and increasing the long-term costs of maintaining our ports and harbors. This survey will provide Congress with critical information on the condition of breakwaters and levees so that we may start the process of repairing or replacing these structures in the near future.

I am pleased that S. 612 also authorizes a new Columbia River Basin Restoration Program at the Environmental Protection Agency to help reduce toxic contamination and clean up contaminated sites in the Columbia River Basin.

However, Mr. Speaker, there are also provisions in this bill that I cannot support.

For example, when the Water Resources Development Act of 2016 was considered in the House in September, I sponsored an amendment to ensure that scarce Federal funds are not used for the construction of non-economically-justified projects, or projects for the construction of ballfields and splash parks. Unfortunately, at the insistence of the Republican majority, the authorization of the Central City; Texas project remains in this final bill, without the protections for taxpayers that I sought in my amendment. Should this project continue, I will continue to press the Committee and the Corps to oversee this project to ensure that taxpayer dollars are not wasted on frivolous and non-economically-justified projects, regardless of where they are constructed.

In addition, I did not support the inclusion in this bill of those provisions which side with one State over another in regional water issues, such as those involving the Apalachicola-Chattahoochee-Flint watersheds in the States of Georgia, Florida, and Alabama.

I do not support the inclusion of any of the provisions that purport to grant a private citizen with some undefined property right to publically-owned or managed property. These provisions, such as section 1148 (Cumberland River, Kentucky), section 1185 (Table Rock Lake, Arkansas and Missouri), and section 5003 (Tennessee Valley Authority jurisdictional waters), follow a concerning trend that seeks to provide some enforceable interest in public lands and resources for which no right currently exists, or no agreement with or payment to the government is made. Congress should conduct proper oversight of these and any future proposals to grant such a property right to ensure that public resources are properly held in trust for the good of the Nation, and not the benefit of private individuals or interests.

In addition, I oppose efforts by the Republican Leadership to undermine worker protections and Buy America requirements for programs and projects authorized by this bill. If enacted, these provisions will undermine the principle of prevailing wage protections for construction jobs, and open the door to using American taxpayer dollars to pass off goods made with Russian and Chinese steel as ''Made-in-America'' .

Finally, and most egregiously, I am opposed to the inclusion of the last-minute, nearly 100–page California water poison pill that was developed behind closed doors and with no apparent public debate. It deeply divides the existing California Congressional delegation, regardless of party, and picks winners and losers in a region-against-region and industry-against-industry fight for water in California. This provision was dropped on our lap on Monday. It jeopardizes not only our bill, but also Oregon's fishing industry and thousands of jobs that depend on sustainable fisheries. I cannot support a bill that will jeopardize thousands of jobs and our economic engine on the Oregon coast.

Again, I want to thank Chairman SHUSTER for his work on this bill. I am disappointed that the good work of our Committee has been sullied by the whims of House Republican Leaders, and hope that, in the next Congress, we can restore the strong and lasting commitments made between the majority and minority members of the Committee on Transportation and Infrastructure.

For these reasons, I oppose S. 612.

Mr. SHUSTER. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. GIBBS), the chairman of the Subcommittee on Water Resources and Environment.

Mr. GIBBS. Mr. Speaker, today I rise in support of S. 612, the Water Infrastructure Improvements for the Nation Act, the WIIN Act. The WIIN Act is a vital water infrastructure bill that contains the Water Resources Development Act of 2016.

As chairman of the Subcommittee on Water Resources and Environment, our jurisdiction includes water resources development missions of the U.S. Corps of Engineers. This bill is a compromise between the Senate and the House and authorizes the construction of key water infrastructure projects throughout the Nation. These projects create jobs here at home and have a direct impact on our economy and our national security.

The critically important Corps project authorizations are for the purposes of navigation and flood control, recreation, water supply, environmental protection, and so on. Each of the projects—30 projects that were mentioned by the chairman—was recommended by non-Federal sponsors to the Corps. Each of these are economically justified, environmentally acceptable, and technically achievable. They are the gold standard.

My subcommittee held multiple hearings to discuss the chief's reports and post-authorization change reports in depth, and my subcommittee provided strong congressional oversight of these proposed activities.

Many State, local, and regional areas will gain from the economic benefits of this bill. One example is the upper Ohio chief's report will greatly benefit my home State of Ohio by improving navigation within the existing locks and dams. More importantly, this project provides even greater benefits to the Nation, ensuring commodities reach foreign and domestic markets in a cost-effective manner.

This bill is fiscally responsible. The new project authorizations are fully offset by deauthorizations of projects that are outdated or no longer viable.

This bill contains an important pilot program for the beneficial reuse of dredged materials. This innovative program looks for ways to maximize dredged material based upon environmental, economic, and social benefits.

The WIIN Act contains no earmarks, it strengthens our water transportation networks, and it increases transparency for non-Federal sponsors and the public.

I strongly urge Members to support this bill.

Mr. DEFAZIO. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Mrs. NAPOLITANO), the ranking member of the subcommittee.

Mrs. NAPOLITANO. Mr. Speaker, I rise in support of the Water Resources Development Act, S. 612.

I strongly support the bipartisan work done by the Transportation and Infrastructure Committee on the Army Corps provisions that create policy and authorize projects around the country for flood damage reduction, ecosystem restoration, water supply, recreation, and navigation. There is something for everyone in this bill.

I am particularly appreciative that this bill authorizes the Los Angeles River project, which will rejuvenate the river by improving wildlife habitat and creating recreational opportunities for southern California residents.

I thank Chairman SHUSTER, Ranking Member DEFAZIO, and Chairman GIBBS for working with me and my staff to include multiple provisions that will improve water supply and local collaboration at the Army Corps facilities. These provisions include:

Providing more water supply to local communities by improving on WRDA '14 provisions and requiring the Corps to capture more water for groundwater replenishment, especially in Long Angeles County;

Promoting local and private sector combined efforts to remove sediment from Corps dams and improve water supply, which will benefit all dams, including Santa Fe Dam in my district;

Requiring the Corps to work more collaboratively with local communities on sharing water data and improving watershed management, in other words, transparency; and

Extending current law on donor port provisions important to the Ports of Los Angeles, Long Beach, and many other ports.

I also support the provisions in the bill that include providing assistance for the drinking water crisis in Flint, Michigan, and other areas of the country, which include California, although we should be investing more in our outdated drinking water infrastructure.

I disagree with the leadership's decision to add a California water provision to WRDA at the last minute. This provision should have been addressed as its own legislation and not attached to the traditionally bipartisan WRDA bill that so many Members, including Senator BOXER, have worked so hard on. If I had been consulted on this provision, I would have strongly advocated for more than $50 million for title XVI and $100 million for WaterSmart, as these programs are the most cost effective at addressing our drought crisis.

I want to thank the many water agencies and associations, such as the National Association of Flood and Stormwater Management Agencies, the County of Los Angeles Department of Public Works, the Upper San Gabriel Valley Water District, and the Three Valleys Municipal Water District that have worked with my office on this bill throughout the process, and overwhelmingly support WRDA.

I greatly respect and recognize that there are Members who disagree on the final passage based on the needs of their own districts and constituents, and I would like to work with them.

THE METROPOLITAN WATER
DISTRICT OF SOUTHERN CALIFORNIA,
December 6, 2016.

Re: Support Water Resources Development Act (WRDA) Bi-Partisan Drought Provision

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: As the nation's largest provider of drinking water, the Metropolitan Water District of Southern California would like to thank you for your leadership in responding to California's unprecedented drought. We support the drought provisions that you negotiated with the House, included in H.R. 2533 the Water Resources Development Act (WRDA) of 2016, to help us better manage our limited water resources. We also support the broader WRDA package which will provide strategic authorizations and investments to develop, manage and improve essential water infrastructure and operations in the United States.

While rains have returned to Northern California, we have little assurance of the water year ahead. Southern California is heading into its sixth year of drought. Were it not for the imported water that Metropolitan brings to the Southland, the groundwater basins and surface reservoirs would be at historic lows. This imported water remains an essential component of Southern California's water supply portfolio, and we cannot afford to miss out on capturing supplies during the few large storm events that come each year. Your drought provisions will help to maximize pumping while maintaining the protections provided to California's native species through the Endangered Species Act and the Biological Opinions that currently protect salmon and smelt. These protections are important to Metropolitan to ensure we continue to operate in an environmentally responsible manner.

Equally important is the need for investment in new local water supplies to help California adjust to climate conditions that are reducing our snowpack and changing rain patterns. Investments in recycling, desalination, groundwater treatment and conservation that are included in the drought provisions of the legislation are vital to this region. Reforming Title XVI to allow recycled water projects to compete for funding is an important first step.

WRDA includes many other important provisions that will benefit California water users including funding for improvements to U.S. rivers and harbors, improved science, conservation initiatives, infrastructure development, ecosystem restoration and sustainability. These programs will improve the nation's drinking water resources and improve our water resiliency as a nation.

Metropolitan appreciates your leadership on national water policy initiatives and your ongoing support and commitment to finding solutions for California's water supply and water quality concerns. We look forward to continuing to work with you to advance these objectives.

Sincerely,

JEFFREY KIGHTLINGER,
General Manager.

THREE VALLEYS MWD,
December 6, 2016.

Re: S. 2533—California Emergency Drought Relief Act—Support

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: I am writing to you on behalf of the Three Valleys Municipal Water District (TVMWD) to express our support for S. 2533—the California Emergency Drought Relief Act. TVMWD is a wholesale water supplier and member agency of the Metropolitan Water District of Southern California, responsible for providing treated import water supplies to over half a million people covering the Pomona, Walnut and East San Gabriel valleys.

Despite improving hydrologic conditions in 2016, many regions in California continued to suffer water supply shortages resulting from several years of prolonged drought and regulations that affect the operations of the State's major water supply projects. S. 2533 is designed to provide reasonable solutions to address both the short-term and long-term water supply needs for the State. It does this by investing in water storage, conservation, recycling and desalination, along with innovative water infrastructure financing. These provisions align with Proposition 1, which was passed by California voters in 2014, thus enhancing State law with the coordinated activities of the Federal agencies.

The bill upholds and protects state water rights and water law and there is an environmental protection mandate repeated throughout the text of the bill. Moreover, S. 2533 makes provision for additional protections of at-risk fish species and provides tools to improve the delta environment. The drought has shown how we must take a holistic look at how we manage the entire ecosystem for the benefit of both native species and water supply reliability.

S. 2533 will provide critical resources to assist California in the current drought and invest in long-term water infrastructure to help the state in the future and we are pleased to offer our support. We are requesting that our local representatives support your efforts to pass this important legislation and ask that they make you aware of that support. If you have any questions regarding TVMWD and its position, please do not hesitate to contact me at 909–621–5568.

Sincerely,

RICHARD HANSEN, P.E.,
General Manager.

UPPER SAN GABRIEL VALLEY
MUNICIPAL WATER DISTRICT,

Hon. GRACE F. NAPOLITANO,
House of Representatives,
Washington DC.

DEAR REPRESENTATIVE NAPOLITANO: Upper San Gabriel Valley Municipal Water District (Upper District) supports S. 612, the Water Infrastructure Improvements for the Nation Act (WIIN), a compromise bill that includes the Water Resources Development Act (WRDA) of 2016. We believe this important legislation is vital to California's water future and is consistent with our state's policy of managing water resources for the coequal goals of enhancing ecosystem health and improving water supply reliability.

S. 612 contains key provisions from the WRDA which will authorize numerous projects in California, including restoration of the Los Angeles River, Lake Tahoe and the Salton Sea. Upper District is pleased to see the bill authorizes $558 million for critical projects, that will help supplement state and local funding to construct new source water projects that will help manage our groundwater basin which has reached historic lows during California's five-year drought.

In addition, it will help local water agencies work with the U.S. Army Corps of Engineers on stormwater capture projects and groundwater recharge projects, and provides direction to the Corps to engage in environmental infrastructure projects, including water recycling projects. We are also pleased to see reforms made to Title XVI to allow recycled water projects to compete for funding.

This legislation reflects compromises that will improve water supplies for all Californians and reflects a balanced compromise that will help provide improved water supplies without violating the Endangered Species Act or existing biological opinions that govern pumping operations in the sensitive Bay-Delta eco-system.

Upper District appreciates your leadership on national water policy initiatives and your ongoing support and commitment to finding solutions for California's water supply. We strongly support passage of this legislation and respectfully ask for your vote in favor.

Sincerely,

SHANE CHAPMAN,
General Manager.

Mr. SHUSTER. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CALVERT), the chairman on the Appropriations Interior, Environment, and Related Agencies Subcommittee.

Mr. CALVERT. Mr. Speaker, I rise today in strong support of the WIIN Act. The bill contains a number of provisions that help improve the water infrastructure across the country.

My home State of California continues to suffer from drought conditions and a water system that has failed to keep up with tremendous population growth. Thankfully, this bill contains a number of solutions that will help address California's water challenges.

In my experience, there are few things more difficult than water negotiations, and these negotiations over California water provisions proved to be no different.

I am also pleased that this bill includes legislation I introduced to finalize the Pechanga Band of Luiseno Water Rights Settlement.

Mr. Speaker, I want to thank Senator FEINSTEIN for making today possible, Chairman SHUSTER and his committee for their hard work, Kiel Weaver for his efforts to get California water across the line, and Ian Foley for his tireless work.

I encourage all of my colleagues to support this bill.

Mr. DEFAZIO. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise to engage the chairman and ranking member in a brief colloquy on behalf of the Connecticut congressional delegation and Long Island Sound.

The sound is a treasured and integral source, one that generates $9 billion annually through tourism, recreation, and economic activity, so the importance of dredging activities to our State and the larger region cannot be overstated.

Therefore, we seek clarification with the constant intent of section 1189 and the dredging provisions contained in the WIIN Act.

I yield to the gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. Mr. Speaker, if we understand section 1189 correctly, nothing in S. 612 gives any States any new rights by which to impose its own water quality standards on any other State. Rather, section 1189 is simply a restatement of current law under the Clean Water Act.

Additionally, we understand that no provision in this bill revises the Army Corps' Federal standard of dredged material from Federal projects; and as is affirmed through a sense of Congress in section 1188 of this bill, the best way to resolve any disagreements over State water quality standards is collaboratively with input from all stakeholders.

Is that a correct reading of the bill?

Mr. SHUSTER. Will the gentlewoman yield?

Ms. DELAURO. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Yes.

Mr. DEFAZIO. Will the gentlewoman yield?

Ms. DELAURO. I yield to the gentleman from Oregon.

Mr. DEFAZIO. I would say yes.

Mr. SHUSTER. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. MCCARTHY).

Mr. MCCARTHY. Mr. Speaker, I thank the gentleman for yielding, and I want to thank the chairman for his hard work on this bill and his bipartisan effort in putting it together.

Mr. Speaker, Americans understand intuitively that governments are set up for the benefit of the people. Those who are civic-minded, who pay their taxes, live according to the law, and treat their fellow citizens with respect deserve certain guarantees: their government will keep them safe from enemies at home and abroad; their government will defend their most basic constitutional rights; and their government will ensure that people have access to basic necessities fundamental to life.

I ask this body, Mr. Speaker, what could be more fundamental to life than water? America is not some Third World country—we are a wealthy nation—and we will not let any American go without water. I am proud we are voting on legislation today to deliver water to the people across the country by updating our water resource projects and changing outdated water policies.

But, Mr. Speaker, we cannot treat each community facing a water crisis in isolation. In my State of California, we are enduring the worst drought in over a century. Farmland has been fallowed, families are forced to cut back on water consumption, and some are out of water completely. They have to travel to community centers for drinking water or to even take showers and brush their teeth.

With each passing day, month, and year, our situation becomes more desperate. As we all know, the drought is an act of nature. It is one of those troubles that we can respond to and prepare for but not prevent. Yet our own government, the Federal Government, has not only failed to prepare for this drought, they have exacerbated it. Water that could have been used in homes or on farms has been sent out to sea. Water that could have been stored by building new reservoirs was lost. Water, our most precious resource, has been wasted.

The drought may be our biggest challenge, but its destructive effects have been compounded by stubborn regulatory and legal restraints. In California, rather than strive to bring people water, the State government is taking it away. This is more than incompetence. Government has failed in its primary duty to make sure people have that which is necessary for life. The people of California have put into the system, and they are not getting what they deserve, are due.

But today, and in large part thanks to Members on both sides of the aisle in this Chamber and the senior Senator of our Golden State with their good faith negotiation and partnership, water is coming.

We now have a bipartisan water bill. It is not the holistic one that this House wants to pass, but it is a bill that helps deliver water to our communities, potentially enough to supply the annual needs of almost 450,000 households in California. It will increase pumping; it will increase storage; it will fund more desalinization, efficiency, and recycling projects; and it will do all of this in accordance with the Endangered Species Act and without costing the taxpayer one additional cent.

Our work to bring California water is by no means complete, but this deal shows that we have a path forward to fulfill our obligation to the American people.

Once we pass this bill today, I urge Senate Democrats and Republicans and the President to join with the House and enact this bill and help our communities in California, in Flint, and across this country get access to the water we desperately need.

Mr. DEFAZIO. Mr. Speaker, how much time is remaining on both sides?

The SPEAKER pro tempore. The gentleman from Oregon has 2½ minutes remaining. The gentleman from Pennsylvania has 4½ minutes remaining.

Mr. DEFAZIO. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, if this bill did what the previous speaker just said, I would be here to speak in favor of it. Unfortunately, this legislation is a giant leap in the wrong direction with the potential to undo all that our State has worked for. It sends operations mandates from Washington to water managers who have carefully balanced water allocation across users for the past 5 years of this terrible drought. It pits regions against each other. It reignites the water wars, which our State has struggled with for generations.

□ 1115

Though the authors have provided authorization for critical water infrastructure, they have prioritized huge water storage projects without enough congressional oversight.

The bill also leaves the door open for the Federal funding for our State's delta tunnels proposal, which is highly controversial in California; and funding for this measure, if it happens at all, would be left to the mercy of the Republican-controlled spending committees. Funding is not guaranteed for these projects.

Most fundamentally, this provision violates the bedrock environmental laws that protect ecosystems not just in California, but nationwide. When lawmakers overrule biological opinions—the determination of scientists about what is best for a species—the science-based management ecosystems everywhere are undermined.

The consequences could be catastrophic. We have seen it before. In 2002, we ignored science and diverted water out of the Klamath River, killing nearly 80,000 spawning salmon. Communities were devastated and livelihoods were lost. We can't afford to set a precedent. This is a bad provision of an otherwise good bill, and I urge a ''no'' vote.

Mr. SHUSTER. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. FARENTHOLD).

Mr. FARENTHOLD. I thank the chairman.

Mr. Speaker, I am here today to support the WIIN Act. We have heard from both sides. It is a bipartisan bill. Nobody likes everything in it, which is typical of legislation in Washington, but it is absolutely critical to this country—to jobs and our economy.

In fact, in the district I represent, there are over 76,000 jobs associated with ports and waterways in the area. I would venture to say, however, 100 percent of the population is touched in the products that they buy, in the goods that they produce, and in the raw materials that are shipped.

This is a good bill that cuts redtape and gets our port projects going. It is what we need for our economy and it is what we need for America. I urge my colleagues to support it.

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

I thank all of the staff who worked so hard on this legislation, particularly the majority and minority staff of the Subcommittee on Water Resources and Environment. We would not be here today without the hard work of Ryan Seiger and Mike Brain on my staff and of others on the other side of the aisle.

Mr. Speaker, I yield the balance of my time to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I rise in solidarity and in championing the cause of the steelworkers of our Nation and of the industrial heartland of Lorain, Ohio, and Gary, Indiana, and Youngstown.

Apparently, the Republican majority was not paying attention to the recent election because, in fact, Mr. Trump promised that the Buy American provision and American steel production would be supportive and primary; yet they are proposing to kill the Buy American provision in this bill.

I urge the majority not to forget the promises its party made to these proud and strong American workers. I can assure the majority they won't forget. We also have to stand up to Chinese dumping that has put out of work thousands and thousands and thousands of workers across this country. Given the woes of the American steel industry, encouraging more offshoring is unconscionable.

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

Mr. SHUSTER. Mr. Speaker, I yield 1 minute to the gentleman from South Carolina (Mr. SANFORD).

Mr. SANFORD. I thank the gentleman.

Mr. Speaker, I rise in support of this bill.

I thank the chairman for his work and for the committee's work on this bill in the way that, in essence, it creates a lighthouse on how we might fund infrastructure projects going forward.

There is much talk about the new Trump administration and what will come next on that front, but what will be important is the process in the way that we fund infrastructure. We can have our different takes on what should or shouldn't happen in California, but if you look at the bill in its totality, it sets in place a process that, I think, is vital.

Second, it is important to take things off the Christmas tree, and this bill does that. I praise the chairman for what he has done. He deauthorized $10 billion worth of projects. That is something we do not often see in Washington, D.C., and it is something we need to see more of.

Finally, I thank the gentleman for the way that he focused on Charleston. Any time one can count a resource on one hand, it is a natural resource. Indeed, that is the case with the port in Charleston, which I think will go to serve needs, along with a number of other ports on the Gulf and the East Coast, as the Panama Canal has been widened.

Mr. SHUSTER. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. GRAVES).

Mr. GRAVES of Louisiana. I thank the chairman and the ranking member for all of their work on this legislation, particularly on the water resources component.

Mr. Speaker, you can look at water resource policy across the United States, whether it is building levees or it is restoring the coast. We have one of the most expensive and one of the most delayed processes for implementing infrastructure projects in the Nation. This bill begins to correct that process. It begins to expedite it. It begins to give better local control. It begins to provide people protection. It begins to restore the environment.

Just in August of this year, Mr. Speaker, we had one of the worst floods in U.S. history that will result in billions of dollars in flooding. We simply could have spent millions, once again, in preventing the flooding from happening, thus saving lives and saving this country billions of dollars. So I urge the adoption of the bill.

I want to quickly say that the West Shore project authorized in here and the environmental banks are critical and are going to result in much protection and efficiency.

Mr. SHUSTER. Mr. Speaker, I appreciate all of the work that has gone into this bill, especially by the staff on both sides of the committee. There were a lot of hours that they put in, and I can't thank them enough for what they did.

Again, I thank my counterpart, the gentleman from Oregon (Mr. DEFAZIO), for his efforts on the bill as well as the ranking member's and the subcommittee chairman's.

I urge all of my colleagues to support S. 612, or the WIIN Act, so we can improve our ports, our harbors, and can protect this Nation from flooding and natural disasters.

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

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

I rise in support of S. 612, the Water Infrastructure Improvements for the Nation Act, and I urge my colleagues to join me in that support.

As everyone knows, families in Flint, Michigan, have not been able to trust the drinking water coming out of their taps for more than 2 years, and bottled water and filters are only temporary solutions. They want answers, and they want results. The package before us includes legislation that will authorize funding to help improve the health of the people in Flint and in other communities who have had Federal emergencies declared due to there being unsafe levels of lead in their drinking water. Specifically, this package authorizes $100 million in Safe Drinking Water Act capitalization grants to States that respond to a Presidentially declared disaster for health threats posed by their drinking water.

This bipartisan package also expresses that $20 million should be approved under the Water Infrastructure Finance and Innovation Act for eligible projects. It authorizes $20 million for the creation of a Lead Registry and Advisory Committee at the Department of HHS, and it authorizes an additional $15 million in appropriations for the Childhood Lead Poisoning Prevention Program at the CDC. It also authorizes $15 million for the Healthy Start Initiative at the Department of HHS.

This fully offset package will not only serve as the basis for responding to decaying lead service lines across

the country, but will also directly respond to the tragic toll that has been taken on the minds and bodies of Flint's youngest victims due to repeated exposures to elevated concentrations of lead in drinking water. We must pass this authorization to ensure the appropriation proposed in the continuing resolution does what we want it to do, not what the EPA might come up with for that funding.

As for the other parts of the WIIN Act, they are not perfect, but they represent a bipartisan, bicameral compromise that I expect the President to sign. Under the jurisdiction of the Energy and Commerce Committee, there are several other proposals that address lead and other contaminants in drinking water:

WIIN includes the public notification provisions that the House passed this past February with 412 votes. Specifically, it requires public water systems to notify their customers if the utility, on a systemwide basis, is exceeding the Federal lead action level for the concentration of lead in its drinking water. If the water utility and the State fail to make the notice, then the EPA must advise the public.

These provisions also call for the creation of a strategic plan between the EPA, the State, and the local water utility for household-specific notification if the EPA learns about a particular household getting water above the Federal lead action level.

This legislation also targets assistance to small and economically disadvantaged communities, particularly those communities with any kind of formal plumbing or inadequate water delivery service.

Beyond Flint, WIIN institutes a new program to help communities finance activities to reduce the lead in their treated drinking water. The priority for these grants goes to economically disadvantaged communities that have concentrations of lead in their drinking water that exceed Federal standards. This bill also provides grants to States for voluntary testing programs for lead in school and childcare center drinking water systems.

There are other worthy provisions that are contained in this bill that I urge my colleagues to look into, but I want to mention two of them: Buy American iron and steel and State permitting for coal ash. While these provisions have been carried in appropriations bills for years, WIIN inserts a requirement into the Safe Drinking Water Act that iron and steel used in projects financed with Federal money have to be primarily made in the United States.

This language sends a strong signal that Congress supports American businesses and workers and will not allow foreign competitors to use our markets as a dumping ground for cheap products. Concerning coal ash, after 6 years of trying, we are close to reaching our goal of enacting legislation to establish permit programs for coal ash.

The language in WIIN provides for the establishment of State and EPA permit programs, which will alleviate the issue of the citizen suit enforcement of the EPA's final rule. Like past House proposals, States may incorporate the EPA final rule for coal combustion residuals or develop other criteria that are at least as protective as the final rule.

□ 1130

States and utilities alike are supportive of the language.

I commend our colleague, DAVID MCKINLEY, for his dogged determination on this issue and our Water Resources and Environment Subcommittee Chairman JOHN SHIMKUS for their work on this subject.

In summary, Mr. Speaker, this bill is, on balance, better than the status quo, and it is done in a more fiscally responsible way than the version that passed the other body: no direct spending, fully offset, and in line with House rules and protocols. It addresses critical issues facing our Nation in both water infrastructure and drinking water policy. It is worthy of our support, and it will benefit all Americans. I urge a ''yes'' vote on S. 612.

I reserve the balance of my time.

Mr. TONKO. I yield myself such time as I may consume.

Mr. Speaker, this bill is far from perfect. It has some very good provisions and others that I oppose. I rise today to highlight the particular sections I worked on to get included in this bill.

I have worked across the aisle with my colleagues in the past on similar drinking water issues, and I have been asking my E&C colleagues for a hearing on broader reforms to the Safe Drinking Water Act through this entire session. While we have not been successful in having a hearing, I remain optimistic that my colleagues on the other side will make this a top priority next year.

With that said, the bill before us today includes a number of provisions very similar to language authored by myself, by Ranking Member PALLONE, and many of our Democratic colleagues contained within the AQUA Act and the Safe Drinking Water Act Amendments of 2016.

We know communities and low-income homeowners need assistance replacing lead service lines. This bill authorizes a new $300 million grant program to get lead out of our communities. It gives priority to schools, to childcare centers, and other facilities that serve children. The bill also makes it easier for States to administer Federal funds.

In addition to these provisions from the AQUA Act, there are a number of other positive things included in this bill. We have heard about the struggles of small and disadvantaged communities. In my district, the mayor of Castleton, Joseph Keegan, testified that his community needs help but simply cannot afford a loan. He suggested allowing grants. This bill includes a significant grant program specifically for that purpose.

It also gives more flexibility for tribal governments and encourages innovative technologies. The bill improves public notification requirements when a system violates the Lead and Copper Rule, an issue the gentleman from Michigan (Mr. KILDEE) has fought for to help prevent another tragedy like that in Flint. And it includes an authorization for a program to help schools test for lead.

Unfortunately, this bill fails to make sufficient commitments to Buy American. We must include stronger Buy American language in the statutes.

Finally, I am disheartened to see such a divisive bit of language on California water issues added at the last minute. It is frustrating to see a good bill, negotiated in good faith, get loaded up with a poison pill at the end. Ultimately, this bill has taken some good first steps to invest in our Nation's water systems and provide the city of Flint with the assistance it needs and deserves. But much more is needed.

Some $384 billion is required over the next 20 years to simply keep up our drinking water systems, and 18 million Americans live in communities that violated the Lead and Copper Rule in 2015. We must, and we can, do better. It is time to get to work. There are many more provisions included in the AQUA Act that I hope this body seriously considers moving forward.

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

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

Mr. TONKO. Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. MCNERNEY).

Mr. MCNERNEY. Mr. Speaker, I have witnessed a pattern of attacks against the Endangered Species Act as well as attacks on our industries and communities that rely on the California delta. House Republicans continue to attach environmentally damaging California water riders to every single piece of legislation that is moving on this floor. This time, it is on S. 612, the WIIN Act, also known as the WRDA bill.

This highly controversial language was developed behind closed doors, and it jeopardizes the Senate bipartisan bill that Senator BOXER and Senator INHOFE have worked on very hard, but Senator BOXER is now willing to sacrifice all that work to stop this bill. I strongly support the original bill, which includes some very good stuff.

I also want to recognize Mr. KILDEE, my colleague who has worked very hard on behalf of his constituents in Flint, Michigan.

I support the provisions in this bill that will provide assistance to the drinking water crisis in Flint and other areas of the Nation that need upgraded drinking water infrastructure.

But as long as the California so-called drought language remains, my State and the Pacific Coast are at risk.

This California water rider would further degrade the California delta. It weakens protections for California fisheries; threatens thousands of fishing industry jobs, as we have heard, even up to the coast of Oregon; increases saltwater intrusion; and it picks winners and losers in my State.

This provision will provide freedom to export water above and beyond what the ESA currently allows. This will cause further saltwater intrusion into the delta. You know, farmers do not benefit when saltwater contaminates our water supplies.

If we truly believe in sound science, we should not override science with local interests that do not represent the entire State.

The administration and its agencies have serious concerns with this language. This rider will not create a path forward for effective operations but, instead, will create a firestorm of litigation.

Environmental organizations, the fishing industry, the fisheries believe this language will devastate our way of life on the Pacific Coast.

I, along with California, Oregon, and Washington Members, have urged the House and Senate leadership to reject similar riders in the past. I have had an opportunity to submit amendments to strip these riders in the past, but we do not have that opportunity today.

The SPEAKER pro tempore (Mr. HOLDING). The time of the gentleman has expired.

Mr. TONKO. Mr. Speaker, I yield the gentleman an additional 30 seconds.

Mr. MCNERNEY. Republicans should not hold funding for water infrastructure projects hostage. Instead of pitting communities against each other, we need to support conservation, storm water capture, and innovative recycling programs. We need real drought solutions that will actually improve water supply.

This is not a compromise. It sets a precedent for the next administration to further unravel environmental protections. I urge a ''no'' vote.

Mr. BUCSHON. Mr. Speaker, may I ask how much time I have remaining?

The SPEAKER pro tempore. The gentleman from Indiana has 5 minutes remaining.

Mr. BUCSHON. Mr. Speaker, I yield 1 minute to the gentleman from North Dakota (Mr. CRAMER).

Mr. CRAMER. I thank the gentleman for yielding.

Mr. Speaker, the WIIN Act includes two provisions very important to constituents of mine in North Dakota that involve Bureau of Land Management properties; and because of the House rules, I was unable to put these provisions in the House WRDA Act. However, Senator HOEVEN was able to get them into the Senate bill; and, with the strong support of committee leadership and staff, we were able to work it out and get them in the final bill.

One provision concludes an issue that has been going on for years that involves the continued use of trailer homes around Lake Tschida, or the Heart Butte Reservoir. The requirements set in this provision will increase safety while supporting existing investments and continued recreation around the lake.

The other deals with a more recent issue that has arisen lately of looming fee increases at cabins and trailers at three North Dakota BLM reservoirs: the Heart Butte, Dickinson, and Jamestown. Because market rent surveys weren't completed for many years, and then the recent increases in North Dakota property values, surveys completed last year concluded that the fees would have to be increased 91 to 232 percent overnight. Obviously, my constituents would be hit too hard by that, so this bill helps correct that and brings a smoother transition.

Mr. TONKO. Mr. Speaker, I yield 2½ minutes to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Speaker, I thank my friend from New York (Mr. TONKO) for yielding and for his work advocating on behalf of the people of my hometown, Flint.

I also want to thank colleagues on both sides of the aisle: Leader PELOSI; our whip, Mr. HOYER; the Speaker who committed to help make sure that we get this Flint provision through; as well as other colleagues who have stood with me as I have fought now for a year and a half for the people of my hometown.

Flint is a city of 100,000 people who still can't drink their water. This is not a question of access to water. The water flowing through the pipes in Flint has poisoned that city: 100,000 people, 9,000 children under the age of 6 affected permanently by high levels of lead being delivered to them through their municipal water system, caused by careless, thoughtless decisions based on an obsession with austerity by the State government. And then they were told the water was safe to drink, when that same State government knew it was not.

Look, we know where we stand. No bill is perfect. This bill is far from perfect. Many of the provisions included in this legislation I disagree with. But I have been fighting for my hometown and have been told to wait and wait and wait, and the people of my community can wait no longer.

Drinking water is a basic human right, and that should be a human right exercised by the people everywhere, including the people of my hometown of Flint.

Every day that passes, every week that passes, every month that passes that Flint does not get the relief they so deserve is a day we don't get back. More people leave. More businesses fail. The city gets more poor and poor and poor and incapable of moving forward. That has to stop, and it has to stop right now. It has to stop before this Congress adjourns. We can't count on the next Congress to get this done. Time matters.

This bill would provide relief to my hometown. It would put it on a path, and it would send a signal that it is okay to invest in Flint. It is okay to stay. The water will be fine. That is a responsibility we have. This is a moral obligation that we have.

It also makes sure that there is no more Flints, by including in this legislation the Kildee-Upton bill that passed this House nearly unanimously. It is long past time for us to act. I ask you to join me in supporting this legislation.

Mr. BUCSHON. Mr. Speaker, I yield 1 minute to the gentleman from Montana (Mr. ZINKE).

Mr. ZINKE. Mr. Speaker, I rise in strong support of the WIIN Act, which includes one of my top priorities in Congress, the Blackfeet Water Compact. I cannot stress how important this compact is to the Blackfeet Nation, a nation of warriors; the State of Montana; and our great Nation, the United States.

Not only has the compact receive the necessary and long signoff that involved Federal agencies, the House Natural Resources Committee, and House leadership, it is a net benefit to the American taxpayer.

I want to commend the Blackfeet warriors for all their hard work, especially Chairman Harry Barnes for his guidance and leadership, and also Chairman BISHOP for his leadership.

I urge my colleagues in the House and Senate to put politics aside and pass this bill.

Mr. TONKO. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from New York has 1½ minutes remaining.

Mr. TONKO. Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. PALLONE), the ranking member of the Committee on Energy and Commerce who is doing a great job leading us in the House.

Mr. PALLONE. Mr. Speaker, I oppose the WIIN Act in its current form. The decision by Republican leadership to include damaging legislation on California water in an otherwise good, bipartisan bill is deeply disappointing.

Members and staff have devoted months to the underlying package, including long overdue aid for the people of Flint. But I cannot support the California water poison pill, and I know that many of my colleagues in the Senate are in the same position.

I want to thank Leader PELOSI and Whip HOYER for working tirelessly over the last few months to develop this package and over the last few days to save it. I hope this is not the end of the story.

We have tried for years on the Energy and Commerce Committee, Mr. Speaker, to get our Republican colleagues to work with us to strengthen the Safe Drinking Water Act and provide more money for infrastructure, but they have refused. So I welcomed the Senate's bipartisan passage of an

expanded WRDA that included some valuable changes to the Safe Drinking Water Act and significant new authorizations for infrastructure, and I was pleasantly surprised that House Republicans agreed to some of the changes and authorizations in that bill.

However, the drinking water provisions in this bill fall short of what was included in the Senate WRDA bill; most notably, Republicans refuse to support a permanent requirement that projects funded through the SRF use American iron and steel. That requirement should not be controversial. It has been enacted through the appropriations process for years and has clear benefits for American workers and the American economy.

□ 1145

House Democrats have proposed significant changes to the Safe Drinking Water Act that go far beyond this bill, including changes needed to address dangerous drinking water contaminants and the risks to drinking water from climate change. Ignoring these challenges won't make them go away. House Republicans need to face these challenges in the coming months and not undermine our efforts with poison pills.

Mr. BUCSHON. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. UPTON), the chairman of the Committee on Energy and Commerce.

Mr. UPTON. Mr. Speaker, I rise this morning in support of S. 612, the Water Infrastructure Improvements for the Nation Act, and I would urge every one of my colleagues to join me in that support.

As everybody knows, families in Flint, Michigan, have not been able to trust the drinking water coming out of their taps for more than 2 years. Bottled water and filters are only temporary solutions. In August, I traveled to Flint with my friend and colleague DAN KILDEE from Michigan. We visited health facilities and homes, and we heard firsthand from hundreds of residents. No matter where we went, we heard the same voices. Folks in Flint are tired of the partisan blame game. They really are. They wanted answers and they wanted results, and that is what this bill does.

That is why we worked so hard to have language included in this bipartisan legislation that will authorize funding to help improve the health of the folks in Flint and other communities who have had Federal emergencies declared due to the unsafe levels of lead in their drinking water.

Our package authorizes $100 million in Safe Drinking Water Act capitalization grants to States responding to a Presidentially declared disaster for health threats associated with the presence of lead or other drinking water contaminants in a public water system.

This bipartisan package also expresses that $20 million should be approved under the Water Infrastructure Finance and Innovation Act for eligible projects. It authorizes $20 million for the creation of a lead registry and advisory committee at the Department of HHS and authorizes an additional $15 million appropriation for the Childhood Lead Poisoning Prevention Act at CDC. It authorizes $15 million for the Healthy Start Initiative at the Department of HHS. It also authorizes 30 new Army Corps of Engineers projects across the country, including critical harbor maintenance provisions that are vitally important in the Great Lakes.

This fully offset package will not only serve as the basis for responding to decaying lead service lines across the country, but also responds to the tragic toll that has been taken on the minds and bodies of Flint's youngest victims and similar communities due to repeated exposures to elevated concentrations of lead in drinking water.

Simply put, Flint needs action. This bipartisan legislation delivers that. I urge my colleagues to vote ''yes.''

Mr. BUCSHON. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. LANCE).

Mr. LANCE. Mr. Speaker, I rise today in very strong support of the Water Infrastructure Improvements for the Nation Act, which will provide critical resources to address the needs of our waterway infrastructure directly affecting communities' economy and safety.

Communities I represent have suffered from chronic flooding, and I am proud to have worked with municipal leaders in Cranford, Kenilworth, Maplewood, Millburn, Rahway, Springfield, and Union, New Jersey, to include authorization language in this legislation that will complete the Rahway River Basin Flood Risk Management Feasibility Study.

For years, these New Jersey communities have pursued this project based on its great merits that will protect life and property. I have toured these communities and seen firsthand how the solution must come from collaboration between local leaders, State entities, and the Federal Government, including the Army Corps of Engineers.

This legislation gives the Army Corps the directive to get it done. This is how Congress should work, heeding the call of our constituents and building bipartisan consensus to make sure that this legislation passes. I congratulate all those responsible.

Mr. BUCSHON. Mr. Speaker, I urge the passage of S. 612.

I yield back the balance of my time.

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

Mr. BISHOP of Utah. Mr. Speaker, I yield myself 2 minutes.

One of the things we have to realize is we have had communities that have been suffering for a long time. Our job is to help people. We should be ashamed that it has taken us so long to try and move to a solution in these particular issues. What we have before us here is not a total solution, but it is a very, very good first step, and not just for the arid West. There are 17 Western States that will be assisted by this bill, but 29 States as well as Indian Country are going to be helped, especially as they try to repair their aging dams and their irrigation canals. We are finalizing Native American water rights settlements in California, Oklahoma, and Montana; doing land exchanges; helping with forestry management in the Nevada area; giving flexibility for Californians under the principle that, if it is going to rain, capture the water before it is lost to the ocean; having alternative end-water development programs like desalinization. All of these are done without undermining the Endangered Species Act. I say that not as a virtue of the bill, but simply as a fact.

This bill in which we find some compromise between the Senate and the House, between Republicans and Democrats, is a final way of us being able to actually move forward. Let's make sure that we take ''yes'' as an answer.

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

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

WRDA has always been a bipartisan piece of legislation. I have always voted for WRDA. I voted for this WRDA earlier in this Congress before a 90-page poison pill, California water provision, was dropped in at the very last minute.

Mr. Speaker, unfortunately, I must rise today in opposition to this WRDA in its current form. I urge my colleagues to vote ''no'' on it and force a vote on a clean WRDA so that we can have the many projects, the many benefits, the aid to the people of Flint, Michigan, that they so richly deserve and have waited far too long to receive.

We are here, Mr. Speaker, because, unfortunately, the House Republicans have a problem with regular order. It is something that they have talked a lot about. We have heard many promises about an open legislative process, and yet here they come again with the latest attempt to jam through dangerous California water provisions that were crafted behind closed doors, without public review or scrutiny, and they are being thrown on the House floor literally in the final hours of this Congress.

Let's not forget that this same last-minute, closed-door maneuver, the same water grab, nearly torpedoed last year's must-pass spending bill. By insisting on this parochial poison pill, majority leadership is apparently willing to risk tanking the WRDA bill no matter the damage to the families of Flint who have been waiting far too long, no matter the harm to fishing communities across the West, no matter how many jobs that would be created by WRDA might have to wait until the McCarthy rider is dealt with.

This power play feels a lot like deja vu. Today, yet again, we are debating a

California water measure that hasn't gone through the committee of jurisdiction or received sign-off from the affected tribal interests, the fishing industry, or State and Federal water agencies.

While this Congress was never given the opportunity to receive expert testimony on these provisions, we do know that the Obama administration just this week announced its strong opposition to the California water provisions that have been added to this bill. Senator BOXER, one of the primary authors of the WRDA bill before it was hijacked with this rider, has also called these provisions a last-minute poison pill, and she has vowed to do everything in her power to block this bill in the Senate.

Mr. Speaker, we have heard significant opposition to this rider from other stakeholders who have warned this Congress that thousands of fishing industry jobs across the Pacific Coast will be threatened if this bill is enacted.

But I do have to hand it to my colleagues across the aisle about one thing: they are relentless. This rider is simply the latest of many attempts to pick winners and losers during California's historic drought. If it is enacted, the winners in this effort will certainly be some of the most powerful, politically active corporate farmers in the world.

Consider one group of water stakeholders, one group of contractors in one specific region. Now, this bill may call itself a drought solution, and we may talk about many different parts of it, but tucked into the details is a congressionally directed 100 percent water allocation for one group of water contractors. That is one heck of a drought solution if you have got the political juice to get it into a bill like this. Fishery protections, meanwhile, will be gutted in order to redistribute water supplies, primarily to large industrial farms in the Central Valley.

Let's talk about the losers in this effort. It is going to be pretty much everyone else. The California water rider will weaken fisheries protections that support thousands of jobs in numerous industries, including commercial and recreational fishing, fish processing, restaurants, docks and harbors, boating, equipment supply, and tourism. Pretty much everyone across the Pacific Coast who depends on healthy fisheries for their livelihoods will be hurt if this poison pill is enacted.

Thousands of fishermen and their families are already hanging on by a thread right now. Because of this drought, fishery managers have severely restricted the commercial fishing season off the West Coast because of high salmon mortality in California. Last year we had a 97 percent mortality rate for juvenile Sacramento River winter-run salmon. The year before that it was a 95 percent mortality.

These are tough times for fishermen around the West. They are struggling to pay their mortgages. We have heard about boats being scrapped because the owners can't pay mooring fees; homes are being repossessed; restaurants, hotels, and other retail and service businesses are struggling just to scrape by.

The human impact during this drought has been devastating on the many small-business owners and thousands of working people across California, Washington, and Oregon who depend on healthy fisheries. This is the worst time to weaken the thin line of protections for these fragile salmon fisheries. Yet instead of increasing protections, as all the evidence tells us we need to do, this bill takes us in the opposite direction.

Now, the State of California has called for Federal drought legislation that does not favor one region or one sector of the State over another. This rider unquestionably fails that test.

Mr. Speaker, this Congress can do real things to solve California's water problems without pitting parts of the State against each other. I hope one day my House Republican colleagues will give up on the idea of jamming through dangerous, divisive measures that pit fishermen against farmers, that override the interests of the tribal community and numerous others who are suffering through California's historic drought.

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

Mr. BISHOP of Utah. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. VALADAO), one of the leaders in this particular effort.

Mr. VALADAO. Mr. Speaker, I first want to start off with a big thank-you to Chairman BISHOP for all his hard work these past 4 years—it has been with his leadership and his support that we have been able to get to this point—Chairman SHUSTER as well, and, obviously, from California, Majority Leader KEVIN MCCARTHY has been a big supporter.

This piece of legislation is a small step in the right direction. In no way, shape, or form are we celebrating as if we have reached the finish line. What this does is it helps us give a little more flexibility so we can help those poor people in my communities, and others south of me and even just a little bit north of me, who need this help desperately.

I have got people in my communities living in shantytowns, people who have lost their jobs, schools struggling, infrastructure struggling, law enforcement on the verge of bankruptcy. I have got police chiefs resigning now because there are just not enough resources in these communities, all because of bad legislation that was passed.

We have had 20 years of restrictions on water. It has not helped one single species. The species are on the verge of extinction, and these policies have been place.

Why not try something different? Why not try some common sense? This legislation delivers that. It does not affect the Endangered Species Act. It does not affect the biological opinions. All the protections are still there. It just offers a little more flexibility to our agencies so we can help these communities that desperately need it.

If you care about the people of California, you will look at the big picture, you will pay attention, and you might actually even take some time and read the actual legislation. There are no handouts. This is something that actually provides jobs with new dollars for infrastructure, with new dollars for recycling and other resources that are very important, even things that I know my friends across the aisle are supportive of, things like desalinization.

I think this legislation makes a lot of sense. I would love to see some more support. I am thankful for all the support I do have across the aisle, but I am hopeful for more. I look forward to this.

□ 1200

Mr. HUFFMAN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. MCNERNEY).

Mr. MCNERNEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, my region has much of the delta; I would say most of it. I am very concerned about saltwater intrusion with these new provisions. Saltwater is not something that you can drink. You can't do much with it. It is a problem.

It is easy to sympathize—and I do—with the farmers and communities south of the delta, but we shouldn't just pass the problem from one region to another. We don't need to do this.

We can develop recycling. Israel recycles 90 percent of their water. California recycles 15 percent. We can capture urban and suburban storm water. We can stop water leakage. We can reduce evaporative losses. We can start groundwater banking. We can create regional self-sufficiency, which will reduce reliance on the delta water and solve all these problems. Instead, we continue to do things the old way.

A region that needs water says: Well, they've got water over there. We are going to get it. We are going to use our politics, our money, and we are going to get that water. Who cares what they think. Who cares what happens to them.

By the way, adding flexibility to the operations of the ESA is weakening the ESA.

So let's find real solutions for everyone. Please oppose this bill.

Mr. BISHOP of Utah. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. COSTA).

Mr. COSTA. Mr. Speaker, this is a good bill for Flint, Michigan. It is a good bill for WRDA projects across the country. It is a good bill for California. Everybody knows that we have experienced over 5 years of drought conditions, the driest in 1,200 years.

I reject the notion that somehow there is a poison pill. This is a bipartisan effort that Senator FEINSTEIN, House Republicans, myself, and other Members from California have worked on for 2 years. As a matter of fact, some of the opponents of this legislation have provisions in this measure that they supported and advocated Senator FEINSTEIN insert.

The Obama administration drafted environmental protections, and one of the red lines was that it would not modify or amend the Endangered Species Act, nor would it change the biological opinions. Those are simply falsehoods. Falsehoods.

This bill authorizes $580 million to offset for storage, recycling, and reuse and desalinization. That is very important. That is part of what the last speaker just talked about: recycling and reuse and water conservation.

It also provides programs to benefit fish and wildlife. It also works within the framework of the existing biological opinions.

The SPEAKER pro tempore (Mr. DOLD). The time of the gentleman has expired.

Mr. BISHOP of Utah. Mr. Speaker, I yield the gentleman an additional 30 seconds.

Mr. COSTA. Mr. Speaker, I reject the notion that these are poison pills. People in my district and in their homes and my colleagues have been without water, in some cases, for 2 years. This is not like a Third World country. This is the richest country in the world, but farm communities, farmers, and farmworkers are suffering.

This legislation would place a step in the right direction to provide people support to correct this broken water system that we have in California. I urge the support of this legislation not only for the people of California, but for Flint, Michigan, and the entire country. This is a bipartisan process and this legislation reflects that fact.

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

Mr. Speaker, there is a reason that every environmental group that is engaged on this and the Obama administration are opposing this language. It is not harmless. It is not perfectly fine with the ESA. It is a congressional override of the scientific, peer-reviewed biological opinions that does grave harm to the ESA and sets a terrible precedent. But there are other problems with the bill, as well.

Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. GRIJALVA), my colleague and ranking member of the Natural Resources Committee.

Mr. GRIJALVA. Mr. Speaker, I regret that, once again, we are here today to discuss a divisive, last-minute attempt by House Republicans to jam through destructive legislation that favors House Republicans' special interests, industry friends at the expense of everybody else.

This week, I and nearly every one else saw for the first time a newly inserted 100-page rider that would weaken protections for West Coast fisheries, primarily to redirect water to large corporate farms in one section of California. This rider threatens the jobs of thousands of fishermen and others across the West Coast who depend on healthy fish runs for their livelihoods.

My colleagues and I will be voting today, soon, on a 100-page proposal that has not been reviewed by the numerous affected stakeholders, the committees of jurisdiction, nearly every Member of Congress, or the general public.

This rider fundamentally threatens the original WRDA bill that had bipartisan support in the House and bicameral support as well. What makes things worse is this poison pill rider now jeopardizes the approval of several pending Indian water rights settlements that are included in the original WRDA bill. The tribes whose water settlements are now jeopardized by this poison pill have been waiting, in many cases, to settle their claims for decades and even more.

Just one of the water settlements jeopardized by the House Republicans' latest stunt is for the Blackfeet Nation. The Blackfeet Nation, as mentioned by another colleague, has been trying for more than a century to protect and secure its water rights. Finally, we have a water settlement for the Blackfeet Nation that, once approved by Congress, would provide funding to conduct and rehabilitate Blackfeet Nation's water infrastructure so tribal residents can finally have reliable and safe drinking water.

Currently, at least 30 percent of reservation residents live in housing that lacks adequate plumbing or kitchen facilities. For the richest country in the world, it is an embarrassment that our Native American brothers and sisters continue to live in those conditions.

This Republican House has not funded an Indian water rights settlement in nearly 6 years. After years of work, we are as close as we have ever been to enacting a settlement since Democrats controlled the House. Yet, my House Republican colleagues have decided this week that doing a favor for their special interest allies is worth the risk of jeopardizing the approval of every Indian water rights settlement that is part of the original legislation.

This behavior is wrong and shows that this congressional majority considers the needs of Indian country less important than pushing a sweetheart deal for some of the most powerful corporate farmers in the world.

It is time for this Congress to finally pay attention, take the needs of Indian country seriously, and bring us a clean WRDA bill that has bipartisan, bicameral support so that we can take action, protect those Indian water rights, and deal with the very important question of Flint.

Mr. BISHOP of Utah. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. LAMALFA), another member of the California delegation who has been working tirelessly on this issue.

Mr. LAMALFA. Mr. Speaker, I thank the chairman greatly for this opportunity, and all who have had a role in this; Chairman SHUSTER as well. This is a bipartisan effort. It truly is a bipartisan effort.

I thank Senator FEINSTEIN for coming forward and being a strong voice on this as well. So it is a bipartisan, bicameral effort. These long-term negotiations didn't happen just overnight. Indeed, since it is water in California, most of this takes many years.

These provisions will modernize California's water supply system in the short term and invest in new infrastructure to secure the State's economic future—a very critical one. This agreement improves water supply for all Californians. More supply helps everyone, north and south, and uses the latest science to provide more water without harming wildlife in any way. It does not harm wildlife.

From a northern California perspective, this agreement achieves several major goals, including ironclad protections of northern California water rights, improving water supply reliability, and authorizes construction, finally, of Sites Reservoir, a key project that has been talked about for years that will help California's future supply needs.

While this bill is a significant step in the right direction, it is not the be-all and end-all. It is not the comprehensive solution. It is a compromise. No one gets everything they want. Any honest observer will recognize that this agreement provides more water and does so without altering the Endangered Species Act or other environmental requires. It deserves your sport.

Those that are opposed to it seem to be just on the fringe, far edge of the environmental movement. Let's get this done. I enjoy the fact that we have all come together, by and large, for a strong bipartisan effort.

Mr. BISHOP of Utah. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. MCCLINTOCK), who is one of our subcommittee chairmen on the Natural Resources Committee.

Mr. MCCLINTOCK. I thank the chairman for yielding.

Mr. Speaker, like any compromise, I don't like everything in this bill, but the net effect is an important step forward in protecting California and its environment against devastating droughts, and it protects Lake Tahoe against catastrophic wildfires.

My colleague from California says the California provisions are a sudden surprise to him in this water development bill. Well, he needs to pay more attention to the business on the floor. These provisions have all been in water development bills passed by bipartisan majorities from this House over the past 6 years.

If he were truly concerned about the salmon, he should be supporting this

bill. This bill encourages the fish hatcheries to produce burgeoning and abundant populations of salmon.

It finally controls the nonnative predators in the delta that are, by far, the biggest single threat to salmon and smelt and other endangered species.

The reservoirs are our most important defense against drought, ensuring year-round water flows. Without reservoirs, in a drought, the water heats to lethal temperatures and often dries up. There are no fish.

In addition, this bill provides $335 million to increase our desperately needed reservoirs. It adds flexibility to management of the New Melones Reservoir. It streamlines water transfers to assure water can be more efficiently moved to where it is most needed. It adds strong protection to the northern California area of origin water rights, expedites approval of projects, and updates flood control criteria to make better use of our existing reservoirs.

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

Mr. BISHOP of Utah. Mr. Speaker, I yield the gentleman an additional 30 seconds.

Mr. MCCLINTOCK. One more point on our fragile environment. This bill addresses the single greatest catastrophic threat to Lake Tahoe—catastrophic wildfire—by expediting the reduction of dangerous fuel loads.

Mr. Speaker, I urge its adoption.

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

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

Mr. Speaker, let me say in conclusion that we have been talking about this issue for the last 5 years. We have had four bills that have been brought forth on this issue. We passed this one this year as well.

One would assume by a lot of the discussion you just heard that this is only a California issue. It is not. These provisions affect the entire West and entire Nation; 29 States. It affects my State, and I am not from California. It is important. It is based on the simple, commonsense idea that when it rains, store the water before you lose it to the ocean. That is there.

Mr. Speaker, I include in the RECORD a letter from Ducks Unlimited supporting this bill. I think they are going to be happy to know that I guess they are not an environmental group anymore.

DUCKS UNLIMITED,
December 6, 2016.

President BARACK OBAMA,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Ducks Unlimited (DU) is supportive of the Water Infrastructure Improvements for the Nation (WIEN) Act. On behalf of our more than one million members and supporters nationwide, DU has worked closely with Senator Feinstein over the past two years to ensure that water and water rights critical to California's wildlife refuges were not diminished in California Drought Legislation. We believe the drought provisions now included in the WIIN Act safeguard existing water rights and take important steps toward improving the distribution of water to wildlife refuges in the Central Valley.

Water supply development takes a great toll on wetlands and any new water supply legislation must not further exacerbate this trend. The Central Valley Project Improvement Act (CVPIA) was a critical step toward mitigating the environmental damage caused by decades of large-scale water development in California. A sustainable water future requires diligent preservation of that mitigation program, plus new innovations in water supply resilience.

Specifically, the bill protects water supplies for Central Valley Project (CVP) wildlife refuges by including refuge contractors in its water right provisions, and by expressly protecting the Department of Interior's obligations under the CVPIA. It authorizes an additional $10 million in funding over five years to improve refuge water conveyance infrastructure. Implementation of this bill would likely increase the reliability of refuge water supplies delivered by the Department of Interior through the Sacramento-San Joaquin Delta. It also authorizes funding for water storage projects that provide federal benefits, including wildlife refuge benefits.

California annually hosts one of the greatest concentrations of migratory waterfowl in North America, serving as the wintering home to millions of waterfowl, shorebirds and other wetland-dependent species. The majority of migratory birds that frequent Alaska, Washington and Oregon spend their winters in California, especially on winter-flooded rice fields. Rice agriculture in California plays a crucial role in fulfilling the annual life cycle needs of numerous Pacific Flyway birds. These migratory visitors provide countless hours of enjoyment to hunters and birdwatchers throughout the Pacific Flyway. As a result, migratory waterfowl are also an important economic driver across the region, especially in California. Sportsmen, including waterfowlers, contribute $3.5 billion annually to California's economy. The birds of the Pacific Flyway are a shared resource, requiring the stewardship of not only California, but of all Western states, as well as Canada and Mexico, as they migrate thousands of miles between their breeding grounds and winter homes.

Please feel free to contact me with any questions regarding our assessment of the California Drought provisions in the WIIN Act and their importance to California's wildlife refuges and the millions of birds in the Pacific Flyway that visit these wetland habitats each year.

Sincerely,

H. DALE HALL,
Chief Executive Officer, Ducks Unlimited.

Mr. BISHOP of Utah. Mr. Speaker, I also would like to realize that there are Native American water rights that have been included in this bill in Montana, in Oklahoma, and in California, to the point that the National Congress of American Indians has also endorsed this bill, which I include in the RECORD.

DECEMBER 7, 2016.

Hon. MITCH MCCONNELL,
Majority Leader, U.S. Senate,
Washington, DC.
Hon. HARRY REID,
Minority Leader, U.S. Senate,
Washington, DC.
Hon. PAUL D. RYAN,
Speaker of the House, House of Representatives,
Washington, DC.
Hon. NANCY PELOSI,
Minority Leader, House of Representatives,
Washington, DC.

Re Support for S. 612—the Water Infrastructure Improvements for the Nation Act

DEAR MAJORITY LEADER MCCONNELL, SPEAKER RYAN, MINORITY LEADER REID, AND MINORITY LEADER PELOSI: On behalf of the National Congress of American Indians (NCAI), the United South and Eastern Tribes (USET) Sovereignty Protection Fund, and the Inter Tribal Association of Arizona (ITAA), we write to urge this Congress to pass S. 612—the Water Infrastructure Improvements for the Nation Act (WIIN Act). The WIIN Act contains many provisions that will benefit Indian Country's water infrastructure, provide access to clean drinking water and improvements to waste water systems, settle several Tribal water rights claims, and provide parity for Tribal Nations in water resources development projects.

First, S. 612 enhances the ability of Tribal Nations to address water infrastructure projects that benefit their citizens. Tide I of the Act amends Section 1156 of the Water Resources Development Act making Tribes eligible for the cost sharing waiver for water resources development projects, and extends this waiver to Tribes for assistance with water planning. Tribes can also request feasibility studies on water resources development projects and enter into partnerships and cooperative agreements with the Army Corps of Engineers (Corps) regarding water resources data. Further, Alaska Native Villages, Regional Corporations, and Village Corporations will be able to enter into agreements to construct water projects.

With the recent national focus on tribal concerns regarding the infrastructure permitting process at the Corps, the WIIN Act allows for a full review of the Corps' procedures. The bill requires the Corps to conduct tribal consultations and issue a report to Congress within 1 year on how its existing policies, regulations, and guidance related to tribal consultation on water resources development projects, or activities requiring the issuance of a permit, many have an impact on tribal cultural or natural resources.

Title I also repatriates the remains of the Ancient One (Kennewick Man) back to the Tribes who have claimed him so he can be respectfully treated and properly buried pursuant to traditional practices. The Ancient One's repatriation is a longstanding request from Indian Country and will put an end to the disrespectful treatment of his ancestral remains and allow for healing to begin.

Further, several sections of Title II of S. 612 allow Tribal Nations to build technical capacity and self-sufficiency in administering water programs and projects. The legislation amends the Safe Drinking Water Act (SDWA) to ensure the availability of funding for Tribal water and waste water operator training and certification programs for Tribal organizations and Tribal consortia, which already have provided over 2,500 certifications to personnel employed by approximately 115 Tribal Nations. It also creates a new section in SDWA to provide assistance to small and disadvantaged communities to prioritize projects in consultation with Tribes, States, and local governments.

Additionally, S. 612 recognizes the outstanding maintenance and repair needs for

existing water infrastructure projects in Indian Country. Title III contains a provision on Indian dams, based on S. 2717—the DRIFT Act, which addresses the deferred maintenance needs of Bureau of Indian Affairs dams, reforms the Corps' Tribal Partnership Program to pay for feasibility studies for flood mitigation and prevention in Indian Country, and creates a Tribal Safety of Dams Committee. This Title also provides for the much needed repair, replacement, and maintenance of back logged Indian irrigation programs in the west by creating an Indian Irrigation Fund at the Bureau of Reclamation based on S. 438—the IRRIGATE Act.

The WIIN Act will also finalize water rights settlements for the Pechanga Band of Luiseno Mission Indians, Blackfeet Nation, the Choctaw Nation of Oklahoma and the Chickasaw Nation, and amendment to the San Luis Rey Band of Mission Indians' water settlement. Moreover, it takes land into trust for the Tuolumne Band of Me-Wuk Indians, Tule River Indian Tribe, and exchanges land for the Morongo Band of Mission Indians. Finally, S. 612 contains a mechanism for the Environmental Protection Agency to reimburse costs incurred by Tribes, States, and local governments after the Gold King Mine spill in August of 2015.

While these are just selected highlights from the legislation, the WIIN Act takes great steps towards improving water infrastructure programs and development in Indian Country. NCAI, USET Sovereignty Protection Fund, and ITAA strongly urge you to consider and pass S. 612 in the last legislative days of the 114th Congress to resolve many important water-related concerns of Tribal Nations. If you have any questions, please contact Colby Duren, NCAI Staff Attorney & Legislative Counsel.

Sincerely,

BRIAN CLADOOSBY,
President, National Congress of American Indians.
KIRK FRANCIS,
President, United South and Eastern Tribes Sovereignty Protection Fund.
SHAN LEWIS,
President, Inter Tribal Association of Arizona, Vice-Chairman, Fort Mojave Indian Tribe.

Mr. BISHOP of Utah. Mr. Speaker, these things are important, but the goal right here is to realize we are not after fear-mongering. We are after ways we can actually help people. That is the goal. Help our communities. That has to take place.

I am appreciative that the senior Senator from California, DIANNE FEINSTEIN, a Democrat, as well as the majority leader in the House, Mr. MCCARTHY, a Republican, have all agreed on this package.

We are the States where all of a sudden, in a bipartisan and bicameral way, we have found a solution to move us forward. That is why I am saying, when the answer is yes, let's take yes.

Vote ''yes'' on this provision, vote ''yes'' on this bill. It moves us forward. It is not a solution that is perfect, but it moves us forward in a way we haven't been able to do in the last decade.

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

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in support of S. 612, that reauthorizes the Water Resource Development Act. WRDA is once again a bipartisan bill with broad support. This bill protects and develops our communities and our waterways.

As one of many members who represent a major port, I know firsthand that ports are enormous economic engines for growth.

The Port of Houston has allowed Houston and Harris County to be the energy capital of the world. The jobs and economic growth, including refining and manufacturing, associated with the Port are a driver for the entire region.

This WRDA bill provides essential federal support for the Houston Ship Channel dredging to 50 feet which will allow for larger, deeper draft ships that will increase trade at America's second busiest port. The bill also modernizes how partners can work with the Army Corps of Engineers to develop projects for local and national benefit as we move forward.

Additionally, flood control projects in this bill preserve our communities that are facing increased hazards from record rainfall and rising sea levels. The support for the Brays Bayou project will help shield areas that have been devastated by deadly flooding earlier this year.

I am proud to support a bipartisan bill that both supports our economic development and protects our vulnerable communities.

Ms. JACKSON LEE. Mr. Speaker, I rise in support of S. 612, the ''Water Infrastructure Improvement Act,'' as amended, which authorizes variety of U.S. Army Corps of Engineers water resources development projects, feasibility studies, and relationships with nonfederal project sponsors.

I thank Chairman SHUSTER and Ranking Member DEFAZIO for their work in shepherding this legislation to the floor and for their commitment to addressing the needs of America's harbors, locks, dams, flood protection, and other water resources infrastructure critical to the nation's health, economic competitiveness and growth.

I am pleased that the bill before us provides authorization for several water projects critical to my State of Texas:

1. Brazos River, Fort Bend County, Texas.—Project for flood damage reduction in the vicinity of the Brazos River, Fort Bend County, Texas.

2. Chacon Creek, City of Laredo, Texas.—Project for flood damage reduction, ecosystem restoration, and recreation, Chacon Creek, city of Laredo, Texas.

3. Corpus Christi Ship Channel, Texas.—Project for navigation, Corpus Christi Ship Channel, Texas.

4. City of El Paso, Texas.—Project for flood damage reduction, city of El Paso, Texas.

5. Gulf Intracoastal Waterway, Brazoria and Matagorda Counties, Texas.—Project for navigation and hurricane and storm damage reduction, Gulf Intracoastal Waterway, Brazoria and Matagorda Counties, Texas.

6. Port of Bay City, Texas.—Project for navigation, Port of Bay City, Texas.

Additionally, the bill includes changes to the Safe Drinking Water Act and the Solid Waste Disposal Act to help communities, particularly economically distressed ones, pursue better quality drinking water and obtain certainty for protecting a community's economic, environmental, and public health well-being in the following ways:

1. Empowers small and economically disadvantaged communities to improve their drinking water services;

2. Equips communities with programs and activities to reduce concentrations of lead in drinking water, including the replacement of lead service lines;

3. Empowers states and provides flexibility to incorporate underserved communities that have inadequate drinking water systems, and aids smaller, lower-income communities, tribes, and states in water quality testing and general compliance with Safe Drinking Water Act requirements;

4. Benefits communities by requiring public water systems to notify customers if the utility is exceeding federal drinking water lead action levels, similar to H.R. 4470 which passed the House 416–2;

5. Creates a voluntary program for testing for lead in school and childcare center drinking water;

6. Promotes transparency and accountability by creating a clearinghouse of public information on the cost-effectiveness of alternative drinking water delivery systems, including systems that are supported by wells; and

7. Authorizes research on innovative water technologies, including those that identify and mitigate sources of drinking water contamination and improve compliance with the Safe Drinking Water Act.

Mr. Speaker, I am also very pleased that the bill before us addresses the need of funding that Flint, Michigan has been experiencing, authorizing $170,000,000 to be used to repair or replace private infrastructure in communities that the President has declared to be in an emergency.

For the past two years, Flint, Michigan has lived in a state of fear, having to drink from bottles of filtered water in order to completely avoid lead poisoning and contamination.

Citizens of Flint, Michigan had to abandon their homes and the residents had to be compensated for their property as well as be provided for regarding current and future health conditions that arise from the contamination by polluted water.

Wired Magazine estimated that most of the corroded pipes in Flint—20,000 to 25,000 in total—are one inch in diameter, and connect homes to the larger, main pipes running under the middles of streets.

The project of replacing all lead pipes will need a city-wide lead pipe map.

The water pipes are buried at a depth of 3.5 feet to put them below the frost line, and will need to be extracted.

The Michigan's state report produced in September 2015 on replacing all lead pipes in the city of Flint places the per-household cost at between $2–8,000.

The report estimates that it would take fifteen year to completely replace lead pipes at an estimated cost of $ 60 million.

Flint Mayor Karen Weaver announced that her goal would be to replace 13,000 lead pipes at a cost of $2–3,000 for each pipe for a total of about $42 million.

No one knows the reality of undertaking a massive effort such as what will be needed, so the cost could easily be much higher than estimates.

Flint cannot be another Katrina where the poor, people of color and marginalized are shutout of jobs as well as the political and decision making processes regarding their homes, neighborhoods or city.

Replacing the lead pipes of Flint, must include the cost of repairing homes that will be

damaged to access the pipes; repaving driveways, or re-sodding lawns that are dug up to get to pipes, and restoring sidewalks that are damaged to access pipe.

These costs can easily put another $40–50 million in addition cost to lead pipe replacement.

Further, the current and long term health effects on residents must be addressed.

These massive costs that Flint will incur cannot be placed on the shoulders of Michigan alone.

We will continue to work to help the people of Flint, Michigan in order to restore them to health and bring them out of this crisis.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 949, 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.

□ 1215

MOTION TO RECOMMIT

Mr. MICHAEL F. DOYLE of Pennsylvania. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MICHAEL F. DOYLE of Pennsylvania. I am opposed to it in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Michael F. Doyle of Pennsylvania moves to recommit the bill S. 612 to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith, with the following amendment:

In section 2113, in the matter proposed to be inserted into section 1452(a) of the Safe Drinking Water Act as paragraph (4)(a), strike ''During fiscal year 2017, funds'' and insert ''Funds''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania is recognized for 5 minutes in support of his motion.

Mr. MICHAEL F. DOYLE of Pennsylvania. Mr. Speaker, this is the final amendment to the bill, which will not kill the bill or send it back to committee. If adopted, the bill will immediately proceed to final passage, as amended.

Mr. Speaker, I rise today in support of this motion to recommit in order to significantly improve this bill by restoring the bipartisan Buy American language that was inextricably stripped over the last 3 days.

The WIIN Act provides important funding for ports, harbors, and waterways around the country. I think infrastructure issues like this bill should be something we can all agree on. In fact, they have been historically bipartisan.

Then again, I also think that support for hardworking Americans should also be bipartisan. I was disappointed that my bipartisan amendment, offered by myself and my good friend from North Carolina, Representative WALTER JONES, was rejected yesterday at the Rules Committee by a party-line vote.

Our amendment would have made the Buy American provisions for EPA's Drinking Water State Revolving Fund permanent, matching all other clean water programs and all other Federal infrastructure programs. I want to reemphasize that. Every other program, Federal infrastructure programs, clean water programs, have permanent Buy American provisions.

So the question is: Why does this bill just have a 1-year provision?

If you don't think that sends a signal to China that 1 year from today they can start dumping steel over in the United States and undercutting our steel industry and our steelworkers, then you are not living on the same planet that I am.

The Senate passed their bill, including language making the Buy American requirement for the Drinking Water State Revolving Fund permanent, with an overwhelming bipartisan vote, 95–3.

House Republican leadership, for some unexplained reason, replaced this bipartisan Senate language with a 1-year extension at the last minute. I don't understand why we would do this, why we would undercut the American steel industry; but I believe that their actions send a clear message to those folks in the steel mills around our country that we don't have their back.

These hardworking Americans depend on manufacturing jobs to support their families, and they have suffered because of Chinese steel dumped in our markets. U.S. steel mills have closed. American steelworkers have lost their jobs, and others have had their hours cut.

This is personal to me. My father supported our family working in a steel mill, just like his father before him. They supported their families through these tough, dangerous jobs, like millions around the country. There is dignity in that work, and we need to make sure that Congress doesn't kill that dignity, along with the kind of jobs Americans can support a family on.

U.S. tax dollars should support American manufacturers and help preserve hardworking families across this Nation. I think these workers and their families deserve more certainty and more support.

President-elect Trump said just last week: ''We have two simple rules when it comes to this massive rebuilding effort: Buy American and hire American.''

Now, the President-elect and I may be from different parties, but we certainly agree on that.

I have had Members from both sides of the aisle come up to me and say that they support our amendment, and that they would vote for it on the floor. Members on both sides of the aisle at Rules spoke in favor of this amendment.

Well, we didn't get the vote we wanted out of the Rules Committee, but, colleagues, this is our chance to send a message and tell the American workers and American manufacturers that we have got their back by passing this motion to recommit.

It just does one simple thing. It changes this 1-year provision to permanent, just like the Senate bill that got sent down here and every other infrastructure bill that we do in this country.

Colleagues, let's not send the signal to China that America is open for them to dump their steel and put our companies and our workers out of jobs. Let's tell American companies and American workers that this Congress has their back.

Vote for this motion to recommit and let's stick up for the American worker and our American manufacturers.

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

Mr. SHUSTER. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. SHUSTER. Mr. Speaker, I thank my good friend from western Pennsylvania. I support Buy American provisions, and, of course, as he mentioned, there is a 1-year provision in this. I just disagree—this is not the process for doing this moving forward. I believe it will kill the bill.

This is a good bill. It was carefully negotiated with our counterparts in the Senate and both sides of the aisle. It represents a lot of—months and months of hard work.

First, the bill will create jobs. It keeps American jobs in America by strengthening or competitiveness and grows our economy, and it will be including American steel in it.

Second, it is a fiscally responsible bill. We fully offset it. It reduces a deficit by a half a billion dollars.

Finally, it reasserts congressional authority by restoring the 2-year cycle of considering WRDA bills. It returns us to regular order, preventing unelected bureaucrats from making decisions on our Nation's water infrastructure.

So stopping the bill now, I don't think, is the right thing to do. Let's pass it. Let's continue to work together to get strong, Buy American provisions as we move forward, which is something I do support. So I urge a ''no'' vote at this time.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The 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. MICHAEL F. DOYLE of Pennsylvania. 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 today, further proceedings on this question will be postponed.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2016

Mr. ROGERS of Kentucky. Mr. Speaker, pursuant to House Resolution 949, I call up the bill (H.R. 2028) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes, with the Senate amendment thereto, and ask for its immediate consideration.

The Clerk read the title of the bill.

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

Senate amendment:

Strike all after the enacting clause and insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for energy and water development and related agencies for the fiscal year ending September 30, 2017, and for other purposes, namely:

TITLE I

CORPS OF ENGINEERS—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related efforts.

INVESTIGATIONS

For expenses necessary where authorized by law for the collection and study of basic information pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related needs; for surveys and detailed studies, design work, and plans and specifications of proposed river and harbor, flood and storm damage reduction, shore protection, and aquatic ecosystem restoration projects, and related efforts prior to construction; for restudy of authorized projects, and related efforts; and for miscellaneous investigations, and, when authorized by law, surveys and detailed studies, and plans and specifications of projects prior to construction, $126,522,000, to remain available until expended.

CONSTRUCTION

For expenses necessary for the construction of river and harbor, flood and storm damage reduction, shore protection, and aquatic ecosystem restoration projects, and related projects authorized by law; for conducting detailed studies, design work, and plans and specifications, of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and plans and specifications, shall not constitute a commitment of the Government to construction); $1,813,649,000, to remain available until expended; of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by Public Law 104–303; and of which such sums as are necessary to cover one-half of the costs of construction, replacement, rehabilitation, and expansion of inland waterways projects shall be derived from the Inland Waterways Trust Fund, except as otherwise specifically provided for in law: Provided, That funds made available under this heading for shore protection may be prioritized for projects in areas that have suffered severe beach erosion requiring additional sand placement outside of the normal beach renourishment cycle or in which the normal beach renourishment cycle has been delayed.

MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for flood damage reduction projects and related efforts in the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, $368,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund.

OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, and aquatic ecosystem restoration projects, and related projects authorized by law; providing security for infrastructure owned or operated by the Corps, including administrative buildings and laboratories; maintaining harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; surveying and charting northern and northwestern lakes and connecting waters; clearing and straightening channels; and removing obstructions to navigation, $3,173,829,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for coastal harbors and channels, and for inland harbors shall be derived from the Harbor Maintenance Trust Fund; of which such sums as become available from the special account for the Army Corps of Engineers established by the Land and Water Conservation Fund Act of 1965 shall be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas managed by the Army Corps of Engineers at which outdoor recreation is available; and of which such sums as become available from fees collected under section 217 of Public Law 104–303 shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which such fees have been collected: Provided, That 1 percent of the total amount of funds provided for each of the programs, projects, or activities funded under this heading shall not be allocated to a field operating activity prior to the beginning of the fourth quarter of the fiscal year and shall be available for use by the Chief of Engineers to fund such emergency activities as the Chief of Engineers determines to be necessary and appropriate, and that the Chief of Engineers shall allocate during the fourth quarter any remaining funds which have not been used for emergency activities proportionally in accordance with the amounts provided for the programs, projects, or activities: Provided further, That of the funds provided herein, for any Corps of Engineers project located in a State in which a Bureau of Reclamation project is also located, any non-Federal project regulated for flood control by the Secretary of the Army located in a State in which a Bureau of Reclamation project is also located, or any Bureau of Reclamation facilities regulated for flood control by the Secretary of the Army, the Secretary of the Army shall fund all or a portion of the costs to review or revise operational documents, including water control plans, water control manuals, water control diagrams, release schedules, rule curves, operational agreements with non-Federal entities, and any associated environmental documentation.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $200,000,000, to remain available until September 30, 2018.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation's early atomic energy program, $103,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary to prepare for flood, hurricane, and other natural disasters and support emergency operations, repairs, and other activities in response to such disasters as authorized by law, $30,000,000, to remain available until expended.

EXPENSES

For expenses necessary for the supervision and general administration of the civil works program in the Army Corps of Engineers headquarters and the division offices; and for costs allocable to the civil works program of management and operation of the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the United States Army Engineer Research and Development Center, and the United States Army Corps of Engineers Finance Center, $180,000,000, to remain available until September 30, 2018, of which not more than $5,000 may be used for official reception and representation purposes and only during the current fiscal year: Provided, That no part of any other appropriation provided in this title shall be available to fund such activities in the Army Corps of Engineers headquarters and division offices: Provided further, That any Flood Control and Coastal Emergencies appropriation may be used to fund the supervision and general administration of emergency operations, repairs, and other activities in response to any flood, hurricane, or other natural disaster.

OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS

For the Office of the Assistant Secretary of the Army for Civil Works as authorized by 10 U.S.C. 3016(b)(3), $5,000,000, to remain available until September 30, 2018.

GENERAL PROVISIONS—CORPS OF ENGINEERS—CIVIL

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. (a) None of the funds provided in title I of this Act, or provided by previous appropriations Acts to the agencies or entities funded in title I of this Act that remain available for obligation or expenditure in fiscal year 2017, shall be available for obligation or expenditure through a reprogramming of funds that:

(1) creates or initiates a new program, project, or activity;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the House and Senate Committees on Appropriations;

(4) proposes to use funds directed for a specific activity for a different purpose, unless prior approval is received from the House and Senate Committees on Appropriations;

(5) augments or reduces existing programs, projects, or activities in excess of the amounts contained in paragraphs (6) through (10), unless prior approval is received from the House and Senate Committees on Appropriations;

(6) INVESTIGATIONS.—For a base level over $100,000, reprogramming of 25 percent of the base amount up to a limit of $150,000 per project, study or activity is allowed: Provided, That for a base level less than $100,000, the reprogramming limit is $25,000: Provided further, That up

to $25,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(7) CONSTRUCTION.—For a base level over $2,000,000, reprogramming of 15 percent of the base amount up to a limit of $3,000,000 per project, study or activity is allowed: Provided, That for a base level less than $2,000,000, the reprogramming limit is $300,000: Provided further, That up to $3,000,000 may be reprogrammed for settled contractor claims, changed conditions, or real estate deficiency judgments: Provided further, That up to $300,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(8) OPERATION AND MAINTENANCE.—Unlimited reprogramming authority is granted for the Corps to be able to respond to emergencies: Provided, That the Chief of Engineers shall notify the House and Senate Committees on Appropriations of these emergency actions as soon thereafter as practicable: Provided further, That for a base level over $1,000,000, reprogramming of 15 percent of the base amount up to a limit of $5,000,000 per project, study, or activity is allowed: Provided further, That for a base level less than $1,000,000, the reprogramming limit is $150,000: Provided further, That $150,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation;

(9) MISSISSIPPI RIVER AND TRIBUTARIES.—The reprogramming guidelines in paragraphs (6), (7), and (8) shall apply to the Investigations, Construction, and Operation and Maintenance portions of the Mississippi River and Tributaries Account, respectively; and

(10) FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM.—Reprogramming of up to 15 percent of the base of the receiving project is permitted.

(b) DE MINIMUS REPROGRAMMINGS.—In no case should a reprogramming for less than $50,000 be submitted to the House and Senate Committees on Appropriations.

(c) CONTINUING AUTHORITIES PROGRAM.—Subsection (a)(1) shall not apply to any project or activity funded under the continuing authorities program.

(d) Not later than 60 days after the date of enactment of this Act, the Secretary shall submit a report to the House and Senate Committees on Appropriations to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year which shall include:

(1) A table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if applicable, and the fiscal year enacted level; and

(2) A delineation in the table for each appropriation both by object class and program, project and activity as detailed in the budget appendix for the respective appropriations; and

(3) An identification of items of special congressional interest.

(e) The Secretary shall allocate funds made available in this Act solely in accordance with the provisions of this Act and the report of the Committee on Appropriations accompanying this Act, including the determination and designation of new starts.

(f) None of the funds made available in this title may be used to award or modify any contract that commits funds beyond the amounts appropriated for that program, project, or activity that remain unobligated, except that such amounts may include any funds that have been made available through reprogramming pursuant to section 101.

SEC. 102. The Secretary of the Army may transfer to the Fish and Wildlife Service, and the Fish and Wildlife Service may accept and expend, up to $5,400,000 of funds provided in this title under the heading ''Operation and Maintenance'' to mitigate for fisheries lost due to Corps of Engineers civil works projects.

SEC. 103. None of the funds made available in this or any other Act making appropriations for Energy and Water Development for any fiscal year may be used by the Corps of Engineers during the fiscal year ending September 30, 2017, to develop, adopt, implement, administer, or enforce any change to the regulations in effect on October 1, 2012, pertaining to the definitions of the terms ''fill material'' or ''discharge of fill material'' for the purposes of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

SEC. 104. None of the funds provided in this act may be used for open lake disposal of dredged sediment in Lake Erie unless such disposal meets water and environmental standards agreed to by the administrator of a State's water permitting agency and is consistent with a State's Coastal Zone Management Plan. If this standard is not met, the Corps of Engineers will maintain its long-standing funding obligations for upland placement of dredged material with cost sharing as specified in section 101 of the Water Resources Development Act of 1986, Public Law 99–662, as amended by section 201 of the Water Resources Development Act of 1196, Public Law 104–303 (33 U.S.C. 2211) and section 217(d) of the Water Resources Development Act of 1996, Public Law 104–303, as amended by section 2005 of the Water Resources Development Act of 2007, Public Law 110–300 (33 U.S.C. 2326a(d)).

SEC. 105. None of the funds made available by this title may be used for any acquisition that is not consistent with section 225.7007 of title 48, Code of Federal Regulations.

SEC. 106. Of the amounts made available under this title for operation and maintenance, $2,000,000 shall be available for Upper Missouri River Basin flood and drought monitoring under section 4003(a) of the Water Resources Reform and Development Act of 2014 (Public Law 113–121; 128 Stat. 1310).

SEC. 107. Section 2006 of the Water Resources Development Act of 2007 (33 U.S.C. 2242) is amended—

(1) in subsection (a)(3), by inserting ''in which the project is located or of a community that is located in the region that is served by the project and that will rely on the project'' after ''community''; and

(2) in subsection (b)—

(A) in paragraph (1), by inserting ''or of a community that is located in the region to be served by the project and that will rely on the project'' after ''community'';

(B) in paragraph (4), by striking ''local population'' and inserting ''regional population to be served by the project''; and

(C) in paragraph (5), by striking ''community'' and inserting ''local community or to a community that is located in the region to be served by the project and that will rely on the project''.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, $10,000,000, to remain available until expended, of which $1,300,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission: Provided, That of the amount provided under this heading, $1,350,000 shall be available until September 30, 2018, for expenses necessary in carrying out related responsibilities of the Secretary of the Interior: Provided further, That for fiscal year 2017, of the amount made available to the Commission under this Act or any other Act, the Commission may use an amount not to exceed $1,500,000 for administrative expenses.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES

(INCLUDING TRANSFERS OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, federally recognized Indian tribes, and others, $1,114,394,000, to remain available until expended, of which $158,841,000 shall be available for additional funding for work and are authorized to be used consistent with activities described in the Commissioner's transmittal to Congress dated February 8, 2016; $22,000 shall be available for transfer to the Upper Colorado River Basin Fund and $5,551,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund: Provided, That such transfers may be increased or decreased within the overall appropriation under this heading: Provided further, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 6806 shall be derived from that Fund or account: Provided further, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which the funds were contributed: Provided further, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: Provided further, That of the amounts provided herein, funds may be used for high-priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $55,606,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), and 3405(f) of Public Law 102–575, to remain available until expended: Provided, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102–575: Provided further, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

CALIFORNIA BAY-DELTA RESTORATION

(INCLUDING TRANSFERS OF FUNDS)

For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act, consistent with plans to be approved by the Secretary of the Interior, $36,000,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes: Provided, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management: Provided further, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program.

POLICY AND ADMINISTRATION

For expenses necessary for policy, administration, and related functions in the Office of the Commissioner, the Denver office, and offices in

the five regions of the Bureau of Reclamation, to remain available until September 30, 2018, $59,000,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: Provided, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed five passenger motor vehicles, which are for replacement only.

GENERAL PROVISIONS—DEPARTMENT OF THE INTERIOR

SEC. 201. (a) None of the funds provided in title II of this Act for Water and Related Resources, or provided by previous or subsequent appropriations Acts to the agencies or entities funded in title II of this Act for Water and Related Resources that remain available for obligation or expenditure in fiscal year 2017, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) initiates or creates a new program, project, or activity;

(2) eliminates a program, project, or activity unless the program, project or activity has received no appropriated funding for at least five fiscal years;

(3) increases funds for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;

(4) restarts or resumes any program, project or activity for which funds are not provided in this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;

(5) transfers funds in excess of the following limits, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate:

(A) 15 percent for any program, project or activity for which $2,000,000 or more is available at the beginning of the fiscal year; or

(B) $400,000 for any program, project or activity for which less than $2,000,000 is available at the beginning of the fiscal year;

(6) transfers more than $500,000 from either the Facilities Operation, Maintenance, and Rehabilitation category or the Resources Management and Development category to any program, project, or activity in the other category, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate; or

(7) transfers, where necessary to discharge legal obligations of the Bureau of Reclamation, more than $5,000,000 to provide adequate funds for settled contractor claims, increased contractor earnings due to accelerated rates of operations, and real estate deficiency judgments, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate.

(b) Subsection (a)(5) shall not apply to any transfer of funds within the Facilities Operation, Maintenance, and Rehabilitation category.

(c) For purposes of this section, the term transfer means any movement of funds into or out of a program, project, or activity.

(d) The Bureau of Reclamation shall submit reports on a quarterly basis to the Committees on Appropriations of the House of Representatives and the Senate detailing all the funds reprogrammed between programs, projects, activities, or categories of funding. The first quarterly report shall be submitted not later than 60 days after the date of enactment of this Act.

SEC. 202. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the ''Cleanup Program—Alternative Repayment Plan'' and the ''SJVDP—Alternative Repayment Plan'' described in the report entitled ''Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995'', prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

SEC. 203. Title I of Public Law 108–361 (the Calfed Bay-Delta Authorization Act) (118 Stat. 1681), as amended by section 210 of Public Law 111–85, is amended by striking ''2017'' each place it appears and inserting ''2019''.

SEC. 204. Section 9504(e) of the Secure Water Act of 2009 (42 U.S.C. 10364(e)) is amended by striking ''$350,000,000'' and inserting ''$450,000,000, on the condition that of that amount, $50,000,000 is used to carry out section 206 of the Energy and Water Development and Related Agencies Appropriations Act, 2015 (43 U.S.C. 620 note; Public Law 113–235)''.

SEC. 205. Section 205 of the Energy and Water Development and Related Agencies Appropriations Act, 2016 (Public Law 114–113; 129 Stat. 2242), is amended—

(1) in paragraph (2)—

(A) by striking ''feasibility studies described in clauses (i)(II) and (ii)(I)'' and inserting ''feasibility study described in clause (i)(II)''; and

(B) by striking ''such studies'' and inserting ''such study'';

(2) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

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

''(3) not later than November 30, 2017, complete and submit to the appropriate committees of the House of Representatives and the Senate the feasibility study described in section 103(d)(1)(A)(ii)(I) of the Calfed Bay-Delta Authorization Act (Public Law 108–361; 118 Stat. 1684);''.

SEC. 206. (a) The Secretary of the Interior, in coordination with the Secretary of the Army and the Secretary of Agriculture, may enter into an agreement with the National Academy of Sciences under which the National Academy of Sciences shall conduct a comprehensive study, to be completed not later than 1 year after the date of enactment of this Act, on the effectiveness and environmental impact of salt cedar control efforts (including biological control) in increasing water supplies, restoring riparian habitat, and improving flood management.

(b) Not later than 1 year after the date of completion of the study under subsection (a), the Secretary of the Interior, in coordination with the Secretary of Agriculture, may prepare a plan for the removal of salt cedar from all Federal land in the Lower Colorado River basin based on the findings and recommendations of the study conducted by the National Academy of Sciences that includes—

(1) provisions for revegetating Federal land with native vegetation;

(2) provisions for adapting to the increasing presence of biological control in the Lower Colorado River basin;

(3) provisions for removing salt cedar from Federal land during post-wildfire recovery activities;

(4) strategies for developing partnerships with State, tribal, and local governmental entities in the eradication of salt cedar; and

(5) budget estimates and completion timelines for the implementation of plan elements.

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY EFFICIENCY AND RENEWABLE ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy efficiency and renewable energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $2,073,000,000, to remain available until expended: Provided, That of such amount, $153,500,000 shall be available until September 30, 2018, for program direction: Provided further, That of such amount $220,600,000 shall be available for the Weatherization Assistance Program, of which $6,000,000 shall be derived by transfer from the amount otherwise available for Building Technologies: Provided further, That of such amount, $95,400,000 shall be available for wind energy.

ELECTRICITY DELIVERY AND ENERGY RELIABILITY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for electricity delivery and energy reliability activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $206,000,000, to remain available until expended: Provided, That of such amount, $28,500,000 shall be available until September 30, 2018, for program direction.

NUCLEAR ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for nuclear energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of no more than three emergency service vehicles for replacement only, $1,057,903,000, to remain available until expended: Provided, That of such amount, the Secretary of Energy may obligate up to $10,000,000 under existing authorities, for contracting for the management of used nuclear fuel to which the Secretary holds the title or has a contract to accept title: Provided further, That of such amount, $80,000,000 shall be available until September 30, 2018, for program direction.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For Department of Energy expenses necessary in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $632,000,000, to remain available until expended: Provided, That of the amount made available under this heading in this Act, $60,000,000 shall be available until September 30, 2018, for program direction.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For Department of Energy expenses necessary to carry out naval petroleum and oil shale reserve activities, $14,950,000, to remain available until expended: Provided, That notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

STRATEGIC PETROLEUM RESERVE

For Department of Energy expenses necessary for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), $200,000,000, to remain available until expended. Provided, That as authorized by section 404 of the Bipartisan Budget Act of 2015 (Public Law 114–74), the Secretary of the Department of Energy shall drawdown and sell not to exceed $375,400,000 of crude oil from the Strategic Petroleum Reserve in fiscal year 2017: Provided further, That the proceeds from such drawdown and sale shall be deposited into the Energy Security and Infrastructure Modernization Fund during fiscal year 2017 and shall remain available until expended for necessary expenses in carrying out construction, operations, maintenance, repair, and replacement activities of the Strategic Petroleum Reserve.

NORTHEAST HOME HEATING OIL RESERVE

For Department of Energy expenses necessary for Northeast Home Heating Oil Reserve storage, operation, and management activities pursuant to the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), $6,500,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For Department of Energy expenses necessary in carrying out the activities of the Energy Information Administration, $122,000,000, to remain available until expended.

NON-DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $255,000,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For Department of Energy expenses necessary in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954, and title X, subtitle A, of the Energy Policy Act of 1992, $717,741,000, to be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, to remain available until expended, of which $30,000,000 shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

SCIENCE

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not more than 17 passenger motor vehicles for replacement only, including one ambulance and one bus, $5,400,000,000, to remain available until expended: Provided, That of such amount, $191,500,000 shall be available until September 30, 2018, for program direction.

ADVANCED RESEARCH PROJECTS AGENCY—ENERGY

For Department of Energy expenses necessary in carrying out the activities authorized by section 5012 of the America COMPETES Act (Public Law 110–69), $325,000,000, to remain available until expended: Provided, That of such amount, $29,250,000 shall be available until September 30, 2018, for program direction.

OFFICE OF INDIAN ENERGY

For necessary expenses for Indian Energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), $20,000,000, to remain available until expended: Provided, That, of the amount appropriated under this heading, $4,800,000 shall be available until September 30, 2018, for program direction.

TRIBAL ENERGY LOAN GUARANTEE PROGRAM

For the cost of loan guarantees provided under section 2602(c) of the Energy Policy Act of 1992 (25 U.S.C. 3502(c)), $8,500,000, to remain available until expended: Provided, That the cost of those loan guarantees (including the costs of modifying loans, as applicable) shall be determined in accordance with section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a): Provided further, That, for necessary administrative expenses to carry out that program, $500,000 is appropriated, to remain available until expended: Provided further, That, of the subsidy amounts provided by section 1425 of the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (Public Law 112–10; 125 Stat. 126), for the cost of loan guarantees for renewable energy or efficient end-use energy technologies under section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513), $9,000,000 is permanently canceled.

TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

Such sums as are derived from amounts received from borrowers pursuant to section 1702(b) of the Energy Policy Act of 2005 under this heading in prior Acts, shall be collected in accordance with section 502(7) of the Congressional Budget Act of 1974: Provided, That for necessary administrative expenses to carry out this Loan Guarantee program, $37,000,000 is appropriated from fees collected in prior years pursuant to section 1702(h) of the Energy Policy Act of 2005 which are not otherwise appropriated, to remain available until September 30, 2018: Provided further, That if the amount in the previous proviso is not available from such fees, an amount for such purposes is also appropriated from the general fund so as to result in a total amount appropriated for such purpose of no more than $37,000,000: Provided further, That fees collected pursuant to such section 1702(h) for fiscal year 2017 shall be credited as offsetting collections under this heading and shall not be available until appropriated: Provided further, That the Department of Energy shall not subordinate any loan obligation to other financing in violation of section 1702 of the Energy Policy Act of 2005 or subordinate any Guaranteed Obligation to any loan or other debt obligations in violation of section 609.10 of title 10, Code of Federal Regulations.

ADVANCED TECHNOLOGY VEHICLES MANUFACTURING LOAN PROGRAM

For Department of Energy administrative expenses necessary in carrying out the Advanced Technology Vehicles Manufacturing Loan Program, $5,000,000, to remain available until September 30, 2018.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), $232,142,000, to remain available until September 30, 2018, including the hire of passenger motor vehicles and official reception and representation expenses not to exceed $30,000, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): Provided, That such increases in cost of work are offset by revenue increases of the same or greater amount: Provided further, That moneys received by the Department for miscellaneous revenues estimated to total $103,000,000 in fiscal year 2017 may be retained and used for operating expenses within this account, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2017 appropriation from the general fund estimated at not more than $129,142,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, $44,424,000, to remain available until September 30, 2018.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $9,285,147,000, to remain available until expended: Provided, That of such amount, $106,600,000 shall be available until September 30, 2018, for program direction.

DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,821,916,000, to remain available until expended.

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, $1,351,520,000, to remain available until expended: Provided, That of such amount, $47,100,000 shall be available until September 30, 2018, for program direction.

FEDERAL SALARIES AND EXPENSES

For expenses necessary for Federal Salaries and Expenses in the National Nuclear Security Administration, $408,603,000, to remain available until September 30, 2018, including official reception and representation expenses not to exceed $12,000.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the

acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed one fire apparatus pumper truck, one aerial lift truck, one refuse truck, and one semi-truck for replacement only, $5,379,018,000, to remain available until expended: Provided, That of such amount $290,050,000 shall be available until September 30, 2018, for program direction.

DEFENSE URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for atomic energy defense environmental cleanup activities for Department of Energy contributions for uranium enrichment decontamination and decommissioning activities, $717,741,000, to be deposited into the Defense Environmental Cleanup account which shall be transferred to the ''Uranium Enrichment Decontamination and Decommissioning Fund''.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $791,552,000, to remain available until expended: Provided, That of such amount, $258,061,000 shall be available until September 30, 2018, for program direction.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for official reception and representation expenses in an amount not to exceed $5,000: Provided, That during fiscal year 2017, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For expenses necessary for operation and maintenance of power transmission facilities and for marketing electric power and energy, including transmission wheeling and ancillary services, pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $1,000,000, including official reception and representation expenses in an amount not to exceed $1,500, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944, up to $1,000,000 collected by the Southeastern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the Southeastern Power Administration: Provided further, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2017 appropriation estimated at not more than $0: Provided further, That notwithstanding 31 U.S.C. 3302, up to $60,760,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: Provided further, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For expenses necessary for operation and maintenance of power transmission facilities and for marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the Southwestern Power Administration, $45,643,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), up to $34,586,000 collected by the Southwestern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Southwestern Power Administration: Provided further, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2017 appropriation estimated at not more than $11,057,000: Provided further, That notwithstanding 31 U.S.C. 3302, up to $73,000,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: Provided further, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, $307,144,000, including official reception and representation expenses in an amount not to exceed $1,500, to remain available until expended, of which $299,742,000 shall be derived from the Department of the Interior Reclamation Fund: Provided, That notwithstanding 31 U.S.C. 3302, section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), and section 1 of the Interior Department Appropriation Act, 1939 (43 U.S.C. 392a), up to $211,563,000 collected by the Western Area Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Western Area Power Administration: Provided further, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2017 appropriation estimated at not more than $95,581,000, of which $88,179,000 is derived from the Reclamation Fund: Provided further, That notwithstanding 31 U.S.C. 3302, up to $367,009,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: Provided further, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $4,070,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 2 of the Act of June 18, 1954 (68 Stat. 255): Provided, That notwithstanding the provisions of that Act and of 31 U.S.C. 3302, up to $3,838,000 collected by the Western Area Power Administration from the sale of power and related services from the Falcon and Amistad Dams shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the hydroelectric facilities of these Dams and associated Western Area Power Administration activities: Provided further, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2017 appropriation estimated at not more than $232,000: Provided further, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred: Provided further, That for fiscal year 2017, the Administrator of the Western Area Power Administration may accept up to $323,000 in funds contributed by United States power customers of the Falcon and Amistad Dams for deposit into the Falcon and Amistad Operating and Maintenance Fund, and such funds shall be available for the purpose for which contributed in like manner as if said sums had been specifically appropriated for such purpose: Provided further, That any such funds shall be available without further appropriation and without fiscal year limitation for use by the Commissioner of the United States Section of the International Boundary and Water Commission for the sole purpose of operating, maintaining, repairing, rehabilitating, replacing, or upgrading the hydroelectric facilities at these Dams in accordance with agreements reached between the Administrator, Commissioner, and the power customers.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, official reception and representation expenses not to exceed $3,000, and the hire of passenger motor vehicles, $346,800,000, to remain available until expended: Provided, That notwithstanding any other provision of law, not to exceed $346,800,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2017 shall be retained and used for expenses necessary in this account, and shall remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as revenues are received during fiscal year 2017 so as to result in a final fiscal year 2017 appropriation from the general fund estimated at not more than $0.

GENERAL PROVISIONS—DEPARTMENT OF ENERGY

(INCLUDING TRANSFER OF FUNDS)

SEC. 301. (a) No appropriation, funds, or authority made available by this title for the Department of Energy shall be used to initiate or resume any program, project, or activity or to prepare or initiate Requests For Proposals or similar arrangements (including Requests for Quotations, Requests for Information, and Funding Opportunity Announcements) for a program, project, or activity if the program, project, or activity has not been funded by Congress.

(b)(1) Unless the Secretary of Energy notifies the Committees on Appropriations of both

Houses of Congress at least 3 full business days in advance, none of the funds made available in this title may be used to—

(A) make a grant allocation or discretionary grant award totaling $1,000,000 or more;

(B) make a discretionary contract award or Other Transaction Agreement totaling $1,000,000 or more, including a contract covered by the Federal Acquisition Regulation;

(C) issue a letter of intent to make an allocation, award, or Agreement in excess of the limits in subparagraph (A) or (B); or

(D) announce publicly the intention to make an allocation, award, or Agreement in excess of the limits in subparagraph (A) or (B).

(2) The Secretary of Energy shall submit to the Committees on Appropriations of both Houses of Congress within 15 days of the conclusion of each quarter a report detailing each grant allocation or discretionary grant award totaling less than $1,000,000 provided during the previous quarter.

(3) The notification required by paragraph (1) and the report required by paragraph (2) shall include the recipient of the award, the amount of the award, the fiscal year for which the funds for the award were appropriated, the account and program, project, or activity from which the funds are being drawn, the title of the award, and a brief description of the activity for which the award is made.

(c) The Department of Energy may not, with respect to any program, project, or activity that uses budget authority made available in this title under the heading ''Department of Energy—Energy Programs'', enter into a multiyear contract, award a multiyear grant, or enter into a multiyear cooperative agreement unless—

(1) the contract, grant, or cooperative agreement is funded for the full period of performance as anticipated at the time of award; or

(2) the contract, grant, or cooperative agreement includes a clause conditioning the Federal Government's obligation on the availability of future year budget authority and the Secretary notifies the Committees on Appropriations of both Houses of Congress at least 3 days in advance.

(d) Except as provided in subsections (e), (f), and (g), the amounts made available by this title shall be expended as authorized by law for the programs, projects, and activities specified in the ''Final Bill'' column in the ''Department of Energy'' table included under the heading ''Title III—Department of Energy'' in the report of the Committee on Appropriations accompanying this Act.

(e) The amounts made available by this title may be reprogrammed for any program, project, or activity, and the Department shall notify the Committees on Appropriations of both Houses of Congress at least 30 days prior to the use of any proposed reprogramming that would cause any program, project, or activity funding level to increase or decrease by more than $5,000,000 or 10 percent, whichever is less, during the time period covered by this Act.

(f) None of the funds provided in this title shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates, initiates, or eliminates a program, project, or activity;

(2) increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act; or

(3) reduces funds that are directed to be used for a specific program, project, or activity by this Act.

(g)(1) The Secretary of Energy may waive any requirement or restriction in this section that applies to the use of funds made available for the Department of Energy if compliance with such requirement or restriction would pose a substantial risk to human health, the environment, welfare, or national security.

(2) The Secretary of Energy shall notify the Committees on Appropriations of both Houses of Congress of any waiver under paragraph (1) as soon as practicable, but not later than 3 days after the date of the activity to which a requirement or restriction would otherwise have applied. Such notice shall include an explanation of the substantial risk under paragraph (1) that permitted such waiver.

(h) The unexpended balances of prior appropriations provided for activities in this Act may be available to the same appropriation accounts for such activities established pursuant to this title. Available balances may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 302. (a) Unobligated balances available from appropriations are hereby permanently rescinded from the following accounts of the Department of Energy in the specified amounts:

(1) ''Atomic Energy Defense Activities—National Nuclear Security Administration—Weapons Activities'', $50,400,000.

(2) ''Atomic Energy Defense Activities—National Nuclear Security Administration—Defense Nuclear Nonproliferation'', $14,000,000.

(3) ''Energy Program—Fossil Energy Research and Development'', $240,000,000.

(4) ''Energy Program—Title 17 Innovative Technology Loan Guarantee Program'', $9,500,000.

(5) ''Energy Program—Energy Efficiency and Renewable Energy'', $20,600,000.

(6) ''Energy Program—Nuclear Energy'', $231,000.

(7) ''Energy Program—Strategic Petroleum Reserve'', $150,000.

(8) ''Energy Program—Naval Petroleum and Oil Shale Reserves'', $150,000.

(9) ''Energy Program—Science'', $1,700,000.

(b) No amounts may be rescinded by this section from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 303. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 3094) during fiscal year 2017 until the enactment of the Intelligence Authorization Act for fiscal year 2017.

SEC. 304. None of the funds made available in this title shall be used for the construction of facilities classified as high-hazard nuclear facilities under 10 CFR Part 830 unless independent oversight is conducted by the Office of Enterprise Assessments to ensure the project is in compliance with nuclear safety requirements.

SEC. 305. None of the funds made available in this title may be used to approve critical decision-2 or critical decision-3 under Department of Energy Order 413.3B, or any successive departmental guidance, for construction projects where the total project cost exceeds $100,000,000, until a separate independent cost estimate has been developed for the project for that critical decision.

SEC. 306. (a) DEFINITIONS.—In this section:

(1) AFFECTED INDIAN TRIBE.—The term ''affected Indian tribe'' has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(2) HIGH-LEVEL RADIOACTIVE WASTE.—The term ''high-level radioactive waste'' has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(3) NUCLEAR WASTE FUND.—The term ''Nuclear Waste Fund'' means the Nuclear Waste Fund established under section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)).

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

(5) SPENT NUCLEAR FUEL.—The term ''spent nuclear fuel'' has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(b) PILOT PROGRAM.—Notwithstanding any provision of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.), the Secretary is authorized, in the current fiscal year and subsequent fiscal years, to conduct a pilot program, through 1 or more private sector partners, to license, construct, and operate 1 or more government or privately owned consolidated storage facilities to provide interim storage as needed for spent nuclear fuel and high-level radioactive waste, with priority for storage given to spent nuclear fuel located on sites without an operating nuclear reactor.

(c) REQUESTS FOR PROPOSALS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall issue a request for proposals for cooperative agreements—

(1) to obtain any license necessary from the Nuclear Regulatory Commission for the construction of 1 or more consolidated storage facilities;

(2) to demonstrate the safe transportation of spent nuclear fuel and high-level radioactive waste, as applicable; and

(3) to demonstrate the safe storage of spent nuclear fuel and high-level radioactive waste, as applicable, at the 1 or more consolidated storage facilities pending the construction and operation of deep geologic disposal capacity for the permanent disposal of the spent nuclear fuel.

(d) CONSENT-BASED APPROVAL.—Prior to siting a consolidated storage facility pursuant to this section, the Secretary shall enter into an agreement to host the facility with—

(1) the Governor of the State;

(2) each unit of local government within the jurisdiction of which the facility is proposed to be located; and

(3) each affected Indian tribe.

(e) APPLICABILITY.—In executing this section, the Secretary shall comply with—

(1) all licensing requirements and regulations of the Nuclear Regulatory Commission; and

(2) all other applicable laws (including regulations).

(f) PILOT PROGRAM PLAN.—Not later than 120 days after the date on which the Secretary issues the request for proposals under subsection (c), the Secretary shall submit to Congress a plan to carry out this section that includes—

(1) an estimate of the cost of licensing, constructing, and operating a consolidated storage facility, including the transportation costs, on an annual basis, over the expected lifetime of the facility;

(2) a schedule for—

(A) obtaining any license necessary to construct and operate a consolidated storage facility from the Nuclear Regulatory Commission;

(B) constructing the facility;

(C) transporting spent fuel to the facility; and

(D) removing the spent fuel and decommissioning the facility; and

(3) an estimate of the cost of any financial assistance, compensation, or incentives proposed to be paid to the host State, Indian tribe, or local government;

(4) an estimate of any future reductions in the damages expected to be paid by the United States for the delay of the Department of Energy in accepting spent fuel expected to result from the pilot program;

(5) recommendations for any additional legislation needed to authorize and implement the pilot program; and

(6) recommendations for a mechanism to ensure that any spent nuclear fuel or high-level radioactive waste stored at a consolidated storage facility pursuant to this section shall move to deep geologic disposal capacity, following a consent-based approval process for that deep geologic disposal capacity consistent with subsection (d), within a reasonable time after the issuance of a license to construct and operate the consolidated storage facility.

(g) PUBLIC PARTICIPATION.—Prior to choosing a site for the construction of a consolidated storage facility under this section, the Secretary

shall conduct 1 or more public hearings in the vicinity of each potential site and in at least 1 other location within the State in which the site is located to solicit public comments and recommendations.

(h) USE OF NUCLEAR WASTE FUND.—The Secretary may make expenditures from the Nuclear Waste Fund to carry out this section, subject to appropriations.

SEC. 307. (a) Not later than 30 days after the date of enactment of this Act, the Administrator of the Western Area Power Administration shall submit to the appropriate committees of Congress a report that—

(1) examines the use of a provision described in subsection (b) in any power contracts of the Western Area Power Administration that were executed before or on the date of enactment of this Act; and

(2) explains the circumstances for not including a provision described in subsection (b) in power contracts of the Western Area Power Administration executed before or on the date of enactment of this Act.

(b) A provision referred to in subsection (a) is a termination clause described in section 11 of the general power contract provisions of the Western Power Administration, effective September 1, 2007.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, and for expenses necessary for the Federal Co-Chairman and the Alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $151,000,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For expenses necessary for the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $31,000,000, to remain available until September 30, 2018.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For expenses necessary for the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, notwithstanding sections 382C(b)(2), 382F(d), 382M, and 382N of said Act, $25,000,000, to remain available until expended.

DENALI COMMISSION

For expenses necessary for the Denali Commission including the purchase, construction, and acquisition of plant and capital equipment as necessary and other expenses, $15,000,000, to remain available until expended, notwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998: Provided, That funds shall be available for construction projects in an amount not to exceed 80 percent of total project cost for distressed communities, as defined by section 307 of the Denali Commission Act of 1998 (division C, title III, Public Law 105–277), as amended by section 701 of appendix D, title VII, Public Law 106–113 (113 Stat. 1501A–280), and an amount not to exceed 50 percent for non-distressed communities: Provided further, That, notwithstanding any other provision of law regarding payment of a non-Federal share in connection with a grant-in-aid program, amounts under this heading shall be available for the payment of such a non-Federal share for programs undertaken to carry out the purposes of the Commission.

NORTHERN BORDER REGIONAL COMMISSION

For expenses necessary for the Northern Border Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, $10,000,000, to remain available until expended: Provided, That such amounts shall be available for administrative expenses, notwithstanding section 15751(b) of title 40, United States Code.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Commission in carrying out the purposes of the Energy Reorganization Act of 1974 and the Atomic Energy Act of 1954, $939,000,000, including official representation expenses not to exceed $25,000, to remain available until expended: Provided, That of the amount appropriated herein, not more than $7,500,000 may be made available for salaries, travel, and other support costs for the Office of the Commission, to remain available until September 30, 2018, of which, notwithstanding section 201(a)(2)(c) of the Energy Reorganization Act of 1974 (42 U.S.C. 5841(a)(2)(c)), the use and expenditure shall only be approved by a majority vote of the Commission: Provided further, That revenues from licensing fees, inspection services, and other services and collections estimated at $822,240,000 in fiscal year 2017 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: Provided further, That of the amounts appropriated under this heading, not less than $5,000,000 shall be for activities related to the development of regulatory infrastructure for advanced nuclear reactor technologies, and $5,000,000 of that amount shall not be available from fee revenues, notwithstanding 42 U.S.C. 2214: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2017 so as to result in a final fiscal year 2017 appropriation estimated at not more than $116,760,000: Provided further, That of the amounts appropriated under this heading, not less than $543,000 shall be used to implement the requirements of the Digital Accountability and Transparency Act of 2014 (Public Law 113–101; 128 Stat. 1146).

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $12,129,000, to remain available until September 30, 2018: Provided, That revenues from licensing fees, inspection services, and other services and collections estimated at $10,044,000 in fiscal year 2017 shall be retained and be available until September 30, 2018, for necessary salaries and expenses in this account, notwithstanding section 3302 of title 31, United States Code: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2017 so as to result in a final fiscal year 2017 appropriation estimated at not more than $2,085,000: Provided further, That of the amounts appropriated under this heading, $969,000 shall be for Inspector General services for the Defense Nuclear Facilities Safety Board, which shall not be available from fee revenues.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For expenses necessary for the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $3,600,000, to be derived from the Nuclear Waste Fund, to remain available until September 30, 2018.

GENERAL PROVISIONS—INDEPENDENT AGENCIES

SEC. 401. (a) The amounts made available by this title for the Nuclear Regulatory Commission may be reprogrammed for any program, project, or activity, and the Commission shall notify the Committees on Appropriations of both Houses of Congress at least 30 days prior to the use of any proposed reprogramming that would cause any program funding level to increase or decrease by more than $500,000 or 10 percent, whichever is less, during the time period covered by this Act.

(b)(1) The Nuclear Regulatory Commission may waive the notification requirement in (a) if compliance with such requirement would pose a substantial risk to human health, the environment, welfare, or national security.

(2) The Nuclear Regulatory Commission shall notify the Committees on Appropriations of both Houses of Congress of any waiver under paragraph (1) as soon as practicable, but not later than 3 days after the date of the activity to which a requirement or restriction would otherwise have applied. Such notice shall include an explanation of the substantial risk under paragraph (1) that permitted such waiver and shall provide a detailed report to the Committees of such waiver and changes to funding levels to programs, projects, or activities.

(c) Except as provided in subsections (a), (b), and (d), the amounts made available by this title for ''Nuclear Regulatory Commission—Salaries and Expenses'' shall be expended as directed in the report accompanying this Act.

(d) None of the funds provided for the Nuclear Regulatory Commission shall be available for obligation or expenditure through a reprogramming of funds that increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act.

(e) The Commission shall provide a monthly report to the Committees on Appropriations of both Houses of Congress, which includes the following for each program, project, or activity, including any prior year appropriations—

(1) total budget authority;

(2) total unobligated balances; and

(3) total unliquidated obligations.

TITLE V

GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 502. (a) None of the funds made available in title III of this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by or transfer authority provided in this Act or any other appropriations Act for any fiscal year, transfer authority referenced in the report of the Committee on Appropriations accompanying this Act, or any authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality.

(b) None of the funds made available for any department, agency, or instrumentality of the United States Government may be transferred to accounts funded in title III of this Act, except pursuant to a transfer made by or transfer authority provided in this Act or any other appropriations Act for any fiscal year, transfer authority referenced in the report of the Committee on Appropriations accompanying this Act, or any authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality.

(c) The head of any relevant department or agency funded in this Act utilizing any transfer authority shall submit to the Committees on Appropriations of both Houses of Congress a semi-annual report detailing the transfer authorities, except for any authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality, used in the previous 6 months and in the year-to-date. This report shall include the amounts transferred and the purposes for which they were transferred, and shall not replace or modify existing notification requirements for each authority.

This Act may be cited as the ''Energy and Water Development and Related Agencies Appropriations Act, 2017''.

MOTION OFFERED BY MR. ROGERS OF KENTUCKY

Mr. ROGERS of Kentucky. Mr. Speaker, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. ROGERS of Kentucky moves that the House concur in the Senate amendment to H.R. 2028 with an amendment consisting of the text of Rules Committee Print 114–70 modified by the amendment printed in House Report 114–849.

The text of the House amendment to the Senate amendment to the text is as follows:

In lieu of the matter proposed to be inserted by the Senate, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited the ''Further Continuing and Security Assistance Appropriations Act, 2017''.

SEC. 2. TABLE OF CONTENTS.

SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference to ''this Act'' contained in division B of this Act shall be treated as referring only to the provisions of that division.

SEC. 4. AVAILABILITY OF FUNDS.

(a) Each amount designated in this Act, or in an amendment made by this Act, by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

(b) Each amount designated in this Act by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available (or rescinded, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

DIVISION A—FURTHER CONTINUING APPROPRIATIONS ACT, 2017

SEC. 101. The Continuing Appropriations Act, 2017 (division C of Public Law 114–223) is amended by—

(1) striking the date specified in section 106(3) and inserting ''April 28, 2017'';

(2) striking ''0.496 percent'' in section 101(b) and inserting ''0.1901 percent''; and

(3) inserting after section 145 the following new sections:

''SEC. 146. Amounts made available by section 101 for 'Department of Agriculture—Farm Service Agency—Agricultural Credit Insurance Fund Program Account' may be apportioned up to the rate for operations necessary to fund loans for which applications are approved.

''SEC. 147. Amounts made available by section 101 for 'Department of Agriculture—Food and Nutrition Service—Child Nutrition Programs' to carry out section 749(g) of the Agriculture Appropriations Act of 2010 (Public Law 111–80) may be apportioned up to the rate for operations necessary to ensure that the program can be fully operational by May, 2017.

''SEC. 148. Section 26(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769g(d)) is amended in the first sentence by striking '2010 through 2016' and inserting '2010 through 2017'.

''SEC. 149. Amounts made available by section 101 for 'Department of Agriculture—Rural Utilities Service' may be transferred between appropriations under such heading as necessary for the cost of direct telecommunications loans authorized by section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935).

''SEC. 150. Amounts made available by Section 101 for 'Department of Agriculture—Rural Housing Service—Rural Housing Insurance Fund Program Account' for the section 538 Guaranteed Multi-Family Housing Loan Program may be apportioned up to the rate necessary to fund loans for which applications are approved.

''SEC. 151. Amounts made available by section 101 for 'Department of Commerce—National Oceanic and Atmospheric Administration—Procurement, Acquisition and Construction' may be apportioned up to the rate for operations necessary to maintain the planned launch schedules for the Joint Polar Satellite System.

''SEC. 152. Amounts made available by section 101 for 'Department of Commerce—Bureau of the Census—Periodic Censuses and Programs' may be apportioned up to the rate for operations necessary to maintain the schedule and deliver the required data according to statutory deadlines in the 2020 Decennial Census Program.

''SEC. 153. Amounts made available by section 101 for 'National Aeronautics and Space Administration—Exploration' may be apportioned up to the rate for operations necessary to maintain the planned launch capability schedules for the Space Launch System launch vehicle, Exploration Ground Systems, and Orion Multi-Purpose Crew Vehicle programs.

''SEC. 154. In addition to the amount otherwise provided by section 101, and notwithstanding section 104 and section 109, for 'Department of Justice—State and Local Law Enforcement Activities—Office of Justice Programs—State and Local Law Enforcement Assistance', there is appropriated $7,000,000, for an additional amount for the Edward Byrne Memorial Justice Assistance Grant program for the purpose of providing reimbursement of extraordinary law enforcement overtime costs directly and solely associated with protection of the President-elect incurred from November 9, 2016 until the inauguration of the President-elect as President: *Provided*, That reimbursement shall be provided only for overtime costs that a State or local law enforcement agency can document as being over and above normal law enforcement operations and directly attributable to security for the President-elect.

''SEC. 155. Notwithstanding sections 101, 102, and 104 of this Act, from within amounts provided for 'Department of Defense—Procurement—Shipbuilding and Conversion, Navy', funds are provided for 'Ohio Replacement Submarine (AP)' at a rate for operations of $773,138,000.

''SEC. 156. (a) Notwithstanding sections 102 and 104 of this Act, amounts made available pursuant to section 101 may be used for multiyear procurement contracts, including advance procurement, for the AH–64E Attack Helicopter and the UH–60M Black Hawk Helicopter.

''(b) The Secretary of the Army may exercise the authority conferred in subsection (a) notwithstanding subsection (i)(1) of section 2306b of title 10, United States Code, until the date of enactment of an Act authorizing appropriations for fiscal year 2017 for military activities of the Department of Defense, subject to satisfaction of all other requirements of such section 2306b.

''SEC. 157. Notwithstanding section 102, funds made available pursuant to section 101 for 'Department of Defense—Procurement—Aircraft Procurement, Air Force' are provided for the KC–46A Tanker up to the rate for operations necessary to support the production rate specified in the President's fiscal year 2017 budget request.

''SEC. 158. Notwithstanding section 101, section 301(d) of division D of Public Law 114–113 shall not apply to amounts made available by this Act for 'Department of Energy—Atomic Energy Defense Activities—National Nuclear Security Administration—Weapons Activities': *Provided*, That the Secretary of Energy shall notify the Committees on Appropriations of the House of Representatives and the Senate not later than 15 days after funds made available by this Act for such account are allotted to a Department of Energy program, project, or activity at a rate for operations that differs from that provided under such heading in division D of Public Law 114–113 by more than $5,000,000 or 10 percent.

''SEC. 159. As authorized by section 404 of the Bipartisan Budget Act of 2015 (Public Law 114–74; 42 U.S.C. 6239 note), the Secretary of Energy shall draw down and sell not to exceed $375,400,000 of crude oil from the Strategic Petroleum Reserve in fiscal year 2017: *Provided*, That the proceeds from such drawdown and sale shall be deposited into the 'Energy Security and Infrastructure Modernization Fund' (in this section referred to as the 'Fund') during fiscal year 2017: *Provided further*, That in addition to amounts otherwise made available by section 101, and notwithstanding section 104, any amounts deposited in the Fund shall be made available and shall remain available until expended at a rate for operations of $375,400,000, for necessary expenses in carrying out the Life Extension II project for the Strategic Petroleum Reserve.

''SEC. 160. (a) Notwithstanding section 101, amounts are provided for 'Department of Energy—Energy Programs—Uranium Enrichment Decontamination and Decommissioning Fund' at a rate for operations of $767,014,000: *Provided*, That such amounts may not be reprogrammed below the levels provided in the table referred to in section 301(d) of division D of Public Law 114–113.

''(b) As of the date of the enactment of this section, section 123 of this Act shall not be in effect.

''SEC. 161. In addition to amounts provided by section 101, amounts are provided for 'General Services Administration—Allowances and Office Staff for Former Presidents' for the pension of the outgoing President at a rate for operations of $157,000.

''SEC. 162. (a) SHORT TITLE.—This section may be cited as the 'SOAR Funding Availability Act'.

''(b) REQUIRING USE OF FUNDS REMAINING UNOBLIGATED FROM PREVIOUS FISCAL YEARS.—Section 3007 of the Scholarships for Opportunity and Results Act (sec. 38–1853.07, D.C. Official Code) is amended by adding at the end the following:

'' ''(e) REQUIRING USE OF FUNDS REMAINING UNOBLIGATED FROM PREVIOUS FISCAL YEARS.—

'' ''(1) IN GENERAL.—To the extent that any funds appropriated for the opportunity scholarship program under this division for any fiscal year remain available for subsequent fiscal years under section 3014(c), the Secretary shall make such funds available to eligible entities receiving grants under section

3004(a) for the uses described in paragraph (2)—

''(A) in the case of any remaining funds that were appropriated before the date of enactment of the SOAR Funding Availability Act, beginning on the date of enactment of such Act; and

''(B) in the case of any remaining funds appropriated on or after the date of enactment of such Act, by the first day of the first subsequent fiscal year.

''(2) USE OF FUNDS.—If an eligible entity to which the Secretary provided additional funds under paragraph (1) elects to use such funds during a fiscal year, the eligible entity shall use—

''(A) not less than 95 percent of such additional funds to provide additional scholarships for eligible students under subsection (a), or to increase the amount of the scholarships, during such year; and

''(B) not more than a total of 5 percent of such additional funds for administrative expenses, parental assistance, or tutoring, as described in subsections (b), (c), and (d), during such year.

''(3) SPECIAL RULE.—Any amounts made available for administrative expenses, parental assistance, or tutoring under paragraph (2)(B) shall be in addition to any other amounts made available for such purposes in accordance with subsections (b), (c), and (d).'.

''(c) AVAILABILITY OF FUNDS.—Section 3014 of such Act (sec. 38–1853.14, D.C. Official Code) is amended by adding at the end the following:

''(c) AVAILABILITY.—Amounts appropriated under subsection (a)(1), including amounts appropriated and available under such subsection before the date of enactment of the SOAR Funding Availability Act, shall remain available until expended.'.

''(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this section.

''SEC. 163. Amounts made available by section 101 for 'U.S. Customs and Border Protection—Operations and Support', 'U.S. Immigration and Customs Enforcement—Operations and Support', 'Transportation Security Administration—Operations and Support', and 'United States Secret Service—Operations and Support' accounts of the Department of Homeland Security shall be apportioned at a rate for operations as necessary, and apportioned to provide staffing levels as necessary, to ensure border security, fulfill immigration enforcement priorities, maintain aviation security activities, and carry out the mission associated with the protection of the President-elect.

''SEC. 164. Amounts made available by section 101 for 'National Gallery of Art—Salaries and Expenses' may be apportioned up to the rate for operations necessary to provide for staffing, maintenance, security, and administrative expenses for the recently reopened galleries.

''SEC. 165. Amounts made available by section 101 for 'Smithsonian Institution—Salaries and Expenses' may be apportioned up to the rate for operations necessary to provide for facilities maintenance, facilities operations, security, and support at the National Museum of African American History and Culture.

''SEC. 166. Amounts made available by section 101 for 'Department of Health and Human Services—Indian Health Service—Indian Health Services' and for 'Department of Health and Human Services—Indian Health Service—Indian Health Facilities', respectively, may be apportioned up to the rate for operations necessary to provide for costs of staffing and operating newly constructed facilities.

''SEC. 167. MINERS HEALTH BENEFITS.—

''(a) IN GENERAL.—This section may be cited as the 'Continued Health Benefits for Miners Act'.

''(b) INCLUSION OF CERTAIN RETIREES IN THE MULTIEMPLOYER HEALTH BENEFIT PLAN.—Section 402(h)(2)(C) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(h)(2)(C)) is amended—

''(1) by striking 'A transfer' and inserting the following:

''(i) TRANSFER TO THE PLAN.—A transfer';

''(2) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and moving such subclauses 2 ems to the right; and

''(3) by striking the matter following such subclause (II) (as so redesignated) and inserting the following:

''(ii) CALCULATION OF EXCESS.—The excess determined under clause (i) shall be calculated—

''(I) except as provided in subclause (II), by taking into account only those beneficiaries actually enrolled in the Plan as of December 31, 2006, who are eligible to receive health benefits under the Plan on the first day of the calendar year for which the transfer is made; and

''(II) for purposes of the transfer made for fiscal year 2017, as if, for the period beginning January 1, 2017, and ending April 30, 2017, only—

''(aa) those beneficiaries actually enrolled in the Plan as of the date of the enactment of the Continued Health Benefits for Miners Act who are eligible to receive health benefits under the Plan on January 1, 2017, other than those beneficiaries enrolled in the Plan under the terms of a participation agreement with the current or former employer of such beneficiaries; and

''(bb) those beneficiaries whose health benefits, defined as those benefits payable directly following death or retirement or upon a finding of disability by an employer in the bituminous coal industry under a coal wage agreement (as defined in section 9701(b)(1) of the Internal Revenue Code of 1986), would be denied or reduced as a result of a bankruptcy proceeding commenced in 2012 or 2015,

were taken into account, and for any other period during such fiscal year, only the beneficiaries described in subclause (I) were taken into account.

''(iii) ELIGIBILITY OF CERTAIN RETIREES.—Individuals referred to in clause (ii)(II)(bb) shall be treated as eligible to receive health benefits under the Plan for the plan year that includes January 1, 2017.

''(iv) REQUIREMENTS FOR TRANSFER.—The amount of the transfer otherwise determined under this subparagraph for fiscal year 2017 shall be reduced by any amount transferred for the fiscal year to the Plan, to pay benefits required under the Plan, from a voluntary employees' beneficiary association established as a result of a bankruptcy proceeding described in clause (ii)(II).

''(v) VEBA TRANSFER.—The administrator of such voluntary employees' beneficiary association shall transfer to the Plan any amounts received as a result of such bankruptcy proceeding, reduced by an amount for administrative costs of such association.'.

''(c) PRESERVATION OF PAYMENTS TO STATES AND INDIAN TRIBES.—Subparagraph (B) of section 402(i)(3) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(i)(3)) is amended—

''(1) by striking 'so that' and inserting 'under paragraph (1) so that';

''(2) by striking 'each transfer' in clause (i) and inserting 'each such transfer'; and

''(3) by striking 'this subsection' in clause (iii) and inserting 'paragraph (1)'.

''(d) BUDGETARY EFFECTS.—

''(1) STATUTORY PAYGO SCORECARDS.—The budgetary effects of this section shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

''(2) SENATE PAYGO SCORECARDS.—The budgetary effects of this section shall not be entered on any PAYGO scorecard maintained for purposes of section 201 of S. Con. Res. 21 (110th Congress).

''(3) CLASSIFICATION OF BUDGETARY EFFECTS.—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105-217 and section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of this section shall not be estimated—

''(A) for purposes of section 251 of such Act; and

''(B) for purposes of paragraph (4)(C) of section 3 of the Statutory Pay-As-You-Go Act of 2010 as being included in an appropriation Act.

''SEC. 168. Notwithstanding section 111, the fourth proviso under the heading 'Department of Labor—Office of Workers' Compensation Programs—Special Benefits' shall be applied by substituting '$66,675,000' for '$62,170,000', '$22,740,000' for '$21,140,000', '$16,866,000' for '$16,668,000' and '$4,101,000' for '$1,394,000'.

''SEC. 169. Section 458(a)(4) of the Higher Education Act of 1965 (20 U.S.C. 1087h(a)(4)) shall be applied by substituting '2017' for '2016'.

''SEC. 170. (a) Notwithstanding any other provision of law, the Secretary of Health and Human Services (referred to in this section as the 'Secretary') may transfer up to $300,000,000 from the Fund established by section 223 of the Department of Health and Human Services Appropriations Act, 2008 (42 U.S.C. 3514a) to 'Department of Health and Human Services—Administration for Children and Families—Refugee and Entrant Assistance' only for activities authorized under section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279) and section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232): *Provided*, That such funds transferred shall not be available for obligation prior to February 1, 2017.

''(b) In addition to amounts provided by subsection (a), if after March 1, 2017, and before the date specified in section 106(3), the Secretary, in consultation with the Secretary of Homeland Security, determines that the percentage increase in the cumulative number of cases transferred to the custody of the Secretary pursuant to such sections 462 and 235 for the current fiscal year over the number transferred through the comparable date in the previous fiscal year exceeds 40 percent, an amount not to exceed $200,000,000 may be made available to 'Department of Health and Human Services—Administration for Children and Families—Refugee and Entrant Assistance' only for activities authorized under such sections 462 and 235.

''(c) The Committees on Appropriations of the House of Representatives and the Senate shall be notified at least 15 days in advance of any funds being made available under subsection (a).

''(d) Of the unobligated balances available in the Fund established by section 223 of the Department of Health and Human Services Appropriations Act, 2008 (42 U.S.C. 3514a), $100,000,000 is hereby rescinded.

''SEC. 171. Notwithstanding any other provision of this Act, within 10 days of the enactment of this section, the Secretary of Health and Human Services shall transfer funds appropriated for fiscal year 2017 under section 4002 of Public Law 111–148 (42 U.S.C. 300u–11) to the accounts specified, in the

amounts specified, and for the activities specified in subsection (a) of section 221 of division H of Public Law 114–113, except that the Secretary shall adjust the amounts transferred to the Centers for Disease Control and Prevention under this section to result in a total amount transferred to such agency under this section that is $1,000,000 less than the total amount transferred to such agency under such section 221: *Provided*, That subsections (b) and (c) of such section 221 shall apply to amounts transferred under this section.

''SEC. 172. The fifth proviso under the heading 'Social Security Administration—Limitation on Administrative Expenses' in division H of Public Law 114–113 shall be applied during the period covered by this Act by substituting 'shall be used for activities to address the hearing backlog within the Office of Disability Adjudication and Review' for 'shall be for necessary expenses for the renovation and modernization of the Arthur J. Altmeyer Building'.

''SEC. 173. Activities authorized under part A of title IV and section 1108(b) of the Social Security Act (except for activities authorized in section 403(b)) shall continue through the date specified in section 106(3) of this Act in the manner authorized for fiscal year 2016, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose.

''SEC. 174. The Secretary of Health and Human Services may use discretionary amounts appropriated in this Act for the Department of Health and Human Services to carry out section 399V–6 of the Public Health Service Act (42 U.S.C. 280g–17).

''SEC. 175. Notwithstanding any other provision of law, no adjustment shall be made under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4501) (relating to cost of living adjustments for Members of Congress) during fiscal year 2017.

''SEC. 176. TRANSFER OF O'NEILL BUILDING TO HOUSE OF REPRESENTATIVES.—(a) TRANSFER.—Effective upon the expiration of the 180-day period that begins on the date of the enactment of this section—

''(1) the building described in subsection (e) shall become an office building of the House of Representatives;

''(2) the Administrator of General Services shall transfer custody, control, and administrative jurisdiction over the building to the Architect of the Capitol; and

''(3) the Architect of the Capitol shall exercise custody, control, and administrative jurisdiction over the building subject to the direction of the House Office Building Commission.

''(b) TREATMENT AS HOUSE OFFICE BUILDING AND PART OF CAPITOL GROUNDS.—Upon the transfer of custody, control, and administrative jurisdiction under subsection (a), the building and grounds described in subsection (e) shall be treated as a House Office Building and as part of the United States Capitol Grounds for purposes of all laws, rules, and regulations applicable to the House Office Buildings and the Capitol Grounds, including—

''(1) chapter 51 of title 40, United States Code (relating to the administration of the United States Capitol Buildings and Grounds); and

''(2) section 9 of the Act entitled 'An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes', approved July 31, 1946 (2 U.S.C. 1961) (relating to the authority of the United States Capitol Police to police the United States Capitol Buildings and Grounds).

''(c) AUTHORITY OF ARCHITECT OF THE CAPITOL TO ENTER INTO LEASES AND OTHER AGREEMENTS WITH FEDERAL DEPARTMENTS AND AGENCIES FOR USE OF BUILDING.—

''(1) AUTHORITY DESCRIBED.—The Architect of the Capitol is authorized to enter into leases and other agreements with departments and agencies of the Federal Government for the use of the building described in subsection (e) (or portions thereof), subject to the approval of the House Office Building Commission.

''(2) COLLECTION OF PAYMENTS.—Pursuant to a lease or other agreement entered into between the Architect of the Capitol and a department or agency of the Federal Government under the authority described in paragraph (1), the Architect of the Capitol is authorized to collect payments from such department or agency and such department or agency is authorized to make payments to the Architect of the Capitol, including payments of commercially-equivalent rent.

''(3) TREATMENT OF PAYMENTS.—Any payments received by the Architect of the Capitol pursuant to any lease or other agreement entered into under this subsection shall be deposited to the appropriation available to the Architect of the Capitol from the House Office Buildings Fund established under subsection (d) and shall be subject to future appropriation.

''(d) HOUSE OFFICE BUILDINGS FUND.—

''(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the 'House Office Buildings Fund' (hereafter in this section referred to as the 'Fund').

''(2) CONTENTS OF FUND.—The Fund shall consist of the following amounts:

''(A) Amounts transferred by the Architect of the Capitol under paragraph (3) of subsection (c).

''(B) Interest earned on the balance of the Fund.

''(C) Such other amounts as may be appropriated by law.

''(3) USE OF FUND.—Amounts in the Fund shall be available to the Architect of the Capitol for the maintenance, care, and operation of the House office buildings, and may be used to reimburse the United States Capitol Police, the House of Representatives, or any other office of the legislative branch which provides goods or services for the maintenance, care, and operation of the building and grounds described in subsection (e), in such amounts as may be appropriated under law.

''(4) NOTIFICATION TO COMMITTEE ON APPROPRIATIONS.—Upon making any obligation or expenditure of any amount in the Fund, the Architect of the Capitol shall notify the Committee on Appropriations of the House of Representatives of the amount and purpose of the obligation or expenditure.

''(5) CONTINUING AVAILABILITY OF FUNDS.—Amounts in the Fund are available without regard to fiscal year limitation.

''(e) DESCRIPTION OF BUILDING AND GROUNDS.—

''(1) DESCRIPTION.—The building and grounds described in this subsection is the Federal building located in the District of Columbia which is commonly known as the 'Thomas P. O'Neill Jr. Federal Building', and which is more particularly described as follows: Square 579, Lot 827, at 200 C Street Southwest, bounded by C Street Southwest on the north, by 2nd Street Southwest on the east, by D Street Southwest on the south, and by 3rd Street Southwest on the west, and by all that area contiguous to and surrounding Square 579 from the property line thereof to the west curb of 3rd Street Southwest, the north curb of C Street Southwest, the east curb of 2nd Street Southwest, and the south curb of D Street Southwest.

''(2) RETENTION OF RESPONSIBILITIES OF DISTRICT OF COLUMBIA.—The Mayor of the District of Columbia will retain responsibility for the maintenance and improvement of those portions of the streets which are situated between the curb lines of the streets referenced in paragraph (1).

''SEC. 177. (a) During the 115th Congress—

''(1) amounts made available for the Office of the Secretary of the Conference of the Minority of the Senate shall be available for the Office of the Assistant Minority Leader of the Senate; and

''(2) the duties and authorities of the Secretary of the Conference of the Minority of the Senate under section 3 of title I of division H of the Consolidated Appropriations Act, 2008 (2 U.S.C. 6154), section 101 of chapter VIII of title I of the Supplemental Appropriations Act, 1979 (2 U.S.C. 6156), or any other provision of law shall be duties and authorities of the Assistant Minority Leader of the Senate.

''(b) For purposes of any individual employed by the Office of the Assistant Minority Leader of the Senate during the 115th Congress—

''(1) section 506(e) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 6314(e)) shall be applied by substituting 'Assistant Minority Leader' for 'Secretary of the Conference of the Minority';

''(2) section 207(e)(9)(M) of title 18, United States Code, shall be applied by substituting 'Assistant Minority Leader' for 'secretary of the Conference of the Minority'; and

''(3) subsection (b) of the first section of S. Res. 458 (98th Congress) shall be applied by substituting 'Assistant Minority Leader' for 'Secretary of the Conference of the Minority'.

''(c) For purposes of any individual employed by the Office of the Assistant Minority Leader of the Senate during the 115th Congress, with respect to any practice that occurs during that Congress, section 220(e)(2)(C) of the Congressional Accountability Act of 1995 (2 U.S.C. 1351(e)(2)(C)) shall be applied by substituting 'the Office of the Assistant Minority Leader of the Senate' for 'the Office of the Secretary of the Conference of the Minority of the Senate'.

''(d) Nothing in this section shall be construed to have any effect on the continuation of any procedure or action initiated under the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) or section 207 of title 18, United States Code.

''SEC. 178. Section 21(d) of Senate Resolution 64 of the One Hundred Thirteenth Congress, 1st session (agreed to on March 5, 2013) is amended by striking 'December 31, 2016' and inserting 'December 31, 2018'.

''SEC. 179. EXPEDITED CONSIDERATION OF CERTAIN LEGISLATION.—

''(a) QUALIFYING LEGISLATION DEFINED.—In this section, the term 'qualifying legislation' means a Senate bill or joint resolution—

''(1) that is introduced in the Senate during the 30-calendar day period beginning on the date on which Congress convenes the First Session of the 115th Congress;

''(2) the title of which is as follows: 'To provide for an exception to a limitation against appointment of persons as Secretary of Defense within seven years of relief from active duty as a regular commissioned officer of the Armed Forces.'; and

''(3) the matter after the enacting or resolving clause of which is as follows:

''SECTION 1. EXCEPTION TO LIMITATION AGAINST APPOINTMENT OF PERSONS AS SECRETARY OF DEFENSE WITHIN SEVEN YEARS OF RELIEF FROM ACTIVE DUTY AS REGULAR COMMISSIONED OFFICERS OF THE ARMED FORCES.

''(a) IN GENERAL.—Notwithstanding the second sentence of section 113(a) of title 10, United States Code, the first person appointed, by and with the advice and consent

of the Senate, as Secretary of Defense after the date of the enactment of this Act may be a person who is, on the date of appointment, within seven years after relief, but not within three years after relief, from active duty as a commissioned officer of a regular component of the Armed Forces.

''(b) LIMITED EXCEPTION.—This section applies only to the first person appointed as Secretary of Defense as described in subsection (a) after the date of the enactment of this Act, and to no other person.'.

''(b) INTRODUCTION.—During the 30-calendar day period described in subsection (a)(1), qualifying legislation may be introduced in the Senate by the Majority Leader (or the Majority Leader's designee), the Minority Leader (or the Minority Leader's designee), the Chairman of the Committee on Armed Services, or the Ranking Minority Member of the Committee on Armed Services.

''(c) CONSIDERATION IN THE SENATE.—

''(1) COMMITTEE REFERRAL.—Qualifying legislation introduced in the Senate shall be referred to the Committee on Armed Services.

''(2) REPORTING AND DISCHARGE.—If the Committee on Armed Services has not reported the qualifying legislation within 5 session days after the date of referral of the legislation, the Committee shall be discharged from further consideration of the legislation, and the qualifying legislation shall be placed on the appropriate calendar.

''(3) PROCEEDING TO CONSIDERATION.—Notwithstanding Rule XXII of the Standing Rules of the Senate, it is in order at any time after the Committee on Armed Serves reports the qualifying legislation to the Senate or has been discharged from its consideration (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the qualifying legislation, and all points of order against the qualifying legislation (and against consideration of the qualifying legislation) are waived. The motion to proceed is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the qualifying legislation is agreed to, the qualifying legislation shall remain the unfinished business until disposed of.

''(4) CONSIDERATION.—Consideration of the qualifying legislation, and all debate, debatable motions, and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between, and controlled by, the Majority Leader and the Minority Leader or their designees. A motion to further limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the qualifying legislation is not in order.

''(5) VOTE ON PASSAGE.—The vote on passage shall occur immediately following the conclusion of the debate on the qualifying legislation and a single quorum call at the conclusion of the debate, if requested in accordance with the rules of the Senate. Passage of the qualifying legislation shall require an affirmative vote of three-fifths of the Members, duly chosen and sworn.

''(6) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate, as the case may be, to the procedure relating to qualifying legislation shall be decided without debate.

''(7) CONSIDERATION OF VETO MESSAGES.—Consideration in the Senate of any veto message with respect to the qualifying legislation, including all debate, debatable motions, and appeals in connection therewith, shall be limited to 10 hours, to be equally divided between, and controlled by, the Majority Leader and the Minority Leader or their designees.

''(d) RULES OF THE SENATE.—This section is enacted—

''(1) as an exercise of the rulemaking power of the Senate and as such is deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of qualifying legislation described in subsection (a), and supersedes other rules only to the extent that this section is inconsistent with such rules; and

''(2) with full recognition of the constitutional right of the Senate to change the rules (so far as relating to the procedure of the Senate) at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.

''SEC. 180. Section 133 of division L, title I of the Consolidated Appropriations Act, 2016, Public Law 114–113, is amended to read as follows:

'''(a) None of the funds appropriated or otherwise made available by this Act or any other Act may be used to implement, administer, or enforce the requirement for two off-duty periods from 1:00 a.m. to 5:00 a.m. under paragraph 395.3(c) or the restriction on use of more than one restart during a 168-hour period under paragraph 395.3(d) of title 49, Code of Federal Regulations, and those provisions shall have no force or effect upon submission of the final report issued by the Secretary of Transportation, as required by section 133 of division K of Public Law 113–235, unless the Secretary and the Inspector General of the Department of Transportation each review and determine that the final report

'''(1) meets the statutory requirements set forth in such section; and

'''(2) establishes that commercial motor vehicle drivers who operated under the restart provisions in operational effect between July 1, 2013, and the day before the date of enactment of such Public Law demonstrated statistically significant improvement in all outcomes related to safety, operator fatigue, driver health and longevity, and work schedules, in comparison to commercial motor vehicle drivers who operated under the restart provisions in operational effect on June 30, 2013.

'''(b) If the Secretary and the Inspector General do not each make the findings outlined in subsection (a) of this section with respect to the final report, hereafter, the 34-hour restart rule in operational effect on June 30, 2013 shall be restored to full force and effect on the date that the Secretary submits the final report to the Committees on Appropriations of the House of Representatives and the Senate, and funds appropriated or otherwise made available by this Act or any other Act shall be available to implement, administer, or enforce the rule.'.

''SEC. 181. (a) Funds made available by section 101 for 'Department of Transportation—Federal Aviation Administration—Operations' may be apportioned up to the rate for operations necessary to avoid disruption of continuing projects or activities funded by this appropriation.

''(b) Notwithstanding section 101, the matter preceding the first proviso under the heading 'Department of Transportation—Federal Aviation Administration—Facilities and Equipment' in division L of Public Law 114–113 shall be applied by substituting '$479,412,000' for '$470,049,000' and '$2,375,588,000' for '$2,384,951,000'.

''SEC. 182. (a) Amounts available under section 101 for 'Department of Transportation—Maritime Administration—Operations and Training' for facilities maintenance and repair, equipment, and capital improvements at the United States Merchant Marine Academy, and any available prior year balances for the Student Incentive Program at State Maritime Academies may, either in whole or part, be used for costs associated with the midshipmen Sea Year training program of the Academy without regard to any limitations on reprogramming or transfer under division L of Public Law 114–113 or otherwise applicable under a provision of this Act.

''(b) The matter under the heading 'Department of Transportation—Maritime Administration—Operations and Training' in division L of Public Law 114–113 is amended by striking the third proviso (relating to an Academy spending plan).

''SEC. 183. Amounts made available by section 101 for 'Department of Housing and Urban Development—Public and Indian Housing—Tenant-Based Rental Assistance' may be apportioned up to the rate for operations necessary to renew grants for rental assistance and administrative costs that were provided pursuant to the third through tenth provisos of paragraph (5) under such heading in title II of division K of Public Law 113–235 (128 Stat. 2732).

''SEC. 184. Notwithstanding any other provision of law, if not later than 10 days after the end of the Second Session of the 114th Congress, the Office of Management and Budget ('OMB') determines that the total of enacted appropriations for fiscal year 2017 subject to the discretionary spending limits in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, excluding any appropriations that would result in adjustments under section 251(b)(2) of such Act, does not exceed the sum of the unadjusted discretionary spending limits for fiscal year 2017 in section 251(c)(4) of such Act and provides written notification of that determination, then the final sequestration report for fiscal year 2017 under section 254(f)(1) of such Act and any order for fiscal year 2017 under section 254(f)(5) of such Act shall be issued, for the Congressional Budget Office, 10 days after the date specified in section 106(3) of this Act and, for OMB, 15 days after the date specified in section 106(3) of this Act: *Provided*, That the written notification required by this section shall include the total dollar amount and estimated uniform percentage that would be required to eliminate a breach within a category if OMB were to issue such final sequestration report and order pursuant to the timetable in section 254(a) of such Act.

''SEC. 185. Notwithstanding any other provision of this Act, and in addition to the amount otherwise provided by section 101 for the 'Emergency Watershed Protection Program', there is appropriated $103,140,000 for an additional amount for fiscal year 2017, to remain available until expended, and for the 'Emergency Conservation Program', there is appropriated $102,978,524 for an additional amount for fiscal year 2017, to remain available until expended: *Provided*, That all amounts made available by this section are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

''SEC. 186. Notwithstanding any other provision of this Act, and in addition to the amount otherwise provided by section 101, there is appropriated $74,700,000 for an additional amount for fiscal year 2017, to remain available until expended, for 'National Aeronautics and Space Administration—Construction and Environmental Compliance and Restoration' for repairs at National Aeronautics and Space Administration facilities damaged by Hurricane Matthew: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

''SEC. 187. Notwithstanding any other provision of this Act, and in addition to the amount otherwise provided by section 101, there is appropriated $54,827,000 for 'Corps of Engineers-Civil—Construction' for an additional amount for fiscal year 2017, to remain available until expended, for necessary expenses to address emergency situations at Corps of Engineers projects, and to rehabilitate and repair damages to Corps of Engineers projects, caused by natural disasters: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That beginning not later than 60 days after the date of enactment of this section, the Assistant Secretary of the Army for Civil Works shall provide monthly reports to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds.

''SEC. 188. Notwithstanding any other provision of this Act, and in addition to the amount otherwise provided by section 101, there is appropriated $290,708,000 for 'Corps of Engineers-Civil—Mississippi River and Tributaries' for an additional amount for fiscal year 2017, to remain available until expended, for necessary expenses to dredge navigation projects in response to, and repair damages to Corps of Engineers projects caused by, natural disasters: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That beginning not later than 60 days after the date of enactment of this section, the Assistant Secretary of the Army for Civil Works shall provide monthly reports to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds.

''SEC. 189. Notwithstanding any other provision of this Act, and in addition to the amount otherwise provided by section 101, there is appropriated $259,574,000 for 'Corps of Engineers-Civil—Operation and Maintenance' for an additional amount for fiscal year 2017, to remain available until expended, for necessary expenses to dredge navigation projects in response to, and repair damages to Corps of Engineers projects caused by, natural disasters: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That beginning not later than 60 days after the date of enactment of this section, the Assistant Secretary of the Army for Civil Works shall provide monthly reports to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds.

''SEC. 190. Notwithstanding any other provision of this Act, and in addition to the amount otherwise provided by section 101, there is appropriated $419,891,000 for 'Corps of Engineers-Civil—Flood Control and Coastal Emergencies', as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for an additional amount for fiscal year 2017, to remain available until expended, for necessary expenses to prepare for flood, hurricane and other natural disasters and support emergency operations, repairs, and other activities in response to such disasters as authorized by law: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That beginning not later than 60 days after the date of enactment of this section, the Assistant Secretary of the Army for Civil Works shall provide monthly reports to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds.

''SEC. 191. Notwithstanding any other provision of this Act, and in addition to any amount otherwise provided by section 101 for the 'Emergency Relief Program', as authorized by section 125 of title 23, United States Code, there is appropriated $1,004,017,000 for fiscal year 2017, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

''SEC. 192. (a) Notwithstanding any other provision of this Act, and in addition to the amount otherwise provided by section 101 for 'Department of Housing and Urban Development—Community Planning and Development—Community Development Fund', there is appropriated $1,808,976,000 for an additional amount for fiscal year 2017, to remain available until expended, that is identical to the additional appropriation for fiscal year 2016 in section 145(a) of this Act (except that 'enactment of this Act' shall be treated as referring to enactment of this section, and except for the last proviso under such subsection), and with respect to which the same authority and conditions shall be in effect: *Provided*, That of the amount made available by this subsection, $1,416,000,000 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, and $392,976,000 is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

''(b) Of the amounts made available by subsection (a) and designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, up to $3,000,000 may be transferred, in aggregate, to 'Department of Housing and Urban Development—Program Office Salaries and Expenses—Community Planning and Development' for necessary costs, including information technology costs, of administering and overseeing the obligation and expenditure of amounts in section 145 and all amounts in this section.

''SEC. 193. Notwithstanding any other provision of this Act, and in addition to amounts otherwise provided by section 101, an additional amount for fiscal year 2017 of $20,000,000, to remain available until expended, is provided for 'Department of Health and Human Services—Food and Drug Administration-FDA Innovation Account' (in this section referred to as the 'Account'): *Provided*, That such amounts are appropriated pursuant to section 1002(b)(3) of the 21st Century Cures Act, are to be derived from amounts transferred under section 1002(b)(2)(A) of such Act, are for the necessary expenses to carry out the purposes described under section 1002(b)(4) of such Act, and may be transferred by the Commissioner of Food and Drugs to the appropriation for 'Department of Health and Human Services—Food and Drug Administration—Salaries and Expenses' solely for the purposes provided in such Act: *Provided further*, That upon a determination by the Commissioner that funds transferred pursuant to the previous proviso are not necessary for the purposes provided, such amounts may be transferred back to the Account: *Provided further*, That this transfer authority is in addition to any other transfer authority provided by law.

''SEC. 194. Notwithstanding any other provision of this Act, and in addition to amounts otherwise provided by section 101, an additional amount for fiscal year 2017 of $352,000,000, to remain available until expended, is provided for 'Department of Health and Human Services—National Institutes of Health—NIH Innovation Account' (in this section referred to as the 'Account'): *Provided*, That such amounts are appropriated pursuant to section 1001(b)(3) of the 21st Century Cures Act, are to be derived from amounts transferred under section 1001(b)(2)(A) of such Act, are for the necessary expenses to carry out the purposes described in section 1001(b)(4) of such Act and in the amounts provided for fiscal year 2017 in such section 1001(b)(4), and may be transferred by the Director of the National Institutes of Health to other accounts of the National Institutes of Health solely for the purposes provided in such Act: *Provided further*, That upon a determination by the Director that funds transferred pursuant to the previous proviso are not necessary for the purposes provided, such amounts may be transferred back to the Account: *Provided further*, That this transfer authority is in addition to any other transfer authority provided by law.

''SEC. 195. Notwithstanding any other provision of this Act, and in addition to amounts otherwise provided by section 101, an additional amount for fiscal year 2017 of $500,000,000, to remain available until expended, is provided for 'Department of Health and Human Services—Office of the Secretary—Account For the State Response to the Opioid Abuse Crisis' (in this section referred to as the 'Account'): *Provided*, That such amounts are appropriated pursuant to section 1003(b)(3) of the 21st Century Cures Act, are to be derived from amounts transferred under section 1003(b)(2)(A) of such Act, are for the necessary expenses to carry out the purposes described under section 1003(c) of such Act, and may be transferred by the Secretary of Health and Human Services to other accounts of the Department solely for the purposes provided in such Act: *Provided further*, That upon a determination by the Secretary that funds transferred pursuant to the previous proviso are not necessary for the purposes provided, such amounts may be transferred back to the Account: *Provided further*, That this transfer authority is in addition to any other transfer authority provided by law.

''SEC. 196. (a) Notwithstanding any other provision of this Act, in addition to the amount otherwise provided by section 101 for 'Environmental Protection Agency—State and Tribal Assistance Grants', there is appropriated $100,000,000 for an additional amount for fiscal year 2017, to remain available until expended, for making capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act pursuant to section 2201 of the Water and Waste Act of 2016.

''(b) The last proviso of paragraph (1) under the heading 'Environmental Protection Agency—State and Tribal Assistance Grants' in division G of Public Law 114–113 shall be applied to amounts made available by this section by substituting for 'only where such debt was incurred on or after the date of enactment of this Act' the following: 'where such debt was incurred on or after the date of enactment of this Act, or where such debt was incurred prior to the date of enactment if the State, with concurrence from the Administrator, determines that such funds could be used to help address a threat to public health from heightened exposure to lead in drinking water or if a Federal or State emergency declaration has been issued due to a threat to public health from heightened

exposure to lead in a municipal drinking water supply before the date of enactment of this Act: *Provided further*, That in a State in which such an emergency declaration has been issued, the State may use more than 20 percent of the funds made available under this title to the State for Drinking Water State Revolving Fund capitalization grants to provide additional subsidy to eligible recipients'.

''SEC. 197. (a) Notwithstanding any other provision of this Act, there is provided for 'Environmental Protection Agency—Water Infrastructure Finance and Innovation Program Account' for the cost of direct loans and for the cost of guaranteed loans, as authorized by the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.), $20,000,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans, including capitalized interest, and total loan principal, including capitalized interest, any part of which is to be guaranteed, not to exceed $2,073,000,000.

''(b) In addition, fees authorized to be collected pursuant to sections 5029 and 5030 of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3908 and 3909) shall be credited to the appropriation made by this section to remain available until expended.

''(c) Of the amounts provided under subsection (a), not to exceed $3,000,000 shall be for administrative expenses to carry out the direct and guaranteed loan programs, notwithstanding section 5033 of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3912).

''SEC. 198. Notwithstanding any other provision of this Act, in addition to the amount otherwise provided by section 101 for 'Department of Health and Human Services—Centers for Disease Control and Prevention—Environmental Health', for carrying out section 2203 of the Water and Waste Act of 2016, there is appropriated $20,000,000, to remain available until September 30, 2020, of which $17,500,000 shall be for carrying out section 2203(b) of the Water and Waste Act of 2016 and $2,500,000 shall be for carrying out section 2203(c) of the Water and Waste Act of 2016: *Provided*, That such funds may be made available to the Agency for Toxic Substances and Disease Registry or the Centers for Disease Control and Prevention, at the discretion of the Secretary of Health and Human Services, for carrying out such sections of the Water and Waste Act of 2016.

''SEC. 199. Notwithstanding any other provision of this Act, in addition to the amount otherwise provided by section 101 for 'Department of Health and Human Services—Centers for Disease Control and Prevention—Environmental Health', for carrying out section 2204(a) of the Water and Waste Act of 2016, there is appropriated $15,000,000, to remain available until September 30, 2018, for childhood lead poisoning prevention programs authorized under section 317A of the Public Health Service Act (42 U.S.C. 247b–1).

''SEC. 200. Notwithstanding any other provision of this Act, in addition to the amount otherwise provided by section 101 for 'Department of Health and Human Services—Health Resources and Services Administration—Maternal and Child Health', for carrying out section 2204(b) of the Water and Waste Act of 2016, there is appropriated $15,000,000, to remain available until September 30, 2018, for the Healthy Start Initiative authorized under section 330H of the Public Health Service Act (42 U.S.C. 254c–8).

''SEC. 201. (a) Of any available amounts appropriated under section 301(b)(3) of Public Law 114–10, $170,000,000 is rescinded immediately upon enactment of this section.

''(b) In the Senate, the budgetary effects of this section shall not count for purposes of the amount in section 3103(b)(3) of the concurrent resolution on the budget for fiscal year 2016 (S. Con. Res. 11) when determining points of order pursuant to section 3103(b)(1) of that section of that concurrent resolution.''.

This division may be cited as the ''Further Continuing Appropriations Act, 2017''.

DIVISION B—SECURITY ASSISTANCE APPROPRIATIONS ACT, 2017

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2017, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $196,964,000, of which $94,034,000 is to support counter-terrorism operations and $102,930,000 is to support the European Reassurance Initiative: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $10,484,000, of which $7,354,000 is to support counter-terrorism operations and $3,130,000 is to support the European Reassurance Initiative: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $5,840,000, to support counter-terrorism operations: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $51,830,000, of which $37,640,000 is to support counter-terrorism operations and $14,190,000 is to support the European Reassurance Initiative: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $3,173,679,000, of which $2,734,952,000 is to support counter-terrorism operations and $438,727,000 is to support the European Reassurance Initiative: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $97,881,000, of which $95,531,000 is to support counter-terrorism operations and $2,350,000 is to support the European Reassurance Initiative: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $180,546,000, of which $168,446,000 is to support counter-terrorism operations and $12,100,000 is to support the European Reassurance Initiative: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $428,046,000, of which $382,496,000 is to support counter-terrorism operations and $45,550,000 is to support the European Reassurance Initiative: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $446,283,000, of which $412,959,000 is to support counter-terrorism operations and $33,324,000 is to support the European Reassurance Initiative: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

IRAQ TRAIN AND EQUIP FUND

For an additional amount for ''Iraq Train and Equip Fund'', $289,500,000, to support counter-terrorism operations: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT

MISSILE PROCUREMENT, ARMY

For an additional amount for ''Missile Procurement, Army'', $229,100,000, to support counter-terrorism operations: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $72,000,000, to support counter-terrorism operations: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for ''Procurement of Ammunition, Air Force'', $201,563,000, to support counter-terrorism operations: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for ''Missile Procurement, Air Force'', $83,900,000, to support

counter-terrorism operations: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $137,884,000, to support counter-terrorism operations: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for ''Research, Development, Test and Evaluation, Army'', $78,700,000, to support counter-terrorism operations: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $3,000,000, to support counter-terrorism operations: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

For an additional amount for ''Joint Improvised Explosive Device Defeat Fund'', $87,800,000, to support counter-terrorism operations: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE II

DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for ''Diplomatic and Consular Programs'', $1,052,400,000 to remain available until September 30, 2018, of which $927,189,000 is for Worldwide Security Protection and shall remain available until expended: *Provided*, That such funds are for operational and security requirements to support activities to counter the Islamic State of Iraq and the Levant, other terrorist organizations, and violent extremism in Africa, Europe and Eurasia, the Middle East, and South and Central Asia, and to counter Russian influence: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'', $2,500,000, to remain available until September 30, 2018: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for ''Embassy Security, Construction, and Maintenance'', $654,411,000, to remain available until expended, for construction of, and security enhancements for, United States diplomatic facilities in Africa, Europe and Eurasia, the Middle East, and South and Central Asia, of which $618,411,000 is for Worldwide Security Upgrades: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

FUNDS APPROPRIATED TO THE PRESIDENT

OPERATING EXPENSES

For an additional amount for ''Operating Expenses'', $5,000,000, to remain available until September 30, 2018, for operational and security requirements to support activities to counter the Islamic State of Iraq and the Levant, other terrorist organizations, and violent extremism in Africa, Europe and Eurasia, the Middle East, and South and Central Asia: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CAPITAL INVESTMENT FUND

For an additional amount for ''Capital Investment Fund'', $25,000,000, to remain available until expended, for the Capital Security Cost Sharing Program: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'', $2,500,000, to remain available until September 30, 2018: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for ''International Disaster Assistance'', $616,100,000, to remain available until expended, for international disaster relief, rehabilitation, and reconstruction assistance, including in Africa, Europe and Eurasia, the Middle East, and South and Central Asia: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TRANSITION INITIATIVES

For an additional amount for ''Transition Initiatives'', $50,234,000, to remain available until expended, for programs to counter the Islamic State of Iraq and the Levant, other terrorist organizations, and violent extremism, and address the needs of populations impacted by such organizations: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ECONOMIC SUPPORT FUND

For an additional amount for ''Economic Support Fund'', $1,030,555,000, to remain available until September 30, 2018, for programs to counter the Islamic State of Iraq and the Levant, other terrorist organizations, and violent extremism, and address the needs of populations impacted by such organizations: *Provided*, That funds appropriated under this heading shall be made available for programs that include activities to document, investigate, and prosecute genocide, crimes against humanity, war crimes, and other human rights violations in Iraq and Syria, including to build capacity of Syrian and Iraqi investigators; atrocity prevention, transitional justice, reconciliation, and reintegration programs for vulnerable and persecuted minorities and ethnic groups in the Middle East and North Africa; and support for higher education institutions in Iraq: *Provided further*, That such funds shall also be made available for assistance for major non-North Atlantic Treaty Organization allies in the Middle East and North Africa, including Jordan and Tunisia: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

For an additional amount for ''Assistance for Europe, Eurasia and Central Asia'', $157,000,000, to remain available until September 30, 2018, for programs to counter Russian influence: *Provided*, That funds appropriated under this heading shall be made available for assistance for Ukraine, Georgia, and other countries affected by Russian aggression: *Provided further*, That of the funds appropriated under this heading, up to $6,000,000 may be transferred to, and merged with, funds appropriated under the heading ''Broadcasting Board of Governors—International Broadcasting Operations'' for programs to counter Russian influence: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for ''Migration and Refugee Assistance'', $300,000,000, to remain available until expended, to respond to refugee and migration crises, including in Africa, Europe and Eurasia, the Middle East, and South and Central Asia, except that such funds shall not be made available for the resettlement costs of refugees in the United States: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

INTERNATIONAL SECURITY ASSISTANCE

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for ''International Narcotics Control and Law Enforcement'', $26,300,000, to remain available until September 30, 2018, for programs in Africa, Europe and Eurasia, and the Middle East: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for ''Nonproliferation, Anti-terrorism, Demining and

Related Programs'', $128,000,000, to remain available until September 30, 2018, for antiterrorism, demining and related programs and activities in Africa and the Middle East: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PEACEKEEPING OPERATIONS

For an additional amount for ''Peacekeeping Operations'', $50,000,000, to remain available until September 30, 2018, for equipment, training, logistics, and related support for peacekeeping, stabilization, and counterterrorism programs in Africa and the Middle East: *Provided*, That funds appropriated under this heading may be made available for a United States contribution to the Multinational Force and Observers mission in the Sinai: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for ''Foreign Military Financing Program'', $200,000,000, to remain available until September 30, 2018, for assistance for countries in Africa, Europe and Eurasia, and the Middle East: *Provided*, That funds appropriated under this heading shall be made available for assistance for Ukraine, Georgia, the Baltic states, Tunisia, and Jordan: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS

EXTENSION OF AUTHORITIES AND CONDITIONS

SEC. 201. Unless otherwise provided for by this title, the additional amounts appropriated by this title to appropriations accounts in this Act shall be available under the authorities and conditions applicable to such appropriations accounts for fiscal year 2017.

NOTIFICATION REQUIREMENT

SEC. 202. Funds appropriated by this title shall not be available for obligation unless the Secretary of State or the Administrator of the United States Agency for International Development, as appropriate, has notified the Committees on Appropriations in writing at least 15 days in advance of such obligation: *Provided*, That the requirement of this section shall not apply to funds made available by this title under the headings ''Department of State—Administration of Foreign Affairs—Office of Inspector General'', ''United States Agency for International Development—Funds Appropriated to the President—Office of Inspector General'', ''Bilateral Economic Assistance—Funds Appropriated to the President—International Disaster Assistance'', and ''Bilateral Economic Assistance—Department of State—Migration and Refugee Assistance''.

TRANSFER AUTHORITY

SEC. 203. (a) Funds appropriated by this title under the headings ''Diplomatic and Consular Programs'', including for Worldwide Security Protection, and ''Embassy Security, Construction, and Maintenance'' may be transferred to, and merged with, funds appropriated by this title under such headings if the Secretary of State determines and reports to the Committees on Appropriations that to do so is necessary to implement the recommendations of the Benghazi Accountability Review Board, or to prevent or respond to security situations and requirements.

(b) Funds appropriated by this title under the headings ''International Disaster Assistance'' and ''Migration and Refugee Assistance'' may be transferred to, and merged with, funds appropriated by this title under such headings.

(c) Funds appropriated by this title under the headings ''Economic Support Fund'' and ''Assistance for Europe, Eurasia and Central Asia'' may be transferred to, and merged with, funds appropriated by this title under the heading ''International Disaster Assistance''.

(d) Funds appropriated by this title under the headings ''International Narcotics Control and Law Enforcement'', ''Nonproliferation, Anti-terrorism, Demining and Related Programs'', ''Peacekeeping Operations'', and ''Foreign Military Financing Program'' may be transferred to, and merged with, funds appropriated by this title under such headings.

(e) The transfer authority provided by this section shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations: *Provided*, That such transfer authority is in addition to any transfer authority otherwise available under any other provision of law.

CONSOLIDATED REPORTING REQUIREMENT

SEC. 204. Not later than 45 days after enactment of this Act and prior to the initial obligation of funds made available by this title, the Secretary of State and the Administrator of the United States Agency for International Development shall submit a consolidated report to the Committees on Appropriations on the anticipated uses of such funds on a country and project basis for which the obligation of funds is anticipated, including estimated personnel and administrative costs: *Provided*, That such report shall be updated and submitted to such Committees every 60 days until September 30, 2018, and every 180 days thereafter until all funds have been expended: *Provided further*, That funds appropriated by this title under the headings ''International Disaster Assistance'' and ''Migration and Refugee Assistance'' may be obligated prior to submission of the report required by this section.

LOAN AUTHORITY

SEC. 205. (a) Funds appropriated by this title under the heading ''Economic Support Fund'' and in prior Acts making appropriations for the Department of State, foreign operations, and related programs under such heading may be made available for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of loan guarantees for Iraq, which are authorized to be provided: *Provided*, That amounts made available under this subsection for the costs of such guarantees shall not be considered assistance for the purposes of provisions of law limiting assistance to a country: *Provided further*, That the Secretary of State should obtain a commitment from the Government of Iraq that such government will make available the proceeds of such financing to regions and governorates, including the Kurdistan Region of Iraq, in a manner consistent with the principles of equitable share of national revenues contained in clause ''Third'' of Article 121 of the Constitution of Iraq: *Provided further*, That such funds shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, except that any such notification shall include a detailed summary of the terms and conditions of such financing and an assessment of the extent to which the proposed financing agreement between the Governments of the United States and Iraq supports the constitutional principles of equitable share of national revenues to regions and governorates, including the Kurdistan Region of Iraq.

(b) Notwithstanding any provision of this Act, the authority provided by section 1101 of division O of the Consolidated Appropriations Act, 2016 (Public Law 114–113) shall continue in effect through fiscal year 2017: *Provided*, That any notification submitted pursuant to such section shall include a detailed summary of the terms and conditions of such loan and an assessment of the extent to which use of the proposed loan proceeds would place special emphasis on the Kurdish Peshmerga, Sunni tribal security forces, or other local security forces, with a national security mission.

(c) Funds made available pursuant to this section and section 7034(o)(1) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2016 (division K of Public Law 114–113) from prior Acts making appropriations for the Department of State, foreign operations, and related programs that were previously designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985, are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of such Act and shall be available only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

PERSONAL SERVICES CONTRACTS

SEC. 206. Funds appropriated by this title to support counter-terrorism and countering violent extremism programs, including activities to counter the Islamic State of Iraq and the Levant, may be used to enter into contracts with individuals for the provision of personal services (as described in section 37.104 of title 48, Code of Federal Regulations (48 CFR 37.104)) in the United States or abroad: *Provided*, That such individuals may not be deemed employees of the United States for the purposes of any law administered by the Office of Personnel Management: *Provided further*, That the authority made available pursuant to this section shall expire on September 30, 2018.

This division may be cited as the ''Security Assistance Appropriations Act, 2017''.

The SPEAKER pro tempore. Pursuant to House Resolution 949, the motion shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations.

The gentleman from Kentucky (Mr. ROGERS) and the gentlewoman from New York (Mrs. LOWEY) each will control 30 minutes.

The Chair recognizes the gentleman from Kentucky.

GENERAL LEAVE

Mr. ROGERS of Kentucky. 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. 2028, and that I may include tabular material on the same.

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

There was no objection.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise before you today to present the second Fiscal Year 2017 Continuing Resolution this year, which will fund the Federal Government through April 28 of 2017.

This bill is a necessary measure to continue vital government programs and services, like our national defense. It keeps the lights on in our government, preventing the uncertainty and harm of a shutdown. Our current continuing resolution expires tomorrow, so we must act today.

This continuing resolution is a responsible compromise, making only limited adjustments where required to preserve the security of the Nation, to prevent serious lapses in government services, and to ensure the careful expenditure of taxpayer dollars.

To highlight a few of these changes: we take care of our troops by increasing overseas contingency operations resources, and include provisions that accelerate production rates for critical defense equipment and systems, like the Ohio replacement submarine, the Apache helicopter, and the KC–46A tanker. The bill also maintains adequate funding for the Department of Homeland Security to keep our Nation safe.

In addition to these changes, the bill includes necessary funding to help communities recover from recent natural disasters, like Hurricane Matthew, flooding in States like Louisiana and West Virginia, and devastating droughts.

The legislation also includes $170 million for important health and water infrastructure improvements, as well as $872 million for the House-passed 21st Century Cures Act, including $500 million to respond to the opioid abuse epidemic. These items are both fully offset.

As I have said on this floor many times over the past 6 years, standing in this exact spot, a continuing resolution is a last resort. It is not what I would prefer to bring to the floor as my final bill as chairman of the Appropriations Committee.

At the end of the day, a CR is simply a Band-Aid on a gushing wound. This is no way to run a railroad. It is bad for Congress, bad for the Federal Government, and bad for our country. A CR extends outdated policies and funding levels, wasting money, and preventing good changes from being made. A CR also creates uncertainty in Federal budgets and in our economy. Lastly, it diminishes the Congress' power of the purse, giving away the people's voice in how the government uses their tax dollars.

I truly hope that in the near future we can stop lurching from CR to CR and return to regular order, for the sake of our national security, our economy, and the well-being of all Americans.

However, at this point, this is our best and only path forward. It is absolutely imperative that we complete the work on the 11 remaining appropriations bills as soon as possible when Congress returns.

This is a good bill, and I urge my colleagues to vote ''yes'' on the CR.

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

SECURITY ASSISTANCE APPROPRIATIONS ACT, 2017
(DIV. B, HOUSE AMENDMENT TO THE SENATE AMENDMENT TO H.R. 2028)
(Amounts in thousands)

	FY 2017 Request	Final Bill	Bill vs. Request
TITLE I			
DEPARTMENT OF DEFENSE			
Military Personnel			
Military Personnel, Army (Overseas Contingency Operations/Global War on Terrorism)	94,034	196,964	+102,930
Military Personnel, Navy (Overseas Contingency Operations/Global War on Terrorism)	7,354	10,484	+3,130
Military Personnel, Marine Corps (Overseas Contingency Operations/Global War on Terrorism)	5,840	5,840	---
Military Personnel, Air Force (Overseas Contingency Operations/Global War on Terrorism)	37,640	51,830	+14,190
Subtotal	144,868	265,118	+120,250
Operations and Maintenance			
Operations and Maintenance, Army (Overseas Contingency Operations/Global War on Terrorism)	2,934,269	3,173,679	+239,410
Operations and Maintenance, Navy (Overseas Contingency Operations/Global War on Terrorism)	95,531	97,881	+2,350
Operations and Maintenance, Marine Corps (Overseas Contingency Operations/Global War on Terrorism)	168,446	180,546	+12,100
Operations and Maintenance, Air Force (Overseas Contingency Operations/Global War on Terrorism)	382,496	428,046	+45,550
Operations and Maintenance, Defense-Wide (Overseas Contingency Operations/Global War on Terrorism)	412,959	446,283	+33,324
Defense Health Program (Overseas Contingency Operations/Global War on Terrorism)	2,547	---	-2,547
Afghanistan Security Forces Fund (Overseas Contingency Operations/Global War on Terrorism)	814,500	---	-814,500
Iraq Train and Equip Fund (Overseas Contingency Operations/Global War on Terrorism)	289,500	289,500	---
Subtotal	5,100,248	4,615,935	-484,313
Procurement			
Missile Procurement, Army (Overseas Contingency Operations/Global War on Terrorism)	46,500	229,100	+182,600
Other Procurement, Army (Overseas Contingency Operations/Global War on Terrorism)	98,500	72,000	-26,500
Other Procurement, Navy (Overseas Contingency Operations/Global War on Terrorism)	5,000	---	-5,000
Procurement of Ammunition, Air Force (Overseas Contingency Operations/Global War on Terrorism)	---	201,563	+201,563
Missile Procurement, Air Force (Overseas Contingency Operations/Global War on Terrorism)	---	83,900	+83,900
Other Procurement, Air Force (Overseas Contingency Operations/Global War on Terrorism)	137,884	137,884	---
Subtotal	287,884	724,447	+436,563
Research, Development, Test and Evaluation			
Research, Development, Test and Evaluation, Army (Overseas Contingency Operations/Global War on Terrorism)	139,200	78,700	-60,500
Research, Development, Test and Evaluation, Defense-Wide (Overseas Contingency Operations/Global War on Terrorism)	3,000	3,000	---
Subtotal	142,200	81,700	-60,500

SECURITY ASSISTANCE APPROPRIATIONS ACT, 2017
(DIV. B, HOUSE AMENDMENT TO THE SENATE AMENDMENT TO H.R. 2028)
(Amounts in thousands)

	FY 2017 Request	Final Bill	Bill vs. Request
Other Department of Defense Programs			
Joint Improvised Explosive Device Defeat Fund (Overseas Contingency Operations/Global War on Terrorism)	99,800	87,800	-12,000
Total, Title I, Department of Defense	5,775,000	5,775,000	---
TITLE II			
DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS			
Department of State			
Administration of Foreign Affairs			
Diplomatic and Consular Programs (Overseas Contingency Operations/Global War on Terrorism)	746,210	1,052,400	+306,190
Office of Inspector General (Overseas Contingency Operations/Global War on Terrorism)	2,500	2,500	---
Embassy, Security, Construction, and Maintenance (Overseas Contingency Operations/Global War on Terrorism)	1,024,000	654,411	-369,589
Subtotal	1,772,710	1,709,311	-63,399
UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT			
Funds Appropriated to the President			
Operating Expenses (Overseas Contingency Operations/Global War on Terrorism)	15,000	5,000	-10,000
Capital Investment Fund (Overseas Contingency Operations/Global War on Terrorism)	---	25,000	+25,000
Office of Inspector General (Overseas Contingency Operations/Global War on Terrorism)	2,500	2,500	---
Subtotal	17,500	32,500	+15,000
BILATERAL ECONOMIC ASSISTANCE			
Funds Appropriated to the President			
International Disaster Assistance (Overseas Contingency Operations/Global War on Terrorism)	953,200	616,100	-337,100
Transition Initiatives (Overseas Contingency Operations/Global War on Terrorism)	73,490	50,234	-23,256
Economic Support Fund (Overseas Contingency Operations/Global War on Terrorism)	2,640,400	1,030,555	-1,609,845
Assistance for Europe, Eurasia, and Central Asia (Overseas Contingency Operations/Global War on Terrorism)	---	157,000	+157,000
Department of State			
Migration and Refugee Assistance (Overseas Contingency Operations/Global War on Terrorism)	260,400	300,000	+39,600
Subtotal	3,927,490	2,153,889	-1,773,601

SECURITY ASSISTANCE APPROPRIATIONS ACT, 2017
(DIV. B, HOUSE AMENDMENT TO THE SENATE AMENDMENT TO H.R. 2028)
(Amounts in thousands)

	FY 2017 Request	Final Bill	Bill vs. Request
INTERNATIONAL SECURITY ASSISTANCE			
Department of State			
International Narcotics Control and Law Enforcement (Overseas Contingency Operations/Global War on Terrorism)	19,300	26,300	+7,000
Non-Proliferation, Anti-Terrorism, Demining and Related Programs (Overseas Contingency Operations/Global War on Terrorism)	128,000	128,000	---
Peacekeeping Operations (Overseas Contingency Operations/Global War on Terrorism)	90,000	50,000	-40,000
Funds Appropriated to the President			
Foreign Military Financing Program (Overseas Contingency Operations/Global War on Terrorism)	---	200,000	+200,000
Subtotal	237,300	404,300	+167,000
Total, Title II, Department of State, Foreign Operations, and Related Programs	5,955,000	4,300,000	-1,655,000
Grand Total	11,730,000	10,075,000	-1,655,000
Overseas Contingency Operations/Global War on Terrorism	(11,730,000)	(10,075,000)	(-1,655,000)
(Defense)	(5,775,000)	(5,775,000)	---
(Non-Defense)	(5,955,000)	(4,300,000)	(-1,655,000)

□ 1230

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

Today we consider the second continuing resolution to keep most of the government open. To say that I am disappointed in this Band-aid approach to operating the government would be an understatement. The legislation before us is an abdication of responsibility for the entire Congress. It is a disgrace that more than 2 months into the new fiscal year, Congress will kick the can down the road nearly another 5 months for purely partisan reasons.

Having already failed this year to adopt a budget, pass appropriation bills, and restore regular order, the majority's failure to enact full-year funding is not surprising, but nonetheless shameful. Several administration requests were either not included or were drastically discounted. The Commodity Futures Trading Commission would be frozen under this CR, likely causing staff furloughs and making it impossible to adequately protect market participants.

I am extremely concerned about the majority including just $7 million—one-fifth of the amount requested by the administration and by New York City—to reimburse New York for the cost of helping New York and other State and local governments protect the President-elect until his inauguration. Local and State taxpayers should not be forced to foot the bill for the Federal responsibility of protecting the President-elect. I view the amount in the CR as a down payment, and I am putting the majority on notice that a future funding bill must fully cover these costs.

At a time when economic hardship is common among those who have worked in unsafe and unhealthy coal mines, this Congress should be united in ensuring these men and women have both the health and pension benefits they have earned. These hardworking individuals need more than empty promises.

I am pleased the CR provides additional funding to respond to natural disasters, to assist Flint, Michigan, in recovering from a lead crisis, to respond to threats abroad, to prevent opioid addiction, and to support biomedical research; however, we should have made these investments along with a full-year bill that would have dealt with every government program.

Finally, this bill should not include the provision that would limit debate on providing a waiver to allow the next Secretary of Defense to have been retired from Active Duty for less than the current requirement of 7 years. Civilian leadership of the military is a bedrock principle of our democracy, and any new standard deserves full debate by the Congress.

I know Chairman ROGERS worked to have the Appropriations Committee return to regular order. I tried to be a partner with him because I think the American people want us to do our job of keeping the government operating. Notwithstanding the constraints facing the chairman, the bill we consider today should be a bipartisan, full-year spending measure.

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

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN), who will assume the chair of the Appropriations Committee come January and in whom I have great confidence and pride.

Mr. FRELINGHUYSEN. Mr. Speaker, I rise to urge support of the continuing resolution. But first I must pay tribute to the gentleman from Kentucky (Mr. ROGERS) as he manages his last appropriations bill as full committee chairman.

I know I speak for Ranking Member LOWEY and all members of the committee, Republicans and Democrats, and our remarkable professional staff when I say that this body and this Nation owe a tremendous debt of gratitude for his many contributions on the Appropriations Committee for 30 years and as its chairman for the last 6. No one understands better than HAL ROGERS the House's constitutional duty to responsibly fund the Federal Government. No one has defended this body's power of the purse with more vigor. He has always supported rigorous oversight.

Under Chairman ROGERS' leadership, the committee has held over 600 public hearings to ensure that Federal tax dollars are well spent, and the committee has earned results, cutting wasteful spending to the tune of $126 billion since fiscal year 2010. In fact, the chairman has worked tirelessly to restore public trust in our Federal funding process, all with professionalism, good humor, and class.

Mr. Speaker, I know I speak for all members of the committee and all Members of the House in extending to you our heartfelt thanks for your continued service on the committee and your remarkable service as chairman.

On the resolution, briefly—and this is relative to national security—the reality is we are a nation at war, engaged with enemies in Syria, Iraq, Afghanistan, and elsewhere, and we have no greater responsibility than to ensure that our men and women in uniform have the resources that this continuing resolution assures so they can carry out their missions and return home safely.

In this regard, we have scrubbed the President's budget amendment $5.8 billion for overseas operations. In doing so, we have redirected funding to replenish our stocks of various munitions that our troops need to fight ISIS and the Taliban; and in light of increased activity on behalf of the Russians, we have provided funding for our NATO allies. This resolution needs to be supported for national defense and homeland security.

Again, I salute Chairman ROGERS for his leadership.

Mrs. LOWEY. Mr. Speaker, I yield 4 minutes to the gentleman from Indiana (Mr. VISCLOSKY), who is the ranking member of the Defense Subcommittee on the Appropriations Committee.

Mr. VISCLOSKY. Mr. Speaker, I am sorely disappointed that, despite the very best efforts of Chairman ROGERS, Mrs. LOWEY, and all of the members of our committee, we yet again find ourselves in the position of considering another continuing resolution.

In June, on the floor, I stated that our fiscal year begins on October 1, 2016, and not May 1, 2017, and that it is the responsibility of those of us holding office in this session of this Congress to execute the 2017 appropriations process. We should not foist our responsibility upon the next. Unfortunately, almost 6 months later, it is appropriate to repeat myself.

As the ranking member on the Defense Subcommittee, I feel it is important to highlight some of the complications that we are compounding for next year, again, despite the very best efforts of Chairman FRELINGHUYSEN and the members of our subcommittee and the full committee.

First, the CR hinders the DoD from adapting to emergency conditions around the globe. Although we have included a few adjustments in this CR, many more programs and initiatives were not addressed, and we will have created unforeseen but real impacts to our warfighters and their families.

Second, the defense budget that we are deferring was planned for back in late 2015. Our actions to complete the fiscal year 2017 appropriations process by April 28 will present the Department with a fundamental management challenge.

Third, it will require a significant amount of interchange with the DOD for Congress to complete the work for the remainder of this fiscal year's appropriation into spring. Those same individuals and offices in the Department will simultaneously be making adjustments to the 2018 budget for the new administration. While it is likely that a 2018 budget request will be delayed beyond the normal first week in February, the two activities will overlap significantly, and it creates inefficiencies.

Let me also point out the Department will be well into the development of its fiscal year 2019 budget at the same time. The Department will be presenting the fiscal year 2018 budget to the Congress. At the same time, it will patiently be waiting for the resolution of this budget, all the while operating under 2016 levels that we have now extended with two consecutive CRs.

This CR has the likelihood of being particularly disruptive because it also coincides with the change in the executive branch. So while claiming to recognize the difficulty the new President faces, we add a much greater burden to the incoming administration and the next Congress by not completing our work now.

In closing, I again appreciate the work of the chairman, the ranking member, the staff, and the committee. I regret that we find ourselves on the House floor again creating manufactured uncertainty.

I am sorely disappointed that despite the very best efforts of Chairman ROGERS, Ranking Member LOWEY, and the members of our committee, we yet again find ourselves in the position of considering another Continuing Resolution (CR).

In June, during the debate on the House floor for H.R. 5293, the Fiscal Year 2017 Defense Appropriations Act, I expressed my concerns with that bill because it did not provide enough funding to support the warfighter for the full fiscal year. Specifically, I stated that our ''fiscal year begins on October 1, 2016, not May 1, 2017, and it is the responsibility of those of us holding office in the 2nd session of the 114th Congress to execute the FY 2017 appropriations process,'' and that we should demonstrate some legislative pragmatism and not foist our responsibility upon the 115th Congress. Unfortunately, almost exactly six months later, it is appropriate to repeat myself. Only in this circumstance it is applicable to nearly the entire federal government and not just a small portion of the Defense Appropriations Bill.

With regard to the CR, I grant that it has some positive aspects. Most notably it averts a government shutdown until at least April 28, 2017. It provides much needed funding to the Department of Defense for Overseas Contingency Operations and the European Reassurance Initiative. And it contains $170 million to address the infrastructure and health needs of those communities affected by contaminated drinking water.

However, CRs are no way to run a nation and I wholeheartedly agree with Ranking Member LOWEY that there is no practical reason that two months into a fiscal year, we are kicking the can down the road for another five months. Congress has no credibility to demand good government if it is incapable of providing appropriations to the whole of the federal government in a timely and predictable manner.

As the Ranking Member on the Defense Subcommittee, I feel it is important to highlight some of the complications we are compounding in 2017 should the Department of Defense have to operate under a CR for a total of 6 months and 28 days.

First, CRs hinder the DoD from adapting to emerging conditions around the globe. Although we are including a few anomalies and adjustments in this CR, many more programs and initiatives simply did not make the ''cut-list'' and we will have created unforeseen but real impacts to our warfighters and their families.

Second, the defense budget we are deferring was planned for back in late 2015. Our actions to complete the FY 2017 appropriations by April 28, 2017, will be challenged in synchronizing a final budget solution that is at a minimum 16 months later than when it was drafted and planned by the Defense Department.

Third, it will require a significant amount of interchange with the DoD for Congress to complete the work on the remainder of the FY 2017 appropriations in the spring. Those same individuals and offices in the Department will simultaneously be making adjustments to the FY 2018 budget for the new administration. And while it is likely that the FY 2018 budget request will be delayed beyond the normal first Tuesday in February delivery, the two activities will overlap significantly, which is incredibly inefficient.

Let me just further that thought by acknowledging that the Department will be well into their development of the FY 2019 budget at that same time. They will be presenting the FY 2018 budget to this Congress. And patiently waiting for resolution of this FY 2017 budget. All the while operating at FY 2016 levels that we extended in two consecutive CRs because we cannot find the initiative and political will to complete our jobs.

And this CR has the likelihood of being particularly disruptive because it also coincides with a change in the Executive Branch. As has been pointed out, no incoming Administration has ever had to inherit a Department of Defense operating under a CR. So while claiming to recognize the difficulty a new President faces by including a provision to allow the expedited consideration in the Senate of legislation that overrides current law in the appointment of the next Secretary of Defense, we add a much greater burden to the incoming administration and Congress by not completing the FY 2017 Appropriation process.

I understand that Chairman ROGERS has described the legislation before us as just a Band-Aid to give us time to complete the annual appropriations process. That is unfortunately a refrain we have heard too often in recent Congresses. In what fiscal year will we stop putting Band-Aids over our self-inflicted wounds to the appropriations process? The American people deserve so much more.

In closing, I regret that we again find ourselves on the House floor creating manufactured uncertainty. It is imperative that we bring an end to the reliance on CRs and get back into the habit of completing our budgetary work in a timely manner.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 3 minutes to the gentleman from Oklahoma (Mr. COLE), who chairs the largest civilian piece of the Federal budget, the Labor, Health and Human Services, Education, and Related Agencies Subcommittee, on our committee. The gentleman is the most articulate member of our committee, I would say, and one of the great Members of this body.

Mr. COLE. Mr. Speaker, I certainly thank the gentleman for yielding and those extremely kind and gracious words, and I certainly rise in support of this very important bill. I want to echo the praise that has been offered on this floor by members of both parties for our chairman, who is bringing his last full appropriations bill to the floor as the full committee chairman, and just tell him what a pleasure it has been to work under his leadership and to learn, frankly, at his knee, and usually with a pretty good cigar at the same time. So I have enjoyed that, and I think he has done a great job.

I also want to congratulate my friend, the ranking member. This is a chairman and a ranking member that, frankly, have done their jobs the last 2 years. All 12 bills were reported out of the Appropriations Committee most years, and all 12 should have been on this floor and dealt with, and I regret that they were not.

There are a lot of good things in this continuing resolution—as has been mentioned earlier, the additional funds for biomedical research, the adjustments and extra funding for defense at a critical time for our country, and certainly the disaster relief funds which certain parts of our country share—but I know this is not the bill that Chairman ROGERS wanted to bring to this floor. Frankly, we have got to get out of this.

I couldn't agree more with my friend from Indiana who said it pretty well: this is not this committee's fault. It is a failure in this Congress. This is the responsibility of this Congress and this administration to write the bill for next year. This is a failure to meet that responsibility. It is a necessary step, and I certainly will support it, but we have simply got to get back to the point of regular order.

Next year, believe me, I will push very hard to make sure we don't have another CR on April 28 and that we actually do the appropriations for FY17—we shouldn't be doing it in FY17, but that would be better than another CR—and then we will push to make sure that we do the FY18. I know the chairman has done everything humanly possible to do that, and I know he has had a willing partner in that in the ranking member.

So let's all make a New Year's resolution. Let's pass this bill, but let's get back to regular order. Let's restore things. There is a bipartisan sense of frustration on the Appropriations Committee, and, frankly, the leadership on both sides in this body need to work to achieve that. It is not an Appropriations Committee failure. This is the failure of Congress—the House of Representatives and the Senate—to do its job. That should not happen again.

Mr. Speaker, I urge support for the measure.

Mrs. LOWEY. Mr. Speaker, I rise to enter into a colloquy with Chairman ROGERS.

Mr. Speaker, section 170(b) of the continuing resolution creates a contingency fund which could make available an additional $200 million after March 1.

Can you clarify if the additional funds in section 170(b) will be available for obligation for three fiscal years, the same period of time as other fiscal year 2017 funds appropriated to carry out the same purpose?

Mr. ROGERS of Kentucky. Will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. The answer is yes.

Mrs. LOWEY. Thank you, Mr. Chairman.

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

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 3 minutes to the gentleman from West Virginia (Mr. MCKINLEY) for the purpose of a colloquy.

Mr. MCKINLEY. Thank you, Mr. Chairman, for this opportunity to discuss this short-term healthcare provision for coal miners that is in the CR.

A few months ago, approximately 20,000 retired coal miners and their families received notices that they would lose their health benefits at the end of this year—not for anything that they did, but because of President Obama's war on coal and the excessive regulations that have forced their former employers into bankruptcy.

□ 1245

Remember, these men and women did nothing to cause this problem. The extension of their healthcare benefits will give these families, unfortunately, little relief. It is for only 4 months, not any longer.

After this bill passes, in just a few short weeks, they will be back in the same position. They will get the same notice.

I am deeply disturbed that this bill does not include a long-term solution. Some in the Senate are even willing to kill this bill, but, in so doing, they would be abandoning the 20,000 coal miners. We can't do that. We have to accept what we have. We can't turn our back on these families.

Stopping this CR would put 20,000 people in harm's way. So I am supporting its passage, extending my hand to the leadership, and asking that they work with me when we return next Congress to find a long-term solution. Our coal miners deserve the peace of mind to know that their benefits will not be threatened in the future. I am willing to work with leadership, and anyone else, in Congress to get that done.

Mr. Chairman, I have enjoyed very much working with you for the last 6 years. So my question to you is: Is it your understanding that we will have the opportunity to pursue a long-term solution and fund the healthcare benefits of retired coal miners in the first months of the 115th Congress and before the CR expires?

Mr. ROGERS of Kentucky. Will the gentleman yield?

Mr. MCKINLEY. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Yes, that is my understanding. Just across the river from you, in my home State of Kentucky, there are thousands of retired miners who will be impacted by the expiration of these healthcare benefits, many of them in my district. These miners have worked hard their entire lives to earn these benefits, and they deserve to know that the promises made to them, while working day in and day out in the mines, will be honored.

I am committed to working with you and other Members representing coal country to arrive at a lasting solution to this problem in the new Congress and to provide some lasting relief to our coalfields, which have suffered so much in the last 8 years.

Mr. MCKINLEY. Reclaiming my time, thank you, Mr. Speaker. I look forward to working with you. You have been very honorable, and someone that I have truly enjoyed working with. As we proceed on this in the next year, I think we can be successful. With incoming Chairman FRELINGHUYSEN, I am even more excited. This is a way to get a final resolution.

Mrs. LOWEY. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentlewoman from New York has 22 minutes remaining.

Mrs. LOWEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Ms. KAPTUR), the ranking member of the Energy and Water Subcommittee on Appropriations.

Ms. KAPTUR. Mr. Speaker, I thank the gentlewoman for yielding and compliment her on her work as ranking member, and to the chairman of our full committee, Mr. ROGERS, an incredible chairman. Both of them did their work.

I rise today—as the underlying bill that all of this is attached to is our energy and water bill—appalled at this Christmas tree bill that the Republican leadership has foisted on this Congress in the last minute. This is exactly the type of bill the public hates.

The top brass over there literally disrespected our committee work and produced, instead, a rotten egg. Today, we will take a vote that forces us to choose between shutting the government down 2 weeks before Christmas or supporting a disgrace of a funding bill, laced with nongermane, controversial provisions.

What kind of choice is this? What happened to the Republican's top priority of funding the government under regular order? It is not our committee's fault. We did our job. What happened to voting on 12 appropriations bills and allowing amendments under regular order? We want to do that, but we are being handcuffed.

I will tell you what happened. The Republican leaders threw out our up-to-date bills. They threw them in the trash, and they replaced them with yet another bill that looks in the rearview mirror with numbers that are 2 years old and doesn't meet America's current realities. It forces our government agencies, including Defense, which Republicans claim to care so passionately about, to operate without any predictability or stability. This is disgraceful. No wonder Americans are so mad at us.

If Republicans wanted to take care of the military, they have failed. The military has never, ever operated under a continuing resolution during a Presidential transition until now. Imagine how the commanders in the field feel when the April deadline hits. What is going to happen in May?

If Republicans wanted to take care of American workers, they have failed. This resolution abandons hardworking coal miners after years of faithful service, right at Christmastime. Gosh, what a Christmas present.

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

Mrs. LOWEY. I yield the gentlewoman an additional 1 minute.

Ms. KAPTUR. If Republicans wanted to run the House under regular order, they have failed. They only brought up half of the 2017 bills to the floor for a vote. Where are the other six?

If Republicans wanted to fund the government in a responsible and efficient way, they have failed.

This resolution will likely cost us millions of dollars more in delayed projects, contract breaches, and lost American jobs. Is this a sign of what is to come? What happens on April 28 when this filthy Band-Aid falls off?

If we can't pass bills under regular order this year—when we had a bipartisan budget agreement and a Republican majority—what will we do in May when we have not only the rest of the 2017 budget to fix but also the 2018 budget and the debt ceiling to address?

I wonder what chaotic path the Republican leaders will lead us down in the new year? This is certainly a sign, a terrible sign, of what is to come.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 3 minutes the gentleman from Michigan (Mr. UPTON), the outstanding chairman of the House Energy and Commerce Committee.

Mr. UPTON. Mr. Speaker, first, I must join a long line of folks congratulating our friend and chairman of the important Appropriations Committee, the gentleman from Kentucky (Mr. ROGERS), for great service, assembling a wonderful, hardworking staff, and making sure that, particularly at Christmastime now, we are not going to be looking at shutting down the government.

I rise in support of this CR, the continuing resolution. I want to just inform a couple of my colleagues of some of the very important provisions that are included in this package, including funding to begin some of the work enacting 21st Century Cures and relief for families in Flint, Michigan, and elsewhere around the country.

There is not a single person in this Chamber watching at home today who has not been touched by disease in some way. We have said all too many goodbyes to the people that we hold dear. Every day, countless folks living vibrant lives are delivered unexpected diagnoses. It is a cycle that repeats itself over and over in every community. Life can change in an instant, and hope seems sometimes out of reach. Whether it be Alzheimer's, lupus, MS, cancer, you name the disease—diabetes.

That is why both the House and the Senate overwhelmingly passed the bipartisan 21st Century Cures Act with 392 votes in the House and 94 in the Senate just yesterday. It is set to be signed into law next week, and our effort will help change the conversation

on innovation and research. But it is patients that it is going to help the most.

This bill fulfills our commitment to hit the ground running immediately in our effort to deliver cures now, delivering valuable funds in this fiscal year, something that was critical as we worked together on both sides of the aisle in both the House and the Senate to get it done.

The bill also fulfills our commitment to the folks of Flint, Michigan. Again, an issue that we have dealt with. I commend Mr. KILDEE, who is on the floor, for working with him in a bipartisan way. The system failed them at every level of government. But that is not what the folks in Flint wanted to hear. They wanted answers. This bill finally delivers that, and it has been a long struggle. And, again, I commend the gentleman from Michigan (Mr. KILDEE) for his leadership on this. We worked together. This bill provides the effort to right those past wrongs. They want answers and results, and this bill delivers exactly that.

I urge my colleagues on both sides of the aisle to pass this bill and send it to the Senate and then to the President.

Mrs. LOWEY. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. SERRANO), the ranking member of the Appropriations Subcommittee on Financial Services and General Government.

(Mr. SERRANO asked and was given permission to revise and extend his remarks.)

Mr. SERRANO. Mr. Speaker, I thank the gentlewoman.

I rise to join my voice to those from New York and other places who continue to ask: Why not fairness in reimbursing New York City for the work that it is doing, the money that it is spending, to take care of the President-elect? We don't have a problem with safeguarding him, but someone should pay, other than the local government.

I must remind you, or warn you, that he loves New York, and that is fine. I suspect this will be a President who will spend a lot of time in New York City, rather than in the White House. That might sell well on some TV networks, but it won't sell well for the taxpayers of New York.

So I think it is important for us now to be able to get New York the $35 million it has already paid. Now, there is $7 million in the bill, and some will say, I can't vote for this because it only has $7 million. I am looking at Chairman ROGERS, I am looking at Chairman FRELINGHUYSEN, and I suspect that this is a downpayment on what is to come, and that the negotiations will get better.

As I close, let me just take a second to say, HAL, you have been a great chairman. Every time I get up and you look to your right, which is not difficult for you to do, but when you look to your right and you single me out to speak, I have always felt that I am part of the team. You are not leaving the Congress, but you are leaving the chairmanship. We are going to miss you in that position, but you are replaced by a friend who now has to sit closer to me when I travel on the train so I can tell him all of my thoughts. I thank you.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. WOMACK), a member of the Armed Services Subcommittee on Appropriations.

Mr. WOMACK. Mr. Speaker, I thank the gentleman from Kentucky for giving me a couple of minutes here to speak on behalf of this bill.

I am not real sure, Mr. Speaker, how much more constructive I could be on this discussion of this underlying bill. The truth has already been spoken by both sides. It is not the bill that we wanted to bring to the floor. It is not the bills that we have marked up after some very serious oversight meetings and discussions within the Appropriations Committee.

As has already been mentioned, we have moved each of the 12 bills through committee. Only half of them have made it through the floor of the House. So it is not the final product that any of us on the Appropriations Committee, and I would guess most of the people in our Congress, would have wanted to bring.

But it is the bill that is on the floor today, and it is quite essential that we pass it and leave for the holidays without turning Washington upside down or our economy upside down. So I support the underlying bill, and I would recommend that it get a thunderous amount of approval here within in the Congress.

Before I close, I can't help but remember back 6 years ago, Mr. Speaker, when I came to this Congress. During the orientation period, I had an opportunity to engage in conversation with my friend from Kentucky, HAL ROGERS.

I told him then that I wanted to be on his committee. I knew he was committed to regular order, and I knew he understood the process. I had the desire to serve on a committee that was actually going to do something that Washington is not real familiar with, and that is cut spending. He has done that.

I promised him that I would be willing to take the tough votes, and that I would be standing there with him and the rest of my colleagues on the Appropriations Committee to do our job—to restore regular order and, really, the Article I powers that the Congress should enjoy.

□ 1300

He has never failed me, nor has he failed our committee. Our Congress—our House—should appreciate what this gentleman has done with this regard.

I thank the gentleman from Kentucky for the leadership he has given our committee, and I thank him for the time here to express my feelings publicly on the floor of the House.

Mrs. LOWEY. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. PRICE), the ranking member on the Transportation, Housing and Urban Development, and Related Agencies Appropriations Subcommittee.

Mr. PRICE of North Carolina. I thank our ranking member, and I associate myself with the kind remarks others have made regarding our departing chairman, with whom I also share many years of productive and cooperative work in this institution.

Mr. Speaker, I am pleased that this continuing resolution includes significant funding to help ensure that North Carolina and other affected States have the resources necessary to recover and rebuild in the wake of Hurricane Matthew and other major storms that struck earlier this year.

As North Carolina's only member on the Appropriations Committee, securing this funding has been my top priority since Hurricane Matthew made landfall, and I am grateful for the bipartisan cooperation of our State's congressional delegation and also of the Appropriations Committee leadership throughout this entire process.

The bill before us also includes critical funding to address the Flint water crisis, our national opioid epidemic, and Vice President BIDEN's Cancer Moonshot initiative.

It is heartening to see these efforts bear fruit, but this bipartisan success stands in stark contrast to how the Republican leadership of this House has managed the appropriations end game this year. Rather than work in a productive way with Democrats to finalize our fiscal year 2017 appropriations bills, Republican leaders of the House have, again, decided, this time in connivance with the Trump transition, to abandon the appropriations bills we negotiated in good faith in favor of yet another stopgap measure, this one arbitrarily lasting for 5 months.

This doesn't bode well for the appropriations process. We have heard the alarm bells sounded here today by appropriations leaders from both sides of the aisle.

Make no mistake, there are some immediate consequences as well. This CR will damage HUD programs that serve our most vulnerable populations. It will prevent States from receiving new highway and transit funding called for in the bipartisan FAST Act. The CR also contains a partisan anti-safety provision that would block overnight rest requirements for commercial truck drivers, endangering highway travel for millions of drivers across the country.

Perhaps the most egregious, as well as unprecedented, is the inclusion of a waiver for President-elect Trump's nominee for Secretary of Defense. Whatever the merits of this nomination, setting aside the 7-year waiting period that is designed to protect the civilian control of the military deserves more deliberation and debate than a CR provides.

Mr. Speaker, as we enter this period of political uncertainty, I hope that we

can commit in future fiscal years to an appropriations process that allows us to exercise the power of the purse—this body's essential constitutional power—in a measured and bipartisan way.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 2 minutes to the gentleman from Idaho (Mr. SIMPSON), who chairs the all-important Energy and Water Development, and Related Agencies Subcommittee on our committee.

Mr. SIMPSON. I thank the chairman for the time.

Mr. Speaker, first, let me thank the chairman for the job he has done over the last 6 years of leading this committee. It is a difficult job. We have to make tough choices, and this committee has been willing to do this. I appreciate the leadership that the chairman and Ranking Member LOWEY have provided for this committee and for the direction in which we have been able to go.

Let me say also, Mr. Speaker, that I don't really like what we are doing here. I don't think anybody on the Appropriations Committee likes what we are doing here. We all know it is necessary because we don't want the government to shut down, but it is amazing to listen to the number of people who come on the floor. I know all of the Appropriations Committee members want to get back to regular order and do individual bills, conference them, and then do individual conference reports of all of the bills. That is what should be done. That is called regular order. The last time that was done was in 1994; 22 years ago. Under Republican and Democrat leadership, we have not been able to do it in the last 22 years, and it is time we do.

It is amazing the number of people who come to the floor and who aren't on the Appropriations Committee who say, Man, we need to get back to regular order.

We all agree with that.

So how do we do it?

I will tell you how we do it. It takes a commitment. It takes a commitment of Republican and Democratic leadership that, if you are going to have open rules, which is when any amendment can be offered—a lot of these appropriations bills come to the floor, and we have 100 or 150 amendments offered—they take a lot of time to pass. That is okay, but we have got to have a commitment that we are going to spend the time on the floor to do these appropriations bills. We are willing to do that, but it takes a commitment from leadership that we are going to have the floor time.

We used to have a time when, all during the month of June and the first of July, it was called appropriations season. We were here for 6 weeks in a row, 5 days a week—sometimes until very late at night and early in the morning—doing the appropriations bills. We don't do that anymore. We have a new schedule because the district work period is very important also, and I understand that for a lot of Members. At about every third week, we go home and do work in our districts. That time is important, but we are elected to do a job. We have got to be in Washington, and we have got to be on the floor, and we have got to be debating these bills if we want to get back to regular order. We act as if it comes down from on high that, geez, this just can't happen, like it is not in our control. It is in our control. We on both sides of the aisle need to make a commitment that we will get back to regular order and do individual appropriations bills because that is the way this place is supposed to work.

I thank the chairman for all of the job and all of the effort that he and Ranking Member LOWEY have done to bring us back to regular order to the extent we can, and, hopefully, we will keep moving forward.

Mrs. LOWEY. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. FARR), the ranking member of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Subcommittee on Appropriations.

Mr. FARR. I thank the ranking member for yielding.

Mr. Speaker, this is a very bittersweet moment for me. It is the last time I will speak on this floor after 23 years of serving in the House of Representatives.

It is sweet because it is about the appropriations process and the wonderful camaraderie on that committee, which, I think, is the most important committee and the most exciting committee in Congress because you deal with all aspects of how government operates. You really do the policy wonk, the technical stuff, the drilling down—all of those words we use in order to understand how government works and how much it is going to cost. You have just heard this incredible bipartisanship of people—those dedicated to the job they were elected to do on the committees they serve on—do the appropriations process. All of that has developed this incredible friendship and, I think, professional respect we have for one another regardless of our philosophies.

The bitterness of it is that you have just heard everyone so eloquently speak about the failure of the process in that we are doing a CR that nobody wants to do.

Why is that?

Frankly—and they are not saying it—I think this is the first test of how the Congress is going to respond to the new President-elect Trump's agenda. It was our former Member—now Vice President-elect—Mike Pence who said: We want a CR.

He served in this House, and he knows the process. We were all in agreement. We were going to do a comprehensive bill. We have caved to this request, and we shouldn't have, because this is the only place in which you do checks and balances. The abuses of the administration can be only checked and balanced mostly on this committee.

It is going to be a tough year next year, Mr. Speaker. It is going to be a tough year. Some of the proposals being made are really radical. They are going to cut a lot of things and hurt a lot of people if this Congress doesn't correct them. We have a sense of how to do that, but we can't do it with a CR.

So I leave here really appreciative of the incredible responsibility that my electorate has given me to be here—the privilege of being in the House of Representatives. I really have loved the opportunity to be on the Appropriations Committee. I respect, through the leadership of our chair and of our ranking member, they have been able to produce some remarkable appropriations bills.

I will just say to my colleagues: Take back your power. Be what the electorate wants. Be what the Constitution asks us to do. Be that serious-minded, representational government that really drills down on how all of government is going to operate. Don't cave in to CRs.

Mr. ROGERS of Kentucky. Will the gentleman yield?

Mr. FARR. I yield to the gentleman.

Mr. ROGERS of Kentucky. Mr. Speaker, the gentleman and I do not agree on many issues, but I think all of us agree that he has been an outstanding Member of the Congress. He has been a workhorse on our committee, and we are going to miss him.

Congratulations to you on a great career. Thank you for serving.

Mr. FARR. In reclaiming my time, I thank the chairman. I really appreciate those kind remarks.

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

Mrs. LOWEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Minnesota (Ms. MCCOLLUM), the ranking member of the Interior, Environment, and Related Agencies Appropriations Subcommittee.

Ms. MCCOLLUM. Mr. Speaker, once again, this Congress has abandoned its responsibility to provide a full-year appropriation. Months of hard work were thrown away, pushing important funding decisions down the road. I have heard from families and business leaders in my district who are worried about the uncertainty that continuing resolutions create in their daily lives. It is not a good way to govern. It is not a good way forward for our country.

As the ranking member of the Interior, Environment, and Related Agencies Subcommittee, I am disappointed that this bill only provides 5 months of funding for priorities like clean air, clean water, national parks, and our treaty obligations.

We need to secure funding for hospitals and for schools in Indian Country, and it should be for a full year. We need to manage our national forests and parks and the Environmental Protection Agency's monitoring of toxins

that threaten the health of our families. The decision that we have before us today only allows these programs to continue for 5 months and be in jeopardy again in April. This bill does take one important step, however, to assist with the lead poisoning crisis in Flint; although, it is less than what is needed and it comes far too late.

I thank, however, Chairman CALVERT and Chairman ROGERS, and I thank Ranking Member LOWEY for their work to ensure that this bill does not contain any new policy riders that would impact the Interior, Environment, and Related Agencies Subcommittee's jurisdiction.

My biggest concern with this legislation, however, is not interior-related, but, instead, involves the fundamental principle of our democracy. The decision by Republican leadership to include language that would limit a full public debate on Senate confirmation for the nominee of Secretary of Defense is alarming. Civilian control of our military has been a cornerstone of American democracy since our country's founding. When the Secretary of Defense position was created in 1947, this principle was enshrined into law. I think the decision moving forward in this bill is deeply concerning to all Americans.

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

Mrs. LOWEY. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. KILDEE), a member of the Committee on Financial Services.

Mr. KILDEE. I thank my friend and colleague, the ranking member, for yielding and for her work on behalf of my hometown of Flint. She has been one of the strong advocates.

Mr. Speaker, no piece of legislation that I have yet seen in the 4 years I have been in Congress and that has come before this floor is perfect, and this bill is included; but the people of Flint today—the people of my hometown—cannot drink their water because of actions by the State government and, frankly, as we know, because of the failure of the Federal Government, through the EPA, to alert the citizens of Flint to the crisis. The fact that their water had been poisoned has caused this community to face the biggest crisis that it has faced in all of its years.

□ 1315

I am a product of Flint, Michigan. I grew up in Flint. Everything I have, everything I am, I owe to that community—and it has faced some terrible struggles over the years: the loss of manufacturing jobs, 90 percent of those manufacturing jobs are gone; the loss of half of its population, blight and abandonment. It is a community that had just begun to rebuild itself when this water crisis caused Flint to face the toughest times it has ever faced. It needs every level of government to step up to provide relief.

This bill includes necessary funding to put Flint back on a path that allows its citizens to have the basic human right of clean drinking water. So I ask my colleagues, as we go forward, obviously consider all of the elements of all legislation, but also keep in mind this is the last day of this session of Congress in the House of Representatives, this is our last chance to provide that much-needed help to my hometown. This is why I was sent to Congress: to fight for the people whom I represent, to make sure they have what they need, and to make sure, at this moment of their greatest need, that every level of government responds to them. That is why I will support this bill, and I would hope my colleagues will join me in that.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. CARTER), who chairs the all-important Homeland Security Subcommittee on our committee.

Mr. CARTER of Texas. I thank the chairman for yielding.

Mr. Speaker, I am a proud member of the Appropriations Committee. I have one of the most difficult areas as far as current events in the country, and that is homeland security.

I don't like a CR any more than any other appropriator likes a CR, but our job is to fund the government. The Constitution tells us we are to fund the government, and we have hardworking people like HAL ROGERS, who reads the Constitution and realizes we have got to take the best medium we can for now and fund the government. So, of course, I am going to support this CR and I hope all my colleagues will.

I want to tell you, all of us on the Appropriations Committee go through the entire process of doing the best we can for the departments we represent, to give them suggestions of leadership and direction to fund the projects that they need, to take care of the employees who work there and take care of the mission of every department we have. To have to see cede all that to a CR is painful, but reality is reality. The government must go on, and at this point in this time the government will go on with a CR.

I also wanted to get up and say, as you go through these battles, wonderful people like my chairman and ranking member, Mr. ROGERS and Mrs. LOWEY, fight through the frustrations through the entire committee, and we do this. Yet these great minds like HAL ROGERS know what it takes to make things work around here, and they are willing to put in the time and the effort to get it done no matter how it has to be done. Our preference is to pass all appropriations bills into law. A necessity at this time is a CR, and I trust absolutely that my chairman is doing the right thing.

Mrs. LOWEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE), from the Committee on the Judiciary and the Committee on Homeland Security.

Ms. JACKSON LEE. Mr. Speaker, I thank the gentlewoman from New York for yielding, and I thank her for her leadership.

I want to associate myself with the words about the chairman, Mr. ROGERS, and thank him for his years of commitment and dedication to this Nation.

I also want to acknowledge my good friend SAM FARR, and I thank him so very much for being so strong and committed to the right things of this body and the Nation. I thank him for his service.

I join with my colleagues. Many have said this is the wrong way to fund the government, that appropriations legislation done by the Appropriations Committee was ready and done. I join my colleague who says that we caved. We conceded to not doing our job in the 114th Congress, and for that reason, I am very concerned.

Earlier today we had the WRDA bill, and I support that bill for the many projects that are going to help the citizens of Texas. I wish I could say the same thing as we go into the continuing resolution, for, yes, we have suffered in the State of Texas. There is $1 billion for the Army Corps of Engineers, $1.8 billion for the Community Development Block Grant, and $1 billion for the Federal highway.

Certainly, I would say, in the WRDA bill is the authorization for helping the people of Flint and a reform of the Safe Drinking Water Act to make sure we protect our children from lead-filled water. That is a good thing, but it is not a good thing to only put $100 million in for Flint. But I support my colleague from Michigan (Mr. KILDEE) because this money is needed, and it is needed now.

I think there is more we can do, and we should have done it in regular order; and if we had done regular order, a few more days, we would have passed appropriations bills.

Let me also say that what really skews and takes this bill, the CR, off its wheels is the waiver, the expedited process of trying to move forward a nominee of the incoming President, violating statutory law that has not been utilized in 66 years since the famous General Marshall was selected. Why not regular order—hearings, legislation, understanding what this will do to the military-civilian separation?

Mr. Speaker, let me simply say we have got to do our job the right way. The CR is not the right way. The American people need us to do our job the right way.

Mr. Speaker, I rise to speak about Senate Amendment to H.R. 2028, the "Energy and Water and Related Agencies Appropriations Act of 2016."

This bill is an imperfect vehicle for appropriations for FY 2017, because it does not fully fund the government for the entire fiscal year; it includes language to change a law that is unrelated to the budgetary or appropriations process; and it keeps in place sequestration.

The leadership of the House is using the last day the 114th Congress will be in session

to do work that should take 8 months to complete in a regular appropriations process.

Senate Amendment to H.R. 2028 goes against sound fiscal practice by including the budget gimmickry known as sequestration, a fiscal bludgeon that makes across the board cuts in funding for the valuable services depended upon by American children, seniors, workers, veterans, students, and small businesses.

Mr. Speaker, the Continuing Resolution before us extends current Fiscal Year 2017 government funding through April 28, 2017, at its current rate, which includes an across-the-board cut of .19% for all accounts, defense and non-defense.

Senate Amendment to H.R. 2028 also does something very serious, and has nothing to do with funding the federal government; this bill changes the number of years a retired member of the armed services must wait before being considered for the position of Secretary of Defense.

The bill's critical imperfection has nothing to do with funding the federal government—it is a change in law that would allow a retired military person to serve after only 3 years of retirement instead of 7.

The service to our nation and the honor and integrity of the person under consideration at present to be the next Secretary of Defense is not in question—it is the reason why there is a waiting period and why that is important.

By placing this change in a continuing resolution—a bill designed not to allow more than an hour of debate and no changes is not the vehicle we should use to make this change.

If President Obama had suggested a change in law to be accomplished in a continuing resolution appropriations bill, his request would have been denied.

The politicization of the legislative process has seriously undermined the credibility of the Congress to do the important work of funding the federal government.

Mr. Speaker, I am disappointed that we have again been placed in the position of having to fund the government through the device of a continuing resolution rather than through the normal appropriations process of considering and voting on the twelve separate spending bills reported by the Committee on Appropriations.

The use of this appropriations measure to further a political objective adds further insult to this body and the appropriations process.

There are oversight committees with the knowledge, expertise and experience to make the determination on whether this change is prudent and if they determine that it is—to make the appropriate changes in law.

Senate Amendment to H.R. 2028 is not perfect—far from it—but it is a modest and positive step toward preventing Republicans from shutting down the government again and manufacturing crises that only harm our economy, destroy jobs, and weaken our middle class.

The government shutdown of 2013, which was manufactured by the Republican majority, lasted 16 days and cost taxpayers $24 billion.

The cost to federal employees and the people they serve cannot be calculated.

Mr. Speaker, as with any compromise there are some things in the agreement that I support and some things that I strongly oppose.

For example, I support the provisions in the Continuing Resolution ensuring that funding for appropriated entitlements continue at a rate maintaining program levels under current law.

The Continuing Resolution provides $4 billion in emergency funding for disaster relief for damage caused by Hurricane Matthew in North Carolina, South Carolina, and Florida; and severe flooding that occurred in Texas, Louisiana, West Virginia, and elsewhere.

Funding includes:

$1 billion for the Army Corps of Engineers to repair damage to federal projects resulting from recent severe storms;

$1.8 billion for the Community Development Block Grant;

$1 billion for the Federal Highway Administration's Emergency Relief program to rebuild infrastructure after natural disasters;

The Continuing Resolution includes $5.8 billion in Overseas Contingency Operations (OCO) funding for defense priorities from the budget amendment submitted in November:

$5.1 billion is to support counterterrorism operations; and

$652 million is to support the European Reassurance Initiative.

The Continuing Resolution includes $4.3 billion in Overseas Continency Operations funding for non-defense priorities, including:

$1.6 billion for Embassy Security;

$1.2 billion for Economic and Stabilization Assistance, including countering Russian influence;

$916 million for Humanitarian Assistance to respond to 65 million displaced persons;

$160 million for State Department and USAID operations; and

$404 million in Security Assistance for civilian police training and judicial aid, anti-terrorism training and explosive ordnance removal, peacekeeping and stabilization programs in Africa and the Middle East;

The Continuing Resolution provides:

$100 million for making capitalization grants to Flint, Michigan under the Drinking Water State Revolving Funds. These funds will address lead or other contaminants in drinking water, including repair and replacement of lead service lines and public water system infrastructure;

$20 million for Water Infrastructure Finance and Innovation (WIFIA) Grants to finance water infrastructure efforts, including those to address lead and other contaminants in drinking water systems;

$20 million for a Lead Exposure Registry to collect data on lead exposure and an Advisory Committee to review programs, services, and research related to lead poisoning prevention;

$15 million in additional funding for CDC's Childhood Lead Poisoning Prevention Program to conduct screenings and referrals for children with elevated blood lead levels; and

$15 million in additional funding for HRSA's Healthy Start Program to reduce infant mortality and improve perinatal outcomes.

The Continuing Resolution appropriates $872 million from accounts funded by the 21st Century Cures Act, including:

$500 million to support grants to States to respond to the opioid abuse crisis; and

$352 million to support biomedical research at the National Institutes of Health.

Mr. Speaker, to illustrate how strongly I feel about the need to end sequestration, let me chronicle the severity of the suffering and pain inflicted by sequestration on the most vulnerable residents of Texas and the constituents that I serve.

Head Start and Early Head Start services were eliminated or severely impacted with approximately 4,800 children being impacted throughout the state of Texas.

Families in my district who rely on Federal Government programs like Head Start are hurting.

The pain did not start with the 2013 shutdown, but with sequestration which hit Head Start programs for 3 to 4 year olds in the Houston area hard: $5,341 million cut; 109 Employees cut; 699 Slots for children cut.

Head Start and Early Head Start Programs were further stressed by the federal government shutdown.

My support of Head Start and Early Head Start is based on what I have seen and heard about programs like the AVANCE-Houston Early Head Start program serving parents and children in the 18th Congressional District.

The AVANCE-Houston Early Head Start is a program serving low income families in my Houston, Texas District.

I have visited with AVANCE-Houston administrators many times to get an update on how low-income families with infants and toddlers and pregnant women served by the program were doing.

The AVANCE-Houston Early Head Start's mission is simple: AVANCE-Houston works for healthy prenatal outcomes for pregnant women, enhances the development of very young children, and promotes healthy family functioning.

AVANCE-Houston serves nearly 1,800 children citywide; each of these families and their children are suffering the effect of the sequestration.

Sequestration has cost AVANCE-Houston over $842,518 in Head Start and Early Head Start lost funding and put on hold the head start on the future our children deserve.

As I stated, Mr. Speaker, this Continuing Resolution is not perfect and it only funds the government until April 28, 2017.

For that reason, I renew my call that all members of the House and Senate work together to reach agreement on an appropriate budget framework that ends sequestration but does not harm our economy or require draconian cuts to the nation's priorities.

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

Mrs. LOWEY. Mr. Speaker, I yield 1 minute to the gentlewoman from the State of California (Ms. PELOSI), the distinguished Democratic leader.

Ms. PELOSI. Mr. Speaker, I thank the gentlewoman for yielding, and I commend her for her excellent leadership as the ranking Democratic member on the Appropriations Committee.

As an appropriator myself, I understand the culture. I understand the camaraderie between parties. For that reason, I want to commend our distinguished chairman, Mr. ROGERS, for his wonderful service as the chairman of the Appropriations Committee. I served with him for many years on the committee. I know firsthand his concern for the American people, and I thank him for his service. I know he will continue as an appropriator, but I thank him for his leadership as chairman.

I join in commending one of our Members who is leaving, SAM FARR, for

his always looking out for America's children, whether it was their health or education, especially in terms of their access to food security. I thank Mr. FARR for his leadership.

Mr. Speaker, it is with great regret that I come to the floor to express my personal disappointment with this legislation, and I will be voting ''no.'' My colleagues have asked me what I think about it. I am not urging them to do anything, but I am telling you why I think this is a missed opportunity.

While we all recognize that it was a moral challenge for us to do something for the children of Flint, the manner in which it was done, in a bifurcated way, was used to get votes for another bill, which I think was wrong. But not to dwell on process—not to dwell on process—let's just look at the facts. The facts are these:

This will probably be billed at over $1.5 trillion, over $1.5 trillion. There could have been $170 million appropriated for the children of Flint in this bill. Some would say that is not authorized. Probably $250 billion to $300 billion in this bill is not authorized, so why should the children of Flint have to step over a higher barrier? And that is just exemplary of the partisan nature of the bill.

We have always worked in a bipartisan way, House and Senate appropriations, and then especially as we come to the end of the year. But this year it was Republican-Republican, House and Senate.

Again, forget process. But what does that mean in terms of priorities? It means that Families First, an initiative to help foster kids in our country, something that had bipartisan support in the House and Senate, was rejected from consideration. It means, again, that the miners and the families of coal miners who needed—suppose that business that you work for, Mr. Speaker, went bankrupt or declared themselves insolvent and, therefore, your pension and your health care benefits disappeared. How would you feel? Well, that is just what happened to the miners, and what was needed was long-term security for them that Mr. MCKINLEY, a Republican, put forth in his legislation that we hoped could be taken up and be part of this. But it was rejected by our Republican colleagues.

It is interesting, because one of the other things that is not in this bill that we hoped would be is a correction to last year's bill for extenders for renewable energy. I was told by Republicans that we don't want to do that for renewable energy because we are fossil fuel guys. Well, if you are fossil fuel guys, take care of the miners and their families.

The anticipation would be that there could be a 5-year proposal for pension and healthcare benefits. Right now, there is a 4-month provision for health care—4 months, not 5 years—not pensions and benefits, just health care.

Why? Why is that so unimportant when we are talking about people who are part of a culture of coal mining in our country, which is fading, and they need help, and we should be here to help them?

So, as we reject any proposals for renewables that might provide many, many jobs for these same people, we are also rejecting their right to their health benefits and their pensions.

The list goes on, but it is really so sad that the Flint issue should have been all in one bill. It was bifurcated for reasons I can't explain, and that is why, if I can't explain it, I am not voting for it. That is why I call upon my colleagues.

Recognizing the many good things in the bill but not meeting the needs of the American people, foster kids had bipartisan support in the House and Senate, but it was rejected—rejected.

Now, there is funding for the opioids in this legislation, and I am pleased about that. I have been told that I should be happy about that because that was one of our requests. I think it was a bipartisan request of everyone, House and Senate, to have funding for opioids. That is what I thought. That is what I thought, and I am glad it is in the bill.

So, in any event, for the opportunity lost, for the ignoring of some very legitimate proposals to help the American people, for the rejection of Republican suggestions in terms of the miners, for these and other reasons, I will be voting against this, regretfully. We have tried to work in a bipartisan way in the past, but this year, instead of four-poster, it is two; and that has had an impact on the content of what this is, and that content has an impact on the lives of the American people.

With that, Mr. Speaker, I will just say that that is why I am not voting for the bill. Members will have to make their own decisions. But we cannot go down the path of missed opportunities and just roll over and not speak out and say this isn't the best that we can do for the American people. We owe them much better than this bill.

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

□ 1330

Mrs. LOWEY. I yield myself such time as I may consume.

Mr. Speaker, as we conclude debate on the CR, I want to take a moment to acknowledge the service of Chairman ROGERS. This may be the last bill Mr. ROGERS will manage as full committee chairman. I have appreciated his partnership and his friendship. I support his ultimate goal as chairman, to pass individual spending bills, allowing Members to exercise their constitutional duty of providing funding for government programs. It may be an understatement to say he has faced political headwinds each year that made regular order out of reach, but I know he will remain as a senior member of the committee, and he will continue to work to pass full-year bills. I thank him for your partnership.

Finally, I would be remiss if I didn't take a moment to recognize my departing colleagues on the committee. For 23 years, SAM FARR has worked tirelessly to support agriculture, ensure the safety of our food and medicine, and protect the vitality and cleanliness of our oceans. He has also been a tireless defender of our military veterans, the Peace Corps, and the institution of Congress itself.

We are also losing the ranking member of the Commerce, Justice, Science Subcommittee, MIKE HONDA. MIKE's life experiences, including his early years with his family in a Japanese American internment camp, helped shape his efforts addressing income inequality, LGBTQ equity, and technology issues that are vital to his Silicon Valley district.

New York and all of America's middle class are losing one of their strongest advocates with STEVE ISRAEL, who has been a champion of our Armed Forces, clean air and water, and the U.S.-Israel relationship.

On the Republican side, we will miss SCOTT RIGELL, DAVID JOLLY, and especially my good friend, chairman of the Subcommittee on Financial Services and General Government, ANDER CRENSHAW.

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

Mr. ROGERS of Kentucky. Mr. Speaker, may I inquire how much time is remaining.

The SPEAKER pro tempore. The gentleman from Kentucky has 8½ minutes remaining.

Mr. ROGERS of Kentucky. I yield myself the balance of my time.

Mr. Speaker, as I noted earlier, this may be the last time I speak before the body as chairman of the House Committee on Appropriations. Let me first say how much I appreciate the friendship and the camaraderie with the gentlewoman from New York (Mrs. LOWEY). She has been a pleasure to work with. She is perceptive; she is persistent; she is a personal friend; and we enjoy a great friendship.

Without a doubt, the last 6 years have had their ups and downs, but I have always been proud to serve the people of Kentucky, the people of this Nation, the Committee on Appropriations, and this great institution that we admire.

Let me highlight, Mr. Speaker, just a few of these ups and downs that I mentioned with one of my favorite exercises, a by-the-numbers reflection on our many shared experiences. Here is my by-the-numbers recollection of my last 6 years at the helm of the Committee on Appropriations:

650, the number of hearings held by appropriations subcommittees.

140, the number of appropriations bills considered on the House floor.

19, the number of appropriations bills considered on the floor in just 1 month, October of 2013.

12, the number of appropriations bills we should pass every year.

2,122, the number of floor amendments considered to appropriations bills.

555 and counting, the number of floor hours spent debating appropriations bills.

70, the number of appropriations bills enacted into law. Hopefully this will make it 71.

Two trillion, the number of dollars saved in discretionary outlays as a direct result of our appropriations work.

Too many to count, the number of cigars smoked in my office. And they were not only me.

Number 1, the number of basketball championships won by the University of Kentucky.

70, the number of mighty fine Members who have served on the committee over the last 6 years.

Incalculable, the number of hours our staff—the best on the Hill—have put into their tireless work on behalf of all of us. This includes late nights, weekends, holidays, you name it. When we need them, they are there, and they have done a wonderful job.

In particular, Mr. Speaker, let me take a moment to thank Will Smith, sitting beside me here. Will worked up the ranks in my personal office, serving as my chief of staff before moving to the committee in 2011, first as deputy staff director and now as staff director. He has been with me for so long and through so much, it is hard to calculate. In any year, he is a first-round draft pick, and I am fortunate to have had him by my side these past 6 years. He has done a wonderful, wonderful job.

Thanks also to Mrs. LOWEY and our Senate counterparts, Chairman COCHRAN and Ranking Member MIKULSKI, for all their partnership throughout the process, and the great work that they have done.

Today is a bittersweet day, but I am deeply honored to have served this institution at the head of the committee I love. I hope this institution and the people we serve are better off now because of our work over the last 6 years. I know that under the steadfast leadership of our new chairman, my dear friend, RODNEY FRELINGHUYSEN, the progress we have made will only continue to grow.

In addition to Will, let me thank the front office staff of the committee: Will Smith, Jim Kulikowski, Dale Oak, Stephen Sepp, Jennifer Hing, Matt Leffingwell, Marta Hernandez, Tammy Hughes, Kaitlyn Eisner-Poor, Victoria Luck, Kelicia Rice, and Brad Allen. Thank you also to the clerks of the subcommittees, the people who really do the hard work: Tom O'Brien, John Martens, Rob Blair, Donna Shahbaz, Winnie Chang, Valerie Baldwin, Dave LesStrang, Susan Ross, Liz Dawson, Maureen Holohan, Craig Higgins, Dena Baron, and all of the staff who work with them in the subcommittees and in the full committee.

Mr. Speaker, in closing, let me thank you for the help that you have given me as chairman of the committee over the years, both on the committee and off, the friendships that we have developed, the camaraderie that develops and exists on our committee and throughout the body. It has been a great honor to serve in this role. I look forward to continuing to work in the committee to do the Nation's work. Thank you all for your collaboration, consideration, and your companionship over the last 6 years.

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

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 949, the previous question is ordered.

The question is on the motion offered by the gentleman from Kentucky (Mr. ROGERS).

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

Mr. ROGERS of Kentucky. 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, this 15-minute vote on adoption of the motion will be followed by 5-minute votes on adoption of the motion to recommit on S. 612; passage of S. 612, if ordered; and agreeing to the Speaker's approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—yeas 326, nays 96, not voting 11, as follows:

[Roll No. 620]

YEAS—326

Abraham
Adams
Aderholt
Aguilar
Allen
Amodei
Ashford
Babin
Barletta
Barr
Barton
Beatty
Benishek
Bera
Bilirakis
Bishop (GA)
Bishop (MI)
Bishop (UT)
Black
Blackburn
Bonamici
Bost
Boustany
Brady (PA)
Brady (TX)
Brat
Brooks (IN)
Brown (FL)
Brownley (CA)
Buchanan
Bucshon
Burgess
Bustos
Butterfield
Byrne
Calvert
Cárdenas
Carney
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Chu, Judy
Cicilline
Clawson (FL)
Clay
Cleaver
Coffman
Cohen
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Connolly
Conyers
Cook
Cooper
Costa
Costello (PA)
Courtney
Cramer
Crawford
Crenshaw
Cuellar
Culberson
Cummings
Curbelo (FL)
Davidson
Davis (CA)
Davis, Danny
Davis, Rodney
DeGette
Delaney
DeLauro
DelBene
Denham
Dent
DeSantis
Deutch
Diaz-Balart
Dingell
Dold
Donovan
Duffy
Edwards
Ellison
Ellmers (NC)
Emmer (MN)
Engel
Esty
Evans
Farenthold
Fitzpatrick
Fleischmann
Fleming
Flores
Fortenberry
Foster
Foxx
Frankel (FL)
Frelinghuysen
Gabbard
Garamendi
Garrett
Gibbs
Goodlatte
Gosar
Graham
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Grayson
Griffith
Grothman
Guinta
Guthrie
Hanabusa
Hanna
Hardy
Harper
Hartzler
Heck (NV)
Heck (WA)
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins
Hill
Himes
Hinojosa
Holding
Hoyer
Hudson
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Israel
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Jolly
Jordan
Joyce
Katko
Keating
Kelly (MS)
Kelly (PA)
Kennedy
Kildee
Kilmer
King (NY)
Kinzinger (IL)
Kline
Knight
Kuster
LaHood
LaMalfa
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latta
Lawrence
Levin
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Long
Loudermilk
Love
Lowenthal
Lowey
Lucas
Luetkemeyer
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lummis
Lynch
MacArthur
Maloney, Carolyn
Maloney, Sean
Marchant
Marino
Matsui
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McNerney
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Moulton
Mullin
Murphy (FL)
Murphy (PA)
Nadler
Newhouse
Noem
Nolan
Norcross
Nugent
Nunes
O'Rourke
Olson
Palazzo
Pascrell
Paulsen
Payne
Perlmutter
Perry
Peters
Peterson
Pittenger
Pitts
Poliquin
Pompeo
Posey
Price (NC)
Quigley
Rangel
Reed
Reichert
Rice (NY)
Rice (SC)
Richmond
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Rothfus
Rouzer
Roybal-Allard
Royce
Ruiz
Ruppersberger
Salmon
Sánchez, Linda T.
Sanford
Sarbanes
Scalise
Schiff
Schweikert
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell (AL)
Sherman
Shimkus
Shuster
Simpson
Sinema
Sires
Slaughter
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stefanik
Stewart
Stivers
Stutzman
Swalwell (CA)
Thompson (CA)
Thompson (PA)
Thornberry
Tiberi
Tipton
Torres
Trott
Tsongas
Turner
Upton
Valadao
Van Hollen
Veasey
Vela
Wagner
Walberg
Walden
Walorski
Walters, Mimi
Walz
Wasserman Schultz
Waters, Maxine
Welch
Wenstrup
Westerman
Wilson (SC)
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NAYS—96

Amash
Bass
Becerra
Beyer
Blum
Blumenauer
Boyle, Brendan F.
Bridenstine
Brooks (AL)
Buck
Capps
Capuano
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Clark (MA)
Clarke (NY)
Crowley
DeFazio
DeSaulnier
DesJarlais
Doggett
Doyle, Michael F.
Duckworth
Duncan (SC)
Duncan (TN)
Eshoo
Farr
Franks (AZ)
Fudge
Gallego
Gibson
Gohmert
Gowdy
Green, Al
Grijalva
Gutiérrez
Harris
Hastings
Honda
Huelskamp
Huffman
Jackson Lee
Jeffries
Johnson, Sam
Jones
Kaptur
Kelly (IL)
Kind
King (IA)
Labrador
Lee
Lewis
Lofgren
Massie
McCollum
McDermott
McGovern
Meeks
Meng
Moore
Mulvaney
Napolitano
Neal
Neugebauer
Pallone
Palmer
Pearce
Pelosi
Pingree
Pocan
Polis
Ratcliffe
Renacci
Ribble
Ross
Russell
Ryan (OH)
Schakowsky
Schrader
Scott (VA)
Takano
Thompson (MS)
Titus
Tonko
Vargas
Velázquez
Visclosky
Walker

Watson Coleman
Weber (TX)
Webster (FL)
Williams
Wittman
Yarmuth

NOT VOTING—11

Clyburn
Fincher
Forbes
Green, Gene
Kirkpatrick
Poe (TX)
Price, Tom
Rush
Sanchez, Loretta
Westmoreland
Wilson (FL)

□ 1403

Ms. ESHOO, Mr. TAKANO, Ms. MOORE, Messrs. GUTIERREZ, JEFFRIES, GOWDY, DESAULNIER, WEBER of Texas, and WALKER changed their vote from ''yea'' to ''nay.''

Mr. ELLISON, Mses. SEWELL of Alabama, ROYBAL-ALLARD, and DEGETTE changed their vote from ''nay'' to ''yea.''

So the motion to concur was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GEORGE P. KAZEN FEDERAL BUILDING AND UNITED STATES COURTHOUSE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to recommit on the bill (S. 612) to designate the Federal building and United States courthouse located at 1300 Victoria Street in Laredo, Texas, as the ''George P. Kazen Federal Building and United States Courthouse'', offered by the gentleman from Pennsylvania (Mr. MICHAEL F. DOYLE), 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 recommit.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 184, nays 236, not voting 13, as follows:

[Roll No. 621]

YEAS—184

Adams
Aguilar
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brooks (AL)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Cohen
Connolly
Conyers
Cooper
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Duckworth
Duncan (TN)
Edwards
Ellison
Engel
Eshoo
Esty
Evans
Farr
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Grijalva
Gutiérrez
Hanabusa
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
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
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NAYS—236

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 (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Costa
Costello (PA)
Cramer
Crawford
Crenshaw
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Ellmers (NC)
Emmer (MN)
Farenthold
Fitzpatrick
Fleischmann
Fleming
Flores
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hanna
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Herrera Beutler
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
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
Pittenger
Pitts
Poliquin
Pompeo
Posey
Ratcliffe
Reed
Reichert
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 (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
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NOT VOTING—13

Clyburn
Fincher
Forbes
Green, Gene
Hardy
Kirkpatrick
McDermott
Poe (TX)
Price, Tom
Renacci
Sanchez, Loretta
Smith (NJ)
Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1410

Mr. MARCHANT changed his vote from ''yea'' to ''nay.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. RENACCI. Mr. Speaker, had I been present, I would have voted "nay" on rollcall No. 621.

(By unanimous consent, Mr. MCCARTHY was allowed to speak out of order.)

LEGISLATIVE PROGRAM

Mr. MCCARTHY. Mr. Speaker, I rise today to inform my colleagues that, upon completion of our work today, the House will no longer be in session next week, and these will be the last votes expected in the 114th Congress.

Additionally, I would like to recognize those Members who will not be returning next Congress. To those Members, we wish to say thank you for your hard work and for your service to this great body.

Lastly, I would like to wish everyone a very Merry Christmas and Happy New Year.

To those Members who are returning next Congress, I would say this: You can expect a very busy legislative schedule. You need to get your rest because in the House we will be working to make America great again.

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

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. MCCARTHY. 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 360, noes 61, not voting 12, as follows:

[Roll No. 622]

AYES—360

Abraham
Adams
Aguilar
Amodei
Ashford
Babin
Barletta
Barr
Barton
Bass
Beatty
Becerra
Benishek
Bera
Beyer
Bilirakis
Bishop (GA)
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Boyle, Brendan F.
Brady (PA)
Brady (TX)
Brat
Bridenstine
Brooks (IN)
Brown (FL)
Brownley (CA)
Buchanan
Buck
Bucshon
Burgess
Bustos
Butterfield
Byrne
Calvert
Cárdenas
Carney
Carson (IN)
Carter (GA)
Carter (TX)
Castor (FL)
Castro (TX)
Chabot
Chaffetz
Chu, Judy
Clarke (NY)
Clawson (FL)
Clay
Cleaver
Coffman
Cohen
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Connolly
Conyers
Cook
Cooper
Costa
Costello (PA)
Courtney
Cramer
Crawford
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Curbelo (FL)
Davidson
Davis (CA)
Davis, Danny
Davis, Rodney
Delaney
DeLauro
Denham
Dent
DeSantis
DesJarlais
Deutch
Diaz-Balart
Dingell
Doggett
Dold
Donovan
Doyle, Michael F.
Duckworth
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers (NC)
Emmer (MN)
Engel
Esty
Farenthold
Fitzpatrick
Fleischmann
Fleming
Flores
Fortenberry
Foster
Foxx
Frankel (FL)
Frelinghuysen
Fudge
Gabbard
Garamendi
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Graham
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Grayson
Green, Al
Griffith
Grothman
Guinta
Guthrie
Gutiérrez
Hanabusa
Hanna
Hardy
Harper
Harris
Hartzler
Hastings
Heck (NV)
Heck (WA)
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins
Hill
Himes
Hinojosa
Holding
Hoyer
Hudson
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Israel
Issa
Jackson Lee
Jeffries
Jenkins (KS)
Jenkins (WV)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jolly
Joyce
Kaptur
Katko
Keating
Kelly (IL)
Kelly (MS)
Kelly (PA)
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Kuster
Labrador
LaHood
LaMalfa
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latta
Lawrence
Levin
Lewis
Lipinski
LoBiondo
Loebsack
Long
Loudermilk
Love
Lowey
Lucas
Luetkemeyer
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lummis
Lynch
MacArthur
Maloney, Carolyn
Maloney, Sean
Marchant
Matsui
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Meeks
Meng
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Moulton
Mullin
Mulvaney
Murphy (FL)
Murphy (PA)
Nadler
Napolitano
Neal
Newhouse
Noem
Nolan
Norcross
Nugent
Nunes
O'Rourke
Palazzo
Pascrell
Paulsen
Payne
Pearce
Perlmutter
Perry
Peters
Peterson
Pingree
Pittenger
Pitts
Poliquin
Pompeo
Price (NC)
Rangel
Ratcliffe
Reed
Reichert
Renacci
Rice (NY)
Rice (SC)
Richmond
Rigell
Roe (TN)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Roybal-Allard
Royce
Ruiz
Ruppersberger
Russell
Ryan (OH)
Sánchez, Linda T.
Sanford
Scalise
Schakowsky
Schiff
Schweikert
Scott, Austin
Scott, David
Serrano
Sessions
Sherman
Shimkus
Shuster
Simpson
Sinema
Sires
Slaughter
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Takano
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Tonko
Torres
Trott
Tsongas
Turner
Upton
Valadao
Van Hollen
Veasey
Vela
Velázquez
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Weber (TX)
Webster (FL)
Welch
Wenstrup
Westerman
Williams
Wilson (FL)
Wilson (SC)
Wittman
Womack
Woodall
Yarmuth
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NOES—61

Aderholt
Allen
Amash
Blumenauer
Bonamici
Brooks (AL)
Capps
Capuano
Cartwright
Cicilline
Clark (MA)
DeFazio
DeGette
DelBene
DeSaulnier
Eshoo
Farr
Franks (AZ)
Gallego
Grijalva
Honda
Huelskamp
Huffman
Jones
Jordan
Kilmer
Lee
Lieu, Ted
Lofgren
Lowenthal
Marino
Massie
McCollum
McDermott
McGovern
McNerney
Moore
Neugebauer
Pallone
Palmer
Pelosi
Pocan
Polis
Quigley
Ribble
Roby
Rogers (AL)
Rush
Salmon
Sarbanes
Schrader
Scott (VA)
Sensenbrenner
Sewell (AL)
Smith (WA)
Speier
Swalwell (CA)
Thompson (CA)
Titus
Vargas
Visclosky

NOT VOTING—12

Clyburn
Evans
Fincher
Forbes
Green, Gene
Kirkpatrick
Olson
Poe (TX)
Posey
Price, Tom
Sanchez, Loretta
Westmoreland

□ 1419

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GENE GREEN of Texas. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted "yea" on rollcall No. 620, "nay" on rollcall No. 621, and "yea" on rollcall No. 622.

THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

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

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Brian Pate, one of his secretaries.

DIRECTING THE SECRETARY OF THE SENATE TO MAKE A CORRECTION IN THE ENROLLMENT OF THE BILL S. 612

Mr. SHUSTER. Mr. Speaker, I send to the desk a concurrent resolution and ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. CLAWSON of Florida). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The text of the concurrent resolution is as follows:

H. CON. RES. 183

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill S. 612, the Secretary of the Senate shall make the following correction: Amend the long title so as to read: ''An Act to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes.''.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

INSPECTOR GENERAL EMPOWERMENT ACT OF 2016

Mr. CHAFFETZ. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the bill (H.R. 6450) to amend the Inspector General Act of 1978 to strengthen the independence of the Inspectors General, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

H.R. 6450

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 ''Inspector General Empowerment Act of 2016''.

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

SEC. 2. ADDITIONAL AUTHORITY PROVISIONS FOR INSPECTORS GENERAL.

Section 6 of the Inspector General Act of 1978 (5 U.S.C. App.), as amended by section 5

of this Act, is amended by adding at the end the following:

''(j)(1) In this subsection, the terms 'agency', 'matching program', 'record', and 'system of records' have the meanings given those terms in section 552a(a) of title 5, United States Code.

''(2) For purposes of section 552a of title 5, United States Code, or any other provision of law, a computerized comparison of two or more automated Federal systems of records, or a computerized comparison of a Federal system of records with other records or non-Federal records, performed by an Inspector General or by an agency in coordination with an Inspector General in conducting an audit, investigation, inspection, evaluation, or other review authorized under this Act shall not be considered a matching program.

''(3) Nothing in this subsection shall be construed to impede the exercise by an Inspector General of any matching program authority established under any other provision of law.

''(k) Subchapter I of chapter 35 of title 44, United States Code, shall not apply to the collection of information during the conduct of an audit, investigation, inspection, evaluation, or other review conducted by the Council of the Inspectors General on Integrity and Efficiency or any Office of Inspector General, including any Office of Special Inspector General.''.

SEC. 3. ADDITIONAL RESPONSIBILITIES OF THE COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY.

Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subsection (b)(3)(B), by amending clause (viii) to read as follows:

''(viii) prepare and transmit an annual report on behalf of the Council on the activities of the Council to—

''(I) the President;

''(II) the appropriate committees of jurisdiction of the Senate and the House of Representatives;

''(III) the Committee on Homeland Security and Governmental Affairs of the Senate; and

''(IV) the Committee on Oversight and Government Reform of the House of Representatives.'';

(2) in subsection (c)(1)—

(A) in subparagraph (G), by striking ''and'' at the end;

(B) by redesignating subparagraph (H) as subparagraph (I); and

(C) by inserting after subparagraph (G) the following:

''(H) except for matters coordinated among Inspectors General under section 3033 of title 50, United States Code, receive, review, and mediate any disputes submitted in writing to the Council by an Office of Inspector General regarding an audit, investigation, inspection, evaluation, or project that involves the jurisdiction of more than one Office of Inspector General; and''; and

(3) in subsection (d)—

(A) in paragraph (2)—

(i) by striking subparagraph (C);

(ii) by redesignating subparagraphs (A), (B), and (D) as clauses (i), (ii), and (iii), respectively, and adjusting the margins accordingly;

(iii) in the matter preceding clause (i), as so redesignated, by striking ''The Integrity'' and inserting the following:

''(A) IN GENERAL.—The Integrity'';

(iv) in clause (i), as so redesignated, by striking '', who'' and all that follows through ''the Committee'';

(v) in clause (iii), as so redesignated, by inserting ''or the designee of the Director'' before the period at the end; and

(vi) by adding at the end the following:

''(B) CHAIRPERSON.—

''(i) IN GENERAL.—The Integrity Committee shall elect one of the Inspectors General referred to in subparagraph (A)(ii) to act as Chairperson of the Integrity Committee.

''(ii) TERM.—The term of office of the Chairperson of the Integrity Committee shall be 2 years.'';

(B) by amending paragraph (5) to read as follows:

''(5) REVIEW OF ALLEGATIONS.—

''(A) IN GENERAL.—Not later than 7 days after the date on which the Integrity Committee receives an allegation of wrongdoing against an Inspector General or against a staff member of an Office of Inspector General described under paragraph (4)(C), the allegation of wrongdoing shall be reviewed and referred to the Department of Justice or the Office of Special Counsel for investigation, or to the Integrity Committee for review, as appropriate, by—

''(i) a representative of the Department of Justice, as designated by the Attorney General;

''(ii) a representative of the Office of Special Counsel, as designated by the Special Counsel; and

''(iii) a representative of the Integrity Committee, as designated by the Chairperson of the Integrity Committee.

''(B) REFERRAL TO THE CHAIRPERSON.—

''(i) IN GENERAL.—Except as provided in clause (ii), not later than 30 days after the date on which an allegation of wrongdoing is referred to the Integrity Committee under subparagraph (A), the Integrity Committee shall determine whether to refer the allegation of wrongdoing to the Chairperson of the Integrity Committee to initiate an investigation.

''(ii) EXTENSION.—The 30-day period described in clause (i) may be extended for an additional period of 30 days if the Integrity Committee provides written notice to the congressional committees described in paragraph (8)(A)(iii) that includes a detailed, case-specific description of why the additional time is needed to evaluate the allegation of wrongdoing.'';

(C) in paragraph (6)—

(i) in subparagraph (A), by striking ''paragraph (5)(C)'' and inserting ''paragraph (5)(B)''; and

(ii) in subparagraph (B)(i), by striking ''may provide resources'' and inserting ''shall provide assistance'';

(D) in paragraph (7)—

(i) in subparagraph (B)—

(I) in clause (i)—

(aa) in subclause (III), by striking ''and'' at the end;

(bb) in subclause (IV), by striking the period at the end and inserting a semicolon; and

(cc) by adding at the end the following:

''(V) except as provided in clause (ii), ensuring, to the extent possible, that investigations are conducted by Offices of Inspector General of similar size;

''(VI) creating a process for rotation of Inspectors General assigned to investigate allegations through the Integrity Committee; and

''(VII) creating procedures to avoid conflicts of interest for Integrity Committee investigations.'';

(II) by redesignating clause (ii) as clause (iii); and

(III) by inserting after clause (i) the following:

''(ii) EXCEPTION.—The requirement under clause (i)(V) shall not apply to any Office of Inspector General with less than 50 employees who are authorized to conduct audits or investigations.'';

(ii) by striking subparagraph (C); and

(iii) by inserting after subparagraph (B) the following:

''(C) COMPLETION OF INVESTIGATION.—If an allegation of wrongdoing is referred to the Chairperson of the Integrity Committee under paragraph (5)(B), the Chairperson of the Integrity Committee—

''(i) shall complete the investigation not later than 150 days after the date on which the Integrity Committee made the referral; and

''(ii) if the investigation cannot be completed within the 150-day period described in clause (i), shall—

''(I) promptly notify the congressional committees described in paragraph (8)(A)(iii); and

''(II) brief the congressional committees described in paragraph (8)(A)(iii) every 30 days regarding the status of the investigation and the general reasons for delay until the investigation is complete.

''(D) CONCURRENT INVESTIGATION.—If an allegation of wrongdoing against an Inspector General or a staff member of an Office of Inspector General described under paragraph (4)(C) is referred to the Department of Justice or the Office of Special Counsel under paragraph (5)(A), the Chairperson of the Integrity Committee may conduct any related investigation referred to the Chairperson under paragraph (5)(B) concurrently with the Department of Justice or the Office of Special Counsel, as applicable.

''(E) REPORTS.—

''(i) INTEGRITY COMMITTEE INVESTIGATIONS.—For each investigation of an allegation of wrongdoing referred to the Chairperson of the Integrity Committee under paragraph (5)(B), the Chairperson of the Integrity Committee shall submit to members of the Integrity Committee and to the Chairperson of the Council a report containing the results of the investigation.

''(ii) OTHER INVESTIGATIONS.—For each allegation of wrongdoing referred to the Department of Justice or the Office of Special Counsel under paragraph (5)(A), the Attorney General or the Special Counsel, as applicable, shall submit to the Integrity Committee a report containing the results of the investigation.

''(iii) AVAILABILITY TO CONGRESS.—

''(I) IN GENERAL.—The congressional committees described in paragraph (8)(A)(iii) shall have access to any report authored by the Integrity Committee.

''(II) MEMBERS OF CONGRESS.—Subject to any other provision of law that would otherwise prohibit disclosure of such information, the Integrity Committee may provide any report authored by the Integrity Committee to any Member of Congress.'';

(E) by striking paragraph (8)(A)(iii) and inserting the following:

''(iii) submit the report, with the recommendations of the Integrity Committee, to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and other congressional committees of jurisdiction; and

''(iv) following the submission of the report under clause (iii) and upon request by any Member of Congress, submit the report, with the recommendations of the Integrity Committee, to that Member.'';

(F) in paragraph (9)(B), by striking ''other agencies'' and inserting ''the Department of Justice or the Office of Special Counsel'';

(G) in paragraph (10), by striking ''any of the following'' and all that follows through the period at the end and inserting ''any Member of Congress.''; and

(H) by adding at the end the following:

''(12) ALLEGATIONS OF WRONGDOING AGAINST SPECIAL COUNSEL OR DEPUTY SPECIAL COUNSEL.—

''(A) SPECIAL COUNSEL DEFINED.—In this paragraph, the term 'Special Counsel' means the Special Counsel appointed under section 1211(b) of title 5, United States Code.

''(B) AUTHORITY OF INTEGRITY COMMITTEE.—

''(i) IN GENERAL.—An allegation of wrongdoing against the Special Counsel or the Deputy Special Counsel may be received, reviewed, and referred for investigation to the same extent and in the same manner as in the case of an allegation against an Inspector General or against a staff member of an Office of Inspector General described under paragraph (4)(C), subject to the requirement that the representative designated by the Special Counsel under paragraph (5)(A)(ii) shall recuse himself or herself from the consideration of any allegation brought under this paragraph.

''(ii) COORDINATION WITH EXISTING PROVISIONS OF LAW.—This paragraph shall not eliminate access to the Merit Systems Protection Board for review under section 7701 of title 5, United States Code. To the extent that an allegation brought under this paragraph involves section 2302(b)(8) of such title, a failure to obtain corrective action within 120 days after the date on which the allegation is received by the Integrity Committee shall, for purposes of section 1221 of such title, be considered to satisfy section 1214(a)(3)(B) of such title.

''(C) REGULATIONS.—The Integrity Committee may prescribe any rules or regulations necessary to carry out this paragraph, subject to such consultation or other requirements as may otherwise apply.

''(13) COMMITTEE RECORDS.—The Chairperson of the Council shall maintain the records of the Integrity Committee.''.

SEC. 4. REPORTS AND ADDITIONAL INFORMATION.

(a) REPORT ON VACANCIES IN THE OFFICES OF INSPECTOR GENERAL.—The Comptroller General of the United States shall—

(1) conduct a study of prolonged vacancies in the Offices of Inspector General during which a temporary appointee has served as the head of the office that includes—

(A) the number and duration of Inspector General vacancies;

(B) an examination of the extent to which the number and duration of such vacancies has changed over time;

(C) an evaluation of the impact such vacancies have had on the ability of the relevant Office of Inspector General to effectively carry out statutory requirements; and

(D) recommendations to minimize the duration of such vacancies;

(2) not later than 9 months after the date of enactment of this Act, present a briefing on the findings of the study conducted under paragraph (1) to—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Oversight and Government Reform of the House of Representatives; and

(3) not later than 15 months after the date of enactment of this Act, submit a report on the findings of the study conducted under paragraph (1) to the committees described in paragraph (2).

(b) REPORT ON ISSUES INVOLVING MULTIPLE OFFICES OF INSPECTOR GENERAL.—The Council of the Inspectors General on Integrity and Efficiency shall—

(1) conduct an analysis of critical issues that involve the jurisdiction of more than one individual Federal agency or entity to identify—

(A) each such issue that could be better addressed through greater coordination among, and cooperation between, individual Offices of Inspector General;

(B) the best practices that can be employed by the Offices of Inspector General to increase coordination and cooperation on each issue identified; and

(C) any recommended statutory changes that would facilitate coordination and cooperation among the Offices of Inspector General on critical issues; and

(2) not later than 1 year after the date of enactment of this Act, submit a report on the findings of the analysis described in paragraph (1) to—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Oversight and Government Reform of the House of Representatives.

(c) ADDITIONAL INFORMATION.—Section 5 of the Inspector General Act of 1978 (5 U.S.C. App) is amended—

(1) in subsection (a)—

(A) in paragraph (10)—

(i) by striking ''period for which'' and inserting ''period—

''(A) for which''; and

(ii) by adding at the end the following:

''(B) for which no establishment comment was returned within 60 days of providing the report to the establishment; and

''(C) for which there are any outstanding unimplemented recommendations, including the aggregate potential cost savings of those recommendations.'';

(B) in paragraph (15), by striking ''and'' at the end;

(C) in paragraph (16), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

''(17) statistical tables showing—

''(A) the total number of investigative reports issued during the reporting period;

''(B) the total number of persons referred to the Department of Justice for criminal prosecution during the reporting period;

''(C) the total number of persons referred to State and local prosecuting authorities for criminal prosecution during the reporting period; and

''(D) the total number of indictments and criminal information during the reporting period that resulted from any prior referral to prosecuting authorities;

''(18) a description of the metrics used for developing the data for the statistical tables under paragraph (17);

''(19) a report on each investigation conducted by the Office involving a senior Government employee where allegations of misconduct were substantiated, including a detailed description of—

''(A) the facts and circumstances of the investigation; and

''(B) the status and disposition of the matter, including—

''(i) if the matter was referred to the Department of Justice, the date of the referral; and

''(ii) if the Department of Justice declined the referral, the date of the declination;

''(20) a detailed description of any instance of whistleblower retaliation, including information about the official found to have engaged in retaliation and what, if any, consequences the establishment imposed to hold that official accountable;

''(21) a detailed description of any attempt by the establishment to interfere with the independence of the Office, including—

''(A) with budget constraints designed to limit the capabilities of the Office; and

''(B) incidents where the establishment has resisted or objected to oversight activities of the Office or restricted or significantly delayed access to information, including the justification of the establishment for such action; and

''(22) detailed descriptions of the particular circumstances of each—

''(A) inspection, evaluation, and audit conducted by the Office that is closed and was not disclosed to the public; and

''(B) investigation conducted by the Office involving a senior Government employee that is closed and was not disclosed to the public.'';

(2) in subsection (e), by adding at the end the following:

''(4) Subject to any other provision of law that would otherwise prohibit disclosure of such information, the information described in paragraph (1) may be provided to any Member of Congress upon request.

''(5) An Office may not provide to Congress or the public any information that reveals the personally identifiable information of a whistleblower under this section unless the Office first obtains the consent of the whistleblower.''; and

(3) in subsection (f)—

(A) in paragraph (5), by striking ''and'' at the end;

(B) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(7) the term 'senior Government employee' means—

''(A) an officer or employee in the executive branch (including a special Government employee as defined in section 202 of title 18, United States Code) who occupies a position classified at or above GS–15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS–15 of the General Schedule; and

''(B) any commissioned officer in the Armed Forces in pay grades O–6 and above.''.

(d) DUTY TO SUBMIT AND MAKE AVAILABLE TO THE PUBLIC CERTAIN RECOMMENDATIONS.—Section 4 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

''(e)(1) In carrying out the duties and responsibilities established under this Act, whenever an Inspector General issues a recommendation for corrective action to the agency, the Inspector General—

''(A) shall submit the document making a recommendation for corrective action to—

''(i) the head of the establishment;

''(ii) the congressional committees of jurisdiction; and

''(iii) if the recommendation for corrective action was initiated upon request by an individual or entity other than the Inspector General, that individual or entity;

''(B) may submit the document making a recommendation for corrective action to any Member of Congress upon request; and

''(C) not later than 3 days after the recommendation for corrective action is submitted in final form to the head of the establishment, post the document making a recommendation for corrective action on the website of the Office of Inspector General.

''(2) Nothing in this subsection shall be construed as authorizing an Inspector General to publicly disclose information otherwise prohibited from disclosure by law.''.

(e) POSTING OF REPORTS ON WEBSITES OF OFFICES OF INSPECTORS GENERAL.—Section 8M(b) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1)(A), by striking ''is made publicly available'' and inserting ''is submitted in final form to the head of the Federal agency or the head of the designated Federal entity, as applicable''; and

(2) by adding at the end the following:

''(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as authorizing an Inspector General to publicly disclose information otherwise prohibited from disclosure by law.''.

SEC. 5. FULL AND PROMPT ACCESS TO ALL DOCUMENTS.

Section 6 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

''(1)(A) to have timely access to all records, reports, audits, reviews, documents, papers, recommendations, or other materials available to the applicable establishment which relate to the programs and operations with respect to which that Inspector General has responsibilities under this Act;

''(B) to have access under subparagraph (A) notwithstanding any other provision of law, except pursuant to any provision of law enacted by Congress that expressly—

''(i) refers to the Inspector General; and

''(ii) limits the right of access of the Inspector General; and

''(C) except as provided in subsection (i), with regard to Federal grand jury materials protected from disclosure pursuant to rule 6(e) of the Federal Rules of Criminal Procedure, to have timely access to such information if the Attorney General grants the request in accordance with subsection (h);'';

(2) by redesignating subsections (b) through (f) as subsections (c) through (g), respectively;

(3) by inserting after subsection (a) the following:

''(b) Nothing in this section shall be construed as authorizing an Inspector General to publicly disclose information otherwise prohibited from disclosure by law.''; and

(4) by inserting after subsection (g), as redesignated, the following:

''(h)(1) If the Inspector General of an establishment submits a request to the head of the establishment for Federal grand jury materials pursuant to subsection (a)(1), the head of the establishment shall immediately notify the Attorney General of such request.

''(2) Not later than 15 days after the date on which a request is submitted to the Attorney General under paragraph (1), the Attorney General shall determine whether to grant or deny the request for Federal grand jury materials and shall immediately notify the head of the establishment of such determination. The Attorney General shall grant the request unless the Attorney General determines that granting access to the Federal grand jury materials would be likely to—

''(A) interfere with an ongoing criminal investigation or prosecution;

''(B) interfere with an undercover operation;

''(C) result in disclosure of the identity of a confidential source, including a protected witness;

''(D) pose a serious threat to national security; or

''(E) result in significant impairment of the trade or economic interests of the United States.

''(3)(A) The head of the establishment shall inform the Inspector General of the establishment of the determination made by the Attorney General with respect to the request for Federal grand jury materials.

''(B) The Inspector General of the establishment described under subparagraph (A) may submit comments on the determination submitted pursuant to such subparagraph to the committees listed under paragraph (4) that the Inspector General considers appropriate.

''(4) Not later than 30 days after notifying the head of an establishment of a denial pursuant to paragraph (2), the Attorney General shall submit a statement that the request for Federal grand jury materials by the Inspector General was denied and the reason for the denial to each of the following:

''(A) The Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Select Committee on Intelligence of the Senate.

''(B) The Committee on Oversight and Government Reform, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence of the House of Representatives.

''(C) Other appropriate committees and subcommittees of Congress.

''(i) Subsections (a)(1)(C) and (h) shall not apply to requests from the Inspector General of the Department of Justice.''.

SEC. 6. ACCESS TO INFORMATION FOR CERTAIN INSPECTORS GENERAL.

The Inspector General Act of 1978 (5 U.S.C. App.), as amended by this Act, is amended—

(1) in section 8(b)(2)—

(A) by inserting ''from accessing information described in paragraph (1),'' after ''completing any audit or investigation,''; and

(B) by inserting '', access such information,'' after ''complete such audit or investigation'';

(2) in section 8D(a)(2)—

(A) by inserting ''from accessing information described in paragraph (1),'' after ''completing any audit or investigation,''; and

(B) by inserting '', access such information,'' after ''complete such audit or investigation'';

(3) in section 8E(a)(2)—

(A) by inserting ''from accessing information described in paragraph (1),'' after ''completing any audit or investigation,''; and

(B) by inserting '', access such information,'' after ''complete such audit or investigation'';

(4) in section 8G(d)(2)(A), by inserting '', or from accessing information available to an element of the intelligence community specified in subparagraph (D),'' after ''investigation'';

(5) in section 8I(a)(2)—

(A) by inserting ''from accessing information described in paragraph (1),'' after ''completing any audit or investigation,''; and

(B) by inserting '', access such information,'' after ''complete such audit or investigation'';

(6) in section 8J, by striking ''or 8H'' and inserting ''8H, or 8N''; and

(7) by inserting after section 8M the following:

''SEC. 8N. ADDITIONAL PROVISIONS WITH RESPECT TO THE DEPARTMENT OF ENERGY.

''(a) The Secretary of Energy may prohibit the Inspector General of the Department of Energy from accessing Restricted Data and nuclear safeguards information protected from disclosure under chapter 12 of the Atomic Energy Act of 1954 (42 U.S.C. 2161 et seq.) and intelligence or counterintelligence, as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003), if the Secretary of Energy determines that the prohibition is necessary to protect the national security or prevent the significant impairment to the national security interests of the United States.

''(b) Not later than 7 days after the date on which the Secretary of Energy exercises any power authorized under subsection (a), the Secretary shall notify the Inspector General of the Department of Energy in writing the reasons for such exercise. Within 30 days after receipt of any such notice, the Inspector General of the Department of Energy shall submit to the appropriate committees of Congress a statement concerning such exercise.''.

SEC. 7. TECHNICAL AND CONFORMING AMENDMENTS.

(a) REPEALS.—

(1) INSPECTOR GENERAL ACT OF 2008.—Section 7(b) of the Inspector General Reform Act of 2008 (Public Law 110–409; 122 Stat. 4312; 5 U.S.C. 1211 note) is repealed.

(2) FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2009.—Section 744 of the Financial Services and General Government Appropriations Act, 2009 (division D of Public Law 111–8; 123 Stat. 693) is repealed.

(b) AGENCY APPLICABILITY.—

(1) AMENDMENTS.—The Inspector General Act of 1978 (5 U.S.C. App.), as amended by this Act, is further amended—

(A) in section 8M—

(i) in subsection (a)(1)—

(I) by striking ''Each agency'' and inserting ''Each Federal agency and designated Federal entity''; and

(II) by striking ''that agency'' each place that term appears and inserting ''that Federal agency or designated Federal entity'';

(ii) in subsection (b)—

(I) in paragraph (1), by striking ''agency'' and inserting ''Federal agency and designated Federal entity''; and

(II) in paragraph (2), by striking ''agency'' each place that term appears and inserting ''Federal agency and designated Federal entity''; and

(iii) by adding at the end the following:

''(c) DEFINITIONS.—In this section, the terms 'designated Federal entity' and 'head of the designated Federal entity' have the meanings given those terms in section 8G(a).''; and

(B) in section 11(c)(3)(A)(ii), by striking ''department, agency, or entity of the executive branch'' and inserting ''Federal agency or designated Federal entity (as defined in section 8G(a))''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date that is 180 days after the date of enactment of this Act.

(c) REQUIREMENTS FOR INSPECTORS GENERAL WEBSITES.—Section 8M(b)(1) of the Inspector General Act of 1978 (5 U.S.C. App.), as amended by this Act, is further amended—

(1) in subparagraph (A), by striking ''report or audit (or portion of any report or audit)'' and inserting ''audit report, inspection report, or evaluation report (or portion of any such report)''; and

(2) by striking ''report or audit (or portion of that report or audit)'' each place that term appears and inserting ''report (or portion of that report)''.

(d) CORRECTIONS.—

(1) EXECUTIVE ORDER NUMBER.—Section 7(c)(2) of the Inspector General Reform Act of 2008 (Public Law 110–409; 122 Stat. 4313; 31 U.S.C. 501 note) is amended by striking ''12933'' and inserting ''12993''.

(2) PUNCTUATION AND CROSS-REFERENCES.—The Inspector General Act of 1978 (5 U.S.C. App.), as amended by this Act, is further amended—

(A) in section 4(b)(2)—

(i) by striking ''8F(a)(2)'' each place that term appears and inserting ''8G(a)(2)''; and

(ii) by striking ''8F(a)(1)'' and inserting ''8G(a)(1)'';

(B) in section 5(a)(5), by striking ''section 6(b)(2)'' and inserting ''section 6(c)(2)'';

(C) in section 5(a)(13), by striking ''05(b)'' and inserting ''804(b)'';

(D) in section 6(a)(4), by striking ''information, as well as any tangible thing)'' and inserting ''information), as well as any tangible thing'';

(E) in section 8A(d), by striking ''section 6(c)'' and inserting ''section 6(d)'';

(F) in section 8G(g)(3), by striking ''8C'' and inserting ''8D''; and

(G) in section 11(d)(8)(A), in the matter preceding clause (i), by striking ''paragraph (7)(C)'' and inserting ''paragraph (7)(E)''.

(3) SPELLING.—The Inspector General Act of 1978 (5 U.S.C. App.), as amended by this Act, is further amended—

(A) in section 3(a), by striking ''subpena'' and inserting ''subpoena'';

(B) in section 6(a)(4), by striking ''subpenas'' and inserting ''subpoenas'';

(C) in section 8D(a)—

(i) in paragraph (1), by striking ''subpenas'' and inserting ''subpoenas''; and

(ii) in paragraph (2), by striking ''subpena'' each place that term appears and inserting ''subpoena'';

(D) in section 8E(a)—

(i) in paragraph (1), by striking ''subpenas'' and inserting ''subpoenas''; and

(ii) in paragraph (2), by striking ''subpena'' each place that term appears and inserting ''subpoena''; and

(E) in section 8G(d)(1), by striking ''subpena'' and inserting ''subpoena''.

SEC. 8. NO ADDITIONAL FUNDS AUTHORIZED.

No additional funds are authorized to carry out the requirements of this Act or the amendments made by this Act. The requirements of this Act and the amendments made by this Act shall be carried out using amounts otherwise appropriated.

AMENDMENT OFFERED BY MR. CHAFFETZ

Mr. CHAFFETZ. Mr. Speaker, I have an amendment to the bill at the desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 18, line 11, strike ''information'' and insert ''informations''.

Page 33, line 19, strike ''appropriated'' and insert ''authorized''.

Mr. CHAFFETZ (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading of the amendment.

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

There was no objection.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FEDERAL PROPERTY MANAGEMENT REFORM ACT OF 2016

Mr. CHAFFETZ. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform and the Committee on Transportation and Infrastructure be discharged from further consideration of the bill (H.R. 6451) to improve the Government-wide management of Federal property, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

H.R. 6451

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 ''Federal Property Management Reform Act of 2016''.

SEC. 2. PURPOSE.

The purpose of this Act is to increase the efficiency and effectiveness of the Federal Government in managing property of the Federal Government by—

(1) requiring the United States Postal Service to take appropriate measures to better manage and account for property;

(2) providing for increased collocation with Postal Service facilities and guidance on Postal Service leasing practices; and

(3) establishing a Federal Real Property Council to develop guidance on and ensure the implementation of strategies for better managing Federal property.

SEC. 3. PROPERTY MANAGEMENT.

(a) IN GENERAL.—Chapter 5 of subtitle I of title 40, United States Code, is amended by adding at the end the following:

''Subchapter VII—Property Management

''§ 621. Definitions

''In this subchapter:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of General Services.

''(2) COUNCIL.—The term 'Council' means the Federal Real Property Council established by section 623(a).

''(3) DIRECTOR.—The term 'Director' means the Director of the Office of Management and Budget.

''(4) FEDERAL AGENCY.—The term 'Federal agency' means—

''(A) an executive department or independent establishment in the executive branch of the Government; or

''(B) a wholly owned Government corporation (other than the United States Postal Service).

''(5) FIELD OFFICE.—The term 'field office' means any office of a Federal agency that is not the headquarters office location for the Federal agency.

''(6) POSTAL PROPERTY.—The term 'postal property' means any property owned or leased by the United States Postal Service.

''(7) PUBLIC-PRIVATE PARTNERSHIP.—The term 'public-private partnership' means any partnership or working relationship between a Federal agency and a corporation, individual, or nonprofit organization for the purpose of financing, constructing, operating, managing, or maintaining 1 or more Federal real property assets.

''(8) UNDERUTILIZED PROPERTY.—The term 'underutilized property' means a portion or the entirety of any real property, including any improvements, that is used—

''(A) irregularly or intermittently by the accountable Federal agency for program purposes of the Federal agency; or

''(B) for program purposes that can be satisfied only with a portion of the property.

''§ 622. Collocation among United States Postal Service properties

''(a) IDENTIFICATION OF POSTAL PROPERTY.—Each year, the Postmaster General shall—

''(1) identify a list of postal properties with space available for use by Federal agencies; and

''(2) not later than September 30, submit the list to—

''(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

''(B) the Committee on Oversight and Government Reform of the House of Representatives.

''(b) VOLUNTARY IDENTIFICATION OF POSTAL PROPERTY.—Each year, the Postmaster General may submit the list under subsection (a) to the Council.

''(c) SUBMISSION OF LIST OF POSTAL PROPERTIES TO FEDERAL AGENCIES.—

''(1) IN GENERAL.—Not later than 30 days after the completion of a list under subsection (a), the Council shall provide the list to each Federal agency.

''(2) REVIEW BY FEDERAL AGENCIES.—Not later than 90 days after the receipt of the list submitted under paragraph (1), each Federal agency shall—

''(A) review the list;

''(B) review properties under the control of the Federal agency; and

''(C) recommend collocations if appropriate.

''(d) TERMS OF COLLOCATION.—On approval of the recommendations under subsection (c) by the Postmaster General and the applicable agency head, the Federal agency or appropriate landholding entity may work with the Postmaster General to establish appropriate terms of a lease for each postal property.

''(e) RULE OF CONSTRUCTION.—Nothing in this section exceeds, modifies, or supplants any other Federal law relating to any competitive bidding process governing the leasing of postal property.

''§ 623. Establishment of a Federal Real Property Council

''(a) ESTABLISHMENT.—There is established a Federal Real Property Council.

''(b) PURPOSE.—The purpose of the Council shall be—

''(1) to develop guidance and ensure implementation of an efficient and effective real property management strategy;

''(2) to identify opportunities for the Federal Government to better manage property and assets of the Federal Government; and

''(3) to reduce the costs of managing property of the Federal Government, including operations, maintenance, and security associated with Federal property.

''(c) COMPOSITION.—

''(1) IN GENERAL.—The Council shall be composed exclusively of—

''(A) the senior real property officers of each Federal agency;

''(B) the Deputy Director for Management of the Office of Management and Budget;

''(C) the Controller of the Office of Management and Budget;

''(D) the Administrator; and

''(E) any other full-time or permanent part-time Federal officials or employees, as the Chairperson determines to be necessary.

''(2) CHAIRPERSON.—The Deputy Director for Management of the Office of Management and Budget shall serve as Chairperson of the Council.

''(3) EXECUTIVE DIRECTOR.—

''(A) IN GENERAL.—The Chairperson shall designate an Executive Director to assist in carrying out the duties of the Council.

''(B) QUALIFICATIONS.—The Executive Director shall—

''(i) be appointed from among individuals who have substantial experience in the areas of commercial real estate and development, real property management, and Federal operations and management; and

''(ii) hold no outside employment that may conflict with duties inherent to the position.

''(d) MEETINGS.—

''(1) IN GENERAL.—The Council shall meet subject to the call of the Chairperson.

''(2) MINIMUM.—The Council shall meet not fewer than 4 times each year.

''(e) DUTIES.—The Council, in consultation with the Director and the Administrator, shall—

''(1) not later than 1 year after the date of enactment of this subchapter, establish a real property management plan template, to be updated annually, which shall include performance measures, specific milestones, measurable savings, strategies, and Government-wide goals based on the goals established under section 524(a)(7) to reduce surplus property or to achieve better utilization of underutilized property, and evaluation criteria to determine the effectiveness of real property management that are designed—

''(A) to enable Congress and heads of Federal agencies to track progress in the

achievement of property management objectives on a Government-wide basis;

''(B) to improve the management of real property; and

''(C) to allow for comparison of the performance of Federal agencies against industry and other public sector agencies;

''(2) develop utilization rates consistent throughout each category of space, considering the diverse nature of the Federal portfolio and consistent with nongovernmental space use rates;

''(3) develop a strategy to reduce the reliance of Federal agencies on leased space for long-term needs if ownership would be less costly;

''(4) provide guidance on eliminating inefficiencies in the Federal leasing process;

''(5) compile a list of field offices that are suitable for collocation with other property assets;

''(6) research best practices regarding the use of public-private partnerships to manage properties and develop guidelines for the use of those partnerships in the management of Federal property; and

''(7) not later than 1 year after the date of enactment of this subchapter and annually during the 4-year period beginning on the date that is 1 year after the date of enactment of this subchapter and ending on the date that is 5 years after the date of enactment of this subchapter, the Council shall submit to the Director a report that contains—

''(A) a list of the remaining excess property that is real property, surplus property that is real property, and underutilized property of each Federal agency;

''(B) the progress of the Council toward developing guidance for Federal agencies to ensure that the assessment required under section 524(a)(11)(B) is carried out in a uniform manner;

''(C) the progress of Federal agencies toward achieving the goals established under section 524(a)(7);

''(D) if necessary, recommendations for legislation or statutory reforms that would further the goals of the Council, including streamlining the disposal of excess or underutilized real property; and

''(E) a list of entities that are consulted under subsection (f).

''(f) CONSULTATION.—In carrying out the duties described in subsection (e), the Council shall also consult with representatives of—

''(1) State, local, and tribal authorities, as appropriate, and other affected communities; and

''(2) appropriate private sector entities and nongovernmental organizations that have expertise in areas of—

''(A) commercial real estate and development;

''(B) government management and operations;

''(C) space planning;

''(D) community development, including transportation and planning;

''(E) historic preservation; and

''(F) providing housing to the homeless population.

''(g) COUNCIL RESOURCES.—The Director and the Administrator shall provide staffing, and administrative support for the Council, as appropriate.

''(h) ACCESS TO REPORT.—The Council shall provide, on an annual basis, the real property management plan template required under subsection (e)(1) and the reports required under subsection (e)(7) to—

''(1) the Committee on Homeland Security and Governmental Affairs of the Senate;

''(2) the Committee on Environment and Public Works of the Senate;

''(3) the Committee on Oversight and Government Reform of the House of Representatives;

''(4) the Committee on Transportation and Infrastructure of the House of Representatives; and

''(5) the Comptroller General of the United States.

''(i) EXCLUSIONS.—In this section, surplus property shall not include—

''(1) any military installation (as defined in section 2910 of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note; Public Law 101–510));

''(2) any property that is excepted from the definition of the term 'property' under section 102;

''(3) Indian and native Eskimo property held in trust by the Federal Government as described in section 3301(a)(5)(C)(iii);

''(4) real property operated and maintained by the Tennessee Valley Authority pursuant to the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831 et seq.);

''(5) any real property the Director excludes for reasons of national security;

''(6) any public lands (as defined in section 203 of the Public Lands Corps Act of 1993 (16 U.S.C. 1722)) administered by—

''(A) the Secretary of the Interior, acting through—

''(i) the Director of the Bureau of Land Management;

''(ii) the Director of the National Park Service;

''(iii) the Commissioner of Reclamation; or

''(iv) the Director of the United States Fish and Wildlife Service; or

''(B) the Secretary of Agriculture, acting through the Chief of the Forest Service; or

''(7) any property operated and maintained by the United States Postal Service.

''§ 624. Information on certain leasing authorities

''(a) IN GENERAL.—Except as provided in subsection (b), not later than December 31 of each year following the date of enactment of this subchapter, a Federal agency with independent leasing authority shall submit to the Council a list of all leases, including operating leases, in effect on the date of enactment of this subchapter that includes—

''(1) the date on which each lease was executed;

''(2) the date on which each lease will expire;

''(3) a description of the size of the space;

''(4) the location of the property;

''(5) the tenant agency;

''(6) the total annual rental payment; and

''(7) the amount of the net present value of the total estimated legal obligations of the Federal Government over the life of the contract.

''(b) EXCEPTION.—Subsection (a) shall not apply to—

''(1) the United States Postal Service; or

''(2) any other property the Director excludes from subsection (a) for reasons of national security.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF SECTIONS.—The table of sections for chapter 5 of subtitle I of title 40, United States Code, is amended by inserting after the item relating to section 611 the following:

''SUBCHAPTER VII—PROPERTY MANAGEMENT

''Sec. 621. Definitions.
''Sec. 622. Collocation among United States Postal Service properties.
''Sec. 623. Establishment of a Federal Real Property Council.
''Sec. 624. Information on certain leasing authorities.''.

(2) TECHNICAL AMENDMENT.—Section 102 of title 40, United States Code, is amended in the matter preceding paragraph (1) by striking ''The'' and inserting ''Except as provided in subchapter VII of chapter 5 of this title, the''.

SEC. 4. UNITED STATES POSTAL SERVICE PROPERTY MANAGEMENT.

(a) IN GENERAL.—Part III of title 39, United States Code, is amended by adding at the end the following:

''CHAPTER 29—PROPERTY MANAGEMENT

''Sec.
''2901. Definitions.
''2902. Property management.

''§ 2901. Definitions

''In this chapter:

''(1) EXCESS PROPERTY.—The term 'excess property' means any postal property that the Postal Service determines is not required to meet the needs or responsibilities of the Postal Service.

''(2) POSTAL PROPERTY.—The term 'postal property' means any property owned or leased by the Postal Service.

''(3) UNDERUTILIZED PROPERTY.—The term 'underutilized property' means a portion or the entirety of any real property that is postal property, including any improvements, that is used—

''(A) irregularly or intermittently by the Postal Service for program purposes of the Postal Service; or

''(B) for program purposes that can be satisfied only with a portion of the property.

''§ 2902. Property management

''(a) IN GENERAL.—The Postal Service—

''(1) shall maintain adequate inventory controls and accountability systems for postal property;

''(2) shall develop current and future workforce projections so as to have the capacity to assess the needs of the Postal Service workforce regarding the use of property;

''(3) may develop a 5-year management template that—

''(A) establishes goals and policies that will lead to the reduction of excess property and underutilized property in the inventory of the Postal Service;

''(B) adopts workplace practices, configurations, and management techniques that can achieve increased levels of productivity and decrease the need for real property assets;

''(C) assesses leased space to identify space that is not fully used or occupied;

''(D) develops recommendations on how to address excess capacity at Postal Service facilities without negatively impacting mail delivery; and

''(E) develops recommendations on ensuring the security of mail processing operations; and

''(4) if the Postal Service develops a template under paragraph (3) shall, as part of that template and on a regular basis—

''(A) conduct an inventory of postal property that is real property; and

''(B) publish a report that covers each property identified under subparagraph (A), similar to the USPS Owned Facilities Report and the USPS Leased Facilities Report, that includes—

''(i) the date on which the Postal Service first occupied the property;

''(ii) the size of the property in square footage and acreage;

''(iii) the geographical location of the property, including an address and description;

''(iv) the extent to which the property is being utilized;

''(v) the actual annual operating costs associated with the property;

''(vi) the total cost of capital expenditures associated with the property;

''(vii) the number of postal employees, contractor employees, and functions housed at the property;

''(viii) the extent to which the mission of the Postal Service is dependent on the property; and

''(ix) the estimated amount of capital expenditures projected to maintain and operate the property over each of the next 5 years after the date of enactment of this chapter.

''(b) RULE OF CONSTRUCTION.—Nothing in subsection (a)(4)(B) shall be construed to require the Postal Service to obtain an appraisal of postal property.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part III of title 39, United States Code, is amended by adding at the end the following:

''29. Property Management ..... 2901''.

SEC. 5. INSPECTOR GENERAL REPORT ON UNITED STATES POSTAL SERVICE PROPERTY.

(a) DEFINITION OF EXCESS PROPERTY.—In this section, the term ''excess property'' has the meaning given the term in section 2901 of title 39, United States Code, as added by section 4.

(b) EXCESS PROPERTY REPORT.—Not later than 2 years after the date of enactment of this Act, the Inspector General of the United States Postal Service shall submit to Congress a report that includes—

(1) a survey of excess property held by the United States Postal Service; and

(2) recommendations for repurposing property identified in paragraph (1)—

(A) to—

(i) reduce excess capacity; and

(ii) increase collocation with other Federal agencies; and

(B) without diminishing the ability of the United States Postal Service to meet the service standards established under section 3691 of title 39, United States Code, as in effect on January 1, 2016.

SEC. 6. DUTIES OF FEDERAL AGENCIES.

(a) IN GENERAL.—Section 524(a) of title 40, United States Code, is amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(6) develop current and future workforce projections so as to have the capacity to assess the needs of the Federal workforce regarding the use of real property;

''(7) establish goals and policies that will lead the executive agency to reduce excess property and underutilized property in the inventory of the executive agency;

''(8) submit to the Federal Real Property Council an annual report on all excess property that is real property and underutilized property in the inventory of the executive agency, including—

''(A) whether underutilized property can be better utilized, including through collocation with other executive agencies or consolidation with other facilities; and

''(B) the extent to which the executive agency believes that retention of the underutilized property serves the needs of the executive agency;

''(9) adopt workplace practices, configurations, and management techniques that can achieve increased levels of productivity and decrease the need for real property assets;

''(10) assess leased space to identify space that is not fully used or occupied;

''(11) on an annual basis and subject to the guidance of the Federal Real Property Council—

''(A) conduct an inventory of real property under control of the executive agency; and

''(B) make an assessment of each property, which shall include—

''(i) the age and condition of the property;

''(ii) the size of the property in square footage and acreage;

''(iii) the geographical location of the property, including an address and description;

''(iv) the extent to which the property is being utilized;

''(v) the actual annual operating costs associated with the property;

''(vi) the total cost of capital expenditures incurred by the Federal Government associated with the property;

''(vii) sustainability metrics associated with the property;

''(viii) the number of Federal employees and contractor employees and functions housed at the property;

''(ix) the extent to which the mission of the executive agency is dependent on the property;

''(x) the estimated amount of capital expenditures projected to maintain and operate the property during the 5-year period beginning on the date of enactment of this paragraph; and

''(xi) any additional information required by the Administrator of General Services to carry out section 623; and

''(12) provide to the Federal Real Property Council and the Administrator of General Services the information described in paragraph (11)(B) to be used for the establishment and maintenance of the database described in section 21 of the Federal Assets Sale and Transfer Act of 2016.''.

(b) DEFINITION OF EXECUTIVE AGENCY.—Section 524 of title 40, United States Code, is amended by adding at the end the following:

''(c) DEFINITION OF EXECUTIVE AGENCY.—For the purpose of paragraphs (6) through (12) of subsection (a), the term 'executive agency' shall have the meaning given the term 'Federal agency' in section 621.''.

SEC. 7. TECHNICAL AMENDMENTS.

(a) DEFINITION OF APPLICABLE ACT.—In this section, the term ''applicable Act'' means the Federal Assets Sale and Transfer Act of 2016 (H.R. 4465, 114th Congress, 2d Session).

(b) BOARD.—Section 4(c) of the applicable Act is amended by striking paragraphs (1) through (3) and inserting the following:

''(1) IN GENERAL.—The Board shall be composed of a Chairperson appointed by the President, by and with the advice and consent of the Senate, and 6 members appointed by the President.

''(2) APPOINTMENTS.—

''(A) IN GENERAL.—In selecting individuals for appointments to the Board, the President shall appoint members in the following manner:

''(i) 2 members recommended by the Speaker of the House of Representatives.

''(ii) 2 members recommended by the majority leader of the Senate.

''(iii) 1 member recommended by the minority leader of the House of Representatives.

''(iv) 1 member recommended by the minority leader of the Senate.

''(B) DEADLINE.—The appointment of members to the Board shall be made not later than 90 days after the date of enactment of this Act.

''(3) TERMS.—The term for each member of the Board shall be 6 years.''.

(c) AGENCY RETENTION OF PROCEEDS.—

(1) IN GENERAL.—Section 571 of title 40, United States Code (as amended by section 20 of the applicable Act), is amended by adding at the end the following:

''(d) SAVINGS PROVISION.—Nothing in this section modifies, alters, or repeals any other provision of Federal law directing the use of retained proceeds relating to the sale of property of an agency.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if enacted as part of the applicable Act.

(d) SALE.—Section 24 of the applicable Act is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

''(c) REQUIREMENT.—Notwithstanding any other provision of law, the sale of the property by the Administrator of General Services shall ensure continuity of security measures, parking access, and infrastructure requirements of the James Forrestal Building while it is occupied by the Department of Energy.''.

(e) EFFECTIVE DATE.—Except as provided in subsection (c)(2), this section and the amendments made by this section shall take effect immediately after the enactment of the applicable Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ENSURING ACCESS TO PACIFIC FISHERIES ACT

Mrs. RADEWAGEN. Mr. Speaker, I ask unanimous consent that the Committee on Natural Resources and the Committee on Science, Space, and Technology be discharged from further consideration of the bill (H.R. 6452) to implement the Convention on the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean, to implement the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from American Samoa?

There was no objection.

The text of the bill is as follows:

H.R. 6452

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 ''Ensuring Access to Pacific Fisheries Act''.

TITLE I—NORTH PACIFIC FISHERIES

Subtitle A—North Pacific Fisheries Convention Implementation

SEC. 101. DEFINITIONS.

In this subtitle:

(1) COMMISSION.—The term ''Commission'' means the North Pacific Fisheries Commission established in accordance with the North Pacific Fisheries Convention.

(2) COMMISSIONER.—The term ''Commissioner'' means a United States Commissioner appointed under section 102(a).

(3) CONVENTION AREA.—The term ''Convention Area'' means the area to which the Convention on the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean applies under Article 4 of such Convention.

(4) COUNCIL.—The term ''Council'' means the North Pacific Fishery Management Council, the Pacific Fishery Management Council, or the Western Pacific Fishery Management Council established under section 302 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852), as the context requires.

(5) EXCLUSIVE ECONOMIC ZONE.—The term ''exclusive economic zone'' means—

(A) with respect to the United States, the zone established by Presidential Proclamation Numbered 5030 of March 10, 1983 (16 U.S.C. 1453 note); and

(B) with respect to a foreign country, a designated zone similar to the zone referred to in subparagraph (A) for that country, consistent with international law.

(6) FISHERIES RESOURCES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''fisheries resources'' means all fish, mollusks, crustaceans, and other marine species caught by a fishing vessel within the Convention Area, as well as any products thereof.

(B) EXCLUSIONS.—The term ''fisheries resources'' does not include—

(i) sedentary species insofar as they are subject to the sovereign rights of coastal nations consistent with Article 77, paragraph 4 of the 1982 Convention and indicator species of vulnerable marine ecosystems as listed in, or adopted pursuant to, Article 13, paragraph 5 of the North Pacific Fisheries Convention;

(ii) catadromous species;

(iii) marine mammals, marine reptiles, or seabirds; or

(iv) other marine species already covered by preexisting international fisheries management instruments within the area of competence of such instruments.

(7) FISHING ACTIVITIES.—

(A) IN GENERAL.—The term ''fishing activities'' means—

(i) the actual or attempted searching for, catching, taking, or harvesting of fisheries resources;

(ii) engaging in any activity that can reasonably be expected to result in the locating, catching, taking, or harvesting of fisheries resources for any purpose;

(iii) the processing of fisheries resources at sea;

(iv) the transshipment of fisheries resources at sea or in port; or

(v) any operation at sea in direct support of, or in preparation for, any activity described in clauses (i) through (iv), including transshipment.

(B) EXCLUSIONS.—The term ''fishing activities'' does not include any operation related to an emergency involving the health or safety of a crew member or the safety of a fishing vessel.

(8) FISHING VESSEL.—The term ''fishing vessel'' means any vessel used or intended for use for the purpose of engaging in fishing activities, including a processing vessel, a support ship, a carrier vessel, or any other vessel directly engaged in such fishing activities.

(9) HIGH SEAS.—The term ''high seas'' does not include an area that is within the exclusive economic zone of the United States or of any other country.

(10) NORTH PACIFIC FISHERIES CONVENTION.—The term ''North Pacific Fisheries Convention'' means the Convention on the Conservation and Management of the High Seas Fisheries Resources in the North Pacific Ocean (including any annexes, amendments, or protocols that are in force, or have come into force) for the United States, which was adopted at Tokyo on February 24, 2012.

(11) PERSON.—The term ''person'' means—

(A) any individual, whether or not a citizen or national of the United States;

(B) any corporation, partnership, association, or other entity, whether or not organized or existing under the laws of any State; or

(C) any Federal, State, local, tribal, or foreign government or any entity of such government.

(12) SECRETARY.—Except as otherwise specifically provided, the term ''Secretary'' means the Secretary of Commerce.

(13) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and any other commonwealth, territory, or possession of the United States.

(14) STRADDLING STOCK.—The term ''straddling stock'' means a stock of fisheries resources that migrates between, or occurs in, the economic exclusion zone of one or more parties to the Convention and the Convention Area.

(15) TRANSSHIPMENT.—The term ''transshipment'' means the unloading of any fisheries resources taken in the Convention Area from one fishing vessel to another fishing vessel either at sea or in port.

(16) 1982 CONVENTION.—The term ''1982 Convention'' means the United Nations Convention on the Law of the Sea of 10 December 1982.

SEC. 102. UNITED STATES PARTICIPATION IN THE NORTH PACIFIC FISHERIES CONVENTION.

(a) UNITED STATES COMMISSIONERS.—

(1) NUMBER OF COMMISSIONERS.—The United States shall be represented on the Commission by five United States Commissioners.

(2) SELECTION OF COMMISSIONERS.—The Commissioners shall be as follows:

(A) APPOINTMENT BY THE PRESIDENT.—

(i) IN GENERAL.—Two of the Commissioners shall be appointed by the President and shall be an officer or employee of—

(I) the Department of Commerce;

(II) the Department of State; or

(III) the Coast Guard.

(ii) SELECTION CRITERIA.—In making each appointment under clause (i), the President shall select a Commissioner from among individuals who are knowledgeable or experienced concerning fisheries resources in the North Pacific Ocean.

(B) NORTH PACIFIC FISHERY MANAGEMENT COUNCIL.—One Commissioner shall be the chairman of the North Pacific Fishery Management Council or a designee of such chairman.

(C) PACIFIC FISHERY MANAGEMENT COUNCIL.—One Commissioner shall be the chairman of the Pacific Fishery Management Council or a designee of such chairperson.

(D) WESTERN PACIFIC FISHERY MANAGEMENT COUNCIL.—One Commissioner shall be the chairman of the Western Pacific Fishery Management Council or a designee of such chairperson.

(b) ALTERNATE COMMISSIONERS.—In the event of a vacancy in a position as a Commissioner appointed under subsection (a), the Secretary of State, in consultation with the Secretary, may designate from time to time and for periods of time considered appropriate an alternate Commissioner to the Commission. An alternate Commissioner may exercise all powers and duties of a Commissioner in the absence of a Commissioner appointed under subsection (a), and shall serve the remainder of the term of the absent Commissioner for which designated.

(c) ADMINISTRATIVE MATTERS.—

(1) EMPLOYMENT STATUS.—An individual serving as a Commissioner, or an alternative Commissioner, other than an officer or employee of the United States Government, shall not be considered a Federal employee, except for the purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.

(2) COMPENSATION.—An individual serving as a Commissioner or an alternate Commissioner, although an officer of the United States while so serving, shall receive no compensation for the individual's services as such Commissioner or alternate Commissioner.

(3) TRAVEL EXPENSES.—

(A) IN GENERAL.—The Secretary of State shall pay the necessary travel expenses of a Commissioner or an alternate Commissioner in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code.

(B) REIMBURSEMENT.—The Secretary may reimburse the Secretary of State for amounts expended by the Secretary of State under this paragraph.

(d) ADVISORY COMMITTEE.—

(1) ESTABLISHMENT OF PERMANENT ADVISORY COMMITTEE.—

(A) MEMBERSHIP.—There is established an advisory committee which shall be composed of 11 members appointed by the Secretary as follows:

(i) A member engaging in commercial fishing activities in the management area of the North Pacific Fishery Management Council.

(ii) A member engaging in commercial fishing activities in the management area of the Pacific Fishery Management Council.

(iii) A member engaging in commercial fishing activities in the management area of the Western Pacific Fishery Management Council.

(iv) Three members from the indigenous population of the North Pacific, including an Alaska Native, Native Hawaiian, or a native-born inhabitant of any State of the United States in the Pacific, and an individual from a Pacific Coast tribe.

(v) A member that is a marine fisheries scientist that is a resident of a State the adjacent exclusive economic zone for which is bounded by the Convention Area.

(vi) A member nominated by the Governor of the State of Alaska.

(vii) A member nominated by the Governor of the State of Hawaii.

(viii) A member nominated by the Governor of the State of Washington.

(ix) A member nominated by the Governor of the State of California.

(B) TERMS AND PRIVILEGES.—Each member of the Advisory Committee shall serve for a term of 2 years and shall be eligible for reappointment for not more than 3 consecutive terms. The Commissioners shall notify the Advisory Committee in advance of each meeting of the Commissioners. The Advisory Committee shall attend each meeting and shall examine and be heard on all proposed programs, investigations, reports, recommendations, and regulations of the Commissioners.

(C) PROCEDURES.—

(i) IN GENERAL.—The Advisory Committee shall determine its organization and prescribe its practices and procedures for carrying out its functions under this subtitle, the North Pacific Fisheries Convention, and the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(ii) PUBLIC AVAILABILITY OF PROCEDURES.—The Advisory Committee shall publish and make available to the public a statement of its organization, practices, and procedures.

(iii) QUORUM.—A majority of the members of the Advisory Committee shall constitute a quorum to conduct business.

(iv) PUBLIC MEETINGS.—Meetings of the Advisory Committee, except when in executive session, shall be open to the public. Prior notice of each non-executive meeting shall be made public in a timely fashion. The Advisory Committee shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(v) COST SAVINGS.—In order to reduce the cost of Advisory Committee meetings, the Advisory Committee shall, to the extent practicable, utilize teleconferences and webinars for that purpose.

(D) PROVISION OF INFORMATION.—The Secretary and the Secretary of State shall furnish the Advisory Committee with relevant information concerning fisheries resources and international fishery agreements.

(2) ADMINISTRATIVE MATTERS.—

(A) SUPPORT SERVICES.—The Secretary shall provide to the Advisory Committee in a timely manner such administrative and technical support services as are necessary to function effectively.

(B) COMPENSATION; STATUS.—An individual appointed to serve as a member of the Advisory Committee—

(i) shall serve without pay; and

(ii) shall not be considered a Federal employee, except for the purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.

(C) TRAVEL EXPENSES.—

(i) IN GENERAL.—The Secretary of State may pay the necessary travel expenses of members of the Advisory Committee in carrying out the duties of the Advisory Committee in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code.

(ii) REIMBURSEMENT.—The Secretary may reimburse the Secretary of State for amounts expended by the Secretary of State under this subparagraph.

SEC. 103. AUTHORITY AND RESPONSIBILITY OF THE SECRETARY OF STATE.

The Secretary of State may—

(1) receive and transmit, on behalf of the United States, reports, requests, recommendations, proposals, decisions, and other communications of and to the Commission;

(2) in consultation with the Secretary, act upon, or refer to another appropriate authority, any communication received pursuant to paragraph (1);

(3) with the concurrence of the Secretary, and in accordance with the Convention, object to the decisions of the Commission; and

(4) request and utilize on a reimbursed or non-reimbursed basis the assistance, services, personnel, equipment, and facilities of other Federal departments and agencies, foreign governments or agencies, or international intergovernmental organizations, in the conduct of scientific research and other programs under this subtitle.

SEC. 104. AUTHORITY OF THE SECRETARY OF COMMERCE.

(a) PROMULGATION OF REGULATIONS.—

(1) AUTHORITY.—The Secretary, in consultation with the Secretary of State and, with respect to enforcement measures, the Secretary of the department in which the Coast Guard is operating, may promulgate such regulations as may be necessary to carry out the United States international obligations under the North Pacific Fisheries Convention and this subtitle, including recommendations and decisions adopted by the Commission.

(2) REGULATIONS OF STRADDLING STOCKS.—In the implementation of a measure adopted by the Commission that would govern a straddling stock under the authority of a Council, any regulation promulgated by the Secretary to implement such measure within the exclusive economic zone shall be approved by such Council.

(b) RULE OF CONSTRUCTION.—Regulations promulgated under subsection (a) shall be applicable only to a person or a fishing vessel that is or has engaged in fishing activities, or fisheries resources covered by the North Pacific Fisheries Convention under this subtitle.

(c) ADDITIONAL AUTHORITY.—The Secretary may conduct, and may request and utilize on a reimbursed or nonreimbursed basis the assistance, services, personnel, equipment, and facilities of other Federal departments and agencies in—

(1) scientific, research, and other programs under this subtitle;

(2) fishing operations and biological experiments for purposes of scientific investigation or other purposes necessary to implement the North Pacific Fisheries Convention;

(3) the collection, utilization, and disclosure of such information as may be necessary to implement the North Pacific Fisheries Convention, subject to sections 552 and 552a of title 5, United States Code, and section 402(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881a(b));

(4) the issuance of permits to owners and operators of United States vessels to engage in fishing activities in the Convention Area seaward of the exclusive economic zone of the United States, under such terms and conditions as the Secretary may prescribe, including the period of time that a permit is valid; and

(5) if recommended by the United States Commissioners, the assessment and collection of fees, not to exceed 3 percent of the exvessel value of fisheries resources harvested by vessels of the United States in fisheries conducted in the Convention Area, to recover the actual costs to the United States to carry out the functions of the Secretary under this subtitle.

(d) CONSISTENCY WITH OTHER LAWS.—The Secretary shall ensure the consistency, to the extent practicable, of fishery management programs administered under this subtitle, the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), the Tuna Conventions Act of 1950 (16 U.S.C. 951 et seq.), the South Pacific Tuna Act of 1988 (16 U.S.C. 973 et seq.), section 401 of Public Law 108–219 (16 U.S.C. 1821 note) (relating to Pacific albacore tuna), the Western and Central Pacific Fisheries Convention Implementation Act (16 U.S.C. 6901 et seq.), the National Oceanic and Atmospheric Administration Authorization Act of 1992 (Public Law 102–567) and the amendments made by that Act, and Public Law 100–629 (102 Stat. 3286).

(e) JUDICIAL REVIEW OF REGULATIONS.—

(1) IN GENERAL.—Regulations promulgated by the Secretary under this subtitle shall be subject to judicial review to the extent authorized by, and in accordance with, chapter 7 of title 5, United States Code, if a petition for such review is filed not later than 30 days after the date on which the regulations are promulgated.

(2) RESPONSES.—Notwithstanding any other provision of law, the Secretary shall file a response to any petition filed in accordance with paragraph (1), not later than 30 days after the date the Secretary is served with that petition, except that the appropriate court may extend the period for filing such a response upon a showing by the Secretary of good cause for that extension.

(3) COPIES OF ADMINISTRATIVE RECORD.—A response of the Secretary under paragraph (2) shall include a copy of the administrative record for the regulations that are the subject of the petition.

(4) EXPEDITED HEARINGS.—Upon a motion by the person who files a petition under this subsection, the appropriate court shall assign the matter for hearing at the earliest possible date.

SEC. 105. ENFORCEMENT.

(a) IN GENERAL.—The Secretary and the Secretary of the department in which the Coast Guard is operating—

(1) shall administer and enforce this subtitle and any regulations issued under this subtitle; and

(2) may request and utilize on a reimbursed or nonreimbursed basis the assistance, services, personnel, equipment, and facilities of other Federal departments and agencies in the administration and enforcement of this subtitle.

(b) SECRETARIAL ACTIONS.—The Secretary and the Secretary of the department in which the Coast Guard is operating shall prevent any person from violating this subtitle with respect to fishing activities or the conservation of fisheries resources in the Convention Area in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though sections 308 through 311 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1858, 1859, 1860, and 1861) were incorporated into and made a part of this subtitle. Any person that violates this subtitle is subject to the penalties and entitled to the privileges and immunities provided in the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) in the same manner, by the same means, and with the same jurisdiction, power, and duties as though sections 308 through 311 of that Act (16 U.S.C. 1858, 1859, 1860, and 1861) were incorporated into and made a part of this subtitle.

(c) JURISDICTION OF THE COURTS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the district courts of the United States shall have jurisdiction over any case or controversy arising under this subtitle, and any such court may at any time—

(A) enter restraining orders or prohibitions;

(B) issue warrants, process in rem, or other process;

(C) prescribe and accept satisfactory bonds or other security; and

(D) take such other actions as are in the interest of justice.

(2) HAWAII AND PACIFIC INSULAR AREAS.—In the case of Hawaii or any possession of the United States in the Pacific Ocean, the appropriate court is the United States District Court for the District of Hawaii, except that—

(A) in the case of Guam and Wake Island, the appropriate court is the United States District Court for the District of Guam; and

(B) in the case of the Northern Mariana Islands, the appropriate court is the United States District Court for the District of the Northern Mariana Islands.

(3) CONSTRUCTION.—Each violation shall be a separate offense and the offense is deemed to have been committed not only in the district where the violation first occurred, but also in any other district authorized by law. Any offense not committed in any district is subject to the venue provisions of section 3238 of title 18, United States Code.

(d) CONFIDENTIALITY.—

(1) IN GENERAL.—Any information submitted to the Secretary in compliance with any requirement under this subtitle, and information submitted under any requirement of this subtitle that may be necessary to implement the Convention, including information submitted before the date of the enactment of this Act, shall be confidential and may not be disclosed, except—

(A) to a Federal employee who is responsible for administering, implementing, or enforcing this subtitle;

(B) to the Commission, in accordance with requirements in the North Pacific Fisheries Convention and decisions of the Commission, and, insofar as possible, in accordance with an agreement with the Commission that prevents public disclosure of the identity or business of any person;

(C) to State, Council, or marine fisheries commission employees pursuant to an agreement with the Secretary that prevents public disclosure of the identity or business of any person;

(D) when required by court order; or

(E) when the Secretary has obtained written authorization from the person submitting such information to release such information to another person for a reason not otherwise provided for in this paragraph, and such release does not violate other requirements of this subtitle.

(2) USE OF INFORMATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall promulgate regulations regarding the procedures the Secretary considers necessary to preserve the confidentiality of information submitted under this subtitle.

(B) EXCEPTION.—The Secretary may release or make public information submitted under this subtitle if the information is in any aggregate or summary form that does not directly or indirectly disclose the identity or business of any person.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be interpreted or construed to prevent the use for conservation and management purposes by the Secretary of any information submitted under this subtitle.

SEC. 106. PROHIBITED ACTS.

It is unlawful for any person—

(1) to violate this subtitle or any regulation or permit issued under this subtitle;

(2) to use any fishing vessel to engage in fishing activities without, or after the revocation or during the period of suspension of, an applicable permit issued pursuant to this subtitle;

(3) to refuse to permit any officer authorized to enforce this subtitle to board a fishing vessel subject to such person's control for the purposes of conducting any search, investigation, or inspection in connection with the enforcement of this subtitle or any regulation, permit, or the North Pacific Fisheries Convention;

(4) to assault, resist, oppose, impede, intimidate, or interfere with any such authorized officer in the conduct of any search, investigation, or inspection in connection with the enforcement of this subtitle or any regulation, permit, or the North Pacific Fisheries Convention;

(5) to resist a lawful arrest for any act prohibited by this subtitle or any regulation promulgated or permit issued under this subtitle;

(6) to ship, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of, any fisheries resources taken or retained in violation of this subtitle or any regulation or permit referred to in paragraph (1) or (2);

(7) to interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, knowing that such other person has committed any act prohibited by this section;

(8) to submit to the Secretary false information (including false information regarding the capacity and extent to which a United States fish processor, on an annual basis, will process a portion of the optimum yield of a fishery that will be harvested by fishing vessels of the United States), regarding any matter that the Secretary is considering in the course of carrying out this subtitle;

(9) to assault, resist, oppose, impede, intimidate, sexually harass, bribe, or interfere with any observer on a vessel under this subtitle, or any data collector employed by or under contract to any person to carry out responsibilities under this subtitle;

(10) to engage in fishing activities in violation of any regulation adopted pursuant to this subtitle;

(11) to fail to make, keep, or furnish any catch returns, statistical records, or other reports required by regulations adopted pursuant to this subtitle to be made, kept, or furnished;

(12) to fail to stop a vessel upon being hailed and instructed to stop by a duly authorized official of the United States;

(13) to import, in violation of any regulation adopted pursuant to this subtitle, any fisheries resources in any form of those species subject to regulation pursuant to a recommendation, resolution, or decision of the Commission, or any fisheries resources in any form not under regulation but under investigation by the Commission, during the period such fisheries resources have been denied entry in accordance with this subtitle;

(14) to make or submit any false record, account, or label for, or any false identification of, any fisheries resources that have been, or are intended to be imported, exported, transported, sold, offered for sale, purchased, or received in interstate or foreign commerce; or

(15) to refuse to authorize and accept boarding by a duly authorized inspector pursuant to procedures adopted by the Commission for the boarding and inspection of fishing vessels in the Convention Area.

SEC. 107. COOPERATION IN CARRYING OUT CONVENTION.

(a) FEDERAL AND STATE AGENCIES; PRIVATE INSTITUTIONS AND ORGANIZATIONS.—The Secretary may cooperate with any Federal agency, any public or private institution or organization within the United States or abroad, and, through the Secretary of State, a duly authorized official of the government of any party to the North Pacific Fisheries Convention, in carrying out responsibilities under this subtitle.

(b) SCIENTIFIC AND OTHER PROGRAMS; FACILITIES AND PERSONNEL.—Each Federal agency may, upon the request of the Secretary, cooperate in the conduct of scientific and other programs and furnish facilities and personnel for the purpose of assisting the Commission in carrying out its duties under the North Pacific Fisheries Convention.

(c) SANCTIONED FISHING OPERATIONS AND BIOLOGICAL EXPERIMENTS.—Nothing in this subtitle, or in the laws of any State, prevents the Secretary or the Commission from—

(1) conducting or authorizing the conduct of fishing operations and biological experiments at any time for purposes of scientific investigation; or

(2) discharging any other duties prescribed by the North Pacific Fisheries Convention.

(d) STATE JURISDICTION NOT AFFECTED.—Nothing in this subtitle shall be construed to diminish or to increase the jurisdiction of any State in the territorial sea of the United States.

SEC. 108. TERRITORIAL PARTICIPATION.

The Secretary of State shall ensure participation in the Commission and its subsidiary bodies by the Commonwealth of the Northern Mariana Islands, American Samoa, and Guam to the extent allowed under United States law.

SEC. 109. EXCLUSIVE ECONOMIC ZONE NOTIFICATION.

Masters of commercial fishing vessels of countries fishing under the management authority of the North Pacific Fisheries Convention that do not carry vessel monitoring systems capable of communicating with United States enforcement authorities shall, prior to or as soon as reasonably possible after, entering and transiting the exclusive economic zone bounded by the Convention Area, ensure that all fishing gear on board the vessel is stowed below deck or otherwise removed from the place it is normally used for fishing activities and placed where it is not readily available for fishing activities.

SEC. 110. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated out of funds made available to the Secretary and the Secretary of State $300,000 for each of fiscal years 2017 through 2021 to carry out this subtitle and to pay the United States contribution to the Commission under Article 12 of the North Pacific Fisheries Convention.

Subtitle B—Miscellaneous

SEC. 121. FUNDING FOR TRAVEL EXPENSES.

(a) NORTH PACIFIC BERING SEA FISHERIES ADVISORY BODY.—Section 5 of the Act entitled ''An Act to approve the governing international fishery agreement between the United States and the Union of Soviet Socialist Republics, and for other purposes'', approved November 7, 1988 (Public Law 100–629; 16 U.S.C. 1823 note), is amended by adding at the end the following:

''(e) TRAVEL EXPENSES.—

''(1) IN GENERAL.—The Secretary of State may pay the necessary travel expenses of the members of the advisory body established pursuant to this section in carrying out their service as such members in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code.

''(2) REIMBURSEMENT.—The Secretary of Commerce may reimburse the Secretary of State for amounts expended by the Secretary of State under this subsection.''.

(b) NORTH PACIFIC ANADROMOUS FISH COMMISSION.—

(1) UNITED STATES COMMISSIONERS.—Section 804 of the North Pacific Anadromous Stocks Act of 1992 (16 U.S.C. 5003) is amended by adding at the end the following:

''(e) TRAVEL EXPENSES.—

''(1) IN GENERAL.—The Secretary may pay the necessary travel expenses of the United States Commissioners and Alternate United States Commissioners in carrying out the duties of the Commission in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code.

''(2) REIMBURSEMENT.—The Secretary of Commerce may reimburse the Secretary for amounts expended by the Secretary under this subparagraph.''.

(2) ADVISORY PANEL.—Section 805 of the North Pacific Anadromous Stocks Act of 1992 (16 U.S.C. 5004) is amended by striking subsection (e) and inserting the following:

''(e) COMPENSATION.—The members of the Advisory Panel shall receive no compensation for their service as such members.

''(f) TRAVEL EXPENSES.—

''(1) IN GENERAL.—The Secretary may pay the necessary travel expenses of the members of the Advisory Panel in carrying out their service as such members in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code.

''(2) REIMBURSEMENT.—The Secretary of Commerce may reimburse the Secretary for amounts expended by the Secretary under this subparagraph.''.

SEC. 122. NATIONAL SEA GRANT COLLEGE PROGRAM REAUTHORIZATION ACT OF 1998.

Section 10 of the National Sea Grant College Program Reauthorization Act of 1998 (15 U.S.C. 1541) is amended by striking ''the United States Coast Guard'' each place it appears and inserting ''another Federal agency''.

TITLE II—IMPLEMENTATION OF THE CONVENTION ON THE CONSERVATION AND MANAGEMENT OF HIGH SEAS FISHERY RESOURCES IN THE SOUTH PACIFIC OCEAN

SEC. 201. DEFINITIONS.

In this title:

(1) 1982 CONVENTION.—The term ''1982 Convention'' means the United Nations Convention on the Law of the Sea of 10 December 1982.

(2) COMMISSION.—The term ''Commission'' means the Commission of the South Pacific Regional Fisheries Management Organization established in accordance with the South Pacific Fishery Resources Convention.

(3) CONVENTION AREA.—The term ''Convention Area'' means the area to which the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean applies under Article 5 of such Convention.

(4) COUNCIL.—The term ''Council'' means the Western Pacific Regional Fishery Management Council.

(5) EXCLUSIVE ECONOMIC ZONE.—The term ''exclusive economic zone'' means—

(A) with respect to the United States, the zone established by Presidential Proclamation Numbered 5030 of March 10, 1983 (16 U.S.C. 1453 note); and

(B) with respect to a foreign country, a designated zone similar to the zone referred to in subparagraph (A) for that country, consistent with international law.

(6) FISHERY RESOURCES.—The term ''fishery resources'' means all fish, mollusks, crustaceans, and other marine species, and any products thereof, caught by a fishing vessel within the Convention Area, but excluding—

(A) sedentary species insofar as they are subject to the national jurisdiction of coastal States pursuant to Article 77 paragraph 4 of the 1982 Convention;

(B) highly migratory species listed in Annex I of the 1982 Convention;

(C) anadromous and catadromous species; and

(D) marine mammals, marine reptiles and sea birds.

(7) FISHING.—The term ''fishing''—

(A) except as provided in subparagraph (B), means—

(i) the actual or attempted searching for, catching, taking, or harvesting of fishery resources;

(ii) engaging in any activity that can reasonably be expected to result in the locating, catching, taking or harvesting of fishery resources for any purpose;

(iii) transshipment and any operation at sea, in support of, or in preparation for, any activity described in this subparagraph; and

(iv) the use of any vessel, vehicle, aircraft, or hovercraft in relation to any activity described in this subparagraph; and

(B) does not include any operation related to emergencies involving the health and safety of crew members or the safety of a fishing vessel.

(8) FISHING VESSEL.—The term ''fishing vessel'' means any vessel used or intended to be used for fishing, including any fish processing vessel support ship, carrier vessel, or any other vessel directly engaged in fishing operations.

(9) PERSON.—The term ''person'' means any individual (whether or not a citizen or national of the United States); any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State); and any Federal, State, local, or foreign government or any entity of any such government.

(10) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(11) SOUTH PACIFIC FISHERY RESOURCES CONVENTION.—The term ''South Pacific Fishery Resources Convention'' means the Convention on the Conservation and Management of the High Seas Fishery Resources in the South Pacific Ocean (including any annexes, amendments, or protocols that are in force, or have come into force, for the United States), which was adopted at Auckland, New Zealand, on November 14, 2009, by the International Consultations on the Proposed South Pacific Regional Fisheries Management Organization.

(12) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and any other commonwealth, territory, or possession of the United States.

SEC. 202. APPOINTMENT OR DESIGNATION OF UNITED STATES COMMISSIONERS.

(a) APPOINTMENT.—

(1) IN GENERAL.—The United States shall be represented on the Commission by not more than 3 Commissioners. In making each appointment, the President shall select a Commissioner from among individuals who are knowledgeable or experienced concerning fishery resources in the South Pacific Ocean.

(2) REPRESENTATION.—At least 1 of the Commissioners shall be—

(A) serving at the pleasure of the President, an officer or employee of—

(i) the Department of Commerce;

(ii) the Department of State; or

(iii) the Coast Guard; and

(B) the chairperson or designee of the Council.

(b) ALTERNATE COMMISSIONERS.—The Secretary of State, in consultation with the Secretary, may designate from time to time and for periods of time considered appropriate an alternate Commissioner to the Commission. An alternate Commissioner may exercise all powers and duties of a Commissioner in the absence of a Commissioner appointed under subsection (a).

(c) ADMINISTRATIVE MATTERS.—

(1) EMPLOYMENT STATUS.—An individual serving as a Commissioner, or as an alternate Commissioner, other than an officer or employee of the United States Government, shall not be considered a Federal employee, except for the purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.

(2) COMPENSATION.—An individual serving as a Commissioner or an alternate Commissioner, although an officer of the United States while so serving, shall receive no compensation for the individual's services as such Commissioner or alternate Commissioner.

(3) TRAVEL EXPENSES.—

(A) IN GENERAL.—The Secretary of State shall pay the necessary travel expenses of a Commissioner or an alternate Commissioner in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code.

(B) REIMBURSEMENT.—The Secretary may reimburse the Secretary of State for amounts expended by the Secretary of State under this paragraph.

(d) ADVISORY COMMITTEE.—

(1) ESTABLISHMENT OF PERMANENT ADVISORY COMMITTEE.—

(A) MEMBERSHIP.—There is established an advisory committee which shall be composed of 7 members appointed by the Secretary as follows:

(i) A member engaging in commercial fishing in the management area of the Council.

(ii) Two members from the indigenous population of the Pacific, including a Native Hawaiian and a native-born inhabitant of any State in the Pacific.

(iii) A member that is a marine fisheries scientist and a member of the Council's Scientific and Statistical Committee.

(iv) A member representing a non-governmental organization active in fishery issues in the Pacific.

(v) A member nominated by the Governor of the State of Hawaii.

(vi) A member designated by the Council.

(B) TERMS AND PRIVILEGES.—Each member of the Advisory Committee shall serve for a term of 2 years and shall be eligible for reappointment for not more than 3 consecutive terms. The Commissioners shall notify the Advisory Committee in advance of each meeting of the Commissioners. The Advisory Committee may attend each meeting and may examine and be heard on all proposed programs, investigations, reports, recommendations, and regulations of the Commissioners.

(C) PROCEDURES.—

(i) IN GENERAL.—The Advisory Committee shall determine its organization and prescribe its practices and procedures for carrying out its functions under this title, the South Pacific Fisheries Convention, and the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(ii) PUBLIC AVAILABILITY OF PROCEDURES.—The Advisory Committee shall publish and make available to the public a statement of its organization, practices, and procedures.

(iii) QUORUM.—A majority of the members of the Advisory Committee shall constitute a quorum to conduct business.

(iv) PUBLIC MEETINGS.—Meetings of the Advisory Committee, except when in executive session, shall be open to the public. Prior notice of each non-executive meeting shall be made public in a timely fashion. The Advisory Committee shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(v) COST SAVINGS.—In order to reduce the cost of Advisory Committee meetings, the Advisory Committee shall, to the extent practicable, utilize teleconferences and webinars for that purpose.

(D) PROVISION OF INFORMATION.—The Secretary and the Secretary of State shall furnish the Advisory Committee with relevant information concerning fishery resources and international fishery agreements.

(2) ADMINISTRATIVE MATTERS.—

(A) SUPPORT SERVICES.—The Secretary shall provide to the Advisory Committee in a timely manner such administrative and technical support services as are necessary to function effectively.

(B) COMPENSATION; STATUS; EXPENSES.—An individual appointed to serve as a member of the Advisory Committee—

(i) shall serve without pay; and

(ii) shall not be considered a Federal employee, except for the purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.

SEC. 203. AUTHORITY AND RESPONSIBILITY OF THE SECRETARY OF STATE.

The Secretary of State may—

(1) receive and transmit, on behalf of the United States, reports, requests, recommendations, proposals, decisions, and other communications of and to the Commission;

(2) in consultation with the Secretary, act upon, or refer to other appropriate authority, any communication pursuant to paragraph (1); and

(3) with the concurrence of the Secretary, and in accordance with the South Pacific Fishery Resources Convention, object to decisions of the Commission.

SEC. 204. RESPONSIBILITY OF THE SECRETARY AND RULEMAKING AUTHORITY.

(a) RESPONSIBILITIES.—The Secretary may—

(1) administer this title and any regulations issued under this title, except to the extent otherwise provided for in this title;

(2) issue permits to vessels subject to the jurisdiction of the United States, and to owners and operators of such vessels, to fish in the Convention Area, under such terms and conditions as the Secretary may prescribe; and

(3) if recommended by the United States Commissioners, assess and collect fees, not to exceed 3 percent of the ex-vessel value of fisheries resources harvested by vessels of the United States in fisheries conducted in the Convention Area, to recover the actual costs to the United States to carry out the functions of the Secretary under this title.

(b) PROMULGATION OF REGULATIONS.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of State and the Secretary of the department in which the Coast Guard is operating, may promulgate such regulations as may be necessary and appropriate to carry out the international obligations of the United States under the South Pacific Fishery Resources Convention and this title, including decisions adopted by the Commission.

(2) APPLICABILITY.—Regulations promulgated under this subsection shall be applicable only to a person or fishing vessel that is or has engaged in fishing, and fishery resources covered by the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean under this title.

(c) CONSISTENCY WITH OTHER LAWS.—The Secretary shall ensure the consistency, to the extent practicable, of fishery management programs administered under this title, the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), the Tuna Conventions Act of 1950 (16 U.S.C. 951 et seq.), the South Pacific Tuna Act of 1988 (16 U.S.C. 973 et seq.), section 401 of Public Law 108–219 (16 U.S.C. 1821 note) (relating to Pacific albacore tuna), the Western and Central Pacific Fisheries Convention Implementation Act (16 U.S.C. 6901 et seq.), the National Oceanic and Atmospheric Administration Authorization Act of 1992 (Public Law 102–567) and the amendments made by that Act, and Public Law 100–629 (102 Stat. 3286).

(d) JUDICIAL REVIEW OF REGULATIONS.—

(1) IN GENERAL.—Regulations promulgated by the Secretary under this title shall be subject to judicial review to the extent authorized by, and in accordance with, chapter 7 of title 5, United States Code, if a petition for such review is filed not later than 30 days after the date on which the regulations are promulgated or the action is published in the Federal Register, as applicable.

(2) RESPONSES.—Notwithstanding any other provision of law, the Secretary shall file a response to any petition filed in accordance with paragraph (1) not later than 30 days after the date the Secretary is served with that petition, except that the appropriate court may extend the period for filing such a response upon a showing by the Secretary of good cause for that extension.

(3) COPIES OF ADMINISTRATIVE RECORD.—A response of the Secretary under paragraph (2) shall include a copy of the administrative record for the regulations that are the subject of the petition.

(4) EXPEDITED HEARINGS.—Upon a motion by the person who files a petition under this subsection, the appropriate court shall assign the matter for hearing at the earliest possible date.

SEC. 205. ENFORCEMENT.

(a) RESPONSIBILITY.—This title, and any regulations or permits issued under this title, shall be enforced by the Secretary and the Secretary of the department in which the Coast Guard is operating. Such Secretaries shall, and the head of any Federal or State agency that has entered into an agreement with either such Secretary under this section may (if the agreement so provides), authorize officers to enforce this title or any regulation promulgated under this title. Any officer so authorized may enforce this title in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though section 311 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861) were incorporated into and made a part of this title.

(b) ADMINISTRATION AND ENFORCEMENT.—The Secretary and the Secretary of the department in which the Coast Guard is operating shall prevent any person from violating this title in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though sections 308 through 311 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1858 through 1861) were incorporated into and made a part of this title. Any person that violates this title shall be subject to the penalties, and entitled to the privileges and immunities, provided in the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) in the same manner and by the same means as though sections 308 through 311 of that Act (16 U.S.C. 1858 through 1861) were incorporated into and made a part of this title.

(c) DISTRICT COURT JURISDICTION.—

(1) IN GENERAL.—The district courts of the United States shall have jurisdiction over any actions arising under this section.

(2) HAWAII AND PACIFIC INSULAR AREAS.—Notwithstanding subsection (b), for the purpose of this section, for Hawaii or any possession of the United States in the Pacific Ocean, the appropriate court is the United States District Court for the District of Hawaii, except that—

(A) in the case of Guam and Wake Island, the appropriate court is the United States District Court for the District of Guam; and

(B) in the case of the Northern Mariana Islands, the appropriate court is the United States District Court for the District of the Northern Mariana Islands.

(3) CONSTRUCTION.—Each violation shall be a separate offense and the offense is deemed to have been committed not only in the district where the violation first occurred, but also in any other district as authorized by law. Any offenses not committed in any district are subject to the venue provisions of section 3238 of title 18, United States Code.

SEC. 206. PROHIBITED ACTS.

It is unlawful for any person—

(1) to violate any provision of this title or of any regulation promulgated or permit issued under this title;

(2) to use any fishing vessel to engage in fishing without a valid permit or after the revocation, or during the period of suspension, of an applicable permit pursuant to this title;

(3) to refuse to permit any officer authorized to enforce this title to board a fishing vessel subject to such person's control for the purposes of conducting any investigation or inspection in connection with the enforcement of this title;

(4) to assault, resist, oppose, impede, intimidate, or interfere with any such authorized officer in the conduct of any search, investigation, or inspection in connection with the enforcement of this title or any regulation promulgated or permit issued under this title;

(5) to resist a lawful arrest for any act prohibited by this title or any regulation promulgated or permit issued under this title;

(6) to ship, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of, any fishery resources taken or retained in violation of this title or any regulation or permit referred to in paragraph (1) or (2);

(7) to interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, knowing that such other person has committed any act prohibited by this title;

(8) to submit to the Secretary false information, regarding any matter that the Secretary is considering in the course of carrying out this title;

(9) to assault, resist, oppose, impede, intimidate, sexually harass, bribe, or interfere with any observer on a vessel pursuant to the requirements of this title, or any data collector employed by the National Oceanic and Atmospheric Administration or under contract to any person to carry out responsibilities under this title;

(10) to fail to make, keep, or furnish any catch returns, statistical records, or other reports as are required by regulations adopted pursuant to this title to be made, kept, or furnished;

(11) to fail to stop a vessel upon being hailed and instructed to stop by a duly authorized official of the United States;

(12) to import, in violation of any regulation promulgated under this title, any fishery resources in any form of those species subject to regulation pursuant to a decision of the Commission;

(13) to make or submit any false record, account, or label for, or any false identification of, any fishery resources that have been or are intended to be imported, exported, transported, sold, offered for sale, purchased, or received in interstate or foreign commerce; or

(14) to refuse to authorize and accept boarding by a duly authorized inspector pursuant to procedures adopted by the Commission for the boarding and inspection of fishing vessels in the Convention Area.

SEC. 207. COOPERATION IN CARRYING OUT THE CONVENTION.

(a) FEDERAL AND STATE AGENCIES; PRIVATE INSTITUTIONS AND ORGANIZATIONS.—The Secretary may cooperate with agencies of the United States Government, any public or private institutions or organizations within the United States or abroad, and, through the Secretary of State, the duly authorized officials of the government of any party to the South Pacific Fishery Resources Convention, in carrying out responsibilities under this title.

(b) SCIENTIFIC AND OTHER PROGRAMS; FACILITIES AND PERSONNEL.—All Federal agencies may, upon the request of the Secretary, cooperate in the conduct of scientific and other programs and to furnish facilities and personnel for the purpose of assisting the Commission in carrying out its duties under the South Pacific Fishery Resources Convention.

(c) SANCTIONED FISHING OPERATIONS AND BIOLOGICAL EXPERIMENTS.—Nothing in this title, or in the laws or regulations of any State, prevents the Secretary or the Commission from—

(1) conducting or authorizing the conduct of fishing operations and biological experiments at any time for purposes of scientific investigation; or

(2) discharging any other duties prescribed by the South Pacific Fishery Resources Convention.

(d) STATE JURISDICTION NOT AFFECTED.—Nothing in this title shall be construed to diminish or to increase the jurisdiction of any

State in the territorial sea of the United States.

SEC. 208. TERRITORIAL PARTICIPATION.

The Secretary of State shall ensure participation in the Commission and its subsidiary bodies by American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands to the extent allowed under United States law.

SEC. 209. EXCLUSIVE ECONOMIC ZONE NOTIFICATION.

Masters of commercial fishing vessels of countries fishing under the management authority of the South Pacific Fisheries Convention that do not carry vessel monitoring systems capable of communicating with United States enforcement authorities shall, before or as soon as reasonably possible after, entering and transiting the exclusive economic zone bounded by the Convention Area, ensure that all fishing gear on board the vessel is stowed below deck or otherwise removed from the place it is normally used for fishing activities and placed where it is not readily available for fishing activities.

SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated out of funds made available to the Secretary and the Secretary of State $300,000 for each of fiscal years 2017 through 2021 to carry out this title and to pay the United States contribution to the Commission under Article 15 of the South Pacific Fisheries Convention.

(b) INTERNATIONAL COOPERATION AND ASSISTANCE.—

(1) IN GENERAL.—Subject to the limits of available appropriations and consistent with applicable law, the Secretary or the Secretary of State may provide appropriate assistance, including grants, to developing nations and international organizations of which such nations are members to assist those nations in meeting their obligations under the South Pacific Fisheries Convention.

(2) TRANSFER OF FUNDS.—Subject to the limits of available appropriations and consistent with other applicable law, the Secretary and the Secretary of State are authorized to transfer funds to any foreign government and any international, non-governmental, or international organization, including the Commission, for purposes of carrying out the international responsibilities under paragraph (1).

TITLE III—WESTERN AND CENTRAL PACIFIC FISHERIES COMMISSION

SEC. 301. RECOMMENDATIONS FOR AGENDA OF ANNUAL MEETINGS OF WESTERN AND CENTRAL PACIFIC FISHERIES COMMISSION.

(a) IN GENERAL.—The Western and Central Pacific Fisheries Convention Implementation Act is amended—

(1) in section 503 (16 U.S.C. 6902)—

(A) in subsection (a), by inserting ''and commercial fishing'' after ''fish stocks''; and

(B) in subsection (d)(1), by adding at the end the following:

''(E) AGENDA RECOMMENDATIONS.—No later than 30 days before each annual meeting of the Commission, the Advisory Committee shall transmit to the United States Commissioners recommendations relating to the agenda of the annual meeting. The recommendations must be agreed to by a majority of the Advisory Committee members. The United States Commissioners shall consider such recommendations, along with additional views transmitted by Advisory Committee members, in the formulation of the United States position for the Commission meeting and during the negotiations at that meeting.''; and

(2) by redesignating section 511 (16 U.S.C. 6910) as section 512, and inserting after section 510 the following:

''SEC. 511. UNITED STATES CONSERVATION, MANAGEMENT, AND ENFORCEMENT OBJECTIVES.

''The Secretary, in consultation with the Secretary of State, in the course of negotiations, shall seek—

''(1) to minimize any disadvantage to United States fishermen in relation to other members of the Commission;

''(2) to maximize the opportunities for fishing vessels of the United States to harvest fish stocks on the high seas in the Convention area, recognizing that such harvests may be restricted if the Commission, based on the best available scientific information provided by the Scientific Committee, determines it is necessary to achieve the conservation objective set forth in Article 2 of the Convention;

''(3) to prevent any requirement for the transfer to other nations or foreign entities of the fishing capacity, fishing capacity rights, or fishing vessels of the United States or its territories, unless any such requirement is voluntary and market-based; and

''(4) to ensure that conservation and management measures take into consideration traditional fishing patterns of fishing vessels of the United States and the operating requirements of the fisheries covered by the Western and Central Pacific Convention.''.

(b) CONFORMING AMENDMENT.—Section 1(b) of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 is amended in the table of contents by striking the item relating to section 511 (121 Stat. 3576) and inserting the following:

''Sec. 511. United States conservation, management, and enforcement objectives.

''Sec. 512. Authorization of appropriations.''.

TITLE IV—ILLEGAL, UNREGULATED, AND UNREPORTED FISHING

SEC. 401. AMENDMENTS TO THE HIGH SEAS DRIFTNET FISHING MORATORIUM PROTECTION ACT.

(a) APPLICATION OF ACT.—Section 606(b) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826g(b)) is amended—

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(9) the Ensuring Access to Pacific Fisheries Act.''.

(b) BIENNIAL REPORTS.—Section 607 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826h) is amended by inserting ''on June 1 of that year'' after ''every 2 years thereafter,''.

(c) IDENTIFICATION OF VESSELS.—Section 609(a) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j(a)) is amended by striking ''fishing vessels of that nation are engaged, or have'' and inserting ''any fishing vessel of that nation is engaged, or has''.

(d) IDENTIFICATION OF NATIONS.—Section 610(a)(2)(A) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826k) is amended by striking ''calendar year'' and inserting ''3 years''.

TITLE V—NORTHWEST ATLANTIC FISHERIES CONVENTION AMENDMENTS ACT

SEC. 501. SHORT TITLE; REFERENCES TO THE NORTHWEST ATLANTIC FISHERIES CONVENTION ACT OF 1995.

(a) SHORT TITLE.—This title may be cited as the ''Northwest Atlantic Fisheries Convention Amendments Act''.

(b) REFERENCES TO THE NORTHWEST ATLANTIC FISHERIES CONVENTION ACT OF 1995.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Northwest Atlantic Fisheries Convention Act of 1995 (16 U.S.C. 5601 et seq.).

SEC. 502. REPRESENTATION OF THE UNITED STATES UNDER CONVENTION.

Section 202 (16 U.S.C. 5601) is amended—

(1) in subsection (a)(1), by striking ''General Council and the Fisheries'';

(2) in subsection (b)(1), by striking ''at a meeting of the General Council or the Fisheries Commission'';

(3) in subsection (b)(2), by striking '', at any meeting of the General Council or the Fisheries Commission for which the Alternate Commissioner is designated'';

(4) in subsection (d)(1), by striking ''at a meeting of the Scientific Council'';

(5) in subsection (d)(2), by striking '', at any meeting of the Scientific Council for which the Alternate Representative is designated''; and

(6) in subsection (f)(1)(A), by striking ''Magnuson Act'' and inserting ''Magnuson-Stevens Fishery Conservation and Management Act''.

SEC. 503. REQUESTS FOR SCIENTIFIC ADVICE.

Section 203 (16 U.S.C. 5602) is amended—

(1) in subsection (a)—

(A) by striking ''The Representatives may'' and inserting ''A Representative may'';

(B) by striking ''described in subsection (b)(1) or (2)'' and inserting ''described in paragraph (1) or (2) of subsection (b)''; and

(C) by striking ''the Representatives have'' and inserting ''the Representative has'';

(2) by striking ''VII(1)'' each place it appears and inserting ''VII(10)(b)''; and

(3) in subsection (b)(2), by striking ''VIII(2)'' and inserting ''VII(11)''.

SEC. 504. AUTHORITIES OF SECRETARY OF STATE WITH RESPECT TO CONVENTION.

Section 204 (16 U.S.C. 5603) is amended by striking ''Fisheries Commission'' each place it appears and inserting ''Commission consistent with the procedures detailed in Articles XIV and XV of the Convention''.

SEC. 505. INTERAGENCY COOPERATION.

Section 205(a) (16 U.S.C. 5604(a)) is amended to read as follows:

''(a) AUTHORITIES OF THE SECRETARY.—In carrying out the provisions of the Convention and this title, the Secretary may arrange for cooperation with—

''(1) any department, agency, or instrumentality of the United States;

''(2) a State;

''(3) a Council; or

''(4) a private institution or an organization.''.

SEC. 506. PROHIBITED ACTS AND PENALTIES.

Section 207(a)(5) (16 U.S.C. 5606(a)(5)) is amended by striking ''fish'' and inserting ''fishery resources''.

SEC. 507. CONSULTATIVE COMMITTEE.

Section 208 (16 U.S.C. 5607) is amended—

(1) in subsection (b)(2), by striking ''two'' and inserting ''2''; and

(2) in subsection (c), by striking ''General Council or the Fisheries'' each place it appears.

SEC. 508. DEFINITIONS.

Section 210 (16 U.S.C. 5609) is amended to read as follows:

''SEC. 210. DEFINITIONS.

''In this title:

''(1) 1982 CONVENTION.—The term '1982 Convention' means the United Nations Convention on the Law of the Sea of 10 December 1982.

''(2) AUTHORIZED ENFORCEMENT OFFICER.—The term 'authorized enforcement officer' means a person authorized to enforce this title, any regulation issued under this title, or any measure that is legally binding on the United States under the Convention.

''(3) COMMISSION.—The term 'Commission' means the body provided for by Articles V, VI, XIII, XIV, and XV of the Convention.

''(4) COMMISSIONER.—The term 'Commissioner' means a United States Commissioner to the Northwest Atlantic Fisheries Organization appointed under section 202.

''(5) CONVENTION.—The term 'Convention' means the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries, done at Ottawa on October 24, 1978, and as amended on September 28, 2007.

''(6) CONVENTION AREA.—The term 'Convention Area' means the waters of the Northwest Atlantic Ocean north of 35°00′ N and west of a line extending due north from 35°00′ N and 42°00′ W to 59°00′ N, thence due west to 44°00′ W, and thence due north to the coast of Greenland, and the waters of the Gulf of St. Lawrence, Davis Strait and Baffin Bay south of 78°10′ N.

''(7) COUNCIL.—The term 'Council' means the New England Fishery Management Council or the Mid-Atlantic Fishery Management Council.

''(8) FISHERY RESOURCES.—

''(A) IN GENERAL.—The term 'fishery resources' means all fish, mollusks, and crustaceans, including any products thereof, within the Convention Area.

''(B) EXCLUSIONS.—The term 'fishery resources' does not include—

''(i) sedentary species over which coastal States may exercise sovereign rights consistent with Article 77 of the 1982 Convention; or

''(ii) insofar as they are managed under other international treaties, anadromous and catadromous stocks and highly migratory species listed in Annex I of the 1982 Convention.

''(9) FISHING ACTIVITIES.—

''(A) IN GENERAL.—The term 'fishing activities' means harvesting or processing fishery resources, or transhipping of fishery resources or products derived from fishery resources, or any other activity in preparation for, in support of, or related to the harvesting of fishery resources.

''(B) INCLUSIONS.—The term 'fishing activities' includes—

''(i) the actual or attempted searching for or catching or taking of fishery resources;

''(ii) any activity that can reasonably be expected to result in locating, catching, taking, or harvesting of fishery resources for any purpose; and

''(iii) any operation at sea in support of, or in preparation for, any activity described in this paragraph.

''(C) EXCLUSIONS.—The term 'fishing activities' does not include any operation related to emergencies involving the health and safety of crew members or the safety of a vessel.

''(10) FISHING VESSEL.—

''(A) IN GENERAL.—The term 'fishing vessel' means a vessel that is or has been engaged in fishing activities.

''(B) INCLUSIONS.—The term 'fishing vessel' includes a fish processing vessel or a vessel engaged in transshipment or any other activity in preparation for or related to fishing activities, or in experimental or exploratory fishing activities.

''(11) ORGANIZATION.—The term 'Organization' means the Northwest Atlantic Fisheries Organization provided for by Article V of the Convention.

''(12) PERSON.—The term 'person' means any individual (whether or not a citizen or national of the United States), and any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State).

''(13) REPRESENTATIVE.—The term 'Representative' means a United States Representative to the Northwest Atlantic Fisheries Scientific Council appointed under section 202.

''(14) SCIENTIFIC COUNCIL.—The term 'Scientific Council' means the Scientific Council provided for by Articles V, VI, and VII of the Convention.

''(15) SECRETARY.—The term 'Secretary' means the Secretary of Commerce.

''(16) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, and any other commonwealth, territory, or possession of the United States.

''(17) TRANSSHIPMENT.—The term 'transshipment' means the unloading of all or any of the fishery resources on board a fishing vessel to another fishing vessel either at sea or in port.''.

SEC. 509. AUTHORIZATION OF APPROPRIATIONS.

Section 211 (16 U.S.C. 5610) is amended—

(1) by striking ''including use for payment as the United States contribution to the Organization as provided in Article XVI of the Convention'' and inserting ''including to pay the United States contribution to the Organization as provided in Article IX of the Convention''; and

(2) by striking ''2012'' and inserting ''2021''.

SEC. 510. QUOTA ALLOCATION PRACTICE.

Section 213 (16 U.S.C. 5612) is repealed.

TITLE VI—MISCELLANEOUS

SEC. 601. REPEAL OF NOAA OCEANS AND HUMAN HEALTH INITIATIVE REPORT.

Section 904 of the Oceans and Human Health Act (33 U.S.C. 3103) is amended—

(1) in subsection (a), by striking ''(a) IN GENERAL.—'' and indenting appropriately; and

(2) by striking subsection (b).

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2017

Mr. NUNES. Mr. Speaker, I ask unanimous consent that the Permanent Select Committee on Intelligence be discharged from further consideration of the bill (H.R. 6480) to authorize appropriations for fiscal year 2017 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

H.R. 6480

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 ''Intelligence Authorization Act for Fiscal Year 2017''.

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

SEC. 2. DEFINITIONS.

In this Act:

(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term ''congressional intelligence committees'' means—

(A) the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives.

(2) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

SEC. 3. EXPLANATORY STATEMENT.

The explanatory statement regarding this Act, printed in the House section of the Congressional Record on or about December 8, 2016, by the Chairman of the Permanent Select Committee on Intelligence of the House of Representatives, shall have the same effect with respect to the implementation of this Act as if it were a joint explanatory statement of a committee of conference.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2017 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.

(5) The National Security Agency.

(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(7) The Coast Guard.

(8) The Department of State.

(9) The Department of the Treasury.

(10) The Department of Energy.

(11) The Department of Justice.

(12) The Federal Bureau of Investigation.

(13) The Drug Enforcement Administration.

(14) The National Reconnaissance Office.

(15) The National Geospatial-Intelligence Agency.

(16) The Department of Homeland Security.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS.—The amounts authorized to be appropriated under section 101 and, subject to section 103, the authorized personnel ceilings as of September 30, 2017, for the conduct of the intelligence activities of the elements listed in paragraphs (1) through (16) of section 101, are those specified in the classified Schedule of Authorizations prepared to accompany this Act.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—

(1) AVAILABILITY.—The classified Schedule of Authorizations referred to in subsection (a) shall be made available to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and to the President.

(2) DISTRIBUTION BY THE PRESIDENT.—Subject to paragraph (3), the President shall provide for suitable distribution of the classified Schedule of Authorizations referred to in subsection (a), or of appropriate portions of such Schedule, within the executive branch.

(3) LIMITS ON DISCLOSURE.—The President shall not publicly disclose the classified Schedule of Authorizations or any portion of such Schedule except—

(A) as provided in section 601(a) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 3306(a));

(B) to the extent necessary to implement the budget; or

(C) as otherwise required by law.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR INCREASES.—The Director of National Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2017 by the classified Schedule of Authorizations referred to in section 102(a) if the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 3 percent of the number of civilian personnel authorized under such schedule for such element.

(b) TREATMENT OF CERTAIN PERSONNEL.—The Director of National Intelligence shall establish guidelines that govern, for each element of the intelligence community, the treatment under the personnel levels authorized under section 102(a), including any exemption from such personnel levels, of employment or assignment in—

(1) a student program, trainee program, or similar program;

(2) a reserve corps or as a reemployed annuitant; or

(3) details, joint duty, or long-term, full-time training.

(c) NOTICE TO CONGRESSIONAL INTELLIGENCE COMMITTEES.—The Director of National Intelligence shall notify the congressional intelligence committees in writing at least 15 days prior to each exercise of an authority described in subsection (a).

(d) CONTRACTOR CONVERSIONS.—

(1) AUTHORITY FOR INCREASES.—In addition to the authority under subsection (a), the Director of National Intelligence may authorize employment of civilian personnel in an element of the intelligence community in excess of the number authorized for fiscal year 2017 by the classified Schedule of Authorizations referred to in section 102(a), as such number may be increased pursuant to subsection (a), if—

(A) the Director determines that the increase under this paragraph is necessary to convert the performance of any function of the element by contractors to performance by civilian personnel; and

(B) the number of civilian personnel of the element employed in excess of the number authorized under such section 102(a), as such number may be increased pursuant to both subsection (a) and this paragraph, does not exceed 10 percent of the number of civilian personnel authorized under such schedule for the element.

(2) NOTICE TO CONGRESSIONAL INTELLIGENCE COMMITTEES.—Not less than 30 days prior to exercising the authority described in paragraph (1), the Director of National Intelligence shall submit to the congressional intelligence committees, in writing—

(A) notification of exercising such authority;

(B) justification for making the conversion described in subparagraph (A) of such paragraph; and

(C) certification that such conversion is cost effective.

SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2017 the sum of $561,788,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for advanced research and development shall remain available until September 30, 2018.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 787 positions as of September 30, 2017. Personnel serving in such elements may be permanent employees of the Office of the Director of National Intelligence or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2017 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts made available for advanced research and development shall remain available until September 30, 2018.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2017, there are authorized such additional personnel for the Community Management Account as of that date as are specified in the classified Schedule of Authorizations referred to in section 102(a).

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2017 the sum of $514,000,000.

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

SEC. 301. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 302. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 303. SUPPORT TO NONPROFIT ORGANIZATIONS ASSISTING INTELLIGENCE COMMUNITY EMPLOYEES.

(a) DIRECTOR OF NATIONAL INTELLIGENCE.—Section 102A of the National Security Act of 1947 (50 U.S.C. 3024) is amended by adding at the end the following:

''(y) FUNDRAISING.—(1) The Director of National Intelligence may engage in fundraising in an official capacity for the benefit of nonprofit organizations that—

''(A) provide support to surviving family members of a deceased employee of an element of the intelligence community; or

''(B) otherwise provide support for the welfare, education, or recreation of employees of an element of the intelligence community, former employees of an element of the intelligence community, or family members of such employees.

''(2) In this subsection, the term 'fundraising' means the raising of funds through the active participation in the promotion, production, or presentation of an event designed to raise funds and does not include the direct solicitation of money by any other means.

''(3) Not later than 7 days after the date the Director engages in fundraising authorized by this subsection or at the time the decision is made to participate in such fundraising, the Director shall notify the congressional intelligence committees of such fundraising.

''(4) The Director, in consultation with the Director of the Office of Government Ethics, shall issue regulations to carry out the authority provided in this subsection. Such regulations shall ensure that such authority is exercised in a manner that is consistent with all relevant ethical constraints and principles, including the avoidance of any prohibited conflict of interest or appearance of impropriety.''.

(b) DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.—Section 12(f) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3512(f)) is amended by adding at the end the following:

''(3) Not later than the date that is 7 days after the date the Director engages in fundraising authorized by this subsection or at the time the decision is made to participate in such fundraising, the Director shall notify the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives of the fundraising.''.

SEC. 304. PROMOTION OF SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS EDUCATION IN THE INTELLIGENCE COMMUNITY.

(a) REQUIREMENT FOR INVESTMENT STRATEGY FOR STEM RECRUITING AND OUTREACH ACTIVITIES.—Along with the budget for fiscal year 2018 submitted by the President pursuant to section 1105(a) of title 31, United States Code, the Director of National Intelligence shall submit a five-year investment strategy for outreach and recruiting efforts in the fields of science, technology, engineering, and mathematics (STEM), to include cybersecurity and computer literacy.

(b) REQUIREMENT FOR INTELLIGENCE COMMUNITY PLANS FOR STEM RECRUITING AND OUTREACH ACTIVITIES.—For each of the fiscal years 2018 through 2022, the head of each element of the intelligence community shall submit an investment plan along with the materials submitted as justification of the budget request of such element that supports the strategy required by subsection (a).

SEC. 305. RETENTION OF EMPLOYEES OF THE INTELLIGENCE COMMUNITY WHO HAVE SCIENCE, TECHNOLOGY, ENGINEERING, OR MATHEMATICS EXPERTISE.

(a) SPECIAL RATES OF PAY FOR CERTAIN OCCUPATIONS IN THE INTELLIGENCE COMMUNITY.—The National Security Act of 1947 (50 U.S.C. 3001 et seq.) is amended by inserting after section 113A the following:

''SEC. 113B. SPECIAL PAY AUTHORITY FOR SCIENCE, TECHNOLOGY, ENGINEERING, OR MATHEMATICS POSITIONS.

''(a) AUTHORITY TO SET SPECIAL RATES OF PAY.—Notwithstanding part III of title 5, United States Code, the head of each element of the intelligence community may establish higher minimum rates of pay for 1 or more categories of positions in such element that require expertise in science, technology, engineering, or mathematics (STEM).

''(b) MAXIMUM SPECIAL RATE OF PAY.—A minimum rate of pay established for a category of positions under subsection (a) may not exceed the maximum rate of basic pay (excluding any locality-based comparability payment under section 5304 of title 5, United States Code, or similar provision of law) for the position in that category of positions without the authority of subsection (a) by more than 30 percent, and no rate may be established under this section in excess of the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

''(c) NOTIFICATION OF REMOVAL FROM SPECIAL RATE OF PAY.—If the head of an element of the intelligence community removes a category of positions from coverage under a rate of pay authorized by subsection (a) after that rate of pay takes effect—

''(1) the head of such element shall provide notice of the loss of coverage of the special rate of pay to each individual in such category; and

''(2) the loss of coverage will take effect on the first day of the first pay period after the date of the notice.

''(d) REVISION OF SPECIAL RATES OF PAY.—Subject to the limitations in this section, rates of pay established under this section by the head of the element of the intelligence community may be revised from time to time by the head of such element and the revisions have the force and effect of statute.

''(e) REGULATIONS.—The head of each element of the intelligence community shall promulgate regulations to carry out this section with respect to such element, which shall, to the extent practicable, be comparable to the regulations promulgated to carry out section 5305 of title 5, United States Code.

''(f) REPORTS.—

''(1) REQUIREMENT FOR REPORTS.—Not later than 90 days after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2017, the head of each element of the intelligence community shall submit to the congressional intelligence committees a report on any rates of pay established for such element under this section.

''(2) CONTENTS.—Each report required by paragraph (1) shall contain for each element of the intelligence community—

''(A) a description of any rates of pay established under subsection (a); and

''(B) the number of positions in such element that will be subject to such rates of pay.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 113A the following:

''Sec. 113B. Special pay authority for science, technology, engineering, or math positions.''.

SEC. 306. MULTI-SECTOR WORKFORCE.

(a) MULTI-SECTOR WORKFORCE INITIATIVE.—

(1) REQUIREMENT.—The Director of National Intelligence shall implement a multi-sector workforce initiative—

(A) to improve management of the workforce of the intelligence community;

(B) to achieve an appropriate ratio of employees of the United States Government and core contractors in such workforce; and

(C) to establish processes that enables elements of the intelligence community to build and maintain an appropriate ratio of such employees and core contractors.

(2) BRIEFING TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall brief the congressional intelligence committees on the initiative required by paragraph (1).

(b) MANAGEMENT BASED ON WORKLOAD REQUIREMENTS.—

(1) IN GENERAL.—Notwithstanding sections 102 and 103, during each of fiscal years 2017 and 2018, the personnel of the intelligence community shall be managed each fiscal year solely on the basis of, and consistent with—

(A) the workload required to carry out the functions and activities of the intelligence community; and

(B) the funds made available to the intelligence community for such fiscal year.

(2) PROHIBITION ON CONSTRAINTS OR LIMITATIONS.—

(A) IN GENERAL.—Notwithstanding sections 102 and 103, the management of the personnel of the intelligence community in any fiscal year shall not be subject to any constraint or limitation in terms of man years, end strength, positions, or maximum number of employees.

(B) TERMINATION.—The prohibition on constraints and limitations under subparagraph (A) shall terminate on September 30, 2018.

(3) NEW STARTS.—Notwithstanding paragraph (2)(A), any initiation, resumption, or continuation by an element of intelligence community of any project, subproject, activity, budget activity, program element, or subprogram within a program element for which an appropriation, fund, or other authority was not made available during the previous fiscal year may only be carried out if such project, subproject, activity, budget activity, program element, or subprogram is specifically authorized consistent with section 504 of the National Security Act of 1947 (50 U.S.C. 3094).

(c) REQUIRED EMPLOYEES.—Notwithstanding to sections 102 and 103, during each of fiscal years 2017 and 2018 the Director of National Intelligence shall ensure that there

are employed during a fiscal year employees in the number and with the combination of skills and qualifications that are necessary to carry out the functions for which funds are provided to the intelligence community for that fiscal year.

(d) BRIEFING AND REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall issue a written report and provide a briefing to the congressional intelligence committees on—

(1) the methodology used to calculate the number of civilian and contractor full-time equivalent positions in the intelligence community;

(2) the cost analysis tool used to calculate personnel costs in the intelligence community; and

(3) the plans of the Director of National Intelligence and the head of each element of the intelligence community to implement a multi-sector workforce as required by subsections (a) and (b).

(e) REPORT.—Not later than 180 days after date of the enactment of this Act, the Inspector General of the Intelligence Community shall submit to the congressional intelligence committees a written report on the accuracy of intelligence community data for the numbers and costs associated with the civilian and contractor workforce in each element of the intelligence community.

SEC. 307. NOTIFICATION OF REPAIR OR MODIFICATION OF FACILITIES TO BE USED PRIMARILY BY THE INTELLIGENCE COMMUNITY.

Section 602(a)(2) of the Intelligence Authorization Act for Fiscal Year 1995 (50 U.S.C. 3304(a)(2)) is amended by striking ''improvement project to'' and inserting ''project for the improvement, repair, or modification of''.

SEC. 308. GUIDANCE AND REPORTING REQUIREMENT REGARDING THE INTERACTIONS BETWEEN THE INTELLIGENCE COMMUNITY AND ENTERTAINMENT INDUSTRY.

(a) DEFINITIONS.—In this section:

(1) ENGAGEMENT.—The term ''engagement''—

(A) means any significant interaction between an element of the intelligence community and an entertainment industry entity for the purposes of contributing to an entertainment product intended to be heard, read, viewed, or otherwise experienced by the public; and

(B) does not include routine inquiries made by the press or news media to the public affairs office of an intelligence community.

(2) ENTERTAINMENT INDUSTRY ENTITY.—The term ''entertainment industry entity'' means an entity that creates, produces, promotes, or distributes a work of entertainment intended to be heard, read, viewed, or otherwise experienced by an audience, including—

(A) theater productions, motion pictures, radio broadcasts, television broadcasts, podcasts, webcasts, other sound or visual recording, music, or dance;

(B) books and other published material; and

(C) such other entertainment activity, as determined by the Director of National Intelligence.

(b) DIRECTOR OF NATIONAL INTELLIGENCE GUIDANCE.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall issue, and release to the public, guidance regarding engagements by elements of the intelligence community with entertainment industry entities.

(2) CRITERIA.—The guidance required by paragraph (1) shall—

(A) permit an element of the intelligence community to conduct engagements, if the head of the element, or a designee of such head, provides prior approval; and

(B) require an unclassified annual report to the congressional intelligence committees regarding engagements.

(c) ANNUAL REPORT.—Each report required by subsection (b)(2)(B) shall include the following:

(1) A description of the nature and duration of each engagement included in the review.

(2) The cost incurred by the United States Government for each such engagement.

(3) A description of the benefits to the United States Government for each such engagement.

(4) A determination of whether any information was declassified, and whether any classified information was improperly disclosed, or each such engagement.

(5) A description of the work produced through each such engagement.

SEC. 309. PROTECTIONS FOR INDEPENDENT INSPECTORS GENERAL OF CERTAIN ELEMENTS OF THE INTELLIGENCE COMMUNITY.

(a) LIMITATION ON ACTIVITIES OF EMPLOYEES OF AN OFFICE OF INSPECTOR GENERAL.—

(1) LIMITATIONS.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall develop and implement a uniform policy for each covered office of an inspector general to better ensure the independence of each such office. Such policy shall include—

(A) provisions to prevent any conflict of interest related to a matter any employee of a covered office of an inspector general personally and substantially participated in during previous employment;

(B) standards to ensure personnel of a covered office of an inspector general are free both in fact and in appearance from personal, external, and organizational impairments to independence;

(C) provisions to permit the head of each covered office of an inspector general to waive the application of the policy with respect to an individual if such head—

(i) prepares a written and signed justification for such waiver that sets out, in detail, the need for such waiver, provided that waivers shall not be issued for in fact impairments to independence; and

(ii) submits to the congressional intelligence committees each such justification; and

(D) any other protections the Director determines appropriate.

(2) COVERED OFFICE OF AN INSPECTOR GENERAL DEFINED.—The term ''covered office of an inspector general'' means—

(A) the Office of the Inspector General of the Intelligence Community; and

(B) the office of an inspector general for—

(i) the Office of the Director of National Intelligence;

(ii) the Central Intelligence Agency;

(iii) the National Security Agency;

(iv) the Defense Intelligence Agency;

(v) the National Geospatial-Intelligence Agency; and

(vi) the National Reconnaissance Office.

(3) BRIEFING TO THE CONGRESSIONAL INTELLIGENCE COMMITTEES.—Prior to the date that the policy required by paragraph (1) takes effect, the Director of National Intelligence shall provide the congressional intelligence committees a briefing on such policy.

(b) LIMITATION ON ROTATION OF EMPLOYEES OF AN OFFICE OF INSPECTOR GENERAL.—Section 102A(l)(3) of the National Security Act of 1947 (50 U.S.C. 3024(l)(3)) is amended by adding at the end the following:

''(D) The mechanisms prescribed under subparagraph (A) and any other policies of the Director—

''(i) may not require an employee of an office of inspector general for an element of the intelligence community, including the Office of the Inspector General of the Intelligence Community, to rotate to a position in an office or organization of such an element over which such office of inspector general exercises jurisdiction; and

''(ii) shall be implemented in a manner that exempts employees of an office of inspector general from a rotation that may impact the independence of such office.''.

SEC. 310. CONGRESSIONAL OVERSIGHT OF POLICY DIRECTIVES AND GUIDANCE.

(a) COVERED POLICY DOCUMENT DEFINED.—In this section, the term ''covered policy document'' means any classified or unclassified Presidential Policy Directive, Presidential Policy Guidance, or other similar policy document issued by the President, including any classified or unclassified annex to such a Directive, Guidance, or other document, that assigns tasks, roles, or responsibilities to the intelligence community or an element of the intelligence community.

(b) SUBMISSIONS TO CONGRESS.—The Director of National Intelligence shall submit to the congressional intelligence committees the following:

(1) Not later than 15 days after the date that a covered policy document is issued, a written notice of the issuance and a summary of the subject matter addressed by such covered policy document.

(2) Not later than 15 days after the date that the Director issues any guidance or direction on implementation of a covered policy document or implements a covered policy document, a copy of such guidance or direction or a description of such implementation.

(3) Not later than 15 days after the date of the enactment of this Act, for any covered policy document issued prior to such date that is being implemented by any element of the intelligence community or that is in effect on such date—

(A) a written notice that includes the date such covered policy document was issued and a summary of the subject matter addressed by such covered policy document; and

(B) if the Director has issued any guidance or direction on implementation of such covered policy document or is implementing such covered policy document, a copy of the guidance or direction or a written description of such implementation.

SEC. 311. NOTIFICATION OF MEMORANDA OF UNDERSTANDING.

(a) IN GENERAL.—The head of each element of the intelligence community shall submit to the congressional intelligence committees a copy of each memorandum of understanding or other agreement regarding significant operational activities or policy between or among such element and any other entity or entities of the United States Government—

(1) for such a memorandum or agreement that is in effect on the date of the enactment of this Act, not later than 60 days after such date; and

(2) for such a memorandum or agreement entered into after such date, in a timely manner and not more than 60 days after the date such memorandum or other agreement is entered into.

(b) ADMINISTRATIVE MEMORANDUM OR AGREEMENT.—Nothing in this section may be construed to require an element of the intelligence community to submit to the congressional intelligence committees any memorandum or agreement that is solely administrative in nature, including a memorandum or agreement regarding joint duty or other routine personnel assignments.

SEC. 312. ASSISTANCE FOR NATIONALLY SIGNIFICANT CRITICAL INFRASTRUCTURE.

(a) DEFINITIONS.—In this section:

(1) COVERED CRITICAL INFRASTRUCTURE.—The term ''covered critical infrastructure'' means the critical infrastructure identified pursuant to section 9(a) of Executive Order No. 13636 of February 12, 2013 (78 Fed. Reg. 11742; related to improving critical infrastructure cybersecurity).

(2) COVERED CYBER ASSET.—The term ''covered cyber asset'' means an information system or industrial control system that is essential to the operation of covered critical infrastructure.

(3) PROGRAM.—Except as otherwise specifically provided, the term ''program'' means the program required by subsection (b).

(4) SECTOR-SPECIFIC AGENCY.—The term ''sector-specific agency'' has the meaning given that term in Presidential Policy Directive-21, issued February 12, 2013 (related to critical infrastructure security and resilience), or any successor.

(5) VOLUNTARY PARTICIPANT.—The term ''voluntary participant'' means an entity eligible to participate in the program under subsection (b) that has voluntarily elected to participate in the program.

(b) REQUIREMENT FOR PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary appointed pursuant to section 103(a)(1)(H) of the Homeland Security Act of 2002 (6 U.S.C. 113(a)(1)(H)), in consultation with appropriate covered critical infrastructure and sector-specific agencies, shall carry out a program to provide assistance to covered critical infrastructure consistent with subsection (f).

(c) OBJECTIVE.—The objective of the program shall be to reduce the risk of regional or national catastrophic harm caused by a cyber attack against covered critical infrastructure.

(d) VOLUNTARY PARTICIPATION.—Participation in the program by covered critical infrastructure shall be on a voluntary basis.

(e) INTELLIGENCE COMMUNITY PARTICIPATION.—

(1) COORDINATION AND MANAGEMENT.—The Under Secretary for Intelligence and Analysis of the Department of Homeland Security shall coordinate and lead the provision of assistance from appropriate elements of the intelligence community to the Under Secretary appointed pursuant to section 103(a)(1)(H) of the Homeland Security Act of 2002 (6 U.S.C. 113(a)(1)(H)) to assist the national cybersecurity and communications integration center established under section 227 of the Homeland Security Act of 2002 (6 U.S.C. 148) to fulfill the requirements of this section.

(2) ACTIVITIES.—In the manner required by paragraph (1) and subject to the approval of the Under Secretary for Intelligence and Analysis of the Department of Homeland Security, such assistance may include:

(A) Activities to develop a national strategy to effectively leverage intelligence community resources made available to support the program.

(B) Activities to consult with the Director of National Intelligence and other appropriate intelligence and law enforcement agencies to identify within the existing framework governing intelligence prioritization, intelligence gaps and foreign intelligence collection requirements relevant to the security of covered cyber assets and covered critical infrastructure.

(C) Activities to improve the detection, prevention, and mitigation of espionage conducted by foreign actors against or concerning covered critical infrastructure.

(D) Activities to identify or provide assistance related to the research, design, and development of protective and mitigation measures for covered cyber assets and the components of covered cyber assets.

(E) Activities to provide technical assistance and input for testing and exercises related to covered cyber assets.

(f) RELATIONSHIP TO EXISTING PROGRAMS.—This section shall be carried out in a manner consistent with the existing roles, responsibilities, authorities, and activities of the United States Government.

(g) NO COST TO COVERED CRITICAL INFRASTRUCTURE PARTICIPANTS.—A voluntary participant in the program that is covered critical infrastructure shall not be required to reimburse the United States Government for the use of any facility, personnel, contractor, equipment, service, or information of the United States Government utilized in an activity carried out pursuant to the program.

(h) PRIORITIZATION OF ASSISTANCE.—The Director of National Intelligence shall consider the national significance of covered critical infrastructure identified by the Under Secretary appointed pursuant to section 103(a)(1)(H) of the Homeland Security Act of 2002 (6 U.S.C. 113(a)(1)(H)) in the Director's process for prioritizing requirements and effectively allocating the resources of the intelligence community for assisting government efforts to help protect critical infrastructure owned or operated in the private sector.

(i) PARTICIPATION APPROVAL.—Participation in the program by any private entity shall be subject to the approval of the Under Secretary appointed pursuant to section 103(a)(1)(H) of the Homeland Security Act of 2002 (6 U.S.C. 113(a)(1)(H)), and in the case of any support assistance provided by the intelligence community, the approval of the Director of National Intelligence.

(j) NO NEW REGULATORY AUTHORITY.—Nothing in this section may be construed to authorize the Director of National Intelligence, the Secretary of Homeland Security, or any other Federal regulator to promulgate new regulations.

(k) BRIEFING.—Not less frequently than once each year, the Under Secretary for Intelligence and Analysis shall brief the congressional intelligence committees, the Committee on Homeland Security and Governmental Affairs of the Senate, and Committee on Homeland Security of the House of Representatives on progress and challenges of the program.

(k) CONSTRUCTION.—Nothing in this section may be construed to limit any authority or responsibility of an agency or department of the United States under any law in effect on the date of the enactment of this Act.

SEC. 313. TECHNICAL CORRECTION TO EXECUTIVE SCHEDULE.

Section 5313 of title 5, United States Code, is amended by striking the item relating to ''Director of the National Counter Proliferation Center.''.

SEC. 314. MAXIMUM AMOUNT CHARGED FOR DECLASSIFICATION REVIEWS.

In reviewing and processing a request by a person for the mandatory declassification of information pursuant to Executive Order No. 13526, a successor executive order, or any provision of law, the head of an element of the intelligence community—

(1) may not charge the person reproduction fees in excess of the amount of fees that the head would charge the person for reproduction required in the course of processing a request for information under section 552 of title 5, United States Code (commonly referred to as the ''Freedom of Information Act''); and

(2) may waive or reduce any processing fees in the same manner as the head waives or reduces fees under such section 552.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

SEC. 401. DESIGNATION OF THE DIRECTOR OF THE NATIONAL COUNTERINTELLIGENCE AND SECURITY CENTER.

(a) IN GENERAL.—

(1) IN GENERAL.—Section 902 of the Counterintelligence Enhancement Act of 2002 (50 U.S.C. 3382) is amended to read as follows:

''SEC. 902. DIRECTOR OF THE NATIONAL COUNTERINTELLIGENCE AND SECURITY CENTER.

''(a) ESTABLISHMENT.—There shall be a Director of the National Counterintelligence and Security Center (referred to in this section as the 'Director'), who shall be appointed by the President, by and with the advice and consent of the Senate.

''(b) MISSION.—The mission of the Director shall be to serve as the head of national counterintelligence for the United States Government.

''(c) DUTIES.—Subject to the direction and control of the Director of National Intelligence, the duties of the Director are as follows:

''(1) To carry out the mission referred to in subsection (b).

''(2) To act as chairperson of the National Counterintelligence Policy Board established under section 811 of the Counterintelligence and Security Enhancements Act of 1994 (50 U.S.C. 3381).

''(3) To act as head of the National Counterintelligence and Security Center established under section 904.

''(4) To participate as an observer on such boards, committees, and entities of the executive branch as the Director of National Intelligence considers appropriate for the discharge of the mission and functions of the Director and the National Counterintelligence and Security Center under section 904.''.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 1(b) of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat. 2383) is amended by striking the item relating to section 902 and inserting the following:

''Sec. 902. Director of the National Counterintelligence and Security Center.''.

(3) TECHNICAL EFFECTIVE DATE.—The amendment made by subsection (a) of section 401 of the Intelligence Authorization Act for Fiscal Year 2016 (division M of Public Law 114–113) shall not take effect, or, if the date of the enactment of this Act is on or after the effective date specified in subsection (b) of such section, such amendment shall be deemed to not have taken effect.

(b) NATIONAL COUNTERINTELLIGENCE AND SECURITY CENTER.—

(1) IN GENERAL.—Section 904 of the Counterintelligence Enhancement Act of 2002 (50 U.S.C. 3383) is amended—

(A) by striking the section heading and inserting ''**NATIONAL COUNTERINTELLIGENCE AND SECURITY CENTER.**''; and

(B) by striking subsections (a), (b), and (c) and inserting the following:

''(a) ESTABLISHMENT.—There shall be a National Counterintelligence and Security Center.

''(b) HEAD OF CENTER.—The Director of the National Counterintelligence and Security Center shall be the head of the National Counterintelligence and Security Center.

''(c) LOCATION OF CENTER.—The National Counterintelligence and Security Center shall be located in the Office of the Director of National Intelligence.''.

(2) FUNCTIONS.—Section 904(d) of the Counterintelligence Enhancement Act of 2002 (50 U.S.C. 3383(d)) is amended—

(A) in the matter preceding paragraph (1), by striking ''National Counterintelligence Executive, the functions of the Office of the National Counterintelligence Executive'' and inserting ''Director of the National Counterintelligence and Security Center, the functions of the National Counterintelligence and Security Center'';

(B) in paragraph (5), in the matter preceding subparagraph (A), by striking ''In consultation with'' and inserting ''At the direction of''; and

(C) in paragraph (6), in the matter preceding subparagraph (A), by striking ''Office'' and inserting ''National Counterintelligence and Security Center''.

(3) PERSONNEL.—Section 904(f) of the Counterintelligence Enhancement Act of 2002 (50 U.S.C. 3383(f)) is amended—

(A) in paragraph (1), by striking ''Office of the National Counterintelligence Executive may consist of personnel employed by the Office'' and inserting ''National Counterintelligence and Security Center may consist of personnel employed by the Center''; and

(B) in paragraph (2), by striking ''National Counterintelligence Executive'' and inserting ''Director of the National Counterintelligence and Security Center''.

(4) TREATMENT OF ACTIVITIES UNDER CERTAIN ADMINISTRATIVE LAWS.—Section 904(g) of the Counterintelligence Enhancement Act of 2002 (50 U.S.C. 3383(g)) is amended by striking ''Office shall be treated as operational files of the Central Intelligence Agency for purposes of section 701 of the National Security Act of 1947 (50 U.S.C. 431)'' and inserting ''National Counterintelligence and Security Center shall be treated as operational files of the Central Intelligence Agency for purposes of section 701 of the National Security Act of 1947 (50 U.S.C. 3141)''.

(5) OVERSIGHT BY CONGRESS.—Section 904(h) of the Counterintelligence Enhancement Act of 2002 (50 U.S.C. 3383(h)) is amended—

(A) in the matter preceding paragraph (1), by striking ''Office of the National Counterintelligence Executive'' and inserting ''National Counterintelligence and Security Center''; and

(B) in paragraphs (1) and (2), by striking ''Office'' and inserting ''Center'' both places that term appears.

(6) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 1(b) of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat. 2383), as amended by subsection (a)(2), is further amended by striking the item relating to section 904 and inserting the following:

''Sec. 904. National Counterintelligence and Security Center.''.

(c) OVERSIGHT OF NATIONAL INTELLIGENCE CENTERS.—Section 102A(f)(2) of the National Security Act of 1947 (50 U.S.C. 3024(f)(2)) is amended by inserting '', the National Counterproliferation Center, and the National Counterintelligence and Security Center'' after ''National Counterterrorism Center''.

(d) DIRECTOR OF THE NATIONAL COUNTERINTELLIGENCE AND SECURITY CENTER WITHIN THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.—Paragraph (8) of section 103(c) of the National Security Act of 1947 (50 U.S.C. 3025(c)) is amended to read as follows:

''(8) The Director of the National Counterintelligence and Security Center.''.

(e) DUTIES OF THE DIRECTOR OF THE NATIONAL COUNTERINTELLIGENCE AND SECURITY CENTER.—

(1) IN GENERAL.—Section 103F of the National Security Act of 1947 (50 U.S.C. 3031) is amended—

(A) by striking the section heading and inserting ''DIRECTOR OF THE NATIONAL COUNTERINTELLIGENCE AND SECURITY CENTER'';

(B) in subsection (a)—

(i) by striking the subsection heading and inserting ''DIRECTOR OF THE NATIONAL COUNTERINTELLIGENCE AND SECURITY CENTER.—''; and

(ii) by striking ''National Counterintelligence Executive under section 902 of the Counterintelligence Enhancement Act of 2002 (title IX of Public Law 107–306; 50 U.S.C. 402b et seq.)'' and inserting ''Director of the National Counterintelligence and Security Center appointed under section 902 of the Counterintelligence Enhancement Act of 2002 (50 U.S.C. 3382)''; and

(C) in subsection (b), by striking ''National Counterintelligence Executive'' and inserting ''Director of the National Counterintelligence and Security Center''.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by striking the item relating to section 103F and inserting the following:

''Sec. 103F. Director of the National Counterintelligence and Security Center.''.

(f) COORDINATION OF COUNTERINTELLIGENCE ACTIVITIES.—Section 811 of the Counterintelligence and Security Enhancements Act of 1994 (50 U.S.C. 3381) is amended—

(1) in subsection (b), by striking ''National Counterintelligence Executive under section 902 of the Counterintelligence Enhancement Act of 2002'' and inserting ''Director of the National Counterintelligence and Security Center appointed under section 902 of the Counterintelligence Enhancement Act of 2002 (50 U.S.C. 3382)'';

(2) in subsection (c)(1), by striking ''National Counterintelligence Executive.'' and inserting ''Director of the National Counterintelligence and Security Center.''; and

(3) in subsection (d)(1)(B)(ii)—

(A) by striking ''National Counterintelligence Executive'' and inserting ''Director of the National Counterintelligence and Security Center''; and

(B) by striking ''by the Office of the National Counterintelligence Executive under section 904(e)(2) of that Act'' and inserting ''pursuant to section 904(d)(2) of that Act (50 U.S.C. 3383(d)(2))''.

(g) INTELLIGENCE AND NATIONAL SECURITY ASPECTS OF ESPIONAGE PROSECUTIONS.—Section 341(b) of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177, 28 U.S.C. 519 note) is amended by striking ''Office of the National Counterintelligence Executive,'' and inserting ''National Counterintelligence and Security Center,''.

SEC. 402. ANALYSES AND IMPACT STATEMENTS BY DIRECTOR OF NATIONAL INTELLIGENCE REGARDING INVESTMENT INTO THE UNITED STATES.

Section 102A of the National Security Act of 1947 (50 U.S.C. 3024), as amended by section 303, is further amended by adding at the end the following new subsection:

''(z) ANALYSES AND IMPACT STATEMENTS REGARDING PROPOSED INVESTMENT INTO THE UNITED STATES.—(1) Not later than 20 days after the completion of a review or an investigation of any proposed investment into the United States for which the Director has prepared analytic materials, the Director shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representative copies of such analytic materials, including any supplements or amendments to such analysis made by the Director.

''(2) Not later than 60 days after the completion of consideration by the United States Government of any investment described in paragraph (1), the Director shall determine whether such investment will have an operational impact on the intelligence community, and, if so, shall submit a report on such impact to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives. Each such report shall—

''(A) describe the operational impact of the investment on the intelligence community; and

''(B) describe any actions that have been or will be taken to mitigate such impact.''.

SEC. 403. ASSISTANCE FOR GOVERNMENTAL ENTITIES AND PRIVATE ENTITIES IN RECOGNIZING ONLINE VIOLENT EXTREMIST CONTENT.

(a) ASSISTANCE TO RECOGNIZE ONLINE VIOLENT EXTREMIST CONTENT.—Not later than 180 days after the date of the enactment of this Act, and consistent with the protection of intelligence sources and methods, the Director of National Intelligence shall publish on a publicly available Internet website a list of all logos, symbols, insignia, and other markings commonly associated with, or adopted by, an organization designated by the Secretary of State as a foreign terrorist organization under section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

(b) UPDATES.—The Director shall update the list published under subsection (a) every 180 days or more frequently as needed.

Subtitle B—Central Intelligence Agency

SEC. 411. ENHANCED DEATH BENEFITS FOR PERSONNEL OF THE CENTRAL INTELLIGENCE AGENCY.

Section 11 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3511) is amended to read as follows:

''BENEFITS AVAILABLE IN EVENT OF THE DEATH OF PERSONNEL

''SEC. 11. (a) AUTHORITY.—The Director may pay death benefits substantially similar to those authorized for members of the Foreign Service pursuant to the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.) or any other provision of law. The Director may adjust the eligibility for death benefits as necessary to meet the unique requirements of the mission of the Agency.

''(b) REGULATIONS.—Regulations issued pursuant to this section shall be submitted to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives before such regulations take effect.''.

SEC. 412. PAY AND RETIREMENT AUTHORITIES OF THE INSPECTOR GENERAL OF THE CENTRAL INTELLIGENCE AGENCY.

(a) IN GENERAL.—Section 17(e)(7) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517(e)(7)) is amended by adding at the end the following new subparagraph:

''(C)(i) The Inspector General may designate an officer or employee appointed in accordance with subparagraph (A) as a law enforcement officer solely for purposes of subchapter III of chapter 83 or chapter 84 of title 5, United States Code, if such officer or employee is appointed to a position with responsibility for investigating suspected offenses against the criminal laws of the United States.

''(ii) In carrying out clause (i), the Inspector General shall ensure that any authority under such clause is exercised in a manner consistent with section 3307 of title 5, United States Code, as it relates to law enforcement officers.

''(iii) For purposes of applying sections 3307(d), 8335(b), and 8425(b) of title 5, United States Code, the Inspector General may exercise the functions, powers, and duties of an

agency head or appointing authority with respect to the Office.''.

(b) RULE OF CONSTRUCTION.—Subparagraph (C) of section 17(e)(7) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517(e)(7)), as added by subsection (a), may not be construed to confer on the Inspector General of the Central Intelligence Agency, or any other officer or employee of the Agency, any police or law enforcement or internal security functions or authorities.

Subtitle C—Other Elements

SEC. 421. ENHANCING THE TECHNICAL WORKFORCE FOR THE FEDERAL BUREAU OF INVESTIGATION.

(a) REPORT REQUIRED.—Building on the basic cyber human capital strategic plan provided to the congressional intelligence committees in 2015, not later than 180 days after the date of the enactment of this Act and updated two years thereafter, the Director of the Federal Bureau of Investigation shall submit to the congressional intelligence committees, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives a comprehensive strategic workforce report regarding initiatives to effectively integrate information technology expertise in the investigative process.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An assessment, including measurable benchmarks, of progress on initiatives to recruit, train, and retain personnel with the necessary skills and experiences in vital areas, including encryption, cryptography, and big data analytics.

(2) An assessment of whether officers of the Federal Bureau of Investigation who possess such skills are fully integrated into the Bureau's work, including Agent-led investigations.

(3) A description of the quality and quantity of the collaborations between the Bureau and private sector entities on cyber issues, including the status of efforts to benefit from employees with experience transitioning between the public and private sectors.

(4) An assessment of the utility of reinstituting, if applicable, and leveraging the Director's Advisory Board, which was originally constituted in 2005, to provide outside advice on how to better integrate technical expertise with the investigative process and on emerging concerns in cyber-related issues.

SEC. 422. PLAN ON ASSUMPTION OF CERTAIN WEATHER MISSIONS BY THE NATIONAL RECONNAISSANCE OFFICE.

(a) PLAN.—

(1) IN GENERAL.—Except as provided in subsection (c), the Director of the National Reconnaissance Office shall develop a plan for the National Reconnaissance Office to address how to carry out covered space-based environmental monitoring missions. Such plan shall include—

(A) a description of the related national security requirements for such missions;

(B) a description of the appropriate manner to meet such requirements; and

(C) the amount of funds that would be necessary to be transferred from the Air Force to the National Reconnaissance Office during fiscal years 2018 through 2022 to carry out such plan.

(2) ACTIVITIES.—In developing the plan under paragraph (1), the Director may conduct pre-acquisition activities, including with respect to requests for information, analyses of alternatives, study contracts, modeling and simulation, and other activities the Director determines necessary to develop such plan.

(3) SUBMISSION.—Not later than July 1, 2017, and except as provided in subsection (c), the Director shall submit to the appropriate congressional committees the plan under paragraph (1).

(b) INDEPENDENT COST ESTIMATE.—The Director of the Cost Assessment Improvement Group of the Office of the Director of National Intelligence, in coordination with the Director of Cost Assessment and Program Evaluation, shall certify to the appropriate congressional committees that the amounts of funds identified under subsection (a)(1)(C) as being necessary to transfer are appropriate and include funding for positions and personnel to support program office costs.

(c) WAIVER BASED ON REPORT AND CERTIFICATION OF AIR FORCE ACQUISITION PROGRAM.—The Director of the National Reconnaissance Office may waive the requirement to develop a plan under subsection (a), if the Under Secretary of Defense for Acquisition Technology, and Logistics and the Chairman of the Joint Chiefs of Staff jointly submit to the appropriate congressional committees a report by not later than July 1, 2017) that contains—

(1) a certification that the Secretary of the Air Force is carrying out a formal acquisition program that has received Milestone A approval to address the cloud characterization and theater weather imagery requirements of the Department of Defense; and

(2) an identification of the cost, schedule, requirements, and acquisition strategy of such acquisition program.

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the congressional intelligence committees; and

(B) the congressional defense committees (as defined in section 101(a)(16) of title 10, United States Code).

(2) COVERED SPACE-BASED ENVIRONMENTAL MONITORING MISSIONS.—The term ''covered space-based environmental monitoring missions'' means the acquisition programs necessary to meet the national security requirements for cloud characterization and theater weather imagery.

(3) MILESTONE A APPROVAL.—The term ''Milestone A approval'' has the meaning given that term in section 2366a(d) of title 10, United States Code.

TITLE V—MATTERS RELATING TO FOREIGN COUNTRIES

SEC. 501. COMMITTEE TO COUNTER ACTIVE MEASURES BY THE RUSSIAN FEDERATION TO EXERT COVERT INFLUENCE OVER PEOPLES AND GOVERNMENTS.

(a) DEFINITIONS.—In this section:

(1) ACTIVE MEASURES BY RUSSIA TO EXERT COVERT INFLUENCE.—The term ''active measures by Russia to exert covert influence'' means activities intended to influence a person or government that are carried out in coordination with, or at the behest of, political leaders or the security services of the Russian Federation and the role of the Russian Federation has been hidden or not acknowledged publicly, including the following:

(A) Establishment or funding of a front group.

(B) Covert broadcasting.

(C) Media manipulation.

(D) Disinformation and forgeries.

(E) Funding agents of influence.

(F) Incitement and offensive counterintelligence.

(G) Assassinations.

(H) Terrorist acts.

(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the congressional intelligence committees;

(B) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(C) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

(b) ESTABLISHMENT.—There is established within the executive branch an interagency committee to counter active measures by the Russian Federation to exert covert influence.

(c) MEMBERSHIP.—

(1) APPOINTMENT.—Each head of an agency or department of the Government set out under paragraph (2) shall appoint one member of the committee established by subsection (b) from among officials of such agency or department who occupy a position that is required to be appointed by the President, with the advice and consent of the Senate.

(2) HEAD OF AN AGENCY OR DEPARTMENT.—The head of an agency or department of the Government set out under this paragraph are the following:

(A) The Director of National Intelligence.

(B) The Secretary of State.

(C) The Secretary of Defense.

(D) The Secretary of the Treasury.

(E) The Attorney General.

(F) The Secretary of Energy.

(G) The Director of the Federal Bureau of Investigation.

(H) The head of any other agency or department of the United States Government designated by the President for purposes of this section.

(d) MEETINGS.—The committee shall meet on a regular basis.

(e) DUTIES.—The duties of the committee established by subsection (b) shall be as follows:

(1) To counter active measures by Russia to exert covert influence, including by exposing falsehoods, agents of influence, corruption, human rights abuses, terrorism, and assassinations carried out by the security services or political elites of the Russian Federation or their proxies.

(2) Such other duties as the President may designate for purposes of this section.

(f) STAFF.—The committee established by subsection (b) may employ such staff as the members of such committee consider appropriate.

(g) BUDGET REQUEST.—A request for funds required for the functioning of the committee established by subsection (b) may be included in each budget for a fiscal year submitted by the President pursuant to section 1105(a) of title 31, United States Code.

(h) ANNUAL REPORT.—

(1) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, and consistent with the protection of intelligence sources and methods, the committee established by subsection (b) shall submit to the appropriate committees of Congress a report describing steps being taken by the committee to counter active measures by Russia to exert covert influence.

(2) CONTENT.—Each report required by paragraph (1) shall include the following:

(A) A summary of the active measures by the Russian Federation to exert covert influence during the previous year, including significant incidents and notable trends.

(B) A description of the key initiatives of the committee.

(C) A description of the implementation of the committee's initiatives by the head of an agency or department of the Government set out under subsection (c)(2).

(D) An analysis of the impact of the committee's initiatives.

(E) Recommendations for changes to the committee's initiatives from the previous year.

(3) SEPARATE REPORTING REQUIREMENT.—The requirement to submit an annual report under paragraph (1) is in addition to any other reporting requirements with respect to Russia.

SEC. 502. TRAVEL OF ACCREDITED DIPLOMATIC AND CONSULAR PERSONNEL OF THE RUSSIAN FEDERATION IN THE UNITED STATES.

(a) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the congressional intelligence committees;

(2) the Committee on Foreign Relations and the Committee on the Judiciary of the Senate; and

(3) the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives.

(b) ADVANCE NOTIFICATION REQUIREMENT.—The Secretary of State shall, in coordination with the Director of the Federal Bureau of Investigation and the Director of National Intelligence, establish a mandatory advance notification regime governing all travel by accredited diplomatic and consular personnel of the Russian Federation in the United States and take necessary action to secure full compliance by Russian personnel and address any noncompliance.

(c) INTERAGENCY COOPERATION.—The Secretary of State, the Director of the Federal Bureau of Investigation, and the Director of National Intelligence shall develop written mechanisms to share information—

(1) on travel by accredited diplomatic and consular personnel of the Russian Federation who are in the United States; and

(2) on any known or suspected noncompliance by such personnel with the regime required by subsection (b).

(d) QUARTERLY REPORTS.—Not later than 90 days after the date of the enactment of this Act, and quarterly thereafter, and consistent with the protection of intelligence sources and methods—

(1) the Secretary of State shall submit to the appropriate committees of Congress a written report detailing the number of notifications submitted under the regime required by subsection (b); and

(2) the Secretary of State and the Director of the Federal Bureau of Investigation shall jointly submit to the appropriate committees of Congress a written report detailing the number of known or suspected violations of such requirements by any accredited diplomatic and consular personnel of the Russian Federation.

SEC. 503. STUDY AND REPORT ON ENHANCED INTELLIGENCE AND INFORMATION SHARING WITH OPEN SKIES TREATY MEMBER STATES.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) congressional intelligence committees;

(B) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(C) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

(2) COVERED STATE PARTY.—The term ''covered state party'' means a foreign country, that—

(A) was a state party to the Open Skies Treaty on February 22, 2016; and

(B) is not the Russian Federation or the Republic of Belarus.

(3) OPEN SKIES TREATY.—The term ''Open Skies Treaty'' means the Treaty on Open Skies, done at Helsinki March 24, 1992, and entered into force January 1, 2002.

(b) FEASIBILITY STUDY.—

(1) REQUIREMENT FOR STUDY.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall conduct and submit to the appropriate committees of Congress a study to determine the feasibility of creating an intelligence sharing arrangement and database to provide covered state parties with imagery that is comparable, delivered more frequently, and in equal or higher resolution than imagery available through the database established under the Open Skies Treaty.

(2) ELEMENTS.—The study required by paragraph (1) shall include an evaluation of the following:

(A) The methods by which the United States could collect and provide imagery, including commercial satellite imagery, national technical means, and through other intelligence, surveillance, and reconnaissance platforms, under an information sharing arrangement and database referred to in paragraph (1).

(B) The ability of other covered state parties to contribute imagery to the arrangement and database.

(C) Any impediments to the United States and other covered states parties providing such imagery, including any statutory barriers, insufficiencies in the ability to collect the imagery or funding, under such an arrangement.

(D) Whether imagery of Moscow, Chechnya, the international border between Russia and Georgia, Kaliningrad, or the Republic of Belarus could be provided under such an arrangement.

(E) The annual and projected costs associated with the establishment of such an arrangement and database, as compared with costs to the United States and other covered state parties of being parties to the Open Skies Treaty, including Open Skies Treaty plane maintenance, aircraft fuel, crew expenses, mitigation measures necessary associated with Russian Federation overflights over the United States or covered state parties, and new sensor development and acquisition.

(3) SUPPORT FROM OTHER FEDERAL AGENCIES.—Each head of a Federal agency shall provide such support to the Director as may be necessary for the Director to conduct the study required by paragraph (1).

(c) REPORT.—

(1) REQUIREMENT FOR REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate committees of Congress the report described in this subsection.

(2) CONTENT OF REPORT.—The report required by paragraph (1) shall include the following:

(A) An intelligence assessment on Russian Federation warfighting doctrine and the extent to which Russian Federation flights under the Open Skies Treaty contribute to such doctrine.

(B) A counterintelligence analysis as to whether the Russian Federation has, could have, or intends to have the capability to exceed the imagery limits set forth in the Open Skies Treaty.

(C) A list of intelligence exchanges with covered state parties that have been updated on the information described in subparagraphs (A) and (B) and the date and form such information was provided.

(d) FORM OF SUBMISSION.—The study required by subsection (b) and the report required by subsection (c) shall be submitted in an unclassified form but may include a classified annex.

TITLE VI—REPORTS AND OTHER MATTERS

SEC. 601. DECLASSIFICATION REVIEW WITH RESPECT TO DETAINEES TRANSFERRED FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) IN GENERAL.—For each individual detained at United States Naval Station, Guantanamo Bay, Cuba, who was transferred or released from United States Naval Station, Guantanamo Bay, Cuba, the Director of National Intelligence shall—

(1)(A) complete a declassification review of intelligence reports regarding past terrorist activities of that individual prepared by the National Counterterrorism Center for the individual's Periodic Review Board sessions, transfer, or release; or

(B) if the individual's transfer or release occurred prior to the date on which the National Counterterrorism Center first began to prepare such reports regarding detainees, such other intelligence report or reports that contain the same or similar information regarding the individual's past terrorist activities;

(2) make available to the public—

(A) any intelligence reports declassified as a result of the declassification review; and

(B) with respect to each individual transferred or released, for whom intelligence reports are declassified as a result of the declassification review, an unclassified summary which shall be prepared by the President of measures being taken by the country to which the individual was transferred or released to monitor the individual and to prevent the individual from carrying out future terrorist activities; and

(3) submit to the congressional intelligence committees a report setting out the results of the declassification review, including a description of intelligence reports covered by the review that were not declassified.

(b) SCHEDULE.—

(1) TRANSFER OR RELEASE PRIOR TO ENACTMENT.—Not later than 210 days after the date of the enactment of this Act, the Director of National Intelligence shall submit the report required by subsection (a)(3), which shall include the results of the declassification review completed for each individual detained at United States Naval Station, Guantanamo Bay, Cuba, who was transferred or released from United States Naval Station, Guantanamo Bay, prior to the date of the enactment of this Act.

(2) TRANSFER OR RELEASE AFTER ENACTMENT.—Not later than 120 days after the date an individual detained at United States Naval Station, Guantanamo Bay, on or after the date of the enactment of this Act is transferred or released from United States Naval Station, Guantanamo Bay, the Director shall submit the report required by subsection (a)(3) for such individual.

(c) PAST TERRORIST ACTIVITIES.—For purposes of this section, the past terrorist activities of an individual shall include all terrorist activities conducted by the individual before the individual's transfer to the detention facility at United States Naval Station, Guantanamo Bay, including, at a minimum, the following:

(1) The terrorist organization, if any, with which affiliated.

(2) The terrorist training, if any, received.

(3) The role in past terrorist attacks against United States interests or allies.

(4) The direct responsibility, if any, for the death of United States citizens or members of the Armed Forces.

(5) Any admission of any matter specified in paragraphs (1) through (4).

(6) A description of the intelligence supporting any matter specified in paragraphs (1) through (5), including the extent to which

such intelligence was corroborated, the level of confidence held by the intelligence community, and any dissent or reassessment by an element of the intelligence community.

SEC. 602. CYBER CENTER FOR EDUCATION AND INNOVATION-HOME OF THE NATIONAL CRYPTOLOGIC MUSEUM.

(a) AUTHORITY TO ESTABLISH AND OPERATE CENTER.—Chapter 449 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 4781. Cyber Center for Education and Innovation-Home of the National Cryptologic Museum

''(a) ESTABLISHMENT.—(1) The Secretary of Defense may establish at a publicly accessible location at Fort George G. Meade the 'Cyber Center for Education and Innovation-Home of the National Cryptologic Museum' (in this section referred to as the 'Center').

''(2) The Center may be used for the identification, curation, storage, and public viewing of materials relating to the activities of the National Security Agency, its predecessor or successor organizations, and the history of cryptology.

''(3) The Center may contain meeting, conference, and classroom facilities that will be used to support such education, training, public outreach, and other purposes as the Secretary considers appropriate.

''(b) DESIGN, CONSTRUCTION, AND OPERATION.—The Secretary may enter into an agreement with the National Cryptologic Museum Foundation (in this section referred to as the 'Foundation'), a nonprofit organization, for the design, construction, and operation of the Center.

''(c) ACCEPTANCE AUTHORITY.—(1) If the Foundation constructs the Center pursuant to an agreement with the Foundation under subsection (b), upon satisfactory completion of the Center's construction or any phase thereof, as determined by the Secretary, and upon full satisfaction by the Foundation of any other obligations pursuant to such agreement, the Secretary may accept the Center (or any phase thereof) from the Foundation, and all right, title, and interest in the Center or such phase shall vest in the United States.

''(2) Notwithstanding section 1342 of title 31, the Secretary may accept services from the Foundation in connection with the design construction, and operation of the Center. For purposes of this section and any other provision of law, employees or personnel of the Foundation shall not be considered to be employees of the United States.

''(d) FEES AND USER CHARGES.—(1) The Secretary may assess fees and user charges to cover the cost of the use of Center facilities and property, including rental, user, conference, and concession fees.

''(2) Amounts received under paragraph (1) shall be deposited into the fund established under subsection (e).

''(e) FUND.—(1) Upon the Secretary's acceptance of the Center under subsection (c)(1)) there is established in the Treasury a fund to be known as the 'Cyber Center for Education and Innovation-Home of the National Cryptologic Museum Fund' (in this subsection referred to as the 'Fund').

''(2) The Fund shall consist of the following amounts:

''(A) Fees and user charges deposited by the Secretary under subsection (d).

''(B) Any other amounts received by the Secretary which are attributable to the operation of the Center.

''(3) Amounts in the Fund shall be available to the Secretary for the benefit and operation of the Center, including the costs of operation and the acquisition of books, manuscripts, works of art, historical artifacts, drawings, plans, models, and condemned or obsolete combat materiel.

''(4) Amounts in the Fund shall be available without fiscal year limitation.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 449 of title 10, United States Code, is amended by adding at the end the following new item:

''4781. Cyber Center for Education and Innovation-Home of the National Cryptologic Museum.''.

SEC. 603. REPORT ON NATIONAL SECURITY SYSTEMS.

(a) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the congressional intelligence committees;

(2) the Committee on Appropriations and the Committee on Armed Services of the Senate; and

(3) the Committee on Appropriations and the Committee on Armed Services of the House of Representatives.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, and annually thereafter, the Director of the National Security Agency, in coordination with the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, shall submit to the appropriate committees of Congress a report on national security systems.

(c) CONTENT.—Each report submitted under subsection (b) shall include information related to—

(1) national security systems or components thereof that have been decertified and are still in operational use;

(2) extension requests and the current status of any national security systems still in use or components thereof that have been decertified and are still in use;

(3) national security systems known to not be in compliance with the policies, principles, standards, and guidelines issued by the Committee on National Security Systems established pursuant to National Security Directive 42, signed by the President on July 5, 1990; and

(4) organizations which have not provided access or information to the Director of the National Security Agency that is adequate to enable the Director to make a determination as to whether such organizations are in compliance with the policies, principles, standards, and guidelines issued by such Committee on National Security Systems.

SEC. 604. JOINT FACILITIES CERTIFICATION.

(a) FINDINGS.—Congress finds the following:

(1) The Director of National Intelligence set a strategic goal to use joint facilities as a means to save costs by consolidating administrative and support functions across multiple elements of the intelligence community.

(2) The use of joint facilities provides more opportunities for operational collaboration and information sharing among elements of the intelligence community.

(b) CERTIFICATION.—Before an element of the intelligence community purchases, leases, or constructs a new facility that is 20,000 square feet or larger, the head of that element of the intelligence community shall submit to the Director of National Intelligence—

(1) a written certification that, to the best of the knowledge of the head of such element, all prospective joint facilities in the vicinity have been considered and the element is unable to identify a joint facility that meets the operational requirements of such element; and

(2) a written statement listing the reasons for not participating in the prospective joint facilities considered by the element.

SEC. 605. LEADERSHIP AND MANAGEMENT OF SPACE ACTIVITIES.

(a) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means the congressional intelligence committees, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives.

(b) UPDATE TO STRATEGY FOR COMPREHENSIVE INTERAGENCY REVIEW OF THE UNITED STATES NATIONAL SECURITY OVERHEAD SATELLITE ARCHITECTURE.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, shall issue a written update to the strategy required by section 312 of the Intelligence Authorization Act for Fiscal Year 2016 (division M of Public Law 114–113; 129 Stat. 2919).

(c) UNITY OF EFFORT IN SPACE OPERATIONS BETWEEN THE INTELLIGENCE COMMUNITY AND DEPARTMENT OF DEFENSE.—

(1) REQUIREMENT FOR PLAN.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Secretary of Defense, shall submit to the appropriate committees of Congress a plan to functionally integrate the governance, operations, analysis, collection, policy, and acquisition activities related to space and counterspace carried out by the intelligence community. The plan shall include analysis of no fewer than 2 alternative constructs to implement this plan, and an assessment of statutory, policy, organizational, programmatic, and resources changes that may be required to implement each alternative construct.

(2) APPOINTMENT BY THE DIRECTOR OF NATIONAL INTELLIGENCE.—Not later than 30 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Secretary of Defense, shall appoint a single official to oversee development of the plan required by paragraph (1).

(3) SCOPE OF PLAN.—The plan required by paragraph (1) shall include methods to functionally integrate activities carried out by—

(A) the National Reconnaissance Office;

(B) the functional managers for signals intelligence and geospatial intelligence;

(C) the Office of the Director of National Intelligence;

(D) other Intelligence Community elements with space-related programs;

(E) joint interagency efforts; and

(F) other entities as identified by the Director of National Intelligence in coordination with the Secretary of Defense.

(d) INTELLIGENCE COMMUNITY SPACE WORKFORCE.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a workforce plan to recruit, develop, and retain personnel in the intelligence community with skills and experience in space and counterspace operations, analysis, collection, policy, and acquisition.

(e) JOINT INTERAGENCY COMBINED SPACE OPERATIONS CENTER.—

(1) SUBMISSION TO CONGRESS.—The Director of the National Reconnaissance Office and the Commander of the United States Strategic Command, in consultation with the Director of National Intelligence, the Under Secretary of Defense for Intelligence, and the Chairman of the Joint Chiefs of Staff, shall submit to the appropriate committees of Congress concept of operations and requirements documents for the Joint Interagency Combined Space Operations Center by the date that is the earlier of—

(A) the completion of the experimental phase of such Center; or

(B) 30 days after the date of the enactment of this Act.

(2) QUARTERLY BRIEFINGS.—The Director of the National Reconnaissance Office and the Commander of the United States Strategic Command, in coordination with the Director of National Intelligence and Under Secretary of Defense for Intelligence, shall provide to the appropriate committees of Congress briefings providing updates on activities and progress of the Joint Interagency Combined Space Operations Center to begin 30 days after the date of the enactment of this Act. Such briefings shall be quarterly for the first year following enactment, and annually thereafter.

SEC. 606. ADVANCES IN LIFE SCIENCES AND BIOTECHNOLOGY.

(a) REQUIREMENT FOR PLAN.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall brief the congressional intelligence committees on a proposed plan to monitor advances in life sciences and biotechnology to be carried out by the Director.

(b) CONTENTS OF PLAN.—The plan required by subsection (a) shall include—

(1) a description of the approach the elements of the intelligence community will take to make use of organic life science and biotechnology expertise within and outside the intelligence community on a routine and contingency basis;

(2) an assessment of the current collection and analytical posture of the life sciences and biotechnology portfolio as it relates to United States competitiveness and the global bio-economy, the risks and threats evolving with advances in genetic editing technologies, and the implications of such advances on future biodefense requirements; and

(3) an analysis of organizational requirements and responsibilities, including potentially creating new positions.

(c) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives a report and provide a briefing on the role of the intelligence community in the event of a biological attack on the United States, including an assessment of the capabilities and gaps in technical capabilities that exist to address the potential circumstance of a novel unknown pathogen.

SEC. 607. REPORTS ON DECLASSIFICATION PROPOSALS.

(a) COVERED STUDIES DEFINED.—In this section, the term ''covered studies'' means the studies that the Director of National Intelligence requested that the elements of the intelligence community produce in the course of producing the fundamental classification guidance review for fiscal year 2017 required by Executive Order No. 13526 (50 U.S.C. 3161 note), as follows:

(1) A study of the feasibility of reducing the number of original classification authorities in each element of the intelligence community to the minimum number required and any negative impacts that reduction could have on mission capabilities.

(2) A study of the actions required to implement a proactive discretionary declassification program distinct from the systematic, automatic, and mandatory declassification review programs outlined in part 2001 of title 32, Code of Federal Regulations, including section 2001.35 of such part.

(3) A study of the benefits and drawbacks of implementing a single classification guide that could be used by all elements of the intelligence community in the nonoperational and more common areas of such elements.

(4) A study of whether the classification level of ''confidential'' could be eliminated within agency-generated classification guides from use by elements of the intelligence community and any negative impacts that elimination could have on mission success.

(b) REPORTS AND BRIEFINGS TO CONGRESS.—

(1) PROGRESS REPORT.—Not later than 30 days after the date of the enactment of this Act, the Director of National Intelligence shall submit a report to the congressional intelligence committees and provide the congressional intelligence committees a briefing on the progress of the elements of the intelligence community in producing the covered studies.

(2) FINAL REPORT.—Not later than the earlier of 120 days after the date of the enactment of this Act or June 30, 2017, the Director of National Intelligence shall submit a report and provide a briefing to the congressional intelligence committees on—

(A) the final versions of the covered studies that have been provided to the Director by the elements of the intelligence community; and

(B) a plan for implementation of each initiative included in each such covered study.

SEC. 608. IMPROVEMENT IN GOVERNMENT CLASSIFICATION AND DECLASSIFICATION.

(a) REVIEW OF GOVERNMENT CLASSIFICATION AND DECLASSIFICATION.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall—

(1) review the system by which the Government classifies and declassifies information;

(2) develop recommendations—

(A) to make such system a more effective tool for the protection of information relating to national security;

(B) to improve the sharing of information with partners and allies of the Government; and

(C) to support the appropriate declassification of information; and

(3) submit to the congressional intelligence committees a report with—

(A) the findings of the Director with respect to the review conducted under paragraph (1); and

(B) the recommendations developed under paragraph (2).

(b) ANNUAL CERTIFICATION OF CONTROLLED ACCESS PROGRAMS.—

(1) IN GENERAL.—Not less frequently than once each year, the Director of National Intelligence shall certify in writing to the congressional intelligence committees whether the creation, validation, or substantial modification, including termination, for all existing and proposed controlled access programs, and the compartments and subcompartments within each, are substantiated and justified based on the information required by paragraph (2).

(2) INFORMATION REQUIRED.—Each certification pursuant to paragraph (1) shall include—

(A) the rationale for the revalidation, validation, or substantial modification, including termination, of each controlled access program, compartment and subcompartment;

(B) the identification of a control officer for each controlled access program; and

(C) a statement of protection requirements for each controlled access program.

SEC. 609. REPORT ON IMPLEMENTATION OF RESEARCH AND DEVELOPMENT RECOMMENDATIONS.

Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report that includes the following:

(1) An assessment of the actions each element of the intelligence community has completed to implement the recommendations made by the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community established under section 1002 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 50 U.S.C. 3001 note).

(2) An analysis of the balance between short-, medium-, and long-term research efforts carried out by each element of the intelligence community.

SEC. 610. REPORT ON INTELLIGENCE COMMUNITY RESEARCH AND DEVELOPMENT CORPS.

Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report and provide a briefing on a plan, with milestones and benchmarks, to implement an Intelligence Community Research and Development Corps, as recommended in the Report of the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community, including an assessment—

(1) of the funding and modification to existing authorities needed to allow for the implementation of such Corps; and

(2) of additional legislative authorities, if any, necessary to undertake such implementation.

SEC. 611. REPORT ON INFORMATION RELATING TO ACADEMIC PROGRAMS, SCHOLARSHIPS, FELLOWSHIPS, AND INTERNSHIPS SPONSORED, ADMINISTERED, OR USED BY THE INTELLIGENCE COMMUNITY.

(a) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report by the intelligence community regarding covered academic programs. Such report shall include—

(1) a description of the extent to which the Director and the heads of the elements of the intelligence community independently collect information on covered academic programs, including with respect to—

(A) the number of applicants for such programs;

(B) the number of individuals who have participated in such programs; and

(C) the number of individuals who have participated in such programs and were hired by an element of the intelligence community after completing such program;

(2) to the extent that the Director and the heads independently collect the information described in paragraph (1), a chart, table, or other compilation illustrating such information for each covered academic program and element of the intelligence community, as appropriate, during the three-year period preceding the date of the report; and

(3) to the extent that the Director and the heads do not independently collect the information described in paragraph (1) as of the date of the report—

(A) whether the Director and the heads can begin collecting such information during fiscal year 2017; and

(B) the personnel, tools, and other resources required by the Director and the heads to independently collect such information.

(b) COVERED ACADEMIC PROGRAMS DEFINED.—In this section, the term ''covered academic programs'' means—

(1) the Federal Cyber Scholarship-for-Service Program under section 302 of the Cybersecurity Enhancement Act of 2014 (15 U.S.C. 7442);

(2) the National Security Education Program under the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1901 et seq.);

(3) the Science, Mathematics, and Research for Transformation Defense Education Program under section 2192a of title 10, United States Code;

(4) the National Centers of Academic Excellence in Information Assurance and Cyber Defense of the National Security Agency and the Department of Homeland Security; and

(5) any other academic program, scholarship program, fellowship program, or internship program sponsored, administered, or used by an element of the intelligence community.

SEC. 612. REPORT ON INTELLIGENCE COMMUNITY EMPLOYEES DETAILED TO NATIONAL SECURITY COUNCIL.

Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report, in writing, listing, by year, the number of employees of an element of the intelligence community who have been detailed to the National Security Council during the 10-year period preceding the date of the report. Such report may be submitted in classified form.

SEC. 613. INTELLIGENCE COMMUNITY REPORTING TO CONGRESS ON FOREIGN FIGHTER FLOWS.

(a) REPORTS REQUIRED.—Not later than 60 days after the date of the enactment of this Act, and every 180 days thereafter, the Director of National Intelligence, consistent with the protection of intelligence sources and methods, shall submit to the appropriate congressional committees a report on foreign fighter flows to and from terrorist safe havens abroad.

(b) CONTENTS.—Each report submitted under subsection (a) shall include, with respect to each terrorist safe haven, the following:

(1) The total number of foreign fighters who have traveled or are suspected of having traveled to the terrorist safe haven since 2011, including the countries of origin of such foreign fighters.

(2) The total number of United States citizens present in the terrorist safe haven.

(3) The total number of foreign fighters who have left the terrorist safe haven or whose whereabouts are unknown.

(c) FORM.—The reports submitted under subsection (a) may be submitted in classified form. If such a report is submitted in classified form, such report shall also include an unclassified summary.

(d) SUNSET.—The requirement to submit reports under subsection (a) shall terminate on the date that is two years after the date of the enactment of this Act.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) in the Senate—

(A) the Committee on Armed Services;

(B) the Select Committee on Intelligence;

(C) the Committee on the Judiciary;

(D) the Committee on Homeland Security and Governmental Affairs;

(E) the Committee on Banking, Housing, and Urban Affairs;

(F) the Committee on Foreign Relations; and

(G) the Committee on Appropriations; and

(2) in the House of Representatives—

(A) the Committee on Armed Services;

(B) the Permanent Select Committee on Intelligence;

(C) the Committee on the Judiciary;

(D) the Committee on Homeland Security;

(E) the Committee on Financial Services;

(F) the Committee on Foreign Affairs; and

(G) the Committee on Appropriations.

SEC. 614. REPORT ON CYBERSECURITY THREATS TO SEAPORTS OF THE UNITED STATES AND MARITIME SHIPPING.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Homeland Security for Intelligence and Analysis, in consultation with the Director of National Intelligence, and consistent with the protection of sources and methods, shall submit to the appropriate congressional committees a report on the cybersecurity threats to, and the cyber vulnerabilities within, the software, communications networks, computer networks, or other systems employed by—

(1) entities conducting significant operations at seaports in the United States;

(2) the maritime shipping concerns of the United States; and

(3) entities conducting significant operations at transshipment points in the United States.

(b) MATTERS INCLUDED.—The report under subsection (a) shall include the following:

(1) A description of any recent and significant cyberattacks or cybersecurity threats directed against software, communications networks, computer networks, or other systems employed by the entities and concerns described in paragraphs (1) through (3) of subsection (a).

(2) An assessment of—

(A) any planned cyberattacks directed against such software, networks, and systems;

(B) any significant vulnerabilities to such software, networks, and systems; and

(C) how such entities and concerns are mitigating such vulnerabilities.

(3) An update on the status of the efforts of the Coast Guard to include cybersecurity concerns in the National Response Framework, Emergency Support Functions, or both, relating to the shipping or ports of the United States.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the congressional intelligence committees;

(2) the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate; and

(3) the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 615. REPORT ON PROGRAMS TO COUNTER TERRORIST NARRATIVES.

(a) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the appropriate congressional committees a report on the programs of the Department of Homeland Security to counter the narratives of the Islamic State and other extremist groups.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) A description of whether, and to what extent, the Secretary, in carrying out programs to counter the narratives of the Islamic State and other extremist groups, consults or coordinates with the Secretary of State regarding the counter-messaging activities undertaken by the Department of State with respect to the Islamic State and other extremist groups, including counter-messaging activities conducted by the Global Engagement Center of the Department of State.

(2) Any criteria employed by the Secretary of Homeland Security for selecting, developing, promulgating, or changing the programs of the Department of Homeland Security to counter the narratives of the Islamic State and other extremist groups.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the congressional intelligence committees;

(2) the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate; and

(3) the Committee on Homeland Security and the Committee on the Judiciary of the House of Representatives.

SEC. 616. REPORT ON REPRISALS AGAINST CONTRACTORS OF THE INTELLIGENCE COMMUNITY.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Intelligence Community, consistent with the protection of sources and methods, shall submit to the congressional intelligence committees a report on reprisals made against covered contractor employees.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) Identification of the number of known or claimed reprisals made against covered contractor employees during the 3-year period preceding the date of the report and any evaluation of such reprisals.

(2) An evaluation of the usefulness of establishing a prohibition on reprisals against covered contractor employees as a means of encouraging such contractors to make protected disclosures.

(3) A description of any challenges associated with establishing such a prohibition, including with respect to the nature of the relationship between the Federal Government, the contractor, and the covered contractor employee.

(4) A description of any approaches taken by the Federal Government to account for reprisals against non-intelligence community contractors who make protected disclosures, including pursuant to section 2409 of title 10, United States Code, and sections 4705 and 4712 of title 41, United States Code.

(5) Any recommendations the Inspector General determines appropriate.

(c) DEFINITIONS.—In this section:

(1) COVERED CONTRACTOR EMPLOYEE.—The term ''covered contractor employee'' means an employee of a contractor of an element of the intelligence community.

(2) REPRISAL.—The term ''reprisal'' means the discharge or other adverse personnel action made against a covered contractor employee for making a disclosure of information that would be a disclosure protected by law if the contractor were an employee of the Federal Government.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NUNES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to submit statements and extraneous materials for the RECORD on H.R. 6480.

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

There was no objection.

ADJOURNMENT FROM THURSDAY, DECEMBER 8, 2016, TO MONDAY, DECEMBER 12, 2016

Mr. NUNES. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 3 p.m. on Monday, December 12, 2016.

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

There was no objection.

APPOINTMENT OF INDIVIDUAL TO THE COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to section 201(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431) and the order of the House of January 6, 2015, of the following individual on the part of the House to the Commission on International Religious Freedom for a term ending May 14, 2018:

Dr. Tenzin Dorjee, Fullerton, California, to succeed Ms. Hannah Rosenthal

□ 1430

APPOINTMENT OF INDIVIDUAL TO THE NATIONAL ADVISORY COMMITTEE ON INSTITUTIONAL QUALITY AND INTEGRITY

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to 20 U.S.C. 1011c and the order of the House of January 6, 2015, of the following individual on the part of the House to the National Advisory Committee on Institutional Quality and Integrity to fill the existing vacancy thereon:

Upon the recommendation of the majority leader:

Mr. Brian Jones, Washington, D.C.

COMMUNICATION FROM THE DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable NANCY PELOSI, Democratic Leader:

DECEMBER 7, 2016.

Hon. PAUL D. RYAN,
Speaker of the House, U.S. Capitol, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 4 of the Virgin Islands of the United States Centennial Commission Act (Pub. L. 114–224), I am pleased to appoint the following individual to the Virgin Islands of the United States Centennial Commission.

Ms. Stacey Plaskett of the United States Virgin Islands

Thank you for your consideration of this appointment.

Best regards,

NANCY PELOSI,
Democratic Leader.

HONORING LIEUTENANT JOHN CAIN

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

Mr. CARTER of Georgia. Mr. Speaker, I rise today in honor of Lieutenant John Cain of the Savannah-Chatham Metropolitan Police Department, who passed away on Sunday, December 4, after a hard-fought battle against pancreatic cancer.

Lieutenant Cain dedicated 27 years of his life to Savannah's police department, and most recently worked in the Southside Precinct. There, he was honored as the precinct's Supervisor of the Year for 2015. Because of his dedication, and all of his outstanding accomplishments for the police department, he was promoted to lieutenant in November before officially retiring.

Amongst all of his efforts to help the Savannah community, one clearly stands out in many people's minds. In 2015, Savannah newspapers published a photo of Lieutenant Cain helping a marathon runner, who had fallen about 200 yards from the finish line at the Rock 'n' Roll Marathon. Lieutenant Cain rushed to his side and helped him to cross the finish line. The runner was participating in the race in honor of his father, who had recently passed away of cancer, and desperately wanted to finish for him.

The runner said: ''Lieutenant Cain meant a lot to me, and not just for helping me then. He was inspiring. He was a hero to me.''

Lieutenant John Cain was inspiring to us all, and I urge everyone to learn from his great life.

FOREIGN CULTURAL EXCHANGE JURISDICTIONAL IMMUNITY CLARIFICATION ACT

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6477) to amend chapter 97 of title 28, United States Code, to clarify the exception to foreign sovereign immunity set forth in section 1605(a)(3) of such title, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

H.R. 6477

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 ''Foreign Cultural Exchange Jurisdictional Immunity Clarification Act''.

SEC. 2. CLARIFICATION OF JURISDICTIONAL IMMUNITY OF FOREIGN STATES.

(a) IN GENERAL.—Section 1605 of title 28, United States Code, is amended by adding at the end the following:

''(h) JURISDICTIONAL IMMUNITY FOR CERTAIN ART EXHIBITION ACTIVITIES.—

''(1) IN GENERAL.—If—

''(A) a work is imported into the United States from any foreign state pursuant to an agreement that provides for the temporary exhibition or display of such work entered into between a foreign state that is the owner or custodian of such work and the United States or one or more cultural or educational institutions within the United States;

''(B) the President, or the President's designee, has determined, in accordance with subsection (a) of Public Law 89–259 (22 U.S.C. 2459(a)), that such work is of cultural significance and the temporary exhibition or display of such work is in the national interest; and

''(C) the notice thereof has been published in accordance with subsection (a) of Public Law 89–259 (22 U.S.C. 2459(a)),

any activity in the United States of such foreign state, or of any carrier, that is associated with the temporary exhibition or display of such work shall not be considered to be commercial activity by such foreign state for purposes of subsection (a)(3).

''(2) EXCEPTIONS.—

''(A) NAZI-ERA CLAIMS.—Paragraph (1) shall not apply in any case asserting jurisdiction under subsection (a)(3) in which rights in property taken in violation of international law are in issue within the meaning of that subsection and—

''(i) the property at issue is the work described in paragraph (1);

''(ii) the action is based upon a claim that such work was taken in connection with the acts of a covered government during the covered period;

''(iii) the court determines that the activity associated with the exhibition or display is commercial activity, as that term is defined in section 1603(d); and

''(iv) a determination under clause (iii) is necessary for the court to exercise jurisdiction over the foreign state under subsection (a)(3).

''(B) OTHER CULTURALLY SIGNIFICANT WORKS.—In addition to cases exempted under subparagraph (A), paragraph (1) shall not apply in any case asserting jurisdiction under subsection (a)(3) in which rights in property taken in violation of international law are in issue within the meaning of that subsection and—

''(i) the property at issue is the work described in paragraph (1);

''(ii) the action is based upon a claim that such work was taken in connection with the acts of a foreign government as part of a systematic campaign of coercive confiscation or misappropriation of works from members of a targeted and vulnerable group;

''(iii) the taking occurred after 1900;

''(iv) the court determines that the activity associated with the exhibition or display is commercial activity, as that term is defined in section 1603(d); and

''(v) a determination under clause (iv) is necessary for the court to exercise jurisdiction over the foreign state under subsection (a)(3).

''(3) DEFINITIONS.—For purposes of this subsection—

''(A) the term 'work' means a work of art or other object of cultural significance;

''(B) the term 'covered government' means—

''(i) the Government of Germany during the covered period;

''(ii) any government in any area in Europe that was occupied by the military forces of the Government of Germany during the covered period;

''(iii) any government in Europe that was established with the assistance or cooperation of the Government of Germany during the covered period; and

''(iv) any government in Europe that was an ally of the Government of Germany during the covered period; and

''(C) the term 'covered period' means the period beginning on January 30, 1933, and ending on May 8, 1945.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to any civil action commenced on or after the date of the enactment of this Act.

SEC. 3. NOTIFICATION.

The Secretary of State shall ensure that foreign states that apply for immunity under Public Law 89–259 (22 U.S.C. 2459) are appropriately notified of the text of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WHAT HAPPENS IN VEGAS COMES TO THE WASHINGTON BELTWAY

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

Ms. TITUS. Mr. Speaker, many people around the country like to say ''what happens in Vegas stays in Vegas,'' but I am here to tell you that is not accurate. What happens in Vegas comes to the Washington Beltway. In fact, tonight, MGM Resorts International, the largest employer in the State of Nevada, will bring a little bit of Las Vegas right here to the banks of the Potomac.

The company's newest property, National Harbor, will officially open its doors tonight, creating a new standard for hospitality and tourism here on the East Coast. National Harbor is already contributing to the local economy. MGM has received over 40,000 applicants for positions at the $1.4 billion, 308-room property, and they have hired over 400,000 people in jobs that cover 100 different categories.

So, in the new year, I want to invite Members to come out and enjoy all of the food, the entertainment, and the shopping that MGM has to offer here in the area. Maybe it will inspire Members to come to see me in District One in Las Vegas.

Mr. Speaker, happy holidays.

REMEMBERING THE ATTACK ON PEARL HARBOR

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, yesterday, we remembered 2,403 Americans who lost their lives in the attack on Pearl Harbor.

On the morning of December 7, 1941, Naval Station Pearl Harbor came under attack by the Imperial Japanese Navy. In an effort to destroy the United States Pacific Fleet, Japan sent hundreds of planes and mobile submarines to attack Pearl Harbor's ships, planes, and facilities.

Although the attack lasted only 2 hours, the aftermath was devastating. Eight battleships were damaged, five of which were completely sunk, and another nine vessels were lost; 188 aircraft and numerous infrastructure assets were also destroyed.

Thousands of Americans gave their lives on this dreadful day, but they were not lost in vain. Their sacrifice prompted the U.S. involvement in World War II, leading to the defeat of Nazi Germany and the liberation of millions imprisoned in concentration camps.

On the 75th anniversary of the attack on Pearl Harbor, we remember those who lost their lives on December 7, 1941. Their service and commitment have inspired generations of Americans and will continue to do so for years to come.

UNITED STEELWORKERS IN INDIANA

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

Mr. RYAN of Ohio. Mr. Speaker, we have been hearing a lot in the last few days and weeks about what is happening in Indiana with the Carrier plant. Last night, the President-elect of the United States took a swipe at the local union official of United Steelworkers in Indiana, a man who in the last several months has probably had the worst months of his life to where he has to tell members of his union that they are going to lose their job right before the holidays—families.

Many of us in this body have known union leaders who have had to deal with this exact situation. For the President-elect to take his position—the bully pulpit that the people of our country have given him—to try to smack down a steelworker in Indiana who is dealing with such a tough situation is shameful. And on the heels of that, appoint someone to the Secretary of Labor's position who is antilabor and wants to get rid of food workers, when he makes millions of dollars a year and the food worker makes $18,000 in a good year.

This is not what my people signed up for, the people who may have even voted for Donald Trump.

The SPEAKER pro tempore. The Chair will remind Members to refrain from engaging in personalities toward the President-elect.

FOSTERING MEDICAL INNOVATION, SUPPORTING MEDICAL RESEARCH, AND DEVELOPING NEW TREATMENTS

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

Mr. COFFMAN. Mr. Speaker, I rise today in support of the 21st Century Cures Act, a bill aimed at fostering medical innovation, supporting medical research, and developing new treatments to provide better individualized care. The 21st Century Cures Act ensures Americans suffering from some of the most common and devastating diseases receive quicker access to the latest cutting-edge medical treatments.

I am pleased that key elements of my REGROW Act, a bill aimed at addressing the lack of FDA standards and oversight approval of regenerative medicine, were incorporated into the final version of the 21st Century Cures Act. Regenerative medical treatments, developed from stem cells, show the potential to fully restore or establish normal functions in damaged human cells, tissues, or organs.

Thanks to the Gates Center for Regenerative Medicine in Colorado, one of the Nation's leading regenerative medicine research centers, I have had the opportunity to see up close the potential of these treatments and have long advocated for their increased use and availability.

The 21st Century Cures Act will bring a renewed hope to so many Americans across our country. I urge the President to sign this bill into law without delay.

CONGRATULATING SENATOR BARBARA MIKULSKI

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

Mr. SARBANES. Mr. Speaker, I rise today and join with my colleagues from Maryland in congratulating and saluting Senator BARBARA MIKULSKI on her amazing and outstanding career.

They often say of people that, once they start their career, they never look back. Well, in Senator MIKULSKI's case, she always looked back. She always remembered where she came from, and she fought for the people of east Baltimore every step of the way.

I had the pleasure over the years, as I attended events with Senator MIKULSKI, of gathering of what I call Mikulski-isms, these golden nuggets of wisdom that you can live by. I wanted to mention a few.

She used to talk about the need to cooperate. She used to say: I am not into finger-pointing; I am into pinpointing.

She said, when others are wringing their hands, we need to come with a helping hand.

She talked about the fact that, behind every me, is a ''we.''

She talked about how people have three shifts every day: they work at their job, they come home and they work for their family, and they serve in their community.

I remember her once referring to a particularly futile effort as ''spitting off the Bay Bridge to raise the tide.''

We love to remember Senator MIKULSKI's voice. We are going to miss her in this place, but we are going to remember that voice that fought for Baltimore, for Maryland, and for America.

HONORING THE LIFE AND SERVICE OF UNITED STATES ARMY CAPTAIN ANDREW D. BYERS

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

Mr. HOLDING. Mr. Speaker, I rise today to honor the life and service of United States Army Captain Andrew D. Byers, who died on November 3, 2016, in Kunduz province, Afghanistan.

Captain Byers was assigned to B Company, Second Battalion, Tenth Special Forces Group, based at Fort Carson, Colorado. He was deployed to Afghanistan in support of Operation Freedom's Sentinel as part of the mission to train, advise, and assist local forces.

Captain Byers was a graduate of the United States Military Academy, with a distinguished career of service to our Nation, including prior deployments to the Democratic Republic of the Congo and Italy.

I extend my thoughts and prayers to Captain Byers' family, friends, and teammates.

HONORING SENATOR BARBARA MIKULSKI

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

Mr. RUPPERSBERGER. Mr. Speaker, I rise to salute Senator BARBARA MIKULSKI, the longtime quarterback of Team Maryland, on the occasion of her well-deserved retirement after nearly four decades in Congress.

Senator MIKULSKI has truly made history, both by her extraordinary longevity and her tenacious leadership. She is the longest serving woman in the Senate, and the first Democratic woman elected to the Chamber in her own right.

BARBARA and I bonded over our shared passion for local government. We both know it is where the rubber meets the road, and we both believe that all politics is local. That is what has made her so popular and so effective.

We have both worked hand in hand as appropriators, Senator MIKULSKI as the ranking member of her respective committee. She has worked tirelessly for critical resources to improve our roads, schools, and police, to create jobs and create opportunities.

There are two things about Senator MIKULSKI that have always impressed me in her public service:

First, she always relates to her father's corner store on South Eden Street in Baltimore City. When he opened his doors each day, he would say, ''How may I help you?'' Senator MIKULSKI often quotes that mantra and, more importantly, lives by it every day of her life for the people of the State of Maryland.

The other thing that impresses me is a saying she always says, ''It is not about the building.'' Senator MIKULSKI has never cared about the bricks and mortar. She cares about the people who work inside the building, what they can do, how they help the citizens, and how she can help them.

BARBARA, for all you have done for Baltimore, for Maryland, and for the country, the words ''thank you'' just don't seem enough. I am very proud to call you my friend and mentor, and I wish you all the best in the days ahead.

□ 1445

HONORING SENATOR BARBARA MIKULSKI

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

Mr. HOYER. Mr. Speaker, I rise in tribute to someone whom I have known and called a friend for many, many years—over three decades, perhaps four—BARBARA MIKULSKI—the tallest short person I have ever met. She fills a room. Everybody knows when BARBARA MIKULSKI is in the Chamber or in the room or in the auditorium.

BARBARA MIKULSKI, as you have heard, will retire at the end of this Congress after having served Maryland in the House and Senate since 1977. I had the opportunity to serve with her in this House for some 6 years.

For 40 years, she has been a voice for the people of our State, not just a voice for all people, but, in particular, for those people whose voices needed amplifying: the poor, the sick, the overworked, the underpaid, the Baltimore dockworkers worried for their jobs, the women earning less than their male colleagues for the same work, the children in foster care or in homeless shelters. All of them have come to see BARBARA MIKULSKI as their champion.

In many ways, she began her career as a social worker and brought that work to Congress. She returns as one of the most successful social workers in history. She has worked hard to clean up the Chesapeake Bay, to support America's first responders, and to broaden our exploration of space and science. What a giant she has been for NASA. She has helped seniors afford health care and keep America's promise to its veterans. She passed the Lilly Ledbetter Fair Pay Act, introduced the Paycheck Fairness Act to end the wage gap once and for all, and has fought continuously to raise the minimum wage.

Senator MIKULSKI blazed the trail as the longest-serving woman in the history of Congress; was the first woman to be elected without a relative as a predecessor; and was the first woman and first Marylander to chair the Appropriations Committee. She has left an indelible mark on millions across Maryland and across America.

I have been proud to serve alongside her and I will miss her in the Capitol as I know so many others will as well. My colleagues and I rise. We will lament the loss of Senator MIKULSKI as our colleague in the Congress, but we will be so proud that we have been able to call her colleague and friend.

HONORING SENATOR BARBARA MIKULSKI

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

Mr. CUMMINGS. Mr. Speaker, I welcome this opportunity to reflect, once again, on Senator MIKULSKI's vision for America and upon all that she has achieved in public life.

On a personal note, I am deeply grateful that God has given me the opportunity to know and work with a woman who all would agree is a remarkable human being and a person I am honored to call my friend.

BARBARA MIKULSKI's progressive values are solid, and they are clear, and we have always known that she would fight for all of us every single day. Less well-known, however, is BARBARA MIKULSKI's lifetime vision of bringing all of America's working families together in support of progressive change. Here is a dream that ties together her roots in Highlandtown, in Baltimore, with my own heritage from south Baltimore and west Baltimore.

She is, indeed, a very, very special woman. She has never forgotten from whence she has come. One of the things I also love about BARBARA MIKULSKI is that she consistently synchronizes her conduct with her conscience.

We will miss her, but we know that BARBARA will always be fighting for the people of our great city, for the great people of the State of Maryland, and for the people of these great United States.

HONORING SENATOR BARBARA MIKULSKI

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

Mr. VAN HOLLEN. Mr. Speaker, long before the last ''Star Wars'' movie came out, I said: When Senator MIKULSKI is with you, the Force is with you.

Senator MIKULSKI has been a powerful force for good in Maryland and throughout the Nation. She has been a fierce fighter for American workers, for our veterans, for our seniors, and for people from all walks of life. Her leadership on the Appropriations Committee brought vital investments to the thriving Port of Baltimore and to the Social Security Administration. She has supported security missions in places like Fort Meade, investments in lifesaving research at the NIH, and discoveries at NASA. She authored the very first bill that was signed by President Obama, the Lilly Ledbetter law, to give women who faced pay discrimination their day in court.

BARBARA MIKULSKI started in politics by fighting a plan to build a highway

through her beloved neighborhood of Fells Point. She won that fight, and, 40 years later, she is still waging and winning fights for working families.

A few years back, when NASA's scientists discovered a new supernova, they named it Supernova Mikulski, and I know her legacy will always burn bright for Maryland and for our country.

Thank you, Senator BARB.

HONORING SENATOR BARBARA MIKULSKI

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

Ms. KAPTUR. Mr. Speaker, as a Representative from Ohio and as the senior woman in the House, I join my remarks to those of former Congresswoman and now U.S. Senator from Maryland, BARBARA MIKULSKI, in tribute to her incredible service.

When I first arrived, she was a Member of this House, and I remember how gracious she was to me. Her background from working class, blue collar America—from a steel town like Baltimore, which has transformed since then—brought the concerns and the passion of someone from the working class. She continued on that road every single day whether she was here on the House side or went to the other body as the longest-serving woman in U.S. history. Imagine that.

Baltimore is famous for having little steps that people go into their bungalows from, and she took a giant leap. Even though she was probably still one of the shortest Members of Congress physically, she remains one of the tallest women in American history. I think of her when I look at the dome of the Capitol, and I see the woman facing east—the symbol of liberty. She held aloft high not just the flag, but the vision for an America inclusive of all.

We wish her Godspeed in the years ahead. I maintain my fond memories of her and of her incredible leadership on every subcommittee on which she served and of the honorable service that she provided not just to the citizens of Maryland, but to our entire country.

God bless you, Senator MIKULSKI, your family, your friends, and those who value your service beyond measure.

THE PENTAGON'S WASTEFUL SPENDING

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

Mr. DESAULNIER. Mr. Speaker, I rise to highlight the Pentagon's $125 billion of wasteful spending exposed this week by The Washington Post.

Just this week, Congress allocated hundreds of billions of dollars to fund a military that is larger than the next seven countries' militaries combined while we are providing a comparatively small sum of money to increase medical research, to educate our youth, and to support our first responders. To then discover that the Pentagon has identified $125 billion in waste underscores our Nation's misguided priorities.

If just 10 percent of that waste were redirected to the National Institutes of Health, cures could be found and lives could be saved. In this year's defense authorization, $1.5 billion is spent to upgrade an aircraft carrier that the U.S. Navy recommended to retire. Until we press the Pentagon to undergo a rigorous audit, I cannot and will not support their bloated budget request.

I share President Eisenhower's concerns when he said:

> We must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist.

A CHRISTMAS GREETING

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

Mr. LAMALFA. Mr. Speaker, this week, I had the opportunity to participate in the American Red Cross Holiday Mail for Heroes program, where we sent Christmas cards to servicemembers who are serving far from home this Christmas season. Though it is a seemingly simple gesture of honoring these patriots, it really causes you to reflect on the meaning of Christmas.

As John 3:16 states: ''For God so loved the world, that He gave His only begotten Son, that whoever believes in Him should not perish but have eternal life.''

God sent his son to be born in Bethlehem that first Christmas, bringing great joy to the world—with the shepherds, the wise men, and angels all sharing in the joy and celebrations.

Christmas is a time to rejoice as children of God and to continue the tradition of giving, not out of necessity, but out of love.

We have so much to be grateful for this year. We are blessed to live in the greatest country in the world, and we owe it all to our brave and courageous men and women who sacrifice so much to safeguard our values.

So this Christmas season, in the spirit of giving, I encourage you to take a moment and show your appreciation to those who are serving our Nation both here and abroad, as well as their families here at home, and our law enforcement who have to work these times as well. May their service and sacrifice always be appreciated.

Merry Christmas.

SALUTING REVEREND T.R. WILLIAMS

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

Ms. JACKSON LEE. Mr. Speaker, I rise to salute a wonderful pastor, the Reverend Dr. T.R. Williams, who is celebrating and commemorating 50 years of preaching. His commitment and dedication to the special Word and the word of his faith is to be commended, but he is also a trained businessman. He is also a person who believes in his flock and that they are number one.

I have enjoyed worshipping with Pastor T.R. Williams over the years. He is an orator, a pastor, a nurturer, a counselor, but, most of all, a friend—a friend to the members of his great church and a friend to many young pastors and others alike. He is admired by his fellow clergymen. They respect him for his love of God's Word.

I am so grateful to have known him. Just a few weeks ago, his congregation honored him with a gigantic celebration at the Stafford Centre because he is deserving of such.

Pastor Williams, it is my privilege and pleasure to be able to salute you and to say ''thank you'' for your service, because, when you serve in the Lord's Name, you serve this Nation.

Might I also thank all of those who have served in the United States military, wherever they may be this season. This is a season of blessings, and I wish for everyone in this great Nation blessings during this wonderful and very special season.

Happy holidays to all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will recognize Members for Special Order speeches without prejudice to the possible resumption of legislative business.

A TRIBUTE TO STAFF MEMBERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2015, the gentleman from Delaware (Mr. CARNEY) is recognized for 60 minutes as the designee of the minority leader.

Mr. CARNEY. Mr. Speaker, I rise to recognize the members of my staff who have served me and the people of Delaware over the past 6 years. Many of them have gathered in the gallery above us, and I welcome them to hear these remarks.

I tell them all the time that we have the best jobs in the world, and they have done incredible work on behalf of the people of our State and our country. During my 6 years as Delaware's lone Member of Congress, I have been enormously privileged to work with such a great team. We have become like family. Whether they are cheering me on at the Congressional Baseball Game or they are working a weekend Coffee with Your Congressman, I know they have always got my back, and I could not have done my job for the people of my State without them.

I would like to thank each of them individually for their contributions to our team and to our State.

My chief of staff, Sheila Grant, has guided and counseled me all the 6 years of my time here. Her honesty and candor have consistently steered me in the right direction, and I have appreciated greatly her sense of humor.

□ 1500

My State director, Molly Magarik, has not only an incredible ability to understand complex problems but, more importantly, she comes up with solutions to fix them. She is a huge asset to me and to the people of Delaware.

My deputy State director, Albert Shields, has stood by me since the beginning, going back to my days as Lieutenant Governor. His knowledge of Delaware and his work ethic are unmatched.

I am grateful for the work of our team in Delaware. Kristy Huxhold has kept the trains running on time and the office humming for both former Congressman Mike Castle and for me. Nicole Pender keeps our office plugged in to local issues and shepherds local nonprofits and governments through the maze of Federal grant applications. Joe Bryant helps our constituents navigate the challenging landscape of Federal benefits, all while serving as a member of the Delaware National Guard. Sarah Venables is the queen of constituent service, who is loved by all, and is a tenacious and effective champion for our veterans. Annie Gallagher, a long-time friend who formerly worked for Senator Roth, we had to bring her out of retirement twice to help us with Medicare and Social Security, which she gets better than anyone I know. Drew Slater has done a tremendous job as my eyes and ears in Kent and Sussex Counties and may love the State Fair even more than I do. Larry Morris, my long-time friend whose dedication to the city of Wilmington and its youth is unmatched. And Read Scott, who helps me stay in touch with my constituents and directs people through the confusing worlds of the IRS and health care.

Each one of these individuals has put in countless hours on behalf of Delaware. I have been lucky to have them on my team.

In my Washington office, Elizabeth Connolly has worked for me since before she even graduated from Smith College. I am extremely grateful for her loyalty and her dedication to our work on financial services and other issues. Francesca Amodeo overcame her roots as a non-Delawarean—and that is hard to do in my office—to become one of our State's biggest cheerleaders and to help me become an effective communicator. Connor Hamburg, a true Blue Hen, has an unbridled passion for southern Delaware and agricultural policy that can't help but make you smile. Gita Miller and Betsey Coulbourn have helped me share my view with Delawareans and respond to one of the largest constituencies in the whole House of Representatives. Lastly, our staff assistant, Elena Kochnowicz, and her recent predecessor, Brannock Furey, have done everything under the sun. From Capitol tours to greeting visitors with a smiling face, both Elena and Brannock have been crucial to our operation.

In addition to our current staff, I would also like to thank the many dedicated folks who have worked for me in previous years. Doug Gramiak first served as chief of staff during my time as Lieutenant Governor and later as my State director. He has been a valued friend and confidant ever since. Doug got our office up and running 6 years ago and played a critical role during my first years in Congress.

I would also like to recognize my first chief of staff here in Washington, Elizabeth Hart. Elizabeth worked for me for 5 years and built a solid foundation from the start. She showed me the ropes here in D.C., and her knowledge and experience was invaluable to me and to our office.

Lastly, I would like to thank all our former staff in Delaware and here in the District: Cerron Cade, Bob Stickels, Gail Seitz, Sam Hodas, Justin German, Craig Radcliffe, Natasha Babiarz, Mary Williams, Katie Paisley, James Allen, Jenny Kane, Matt Pincus, and Steve Carfagno. I will always remember our time together and will never forget their hard work on behalf of the people of Delaware and myself.

Mr. Speaker, it has been an honor to have served alongside this team, from making sure constituents receive the Federal benefits they deserve, to crafting legislative policy that addresses the needs of our State. Each of these individuals has worked tirelessly on behalf of Delawareans, and I want to publicly thank them today for their dedication to the people of our great State.

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

CELEBRATING INDIANA'S BICENTENNIAL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2015, the gentleman from Indiana (Mr. ROKITA) is recognized for 60 minutes as the designee of the majority leader.

Mr. ROKITA. Mr. Speaker, it is an honor to stand before the Chamber today and talk about one of my favorite subjects and one of the favorite subjects of all the speakers who are going to appear before this floor in the next hour. And that is the State of Indiana and, in particular, the fact that, as a very proud State which has offered so much to this Nation, we are celebrating our 200th anniversary since admission to the Union.

It has been the highest honor of my life to serve Indiana in public office, and, I know for all the speakers today, it has been the same for them.

We have a lot to talk about in very few minutes, if you consider it. So I would like to get right to introducing some of my colleagues who are here to celebrate the bicentennial of the State of Indiana. The first being one of my good friends, Mr. TODD YOUNG from Indiana's Ninth Congressional District. He has represented that district since 2010. He is an amazing young leader. And last month, he was made our Senator-elect to serve in the next Chamber, and we look forward to working with him.

Mr. Speaker, at this time, I yield to the gentleman from Indiana (Mr. YOUNG).

Mr. YOUNG of Indiana. I thank the gentleman for yielding. It has been a privilege serving with him in the House on behalf of the people of Indiana. I look forward to our continued work together. I am just so grateful for our delegation and the leadership it exhibited on behalf of the State.

Mr. Speaker, I rise today to recognize Indiana's bicentennial celebration. Much of our State's great history emanated from a little town in Indiana's Ninth Congressional District, which I have had the honor and privilege of representing for the last 6 years. The town is Corydon. It is located in Harrison County, which is on the banks of the Ohio River.

In 1816, James Madison, our then-President, signed an enabling act to explore the possibility of statehood for Indiana. Soon after, in June of 1816, 43 delegates congregated across the territory. They came to descend on Corydon, and their purpose was to draft our State's first constitution. Much of the delegates' work was done under the shade of a large elm tree, known by all of those in our delegation, and known by so many Hoosiers and even people outside of the State today, as the Constitution Elm. That tree still stands, and Indiana is still going strong.

Our Constitution set the table for the State's first election in August of that year, where Jonathan Jennings was elected our Governor. In November, Governor Jennings and Indiana's newly elected representatives met in the new capitol building, which is a beautiful building. And the intention there was to commence the State's first general assembly session. Their work resulted in Indiana formally being admitted as the country's 19th State in December of 1816. Corydon would serve as the State's capital until 1825, when the State's government was then moved to Indianapolis, where it remains today, centrally in the State.

Now, Corydon also served as the site of Indiana's only battle during the Civil War. The attack was a part of Morgan's Raid, as confederate troops descended across the Ohio River under the leadership of confederate General John Hunt Morgan. He moved across parts of Indiana, Kentucky, Ohio, and

Tennessee in 1863. It was a small militia of Hoosiers who met Morgan's confederates, and that skirmish is still celebrated today.

So Corydon's importance to our State's history can't be highlighted enough, but it is one area on the map, one very important area on the map of the State of Indiana. There are so many other important towns, cities, and Hoosiers that I know will be highlighted and accentuated in the course of this celebration here on the floor of the U.S. House.

I commend my colleague, TODD ROKITA, for shining a bright light on our celebration of 200 years. I look forward to continuing to celebrate Indiana's bicentennial with Hoosiers, celebrating the rich history which our State has followed, and celebrating all the good years we know will come.

Mr. ROKITA. I thank the gentleman for his service. I look forward to working with him in the future. I thank him for honoring our great State and for his service to our country.

Indiana has had a long and proud history, acting as a leader in many crucial fields and enriching the history of our Nation overall. Hoosiers have helped give us everything from airplanes to penicillin and insulin and even walked the first steps on the Moon. Both Wilbur Wright and Eli Lilly hailed from Indiana and permanently altered the course of human history for the better.

Neil Armstrong attended Purdue University, which I am proud to say is in Indiana's Fourth Congressional District. Purdue University is one of the top engineering schools in the country and has been a leader in fighting against rising tuition costs, one of the most important issues facing this Congress and the next and, actually, the next generation of students entirely.

Our State is lucky, however, in that Purdue is hardly the only outstanding higher education option available. I, myself, am a proud alumnus of two Indiana colleges and universities, Wabash College and the Indiana School of Law. We fight hard to be an education partner for all Hoosiers and all our institutions, and that includes the entire delegation, whether Republican or Democrat.

In that vein, Mr. Speaker, I will recognize another distinguished Hoosier and member of our delegation, Representative LARRY BUCSHON. He is a doctor by trade. He practiced, and practiced well, the profession his entire adult life, starting in the United States Navy, and now represents Indiana's Eighth Congressional District.

Indiana couldn't be prouder of Representative BUCSHON and what he brings not only to the Energy and Commerce Committee but to this very floor every day that we are in session.

With that, I yield to the gentleman from Indiana (Mr. BUCSHON).

Mr. BUCSHON. Mr. Speaker, I thank Mr. ROKITA from the Fourth District for yielding and for putting together this Special Order on behalf of our State.

You know, Indiana boasts two of America's Presidents and now eight Vice Presidents. We are the home of Hoosier hysteria, a great basketball tradition, and the greatest spectacle in racing, the Indianapolis 500. We love our breaded pork tenderloins and our sugar cream pie.

We have the sixth largest National Guard in the Nation, made up of over 13,000 Hoosiers that has defended this country in wars, from the Battle of Tippecanoe to World War II to the global war on terror.

Most importantly, Indiana is home to the most humble, generous, compassionate, and hardworking citizens in our country. And our great State—all 6.5 million Hoosiers—is now celebrating 200 years.

I want to take a minute to briefly highlight a few of the things specific to the Eighth Congressional District in Indiana.

This year, my annual art competition for high school students focused on celebrating Indiana to commemorate the Hoosier State's bicentennial. We had a lot of creative submissions from talented students across southern Indiana and Wabash Valley. The winning art piece recognized the 100-year anniversary of Bosse Field in Evansville, a baseball field. Bosse Field is the third oldest ballpark in the country and is still in regular use for professional baseball. It was also featured in the popular film in 1991, ''A League of Their Own.'' A lot of that was filmed at Bosse Field in Evansville, Indiana.

I am also proud to say that communities in Indiana's Eighth Congressional District were exceptionally involved in the Bicentennial Legacy Project. The Bicentennial Legacy Project showcases the best of Indiana to promote and support important community projects and programs across the State. It is really the best of the best for what the Hoosier State has to offer.

□ 1515

There are nearly 300 officially sanctioned bicentennial legacy projects undertaken in counties and communities in the Eighth Congressional District. The Eighth District is also home to premier places of historic, cultural, and natural significance.

Lyles Station in Gibson County is a small farming community that was an original settlement of freed slaves nearly 200 years ago. Lyles Station is highlighted nationally at the Smithsonian Institution's new National Museum of African American History and Culture.

Vincennes in Knox County was established in 1801 as Indiana's first city. It served as our territorial capital and was a key player in the American Revolution. It is also home to George Rogers Clark National Historic Park and President William Henry Harrison's Grouseland, his home when he was Governor of the Indiana Territory.

New Harmony in Posey County was first established as a communal utopian society and later a center for knowledge and science.

Spencer County is the home of President Abraham Lincoln as a youth and a young man and is home to Lincoln Boyhood National Memorial.

We have a strong German Catholic heritage in southwest Indiana with Saint Meinrad Archabbey in Spencer County and Monastery Immaculate Conception in Dubois County.

Indiana's Eighth District is also home to Naval Support Activity Crane, the U.S. Navy's third largest installation in the entire world. Last week, the base celebrated its 75th anniversary.

In 1915, the Root Glass Company developed the very first Coca-Cola bottle in Terre Haute, Indiana. That is one for the trivia question book: Where was the first Coca-Cola bottle designed and made?

It was made in Terre Haute, Indiana. That bottle has now become an iconic, world-recognized brand.

Of course, we have Hoosier National Forest, which takes up a good portion of the southern area of my State, which is home to a lot of activities that Hoosiers enjoy with the great outdoors, along with Patoka River National Wildlife Refuge near Oakland City, Indiana, and it serves the same purpose.

Of course, we have the world-famous Santa Claus postmark. Santa Claus, Indiana, every year at Christmas has literally tens of thousands of boxes of Christmas cards sent to Santa Claus so they can have the unique postmark from Santa Claus, Indiana, that is usually designed by a local student in a competition. They pick that, and every year around Christmastime I get the pleasure to go over to Santa Claus to the post office and postmark some of those Christmas cards myself.

In manufacturing, everything from noodles to nuclear components are made in the Eighth District of Indiana. We are also a principal supplier of the world's agricultural products.

As you can see, Indiana's Eighth Congressional District has a rich history, and I am proud to represent this area. It is an honor and a privilege to serve with all of my Hoosier colleagues. Thank you again, Representative ROKITA, for putting this together.

Mr. ROKITA. I thank the gentleman. I quickly want to turn our attention and yield to the gentleman from Indianapolis, Mr. ANDRÉ CARSON. He represents Indiana's Seventh Congressional District. Like us all, he is a fierce advocate for the different communities in his district. Additionally, André and I both serve on the Committee on Transportation and Infrastructure. I think that is an important position to have when the motto of your State is ''Crossroads of America.''

Mr. CARSON of Indiana. Mr. Speaker, I want to thank my friend, Congressman ROKITA, who has done a great job at representing his constituents, and we appreciate him for assembling a great body of Hoosiers from all across the great State of Indiana.

Mr. Speaker, I rise today to commemorate a milestone in Indiana's history, the bicentennial of our great State. For the past 200 years, Indiana has stood as a beacon of opportunity for millions of Hoosiers who came to the State to make a better life for themselves and their families.

Indiana's history stems from our earliest Native American inhabitants. In fact, the State's name literally means ''land of the Indians.'' Early settlers befriended Native Americans as they came from New York in the Northeast, Kentucky in the South, and Ohio in the Midwest. They settled across a geography as varied as Indiana's people, stretching from rolling hills in southern Brown County to flat and sandy in the north along the Indiana Dunes National Lakeshore.

These influences created a melting pot of influences that remain today. Over the past 200 years, Mr. Speaker, Indiana has been home to countless colorful and transformative figures like the Jackson 5, Larry Bird, John Cougar Mellencamp, Dan Quayle, Babyface, Mike Epps, and countless others.

But more than any individual, Mr. Speaker, when folks think of Indiana, they think of racing, they think of basketball. In fact, the great Hoosier State is credited with the origin of high school basketball. Our college teams are some of the most consistently successful in the country, and the enthusiasm surrounding the sport is unmatched.

In my hometown of Indianapolis, we are proud to have hosted the Indianapolis 500 for 100 eventful years. The Indianapolis Motor Speedway has long been the world's gold standard for race tracks, hosting some of the most historic races and prompting countless innovations.

But what makes Indiana so special is not what most people think of first, Mr. Speaker. It is not a historical figure or a notable accomplishment. What makes Indiana great is the type of people who live there. Hoosiers have truly built America. Students at our world class universities have spawned creative businesses and grown our economy across the country. Our workers have built millions of automobiles, created lifesaving medicines, and advanced sports to new levels. Our farmers feed America and the entire world.

We joke about how friendly and welcoming Hoosiers are. Living in Indiana, you don't always recognize it, but coming here to Washington, D.C., has made me realize how real Hoosier hospitality is, unlike a lot of D.C. I am talking about Capitol Hill. I am not talking about the rest of D.C.; they are great people. Staffers are great here, too. But Hoosiers care about people. We want to make them feel welcome, and we want to help them when we can.

The Hoosiers we see today who grew up in a State built by all of those before us are the reason that this bicentennial is so special. I can't imagine a better place to live, Mr. Speaker, and I am proud to call Indiana home. I am proud that I grew up there and that my daughter will, too; and representing this wonderful State in Congress continues to be a tremendous honor.

Happy birthday, Indiana. May our next 200 years be as full of history, innovation, and achievement as our past 200.

Mr. ROKITA. Mr. Speaker, I thank Mr. CARSON for his words. You will recall he mentioned the Indianapolis Motor Speedway. Here is a great picture of it, circa about, I would say, late 1980s, just part of our heritage that we will be sharing here over the next hour.

When I was last commenting about the great Hoosier State here at this podium, I talked about Hoosier schools. Hoosier places of higher learning have also become major players in the sports world, winning national championships and creating some fierce, yet fun, rivalries.

For example, in Indiana's Fourth Congressional District there is both DePauw University and Wabash College. They face off every year in the iconic Monon Bell game. It has been going on for over 100 years. As Wabash men, I don't think there is any question whom Representative MESSER and myself root for, but that is just another example of the great Hoosier spirit in the Monon Bell game.

Focusing on Purdue University again for just a second, I want to yield some time to a great Member of this body who is also retiring this year. Mr. KURT CLAWSON of Florida is no longer a resident, of course, of Indiana, but he was at one time, helping lead Purdue's basketball team to untold heights.

At this time, Mr. Speaker, I yield to the gentleman from Florida (Mr. CLAWSON).

Mr. CLAWSON of Florida. Mr. Speaker, I thank Chairman ROKITA for those kind words and for his friendship and support and his flexibility in this House. There are very few people like him, and I will miss him.

The first thing I have to say today is Boiler Up, Mr. Speaker, Boiler Up. I am from Florida. I proudly represent southwest Florida that I love so much, but I went to high school and college in Indiana; so part of me will always be from Indiana and I will always love the State and its wonderful people.

In 1976, my dad moved the family of 7 kids to southeastern Indiana from the South, and we went to a small town in southeastern Indiana called Batesville, kind of a typical town of 4,000 or 5,000 people, typical hotbed of basketball and shooters, with well-known sports names in the area, like Paul Ehrman, the co-chairman, going into the Indiana Baseball Hall of Fame next year, Ace Moorman, Dave Galle, among other basketball and sports greats in southern Indiana.

My parents immediately loved the Indiana culture that we were exposed to in Batesville, best summarized by words of my dad who would say something like this: Work hard; don't complain; put the group, the team, and the family first; go to church on Sunday; actually kneel down and pray; and show a little humility.

Right, Dad?

Eventually, trying to do as best I could to follow my father's counsel, I went to Purdue to play for the College Hall of Fame coach, Coach Gene Keady, and I have to tell you how much of an honor that was and a memorable experience in my life. Before continuing on a little bit about Coach Keady, I want to compliment our current president at Purdue, the former Governor of Indiana, Mitch Daniels, who moves our university into the future with a new business model of innovation and leadership. President Mitch is a leader who is not afraid of change, and I admire that because, without change, tomorrow you lose.

But back to Coach Keady. Our senior year, Mr. Vitale on TV picked our team last because we had lost our best player to the NBA draft. I went to Coach Keady's office before the season as one of his senior captains, and I asked him: Coach, how do you feel about this team? Do you believe we are going to be last?

He said: No, we are not going to be last.

I asked: How do you know, Coach? How do you know?

He said: Because I like my locker room.

I asked: What does that mean?

He said: I know you all are going to listen to me, and you will follow what I say. I know you will share the ball, and I know you will outwork the competition.

Well, of course, Coach was right. We went from being picked last to winning the Big 10. Coach Keady's first of six Big 10 championships in 25 years at Purdue, four consensus national coach of the year, six national coach of the year in one media, service, or another, and, importantly, in 25 years at Purdue, a winning record against the coach down in Bloomington.

I want to honor Coach Keady today, and I want to end by thanking our president at Purdue University, Mitch Daniels. I honor and admire Coach Keady for what he has accomplished. Most of all, I want to thank Coach Keady for his loyalty to me. My last game was bad. I have to live with that forever, but for 30 years now, I have lived in his umbrella of love and loyalty. He has always been there for me, and I honor him for that. I appreciate his loyalty as the last important lesson of so many that he taught me.

Happy birthday to our wonderful State of Indiana and our wonderful people with our basic cultures of believing in God and treating one another with love and respect.

□ 1530

Mr. ROKITA. Mr. Speaker, I thank the gentleman from Florida for those excellent words. I can't believe the last game he played at Purdue University

was all that bad, but we will go back to the tapes and look. Either way, it is now part of our wonderful Hoosier history.

There are, of course, quite a few other notable sporting events in Indiana. ANDRÉ CARSON spoke of one of them, and that is one that can't be rivaled. That is called the ''greatest spectacle in racing.'' I just recently had a picture of the speedway up here on the floor.

The Indianapolis 500 celebrated its 100th running earlier this year and continues Indiana's storied history with automobiles, which began in the late 1800s when Elwood Haynes, the ''father of the automobile'' developed his horseless carriage in Kokomo, Indiana. Kokomo, Indiana is in Howard County. It as a county—and Kokomo as a city—has a great, wonderful, rich automative history, and history in other respects as well.

It is an honor for me to be able to share that county with one of our great members from the Indiana delegation, an accomplished leader, an accomplished lady who has done wonderful things throughout her professional career and in this House continues to lead the way, most recently by being chosen as our next chairwoman of the House Ethics Committee. Mr. Speaker, I yield to the gentlewoman from Indiana (Mrs. BROOKS), my friend from the Fifth Congressional District.

Mrs. BROOKS of Indiana. Mr. Speaker, I rise today in celebration of our home State's bicentennial.

I want to thank the gentleman from Indiana's Fourth Congressional District for organizing this very meaningful celebration of our State's 200 years. I want to thank him for his leadership here in the House, representing not only the Fourth District, but all Hoosiers so very proudly, and in your time as secretary of state, where you served throughout our State. I really appreciate the fact that you and your staff put the time and effort in to making these last minutes on the House floor possible as we close out the 114th Congress.

I want to specifically highlight a little bit of the history of the Fifth District, which I represent, but more importantly, how that history informs, inspires, and ignites our future. Since we became a State in 1816, Indiana has transformed again and again, growing and evolving into the strong and thriving State it is today.

I want to talk with you about Conner Prairie in my district. Conner Prairie has grown up with the State. What started as a log cabin in the early 1800s by the White River has grown into a stately brick home that has served as the seat of early Hamilton County government. It is now an interactive history museum and park, and recently it has been recognized as the only Smithsonian affiliate in Indiana. It is a leading innovator in the history museum field, with more than 360,000 visitors each year.

In 1800, William Conner settled in Indiana to become a fur trader. He and his Lenape Indian spouse and their six children lived in that first log cabin on the property. In 1818, Conner played a pivotal role as interpreter and liaison for the Treaty of St. Mary's, in which the Delaware Tribe ceded lands in central Indiana for those west of the Mississippi River. The Lenape Tribe, including Conner's wife and children, left Indiana, but Conner decided to stay.

In 1823, he and his second wife, Elizabeth, built a beautiful brick home on a hill overlooking land that came to be known as Conner Prairie. This home served as the seat of Hamilton County government and the local post office in the early days of the county's founding.

In 1934, Colonel Eli Lilly, then the president of the pharmaceutical company that he founded, which remains today in Indianapolis, Indiana, purchased Conner Prairie and the old brick home in hopes of restoring it and opening it to the public.

Lilly believed that history and its preservation were cornerstones of American democracy. He wanted Conner Prairie to be a place where people could connect with their history and see their heritage brought to life. Little did he realize that his idea would be so vividly brought to life in modern-day Conner Prairie. Growing from the site of occasional historical reenactments, Conner Prairie blossomed into a living history museum that transports visitors back to the Hoosier frontier and invites them to see life in Indiana in 1836.

Prairietown, an immersive exhibit where people, animals, buildings, objects, and daily routines remain just as they were 180 years ago, was just the beginning. In addition to the Prairietown exhibit, Conner Prairie has expanded its historical experience to now include an 1859 Balloon Voyage—the gentleman from Indiana's Fourth District, who loves to fly, I hope he has tried the balloon voyage; it is really remarkable—as well as an 1863 Civil War Journey and a Lenape Indian Camp.

In addition, visitors to Conner Prairie today can see how innovations in math, science, technology, and engineering have shaped our history, and how these vital and growing industries will shape our State's future and are shaping the State of Indiana. Students and children can build planes, create an electrical circuit or radio, construct a windmill, or invent their own products, which they then attempt to patent.

I agree with Colonel Lilly that history is a cornerstone of our democracy. I believe that Conner Prairie is an incredible realization of the idea that history plays a pivotal role in our future. In fact, Conner Prairie, William Conner, and the Conner family is one of the reasons that we named our son Conner and why we spell his name with an ''e.'' In fact, he happens to be in the balcony of the Chamber today. I am very pleased that he is here with us to learn more about our State's incredible history and the history of his own name.

The brick house that Colonel Lilly purchased in the 1930s still stands, and its renovation was an Indiana Bicentennial Project. As Indiana celebrates its bicentennial and in the many years to come, the many places just like Conner Prairie will always help Hoosiers find their heritage, understand our history, and, most importantly, ignite the future.

Happy birthday to Indiana and all Hoosiers.

Mr. ROKITA. Reclaiming my time, I appreciate the gentlewoman's leadership in the Fifth District and throughout Indiana. It is just another example of, frankly, how we believe our State is great.

Mr. Speaker, I yield to the gentleman from Indiana (Mr. STUTZMAN), from the Third Congressional District, who not only served in this Chamber, but also in Indiana's statehouse, first as a State representative and later as a State senator. He is a farmer from the northeast part of our State. He brings with him to this House and to his future endeavors a robust knowledge and practice of our State's best traditions and history.

Mr. STUTZMAN. Mr. Speaker, I thank my colleague from Indiana.

It is great to be here on the floor with my colleagues from the Indiana delegation as we celebrate our bicentennial in Indiana. I also find it an honor that we get to be one of the last groups here on the floor discussing an issue here in this Congress, as we have wrapped up our business earlier today.

I just want to thank Mr. ROKITA, Mrs. BROOKS, Mr. MESSER, and others that I see here—Mr. BUCSHON was here earlier—whom I count it an honor and privilege to serve with.

This will be my last speech on the floor as I end my time here in Congress and look forward to going back home to Indiana again. So I come with some mixed emotions, frankly, but also very excited about what is in store for you all, what is in store for Indiana, what is in store for our country, as I have had the privilege to serve Indiana's Third Congressional District for these past 6 years. I know that, just as you all feel, we feel very privileged to be Hoosiers.

Indiana is oftentimes thought of to be that flyover State in from the East Coast to the West Coast or vice versa; but so many wonderful things are happening in Indiana that we are proud of and that we feel, especially at this time as our own Governor, the Vice President-elect, Mike Pence, who has been our Governor for the last 4 years in Indiana, is showing and exhibiting the good policies, the good nature, the humbleness, the character and integrity that so many Hoosiers display on a daily basis.

So I think that, as I leave, I am looking forward to watching you all continue to face some difficult challenges,

but with a lot of opportunity in front of us. I know that Hoosiers all across our State and Americans are looking for leadership. I know that we have seen that in Indiana with our former Governor, Mitch Daniels. It was great to see our colleague, Mr. CLAWSON, here earlier, who is also going to be departing after this Congress.

We have such great history. Of course, our sports history is one that we love to talk about and brag about.

I also want to recognize my family: my wife Christy, and our sons, Payton and Preston. Payton, of course, was named after a football player in Indianapolis. He was one of those kids in Indiana that was named Peyton during a great streak by Peyton Manning and the Indianapolis Colts.

We have got such great ownership, great leaders in Indianapolis and across the country with the teams that we are proud of in Indiana, the Colts and Pacers. We have got a great college tradition. You turn on ESPN and you see, of course, Indiana basketball, Purdue basketball, Notre Dame. Valparaiso always ends up in the tournament at the end of the year it seems like. Of course, there are other teams that continue to exhibit that tradition that we have in Indiana of great basketball. Of course, our high school basketball is like no other State has. There is something really remarkable about high school basketball in Indiana.

I also just want to quickly recognize a friend that happens to be here. Randy Lewandowski, who is the president of the Indianapolis Indians, our baseball team in Indiana. It is a AAA affiliate of the Pittsburgh Pirates. He just happens to be in town, and I am proud of the work that he does to bring great baseball to our city and to our State. I am proud of the folks like Randy that work so hard to make Indiana a great place to live.

Of course, our racing is also such a proud sport for us in Indiana.

More importantly than all of that, look at the hardworking Hoosiers on a daily basis who go to work every day, whether it is in the factories, whether it is in the trucking industry. We are known as the crossroads of America. You have distribution centers all across the State. You think of the teachers that do such a remarkable job in teaching our children.

As you get to know people across the State of Indiana, I have become just more and more proud to be called a Hoosier, have the opportunity to represent them, and to know that we all love life. We love liberty. We want to continue to protect the ability to pursue happiness as Americans. We know that life is difficult, life has challenges, but working together and working hard, keeping our head down and facing those challenges together as communities, as a State, and as a country, we can be successful.

As we celebrate our bicentennial, I just know that Indiana has done so much for me and my family. I want to thank my parents, Albert and Sarah Stutzman; my brothers, Matt and Chris; and my sister, Lynette; and their families for the support that they have given to me in the time that I have had the opportunity to serve here. I know there are so many families across our State that support one another and are working to make life better not only for themselves, but for their families.

□ 1545

Indiana also has the fourth largest National Guard in the country. We have, of course, Texas, California, and New York, but Indiana is one of the largest national guards in the country. And I think that shows the level of commitment that Hoosiers have been willing to sacrifice, to commit to the defense and security of this country. I appreciate many of our leaders in our State that have led a National Guard to show that we are willing to do our part and to help lead the way.

As I think of traveling across the State, there are so many different parts of Indiana that we are so proud to have as part of our State. So I would just say to anyone listening and watching this, as we talk about our beloved Indiana, if you ever get a chance to visit, there is so much to do and see and enjoy, the nature, from top to bottom, from Lake Michigan in the northwest to the Ohio Valley in the southern part of the State, the beautiful farmland, and the rolling hills in the southern part of Indiana.

We just have such tremendous tradition and, of course, the values that we all hold very dearly and know that we want to do our part to not only make Indiana great but to continue to make America great as well.

So with that, Mr. ROKITA, I really appreciate the opportunity, and I thank the gentleman for putting this time together as we reflect on our great State. I want to wish him the very best and the rest of our colleagues the very best as well in the future; and know that folks across this country can look to the gentleman for solid leadership, and appreciate all that he does.

Mr. ROKITA. Mr. Speaker, reclaiming my time, a lot has been talked about already from Indiana's manufacturing prowess to our agricultural richness, to our own rich history.

I want to focus just a little bit before yielding to my good friend, Mr. MESSER, to talk a little bit about Indiana's agricultural history. It is in the top 10 in the Nation in agricultural sales, with over $11 billion in those sales.

The agricultural industry creates good Hoosier jobs and provides our Nation with an array of products, from corn to soybeans to hogs and poultry, and you just have to go a few miles in any direction on any one of our roads to know that, by looking out your window.

In fact, Indiana has so many agricultural products that there are six times as many chickens in the State than people. My district, in particular, has produced several major agricultural innovations.

The town of Kokomo, that I mentioned earlier, is known as the ''City of Firsts,'' due to the many products invented there, including both the first canned tomato juice and the first mechanical corn picker, which revolutionized the farming of one of Indiana's most important crops.

Indiana is specifically one of the Nation's second largest producers of popcorn. And while that definitely helps us all enjoy trips to the movies, Indiana's contributions to the entertainment field have not stopped there.

Famous Hoosiers, as ANDRÉ CARSON mentioned, such as John Mellencamp, Axl Rose, James Dean, and the King of Pop himself, Michael Jackson, have all made their mark on our Nation, providing us with memorable songs and iconic movies, while never forgetting where they came from.

Another great Hoosier who hasn't forgotten where he has come from is my good friend representing the Sixth District of Indiana, which includes Columbus, Muncie, and Richmond, and that is Mr. LUKE MESSER. He and I both went to Wabash College together, and, as I mentioned earlier, we know who we rooted for at the Monon Bell game.

I yield to the gentleman from Indiana's Sixth Congressional District, Mr. LUKE MESSER.

Mr. MESSER. Mr. Speaker, I thank the gentleman for organizing today's celebration of Indiana's 200th birthday. I thank him for his distinguished little giant career at Wabash College and all of his service to our great State.

It is an exciting time to be a Hoosier any year, but it is a pretty big birthday coming up this year when, on December 11, 2016, we will be celebrating our State's 200th birthday—200 years since Indiana became our Nation's 19th State.

I am holding this basketball because when you think about Indiana, you can't help but think about basketball. And my district, Indiana's Sixth Congressional District, has a couple of pretty important distinguishing factors in Indiana's great history as a basketball State.

First, the Milan Indians, the great Milan Indians team that were the 1954 State champions that showed that our single-class basketball, the small little engine that could, can win a State title, that is from Ripley County in the middle of my State.

And then the Knightstown gym, where the movie ''Hoosiers'' was filmed, is also in Indiana's Sixth Congressional District. I am going to throw a chest pass of this basketball over to my colleagues from Indiana, where we will show you can catch it. Here you go, Mr. BUCSHON.

Let the Record show he caught the ball, all right, showing he is a Hoosier. Bring the House to order, as MARLIN said.

The SPEAKER pro tempore (Mr. CLAWSON of Florida). The House will be in order.

Mr. MESSER. Thank you, Mr. Speaker.

This Sunday, we celebrate two centuries of statehood, history, tradition, and accomplishment in Indiana. We Hoosiers have a great deal to be proud of in our State, and in the Sixth District that I represent.

The Sixth District is home to renowned architecture, historical landmarks, beautiful parks, and famous Americans. The Wright brothers spent part of their childhood in our corner of Indiana. Wilbur was born in Millville, and Orville first took up kite building in Richmond, Indiana.

Richmond was also the home to Gennett Records, where some of the earliest jazz recordings were ever produced in the late 1910s and early 1920s, earning Richmond the nickname of the ''cradle of recorded jazz.''

David Letterman attended school at Ball State University in Muncie, as did Jim Davis, who is famous for the ''Garfield'' cartoon.

Hancock County in the Sixth District is the home of the famed Hoosier poet, James Whitcomb Riley, who wrote, among other things, ''Little Orphant Annie.''

Columbus is known for beautiful architecture and for being the home of the oldest theater in the State, The Crump Theater, built in 1889 by John Crump.

A centuries-old tree grows atop the Decatur County Courthouse Tower, giving Greensburg, my hometown where I grew up, the nickname ''Tree City.''

Famous Hoosiers from the Sixth District include Vice President Thomas Hendricks, from my adopted hometown of Shelbyville, where my kids began our family's life, together with my wife, Jennifer; three-time Indianapolis 500 winner Wilbur Shaw; racecar driver Tony Stewart, from Columbus; Shelbyville basketball player Bill Garrett; actresses Joyce DeWitt and Jamie Hyneman; cinema and television pioneer Francis Jenkins; and the list goes on.

We have also had two Governors hail from our part of the State, Oliver Morton, and current Governor, Mike Pence. Now the Sixth District will be lucky enough to claim another Vice President, Vice President-elect, and former Sixth District Congressman, Mike Pence, who we are all very proud of.

In fact, I am so proud of our State, and I don't know that the gentleman would know this—I know at least one of our colleagues were surprised to learn—but my wife, Jennifer, and I actually wrote a book about this great State of Indiana called, ''Hoosier Heart.'' It is a book that celebrates the history and traditions of our State, the people, its places. I am just going to read the sort of closing passage of this book as I wrap up my comments today.

The book closes this way:

The word ''Hoosier'' is a mystery. No one knows where it comes from for sure. Some say it was a pioneer greeting. The gentleman here says, Whose year?

Others say someone once lost an ear, and this young guy asks, Whose ear?

But whatever a Hoosier used to be, we all know what a Hoosier is today. A Hoosier is someone with Indiana roots, someone who loves our State in every way.

Hoosiers come in all shapes and sizes, all races, and all creeds. Some Hoosiers don't even live in our State. Over time, some Hoosiers do leave.

But wherever Hoosiers now live, they are never far apart because the key to being a Hoosier is having a big Hoosier heart.

Happy birthday, Indiana.

Mr. ROKITA. Reclaiming my time, it is a great book, as my family knows as well, and excellent words from the gentleman from Indiana's Sixth Congressional District.

Throughout this all, Indiana's Fourth Congressional District has more than done its part in adding to our State's rich history. The Battle of Tippecanoe, for example, which put Indiana on the path to statehood, took place in modern-day Lafayette, and gained recognition for General William Henry Harrison, who would go on to become our ninth President.

The Fourth District is also home to the first Indiana State Flag, pictured here. This is from about—this was 1916, when our flag design was—this flag design was awarded the honor of becoming our official flag. It was created by Paul Hadley, of Mooresville, in Indiana's Fourth District, for a contest during our State's first Centennial celebration.

Our district is also home to many important landmarks. Boone County Courthouse has the largest 1-piece limestone columns in the country. Newton County is home to 23 bison, our State animal. And Benton and White Counties have one of the largest windmill farms in the Nation.

This is just a small sample of the great parts of our State and district, and our bicentennial celebration has done a fantastic job of highlighting these and many others over the past 12 months.

I have even had the pleasure of participating in several of the events, like many of my colleagues have, including selecting a bicentennial-themed entry as the winner for our office's Congressional Art Competition, and serving as torchbearer for the torch relay.

The relay saw the bicentennial torch, designed and made by Purdue students, travel through each of our 92 counties over the course of several weeks, and highlighted both the unique history and the places in each part of our State and the common bond that makes all of us Hoosiers.

I served as a torchbearer in Fountain County, and was very impressed by the high turnout and enthusiasm. At a time in this Nation's life when it is hard to get members of a particular place to act like a community because of so many different distractions and diversions and how technology has entered our lives, it was humbling, sobering, but very prideful to see thousands of people in a relatively small county come together for such an event as to see a torch going by and being passed along by the county courthouse.

The Hoosiers, I saw, were well-prepared for the event and were not going to let a little bit of rain keep them from coming out and celebrating towns and their counties and, most of all, our wonderful State.

The event itself helped to remind me of the most important and unique part of our State, and that is the people. Hoosiers are kind and gracious people who take pride in their work and in their State. They have been the secret to our State's 200 years of success.

Now, this Sunday's final bicentennial event is entitled ''Igniting the Future,'' and it is my belief and hope that it will inspire our next generation of Hoosier leaders to continue this record of accomplishment, and never forget about what makes this State and our country so exceptional, exceptional with a capital E.

Myself, and my colleagues here from Indiana, look forward to working with these future leaders and ensuring the success of our State for another 200 years.

Mr. Speaker, before yielding back, I would like to yield to the gentleman from Evansville, Mr. LARRY BUCSHON.

Mr. BUCSHON. Mr. Speaker, I want to use some of the last time that we have to honor a great Hoosier. I know others will have comments and, today, as we recognize Indiana's 200th birthday, it is also important to acknowledge the contribution of one of those who has made an indelible mark on our shared history.

Without a doubt, one of those people is a man who delivered his final speech from the Senate floor this past week with a heartfelt message about preserving the freedoms that make this country so great.

Senator DAN COATS exemplifies what it means to be a public servant. He has dedicated his life to improving the lives of his fellow citizens.

He served his country in the United States Army; he has spent time in both the U.S. House and the United States Senate; he served as an Ambassador to Germany, assuming that role just 3 days prior to the tragic attacks on September 11, 2001.

After this distinguished career, Senator COATS answered the call to serve his fellow citizens once again in the United States Senate, where he has been a national leader on reducing Federal spending, fixing our economy, and keeping our Nation safe and secure.

And a little personal story. I was a cardiovascular surgeon prior to coming to Congress. And when I spend time at events with Senator COATS, he always likes to tell everyone he feels very comfortable because, if he has a heart problem, Congressman BUCSHON will

pick up a butter knife or something and fix him up right there on the spot.

□ 1600

It is a really humorous story that I enjoy his telling every time we are together at an event. Senator COATS has a great sense of humor. While his time in the Senate has come to an end, I am also confident he will continue to be a voice and an advocate for the issues he cares about most. Our State and our country are lucky to have benefited from the service of a great man like Senator DAN COATS.

I wish DAN and Marsha all the best.

Mr. ROKITA. Mr. Speaker, I yield to the gentleman from Indiana (Mr. MESSER), who represents the Sixth District.

Mr. MESSER. Mr. Speaker, when given the opportunity to say something nice about DAN COATS, I didn't want to pass it up. If I could give one word to describe U.S. Senator DAN COATS, it would be ''Hoosier.'' He is a person of grace and humility, hard work and humor. He never worried about who got credit, loved his country, and made the sacrifices through his life and career to make our country better.

I am honored to call DAN a friend, and I appreciate his mentorship of our entire delegation in the time that I have had an opportunity to serve here. I suspect DAN's service for our country isn't quite over yet, and I look forward to whatever he does next.

One of the other great things about DAN COATS is he is a family man. I certainly wish DAN, Marsha, and their entire family a great future.

Mr. ROKITA. Mr. Speaker, I think the gentleman is right. I don't know if DAN COATS will ever be able to retire. I know he wants to.

Mr. Speaker, I yield to the gentleman from Indiana (Mr. STUTZMAN), who is from the Third Congressional District in the northeast.

Mr. STUTZMAN. Mr. Speaker, I just want to stand here in front of this House and this body to honor our Senator, DAN COATS, who served Indiana in so many different capacities. I actually have the privilege of representing his district, the Third District in northeast Indiana.

We have such a long line of great leaders from northeast Indiana who have served here in Washington from our State, and DAN COATS, of course, exemplified a man of character, humbleness, and leadership. He followed former Vice President Dan Quayle.

I also would like to recognize him as well. He is another man who showed leadership for our State here in Washington, D.C.

Both of those gentlemen have been heroes and models for me growing up, watching both of them as they took time to come to Washington and show what Hoosier leadership is all about.

Mr. Speaker, I thank the gentleman again for honoring them today.

Mr. ROKITA. Mr. Speaker, I thank the gentleman.

In closing this out, Mr. Speaker, I would like to say that Indiana has produced no shortage of great statesmen, as we reflected on this last half hour, and Senator DAN COATS has indisputably joined their ranks after decades of service to both our State and to our country. My own history with Senator COATS goes way back to when I was an intern in his Senate office. If he were on this floor today, Mr. Speaker, I am sure he would say that I was one of the worst interns he ever had. Nonetheless, he started my career in politics with that unpaid job that was one of the best experiences of my life. He has conservative leadership, and I know that he was anxious to get back to helping out the office and do whatever he could for the State of Indiana, however he could.

Since those many years ago, since those first observations that I have had of Senator COATS, he has gone from Senator, to U.S. Ambassador to Germany, and back to Senator again. It is a long and distinguished career full of dedication to right ideals and the desire to fight for what is best for all Hoosier families and what is best for Americans.

I appreciate all of the work, as we all do, that Senator COATS has done and the causes he has advocated for and for his counsel. As I have said, I don't know if he is actually going to be able to retire at this time, but whatever his desire, he deserves it.

I have no doubt that he will continue to represent the best interests of our State and this country even after his time in the Senate has come to an end. I would like to issue a heartfelt thankyou for all of his work, and I wish him my best on all his future endeavors.

Again, Mr. Speaker, I hope you will please join us all in wishing Indiana a happy birthday on this wonderful occasion of our 200th anniversary.

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

Mrs. BROOKS of Indiana. Mr. Speaker, I rise today in honor and recognition of Senator DAN COATS, a U.S. Army veteran, former Member of the House of Representatives, United States Ambassador to Germany and a great Hoosier. I've had the pleasure of serving with Senator COATS as a fellow member of the Indiana delegation since my first term in 2013. In fact, the first legislation that I introduced and got passed into law was a bill that I worked on with Senator COATS and his team, the Alicia Dawn Koehl Respect for National Cemeteries Act.

During his time in the Senate, he has been a passionate advocate for Hoosiers, working on policies that are focused on getting more Americans back to work and getting our economy back on track. His leadership will be missed, but I know that he and his wife Marsha will continue to do great things that make a difference for Hoosiers as they begin this next chapter of their lives.

Thank you, Senator COATS, for all of your work to represent our great state of Indiana, and best wishes as you embark on your next adventure.

GENERAL LEAVE

Mr. ROKITA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on the subject of this Special Order.

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

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the conference report accompanying the bill (S. 2943) ''An Act to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.''

ABROGATING OUR NATURAL RIGHTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2015, the Chair recognizes the gentleman from Texas (Mr. GOHMERT) for 30 minutes.

Mr. GOHMERT. Mr. Speaker, this is supposed to be our last day in formal session, actual session, of the year. There may be something coming up. I always worry about unanimous consent requests when nobody is here.

I know the administration likes to brag that it has been a good year for enforcing the border, but this story from Brooke Singman says:

The number of unaccompanied children crossing into the U.S. from Mexico nearly doubled this year citing from Border Patrol figures.

Hopefully, we will get the Trump administration moving as quickly as they indicate they intend to.

It is worth noting that this story came out from The Hill. Mark Hensch said that Khalid Sheikh Mohammed, the mastermind behind 9/11, says that in his view, immigration into the United States is al Qaeda's deadliest weapon against the United States. That is what he has apparently indicated.

A witness said:

From his perspective, the long war for Islamic domination wasn't going to be won in the streets with bombs and bullets and bloodshed. No, it would be won in the minds of the American people.

This is Khalid Sheikh Mohammed's thinking. Thank God—literally, thank God—that President Obama has not released the mastermind as he has so many others who have contributed to the deaths of Americans.

But Khalid Sheikh Mohammed, the 9/11 mastermind, said:

The terror attacks were good, but the ''practical'' way to defeat America was through immigration and by out-breeding non-Muslims.

Khalid Sheikh Mohammed:

Jihadi-minded brothers would immigrate into the United States, taking advantage of the welfare system to support themselves while they spread their jihadi message.

They will wrap themselves in America's rights and laws for protection, ratchet up acceptance of sharia law, and then, only when they were strong enough, rise up and violently impose sharia from within. He said the brothers would relentlessly continue their attacks and the American people eventually would become so tired, so frightened and so weary of war they would just want it to end.

According to Khalid Sheikh Mohammed, that is when radical Islam—sharia law—would take over for the United States, and the Constitution of the United States would no longer have meaning here.

It is rather interesting. When we find out exactly what the enemies of freedom have in the way of plans to destroy our liberty and freedom, it really should catch the attention of some of our United States Federal Government.

We passed a bill today, and I love and respect the people that pushed for it, but I need to make further comment about it. This was H.R. 4919. It is a bill that was supposed to be just a reauthorization. Well, it has got a program, and people that start these kinds of things, knowing where they will end up, start with a small amount of money. If you start with just millions, then you can go later on from there. When you paint it as being simply to help families who have autistic or Alzheimer's patients, people with dementia, things that Americans like me understand because we have had family members who, because of organic problems, a very brilliant person can become confused, not know where they are and become lost. But life here in Congress would be so much easier if I simply would not read the bills.

This bill creates a Federal tracking program, and it starts with Alzheimer's patients and autism patients, people with those disabilities. It also includes, according to the bill, developmental disabilities, and that is broad enough that you can start including all kinds of things now that the law has been passed.

My understanding, it is told that in the Senate it was likewise breezed through. Somebody went on the Senate floor when other Senators weren't there, maybe two people or so, and said: I ask unanimous consent that this bill be passed; hearing no objection, so ordered.

It was not much of a vote. We didn't even have a hearing in subcommittee or committee where we bring witnesses, talk to experts, talk to people involved, see what the problem is and see if the cure is worse than the problem. We didn't have that. We didn't have constitutional experts talk about the indications for our future freedom.

Instead, we got this bill. I am grateful that proponents tried to fix things, but as I read through it, the fixes didn't really fix things. This program that is supposed to help people with mental health issues—confusion, getting lost, and dying. We know these things happen. There is nothing anywhere in the law that prevents a parent from having something that helps that parent track or keep track of their autistic child or child with, according to this bill, developmental disabilities—nothing. There is nothing that keeps a guardian from using some kind of tracking methodology to keep up with someone who has Alzheimer's.

Yes, I know it is a serious issue; but why wasn't this left, then, to the Department of Health and Human Services if it is really just a mental health issue? The answer is it was left to the Attorney General and to the Department of Justice because the truth is, if it would need to expand, that is where they want it to expand.

We were assured that this is strictly voluntary; but once you have a program in place, it is very easy for someone to file a petition and ask a judge, such as I once was back in Texas: Here are the indications. We need an order for the good of this person and the safety of the public so that this person can be tracked.

It is not just a danger to themselves, the bill talks about, or an injury that could be caused by the patient. We know from the Department of Homeland Security that many in the Department of Homeland Security think the biggest threat for hate crimes, for destruction and death in America are from people who are veterans that may like the idea of the Second Amendment allowing them to keep guns.

□ 1615

They are people who believe the Constitution should be literally followed, and the words that the Constitution actually says should be followed. The Founders of this country would be, of course—if they were around today—at the top of this administration's no-fly list because they wanted liberty above all, they wanted freedom. They did not want a government that interceded into their own personal private decisions and lives.

Now we have this bill. The attorney general will tell us what the rules are because the bill says he or she will, and the attorney general will set up the best practices. I know that there is language added that says: Oh, no, the parent or guardian, they have to voluntarily use this program; it is not forceful.

Well, no, the grants are not for anyone except voluntary, but I can guarantee you the program will ultimately be used to involuntarily place tracking information on people.

Then, despite some of my friends in Congress saying, This is really not a danger, it is nothing to worry about, I get back to the office and my staff hands me an article regarding Japan. And, lo and behold, it is from Yahoo News. ''Japan Tags Dementia Sufferers With Barcodes.'' And the article goes on to point out that in Japan, where, until after World War II and the surrender in 1945, Japan had a history of submitting to whatever the emperor, the totalitarian leader, dictated.

Well, now in Japan, they have come up with the best way of tracking people. It is by putting barcodes on fingers. All you need is a barcode on one finger, a barcode on one toe, and then the Japanese Government will be able to accurately and adequately track people they are concerned about.

So I don't think anybody needs to be worried about the government having this Orwellian program unless, perhaps, they are Christian, because the Commission on Civil Rights thinks that people who talk about religious freedom, religious liberty, Christians that use words like ''evangelical,'' that those are the biggest threat, perhaps, for hate in America because of the ignorance in this administration. It is nothing against them personally. It is just all of us are ignorant in some areas.

Apparently, in this administration, there is widespread ignorance over the fact that Christianity is the religion based on love; that God so loved the world, he would send his son, and that his son would so love the world, he would lay down his life for his friends, which he, Jesus, said was the greatest love. True Christians follow the teachings of Jesus just as most Muslims try to do; to follow the teachings of Jesus.

Anyway, if you are a Christian, or you believe the Constitution should be literally followed, or you believe that you should have a right to keep and bear arms under the Second Amendment, or you believe the Tenth Amendment means what it says, that any power not specifically enumerated for the Federal Government, it is reserved to the States and people, anybody that believes those kind of things is really a threat, according to some in this administration and some in what has become more of a permanent government.

Administrations come and go, but we have got liberals that are so tolerant, they want to take away the rights of anybody with whom they disagree. The blacklist experts. They talk about blacklists of the fifties, and they go beyond anything that the fifties may have had in store for those who wanted to bring down the United States Government.

Anyway, there just was not enough attention paid to this bill. It breaks my heart—and I am not kidding, I am not being sarcastic—that there were some that were pushing for this bill that have some of the biggest hearts, that want to do more to help people—and I am afraid because of the bill's passage today, and I am sure the President will sign it into law, gee, we get to track people we are concerned about in America, maybe we will use a barcode.

If we can have the attorney general, in his opinion, find that a subcutaneous chip implant is noninvasive,

then we can do that. But maybe the barcode would be better than a chip.

Anyway, we have passed the program. Someday, I am very afraid for my dear friends that push this bill that history will not so much remember the wonderful things they have fought for in this legislative body, the great moral issues they have stood for, but one day they will be remembered as the ones who quietly pushed this bill through that allowed a Federal Government to begin tracking for the first-time students—not students, but young people, whether they are students or not, people with disabilities. I am sure we will be seeing the attorney general add definition, since it is up to her, or someday him, perhaps, to determine what really is developmental disability.

So those things are coming. People need to be aware of them. Perhaps someday we will have a Congress before it is too late that will back up and say: Wait a minute, we are not going to be funding with Federal taxpayer dollars a tracking system for American citizens.

I had some colleague say: Well, I could have voted for it if it was only people who were known terrorists, but we don't want to track known terrorists. This bill would be considered an abomination if we tried to put a barcode or a chip into a known terrorist in the United States. No, this needs to be reserved for people who get confused, and so it goes.

In the words of Billy Joel:

So it goes, and you are the only one who knows.

So also being as how this week included the 75th anniversary of the day of infamy when right at that level the President of the United States, Franklin D. Roosevelt, said—actually, 75 years ago today, he said:

Yesterday, December 7, 1941—a date which will live in infamy—the United States of America was suddenly and deliberately attacked by naval and air forces of the Empire of Japan.

He went on. It is about a page-and-a-half speech, double spaced. And he concludes by saying:

With confidence in our own forces—with the unbounded determination of our people—we will gain the inevitable triumph—so help us God.

It is interesting, Roosevelt so often referred to God. He is the only American President, which I am aware, who went on national radio, or TV, but he went on radio—that is what they had at the time—on D-day, when thousands of American troops were landing in France on the beaches, thousands were being killed, and he led the Nation in a Christian prayer on national radio.

Why?

Because he was a true leader of the United States. He knew our Nation was in great trouble. So the natural thing to do was lead the Nation in prayer.

If we go back to the man who is called the Father of the Constitution, as I understand it, the Federal Government mandates a test to be taught in order for people to get a little bit of the money that they send from their States to Washington, D.C., to the Department of Education. The Department of Education, if you do what they tell you, will send you a little bit back of your own money. So they don't require that the statements of our constitutional Founders be learned.

My understanding is the biggest thing the current folks want to be taught and learned about World War II is not that America was attacked. There was a day of infamy and that America was fighting and losing lives around the world, not as much for America, but for liberty, for freedom; that there would be places in the world where people could live and have opportunity and make their own decisions without the forces of radical Islam, which had joined forces with the Nazis and with the emperor in Japan.

But if you go back to James Madison, he said:

We have staked the whole future of American civilization, not on the power of government; far from it. We have staked the future of all of our political institutions upon the capacity of mankind for self-government; upon the capacity of each and all of us to govern ourselves, to control ourselves, to sustain ourselves according to the Ten Commandments of God.

That is rather important. That is why if you go through the writings, the pronouncements, the proclamations, the laws of the United States for the first 100, 150 years or so, we finally got the Constitution to a place where people understood you can't have slavery legally exist under a constitution that grants freedom. Thank God, they finally got past the ridiculous decision in Dred Scott, and we got past the Civil War.

In 1890, there was a case that the Supreme Court sat in on, 136 U.S. 1 (1890). The Supreme Court said this:

It is contrary to the spirit of Christianity and the civilization, which Christianity has produced in the western world.

Two years later, in the case of United States v. Church of the Holy Trinity, the Supreme Court went on for pages talking about the evidence of Christianity in America not so that Christianity would be forced or imposed on anyone, but as Madison understood, and as Adams understood, and as Washington understood, you could not maintain self-government, a democratic Republic where we will elect representatives as our servants. You can't maintain that if it is not a religious and a moral people. That cannot be a majority of religious and moral people who believe that the Constitution must totally be subjugated to a particular law, whether that be Sharia or others.

So in the Declaration of Independence—this is the Supreme Court citing this in their 1892 decision:

The Declaration of Independence recognizes the presence of the Divine in human affairs in these words:

''We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights . . . appealing to the Supreme Judge of the world for the rectitude of our intentions . . . And for the support of this Declaration, with firm reliance on Protection of Define Providence, we mutually pledge to each other our Lives, our Fortunes, and our sacred Honor.''

□ 1630

When I saw a copy of the original Treaty of Paris of 1783, in which we forced England to swear under something so important that they would not want to break the oath, what do you come up with to get Great Britain—the most powerful country in the world with the most powerful navy and army—to swear under that they would not willingly be wanting to break that oath? The big words—huge letters—starting the treaty that recognized our independence for the first time starts out:

In the Name of the most Holy and undivided Trinity, that is Father, Son, Holy Ghost.

The opinion goes on and cites so many examples of Christianity in America. They say:

We are a Christian people, and the morality of the country is deeply engrafted upon Christianity and not upon the doctrines of worship of those impostors.

It goes on and reads after many more recitations:

These and many other matters which might be noticed add a volume of unofficial declaration to the mass of organic utterances that this is a Christian nation. We find everywhere a clear recognition of the same truth. The happiness of a people and the good order and preservation of civil government essentially depend upon piety, religion, and morality.

Not that we would ever force Christian beliefs on anyone, but as we find historically—and as even a Muslim leader and a descendant of Muhammad told General Jay Garner in Iraq when he was inquiring as to what kind of government we should have—he said it should be based on the teachings of Jesus because that descendant of Muhammad—that Muslim leader—understood that it is, really, only if you have a government that is under the teachings of Jesus where an atheist, a Buddhist, Hindu, Islam—any religion—can prosper without fear so long as they do not try to undo the Constitution of the United States.

Franklin Roosevelt, so endeared to liberals in this Nation, on December 24, 1933, said:

This year marks a greater national understanding of the significance in our modern lives of the teaching of Him whose birth we celebrate. To more and more of us, the words ''thou shalt love thy neighbor as thyself'' have taken on a meaning that is showing itself and proving itself in our purposes and in our daily lives. May the practice of that high ideal grow in us all in the year to come. I give you and send you, one and all, old and young, a Merry Christmas and a truly happy new year. And so, for now and for always, God bless us, everyone.

Another example is from Franklin Roosevelt on December 21, 2 short

weeks after the bombing at Pearl Harbor. I won't read the whole thing, but it is deeply moving, and he finishes by saying:

Our strongest weapon in this war is that conviction of the dignity and brotherhood of man, which Christmas Day signifies. Against enemies who preach the principles of hate and practice them, we set our faith in human love and in God's care for us and all men everywhere. Our strength, as the strength of all men everywhere, is of greater avail as God upholds us.

In 1942, on Christmas Eve, he finished by saying:

It is significant that tomorrow, Christmas Day, our plants and factories will be stilled. That is not true of the other holidays we have long been accustomed to celebrate. On all other holidays, work goes on—gladly for the winning of the war. So Christmas becomes the only holiday in all the year. I like to think this is so because Christmas is a holy day.

John F. Kennedy, on December 17, 1962, said these words—and I won't read the whole thing—in the conclusion:

This has been a year of peril where the peace has been sorely threatened, but it has been a year when peril was faced and when reason ruled. As a result, we may talk at this Christmas just a little bit more confidently of peace on Earth, goodwill to men; and, as a result, the hopes of the American people are, perhaps, a little higher. We have much yet to do. We still have to ask that God bless everyone.

Then last for today, before we adjourn for Christmas, Ronald Reagan, on December 19, 1988, concluded his Christmas address by saying:

Our compassion and concern this Christmas and all year long will mean much to the hospitalized, the homeless, the convalescent, the orphaned, and it will surely lead us on our way to the joy and peace of Bethlehem and the Christ Child who bids us come, for it is only in finding and living the eternal meaning of the Nativity that we can be truly happy, truly at peace, truly home.

I conclude, Mr. Speaker, as Ronald Reagan did: Merry Christmas, and God bless you.

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

AGREEMENT ON SOCIAL SECURITY BETWEEN THE UNITED STATES OF AMERICA AND THE FEDERATIVE REPUBLIC OF BRAZIL—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 114–186)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

Pursuant to section 233(e)(1) of the Social Security Act, as amended by the Social Security Amendments of 1977 (Public Law 95–216, 42 U.S.C. 433(e)(1)), I transmit herewith a social security totalization agreement with Brazil, titled ''Agreement on Social Security between the United States of America and the Federative Republic of Brazil,'' and a related agreement titled ''Administrative Arrangement between the Competent Authorities of the United States of America and the Federative Republic of Brazil for the Implementation of the Agreement on Social Security'' (collectively the ''Agreements''). The Agreements were signed in Washington, D.C., on June 30, 2015.

The Agreements are similar in objective to the social security agreements already in force with most European Union countries, Australia, Canada, Chile, Japan, Norway, the Republic of Korea, and Switzerland. Such bilateral agreements provide for limited coordination between the United States and foreign social security systems to eliminate dual social security coverage and taxation and to help prevent the lost benefit protection that can occur when workers divide their careers between two countries.

The Agreements contain all provisions mandated by section 233 of the Social Security Act and other provisions that I deem appropriate to carry out the purposes of section 233, pursuant to section 233(c)(4) of the Social Security Act.

I also transmit for the information of the Congress a report required by section 233(e)(1) of the Social Security Act on the estimated number of individuals who will be affected by the Agreements and the Agreements' estimated cost effect. The Department of State and the Social Security Administration have recommended the Agreements to me.

I commend the Agreement on Social Security between the United States of America and the Federative Republic of Brazil and the Administrative Arrangement between the Competent Authorities of the United States of America and the Federative Republic of Brazil for the Implementation of the Agreement on Social Security.

BARACK OBAMA.

THE WHITE HOUSE, *December 8, 2016*.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CLYBURN (at the request of Ms. PELOSI) for today.

ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 34. An act to accelerate the discovery, development, and delivery of 21st century cures, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 817. An act to provide for the addition of certain real property to the reservation of the Siletz Tribe in the State of Oregon.

S. 818. An act to amend the Grand Ronde Reservation Act to make technical corrections, and for other purposes.

S. 2873. An act to require studies and reports examining the use of, and opportunities to use, technology-enabled collaborative learning and capacity building models to improve programs of the Department of Health and Human Services, and for other purposes.

S. 3076. An act to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish caskets and urns for burial in cemeteries of States and tribal organizations of veterans without next of kin or sufficient resources to provide for caskets or urns, and for other purposes.

S. 3492. An act to designate the Traverse City VA Community-Based Outpatient Clinic of the Department of Veterans Affairs in Traverse City, Michigan, as the ''Colonel Demas T. Craw VA Clinic''.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until Monday, December 12, 2016, at 3 p.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Official Foreign Travel during the second and third quarters of 2016, pursuant to Public Law 95–384, are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 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. Bob Goodlatte	6/25	7/3	England, Belgium, Netherlands, & Switzerland.		1,107.00		2,729.16		2,336.00		6,172.16

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 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. Steve King	6/26	7/5	England, Belgium, Netherlands, & Switzerland.		851.00		8,329.00		1,992.00		11,172.00
Vishal Amin	6/25	7/3	England, Belgium, Netherlands, & Switzerland.		1,107.00		2,729.16		2,336.00		6,172.16
Christopher Grieco	6/25	7/3	England, Belgium, Netherlands, & Switzerland.		1,107.00		2,729.16		2,336.00		6,172.16
Hon. Louie Gohmert	7/28	8/5	Germany, Sweden, Czech Republic, & Slovakia.		960.00		[3]		1,795.22		2,755.22
Hon. Bob Goodlatte	7/28	8/5	Germany, Sweden, Czech Republic, & Slovakia.		960.00		[3]		1,795.22		2,755.22
Hon. Doug Collins	7/28	8/5	Germany, Sweden, Czech Republic, & Slovakia.		960.00		[3]		1,795.22		2,755.22
Hon. Mike Bishop	7/28	8/5	Germany, Sweden, Czech Republic, & Slovakia.		960.00		[3]		1,795.22		2,755.22
Hon. Sheila Jackson Lee	8/1	8/5	Germany, Sweden, Czech Republic, & Slovakia.		494.00		[3]		897.00		1,391.00
Hon. Scott Peters	7/28	8/5	Germany, Sweden, Czech Republic, & Slovakia.		960.00		[3]		1,795.22		2,755.22
Shelley Husband	7/28	8/5	Germany, Sweden, Czech Republic, & Slovakia.		960.00		[3]		1,795.22		2,755.22
Branden Ritchie	7/28	8/5	Germany, Sweden, Czech Republic, & Slovakia.		960.00		[3]		1,795.22		2,755.22
Ryan Breitenbach	7/28	8/5	Germany, Sweden, Czech Republic, & Slovakia.		960.00		[3]		1,795.22		2,755.22
Joe Graupensperger	7/28	8/5	Germany, Sweden, Czech Republic, & Slovakia.		960.00		[3]		1,795.22		2,755.22
John Manning	7/28	8/5	Germany, Sweden, Czech Republic, & Slovakia.		960.00		[3]		1,795.22		2,755.22
Hon. Trent Franks	7/29	8/2	Haiti		555.00		697.00		620.00		1,872.00
Keenan Keller	7/29	8/2	Haiti		555.00		697.00		620.00		1,872.00
Committee total					15,376.00		17,910,48		29,089.00		62,375.68

[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.
[3] Military air transportation.

HON. BOB GOODLATTE, Chairman, Nov. 1, 2016.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 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]
Cordell Hull	7/2	7/4	Egypt		573.00		9,505.00				10,078.00
Valerie Shen	7/2	7/4	Egypt		573.00		9,505.00				10,078.00
Delegation expenses									1,240.00		1,240.00
Hon. Carolyn Maloney	8/6	8/7	Cape Verde		197.00						197.00
	8/7	8/10	Senegal		823.00						823.00
	8/10	8/12	Liberia		658.00						658.00
	8/12	8/14	Nigeria		1,042.00						1,042.00
	8/14	8/15	Spain		253.00						253.00
Hon. Jason Chaffetz	7/16	7/17	Portugal		295.00						295.00
Delegation expenses									4,941.00		4,941.00
	7/17	7/18	Israel		498.00						498.00
Delegation expenses									10,114.00		10,114,00
	7/18	7/20	Jordan		711.00						711.00
Delegation expenses									4,640.00		4,640.00
	7/20	7/21	Georgia		305.00						305.00
Delegation expenses									1,758.00		1,758.00
Hon. Jason Chaffetz	7/21	7/22	Romania		232.00						232.00
Delegation expenses									3,330.00		3,330.00
	7/22	7/24	Lithuania		647.00						647.00
Delegation expenses									3,451.00		3,451.00
Hon. Cynthia Lummis	7/16	7/17	Portugal		278.00						278.00
	7/17	7/18	Israel		498.00						498.00
	7/18	7/20	Jordan		711.00						711.00
	7/20	7/21	Georgia		305.00						305.00
	7/21	7/22	Romania		221.00						221.00
	7/22	7/24	Lithuania		647.00						647.00
Hon. Gary Palmer	7/16	7/17	Portugal		295.00						295.00
	7/17	7/18	Israel		498.00						498.00
	7/18	7/20	Jordan		711.00						711.00
	7/20	7/21	Georgia		305.00						305.00
	7/21	7/22	Romania		232.00						232.00
	7/22	7/24	Lithuania		647.00						647.00
Hon. Mark Walker	7/16	7/17	Portugal		330.00						330.00
	7/17	7/18	Israel		498.00						498.00
	7/18	7/20	Jordan		711.00						711.00
	7/20	7/21	Georgia		305.00						305.00
	7/21	7/22	Romania		232.00						232.00
	7/22	7/24	Lithuania		647.00						647.00
Hon. Jody Hice	7/16	7/17	Portugal		308.00						308.00
	7/17	7/18	Israel		498.00						498.00
	7/18	7/20	Jordan		711.00						711.00
	7/20	7/21	Georgia		305.00						305.00
	7/21	7/22	Romania		221.00						221.00
	7/22	7/24	Lithuania		647.00						647.00
Jennifer Hemingway	7/16	7/17	Portugal		278.00						278.00
	7/17	7/18	Israel		498.00						498.00
	7/18	7/20	Jordan		711.00						711.00
	7/20	7/21	Georgia		305.00						305.00
	7/21	7/22	Romania		221.00						221.00
	7/22	7/24	Lithuania		647.00						647.00
Meghan Berroya	7/16	7/17	Portugal		308.00						308.00
	7/17	7/18	Israel		498.00						498.00
	7/18	7/20	Jordan		711.00						711.00
	7/20	7/21	Georgia		305.00						305.00
	7/21	7/22	Romania		221.00						221.00
	7/22	7/24	Lithuania		647.00						647.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 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. Mark DeSaulnier	7/19	7/20	Jordan		570.00						570.00
	7/20	7/21	Georgia		305.00						305.00
	7/21	7/22	Romania		232.00						232.00
	7/22	7/24	Lithuania		647.00						647.00
Commercial airfare							1,449.00				1,449.00
Committee total					24,672.00		20,459.00		29,474.00		74,605.00

[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.

HON. JASON CHAFFETZ, Chairman, Nov. 23, 2016.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

7816. A letter from the Regulations Coordinator, Administration for Children and Families, Department of Health and Human Services, transmitting the Department's final rule — Head Start Program (RIN: 0970-AC63) received December 6, 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.

7817. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Food Additives Permitted in Feed and Drinking Water of Animals; Guanidinoacetic Acid [Docket No.: FDA-2015-F-2337] received December 7, 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.

7818. A letter from the Regulations Coordinator, Office of Inspector General, Department of Health and Human Services, transmitting the Department's final rule — Medicare and State Health Care Programs: Fraud and Abuse; Revisions to the Safe Harbors Under the Anti-Kickback Statute and Civil Monetary Penalty Rules Regarding Beneficiary Inducements (RIN: 0936-AA06) December 7, 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.

7819. A letter from the Regulations Coordinator, Office of Inspector General, Department of Health and Human Services, transmitting the Department's final rule — Medicare and State Health Care Programs: Fraud and Abuse; Revisions to the Office of Inspector General's Civil Monetary Penalty Rules (RIN: 0936-AA04) received December 7, 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.

7820. A letter from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting the Department's temporary final rule — Special Local Regulation; Arkansas River; Little Rock, AR [Docket No.: USCG-2016-0887] (RIN: 1625-AA08) received December 7, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

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. MCCAUL: Committee on Homeland Security. H.R. 5253. A bill to amend the Homeland Security Act of 2002 and the Immigration and Nationality Act to improve visa security, visa applicant vetting, and for other purposes; with an amendment (Rept. 114–850, Pt. 1). Ordered to be printed.

Mr. BISHOP of Utah: Committee on Natural Resources. H.R. 3094. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to transfer to States the authority to manage red snapper fisheries in the Gulf of Mexico; with an amendment (Rept. 114–851). Referred to the Committee of the Whole House on the state of the Union.

Mr. KLINE: Committee on Education and the Workforce. H.R. 5003. A bill to reauthorize child nutrition programs, and for other purposes; with an amendment (Rept. 114–852, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. CHAFFETZ: Committee on Oversight and Government Reform. H.R. 5033. A bill to improve the Governmentwide management of unnecessarily duplicative Government programs and for other purposes; with an amendment (Rept. 114–853). Referred to the Committee of the Whole House on the state of the Union.

Mr. MCCAUL: Committee on Homeland Security. H.R. 1738. A bill to amend the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to modernize and implement the national integrated public alert and warning system to disseminate homeland security information and other information, and for other purposes; with an amendment (Rept. 114–854, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. MCCAUL: Committee on Homeland Security. H.R. 4383. A bill to require the Secretary of Homeland Security to enhance Department of Homeland Security coordination on how to identify and record information regarding individuals suspected or convicted of human trafficking, and for other purposes; with an amendment (Rept. 114–855, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. BISHOP of Utah: Committee on Natural Resources. H.R. 3062. A bill to prohibit the use of eminent domain in carrying out certain projects (Rept. 114–856, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. BISHOP of Utah: Committee on Natural Resources. H.R. 4579. A bill to withdraw certain Bureau of Land Management land in the State of Utah from all forms of public appropriation, to provide for the shared management of the withdrawn land by the Secretary of the Interior and the Secretary of the Air Force to facilitate enhanced weapons testing and pilot training, enhance public safety, and provide for continued public access to the withdrawn land, to provide for the exchange of certain Federal land and State land, and for other purposes; with an amendment (Rept. 114–857, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. CHAFFETZ: Committee on Oversight and Government Reform. H.R. 5714. A bill to restore the financial solvency and improve the governance of the United States Postal Service in order to ensure the efficient and affordable nationwide delivery of mail, and for other purposes (Rept. 114–858, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. CHAFFETZ: Committee on Oversight and Government Reform. H.R. 5707. A bill to amend title 5, United States Code, to provide for certain index fund investments from the Postal Service Retiree Health Benefits Fund, and for other purposes (Rept. 114–859, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. CHAFFETZ: Committee on Oversight and Government Reform. H.R. 6008. A bill to provide transit benefits to Federal employees who use the services of transportation network companies within the national capital region, and for other purposes; with amendments (Rept. 114–860, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. BRADY of Texas: Committee on Ways and Means. H.R. 5204. A bill to amend the Internal Revenue Code of 1986 and the Higher Education Act of 1965 to provide an exclusion from income for student loan forgiveness for students who have died or become disabled, with an amendment (Rept. 114–861, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. BRADY of Texas: Committee on Ways and Means. H.R. 4220. A bill to amend the Internal Revenue Code of 1986 to facilitate water leasing and water transfers to promote conservation and efficiency; with an amendment (Rept. 114–862). Referred to the Committee of the Whole House on the state of the Union.

Mr. BRADY of Texas: Committee on Ways and Means. H.R. 5879. A bill to amend the Internal Revenue Code of 1986 to modify the credit for production from advanced nuclear power facilities; with an amendment (Rept. 114–863). Referred to the Committee of the Whole House on the state of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committee on Transportation and Infrastructure discharged from further consideration. H.R. 1738 referred to the Committee of the Whole House on the state of the Union.

Pursuant to clause 2 of rule XIII, the Committee on Energy and Commerce discharged from further consideration. H.R. 3062 referred to the Committee of

the Whole House on the state of the Union.

Pursuant to clause 2 of rule XIII, the Committee on the Judiciary discharged from further consideration. H.R. 4383 referred to the Committee of the Whole House on the state of the Union.

Pursuant to clause 2 of rule XIII, the Committee on Armed Services discharged from further consideration. H.R. 4579 referred to the Committee of the Whole House on the state of the Union.

Pursuant to clause 2 of rule XIII, the Committee on the Budget discharged from further consideration. H.R. 5003 referred to the Committee of the Whole House on the state of the Union.

Pursuant to clause 2 of rule XIII, the Committee on Education and the Workforce discharged from further consideration. H.R. 5204 referred to the Committee of the Whole House on the state of the Union.

Pursuant to clause 2 of rule XIII, the Committee on the Budget discharged from further consideration. H.R. 5707 referred to the Committee of the Whole House on the state of the Union.

Pursuant to clause 2 of rule XIII, the Committees on Ways and Means and Energy and Commerce discharged from further consideration. H.R. 5714 referred to the Committee of the Whole House on the state of the Union.

Pursuant to clause 2 of rule XIII, the Committee on Ways and Means discharged from further consideration. H.R. 6008 referred to the Committee of the Whole House on the state of the Union.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. BISHOP of Utah: Committee on Natural Resources. H.R. 3062. A bill to prohibit the use of eminent domain in carrying out certain projects; referred to the Committee on Energy and Commerce for a period ending not later than December 8, 2016, for consideration of such provisions of the bill as fall within the jurisdiction of that committee pursuant to clause 1(f) of rule X (Rept. 114–856, Pt. 1). Ordered to be printed.

Mr. CHAFFETZ: Committee on Oversight and Government Reform. H.R. 5707. A bill to amend title 5, United States Code, to provide for certain index fund investments from the Postal Service Retiree Health Benefits Fund, and for other purposes; referred to the Committee on the Budget for a period ending not later than December 8, 2016, for consideration of such provisions of the bill as fall within the jurisdiction of that committee pursuant to clause 1(d) of rule X (Rept. 114–859, Pt. 1). Ordered to be printed.

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. DEFAZIO (for himself, Ms. GABBARD, Mr. CICILLINE, Ms. SLAUGHTER, and Ms. KAPTUR):

H.R. 6476. A bill to amend the Lobbying Disclosure Act of 1995 and the Foreign Agents Registration Act of 1938 to restrict the lobbying activities of former political appointees, and for other purposes; to the Committee on the Judiciary.

By Mr. CHABOT (for himself, Mr. COHEN, Mr. GOODLATTE, and Mr. CONYERS):

H.R. 6477. A bill to amend chapter 97 of title 28, United States Code, to clarify the exception to foreign sovereign immunity set forth in section 1605(a)(3) of such title; considered and passed. considered and passed.

By Ms. CLARK of Massachusetts:

H.R. 6478. A bill to amend title 18, United States Code, to provide criminal and civil remedies for publication of personally identifiable information with the intent to do harm; to the Committee on the Judiciary.

By Mr. THORNBERRY:

H.R. 6479. A bill to survey the gradient boundary along the Red River in the States of Oklahoma and Texas, and for other purposes; to the Committee on Natural Resources.

By Mr. NUNES (for himself and Mr. SCHIFF):

H.R. 6480. A bill to authorize appropriations for fiscal year 2017 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; to the Committee on Intelligence (Permanent Select). considered and passed. considered and passed.

By Ms. KAPTUR (for herself, Mr. YOUNG of Alaska, Mr. CONYERS, Ms. MOORE, Ms. PINGREE, and Mr. RYAN of Ohio):

H.R. 6481. A bill to promote and enhance urban agricultural production and agricultural research in urban areas, and for other purposes; to the Committee on Agriculture.

By Mr. SMITH of New Jersey:

H.R. 6482. A bill to amend the International Religious Freedom Act of 1998 to improve the ability of the United States to advance religious freedom globally through enhanced diplomacy, training, counterterrorism, and foreign assistance efforts, and through stronger and more flexible political responses to religious freedom violations and violent extremism worldwide, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Financial Services, and Oversight and Government Reform, 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. PRICE of North Carolina:

H.R. 6483. A bill to encourage the development, certification, and adoption of environmentally sustainable swine waste disposal technologies, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Ways and Means, 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. RUSH:

H.R. 6484. A bill to acknowledge the fundamental injustice and the subsequent de jure and de facto racial and economic discrimination against those African-Americans impacted by the ''War on Drugs'' and the subsequent disparate and discriminatory mass incarceration, to determine the role that private corporations played in the prison industrial complex, to determine the impact of these forces on their families, to make recommendations to the Congress on appropriate remedies, and for other purposes; to the Committee on the Judiciary.

By Mr. CARTWRIGHT (for himself, Mr. GRAYSON, Mr. MCDERMOTT, Mr. GRIJALVA, Ms. EDWARDS, and Ms. JACKSON LEE):

H.R. 6485. A bill to amend the Older Americans Act of 1965 to develop and test an expanded and advanced role for direct care workers who provide long-term services and supports to older individuals in efforts to coordinate care and improve the efficiency of service delivery; to the Committee on Education and the Workforce.

By Mr. RUSH:

H.R. 6486. A bill to require, as a condition on the receipt of Federal funds, that States require law enforcement agencies to have in effect a policy regarding the use of body-worn cameras and dashboard cameras; to the Committee on the Judiciary.

By Mr. ROYCE (for himself and Ms. MOORE):

H.R. 6487. A bill to require Fannie Mae and Freddie Mac to engage in credit risk transfer transactions, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Agriculture, and Ways and Means, 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. MOORE:

H.R. 6488. A bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to remove the exemption from registration for certain private activity bonds, to authorize the Securities and Exchange Commission to require the preparation of periodic reports by issuers of municipal securities, to authorize the Securities and Exchange Commission to establish baseline mandatory disclosure in primary offerings of such securities, and for other purposes; to the Committee on Financial Services.

By Mr. SAM JOHNSON of Texas:

H.R. 6489. A bill to preserve Social Security for generations to come, reward work, and improve retirement security; to the Committee on Ways and Means.

By Mr. SMITH of Texas:

H.R. 6490. A bill to invest in innovation through research and development, and to improve the competitiveness of the United States; to the Committee on Science, Space, and Technology, and in addition to the Committees on Oversight and Government Reform, and Education and the Workforce, 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. GOSAR:

H.R. 6491. A bill to authorize the Secretary of the Interior to convey certain land to La Paz County, Arizona, and for other purposes; to the Committee on Natural Resources.

By Mr. ELLISON:

H.R. 6492. A bill to amend the Internal Revenue Code of 1986 to reduce the mortgage interest deduction relating to acquisition indebtedness for certain taxpayers; to the Committee on Ways and Means.

By Mr. VEASEY:

H.R. 6493. A bill to ensure that members of the uniformed services will have access to information to make informed choices regarding the retirement options to be made available to members; to the Committee on Armed Services.

By Mr. VEASEY:

H.R. 6494. A bill to amend title 39, United States Code, to provide that any absentee ballot may be mailed free of postage, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on House Administration, 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. VEASEY (for himself and Mr. CASTRO of Texas):

H.R. 6495. A bill to require the Secretary of Homeland Security, with respect to individuals who have timely filed a DACA renewal request, to provide a short-term, interim grant of deferred action and employment authorization when there is a delay in processing the renewal request because of a service disruption or other technical problem that causes adjudications to stop or stall; to the Committee on the Judiciary.

By Ms. JUDY CHU of California (for herself and Mr. SMITH of Texas):

H.R. 6496. A bill to amend title 17, United States Code, to establish a small claims system within the Copyright Office, and for other purposes; to the Committee on the Judiciary.

By Mr. CARTER of Georgia:

H.R. 6497. A bill to require screening transparency and accountability of the TSA, and for other purposes; to the Committee on Homeland Security.

By Mr. CICILLINE (for himself, Ms. ROYBAL-ALLARD, Mr. MEEKS, Mr. BEYER, Mr. MCGOVERN, Ms. SCHAKOWSKY, Mr. HASTINGS, Mr. BRENDAN F. BOYLE of Pennsylvania, Ms. MOORE, Mr. RYAN of Ohio, Ms. VELÁZQUEZ, Mr. DEFAZIO, Ms. KAPTUR, Ms. BROWNLEY of California, Ms. LOFGREN, Mr. GRIJALVA, Mr. TED LIEU of California, Mr. NADLER, Ms. TITUS, and Mr. COHEN):

H.R. 6498. A bill to require the disclosure of the Federal income tax returns of the President; to the Committee on Oversight and Government Reform, and in addition to the Committee on Ways and Means, 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. DANNY K. DAVIS of Illinois:

H.R. 6499. A bill to permit the expungement of records of certain nonviolent criminal offenses; to the Committee on the Judiciary.

By Mr. DELANEY (for himself, Mr. CARNEY, and Mr. HIMES):

H.R. 6500. A bill to establish a Mortgage Credit Risk Sharing Pilot Program at Fannie Mae and Freddie Mac, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Ways and Means, 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. DELAURO (for herself, Ms. SCHAKOWSKY, Mr. DOGGETT, Mr. MCDERMOTT, Mr. HONDA, Ms. MOORE, Ms. KAPTUR, and Mr. WELCH):

H.R. 6501. A bill to establish within the Food and Drug Administration the Prescription Drug and Medical Device Price Review Board to regulate the prices of certain prescription drugs and medical devices, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and 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. DUCKWORTH (for herself and Mr. COHEN):

H.R. 6502. A bill to direct the Secretary of Transportation to require new schoolbuses to be equipped with three-point safety belts at each designated seating position; to the Committee on Transportation and Infrastructure.

By Mr. FORTENBERRY:

H.R. 6503. A bill to facilitate services and support to prevent the abandonment of women and children by alleviating the physical, financial, social, emotional, and other difficulties that may be encountered during pregnancy and childrearing; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, 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. GABBARD (for herself, Mr. WELCH, Ms. LEE, Mr. ROHRABACHER, and Mr. MASSIE):

H.R. 6504. A bill to prohibit the use of United States Government funds to provide assistance to Al Qaeda, Jabhat Fateh al-Sham, and the Islamic State of Iraq and the Levant (ISIL) and to countries supporting those organizations, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Intelligence (Permanent Select), 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. GRAYSON:

H.R. 6505. A bill to require that jurisdictions receiving Byrne JAG funds have in place an independent civilian review board for the purpose of reviewing allegations of brutality and civil rights violations made against law enforcement officers of the law enforcement agency of that jurisdiction; to the Committee on the Judiciary.

By Mr. GRAYSON:

H.R. 6506. A bill to provide that the President shall be financially responsible for any additional security measures imposed on property in which the President holds an ownership interest, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. GRAYSON:

H.R. 6507. A bill to amend section 552 of title 5, United States Code (commonly known as the Freedom of Information Act), to require an agency to release the Federal income tax returns of the President upon request, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Oversight and Government Reform, 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. GRIJALVA:

H.R. 6508. A bill to amend the Safe Drinking Water Act to require that underground injection control programs prevent seismicity induced by underground injection activities, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HECK of Washington:

H.R. 6509. A bill to amend the Servicemembers Civil Relief Act to improve the submission of proof of military service for purposes of interest rate limitations under such Act; to the Committee on Veterans' Affairs.

By Mr. HONDA:

H.R. 6510. A bill to provide for the temporary resettlement of Syrian children in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. HUFFMAN:

H.R. 6511. A bill to amend section 953 of title 18, United States Code (commonly called the Logan Act) to clarify the application of that section to Presidents-elect; to the Committee on the Judiciary.

By Mr. KILMER (for himself, Ms. HERRERA BEUTLER, and Mr. MURPHY of Pennsylvania):

H.R. 6512. A bill to authorize the Secretary of Health and Human Services to make loans and loan guarantees for constructing or renovating, or planning construction or renovation of, qualified psychiatric and substance abuse treatment facilities, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KING of Iowa:

H.R. 6513. A bill to amend the Internal Revenue Code of 1986 to expand health savings accounts, and for other purposes; to the Committee on Ways and Means.

By Mr. LANCE:

H.R. 6514. A bill to amend the Patient Protection and Affordable Care Act to redirect user fees assessed of health insurance issuers on Federal Exchanges, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MULLIN (for himself, Mr. BRIDENSTINE, Mrs. LAWRENCE, Mr. MESSER, and Mr. STUTZMAN):

H.R. 6515. A bill to amend the Patient Protection and Affordable Care Act to clarify the application of the rule for counting resident time in nonprovider settings; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. O'ROURKE (for himself and Mr. WALZ):

H.R. 6516. A bill to amend the Veterans Access, Choice, and Accountability Act of 2014 to expand eligibility for the Veterans Choice Program of the Department of Veterans Affairs, to establish a minimum period of care or services under such program, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. O'ROURKE (for himself and Mr. WALZ):

H.R. 6517. A bill to direct the Secretary of Defense and the Secretary of Veterans Affairs to post at certain locations the average national wait times for veterans to receive an appointment for health care at medical facilities of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' 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. PITTS (for himself, Mr. FLORES, Mrs. BROOKS of Indiana, Mr. BUCSHON, Mr. COLLINS of New York, Mr. GUTHRIE, Mrs. BLACKBURN, and Mr. MULLIN):

H.R. 6518. A bill to amend title XIX of the Social Security Act to improve the Medicaid and CHIP Payment and Access Commission (MACPAC); to the Committee on Energy and Commerce.

By Mr. QUIGLEY:

H.R. 6519. A bill to protect any State or local authority that limits or restricts compliance with an immigration detainer request remains eligible for grants and appropriated funds; to the Committee on the Judiciary, and in addition to the Committee on Oversight and Government Reform, 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 Miss RICE of New York:

H.R. 6520. A bill to amend the Older Americans Act of 1965 to authorize services to be provided to individuals with Alzheimer's disease or a related disorder with neurological and organic brain dysfunction who have not attained 60 years of age; to the Committee on Education and the Workforce.

By Miss RICE of New York:

H.R. 6521. A bill to amend the Internal Revenue Code of 1986 to increase the deduction

allowed for student loan interest and to exclude from gross income discharges of income contingent or income-based student loan indebtedness; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, 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. SCHRADER:

H.R. 6522. A bill to direct the Secretary of Defense to submit to Congress a certain study by the Defense Business Board regarding potential cost savings in the Department of Defense and to provide for expedited consideration of legislation to implement such cost savings; to the Committee on Armed Services, and in addition to the Committee on Rules, 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. SPEIER (for herself, Mr. CARSON of Indiana, Ms. CASTOR of Florida, Ms. KUSTER, Ms. LEE, Mrs. CAROLYN B. MALONEY of New York, and Ms. MOORE):

H.R. 6523. A bill to amend the Family Educational Rights and Privacy Act of 1974 to require the notification of institutions of postsecondary education of public safety concerns; to the Committee on Education and the Workforce.

By Mr. TONKO:

H.R. 6524. A bill to direct the Secretary of the Interior to establish a nonregulatory program to support restoration and protection efforts in the Hudson-Mohawk River Basin region, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on 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.

By Mrs. WATSON COLEMAN:

H.R. 6525. A bill to amend the Elementary and Secondary Education Act of 1965 to require students to undergo lead screenings; to the Committee on Education and the Workforce.

By Mr. SHUSTER:

H. Con. Res. 183. Concurrent resolution directing the Secretary of the Senate to make a correction in the enrollment of the bill S. 612; considered and agreed to.

By Mr. ROYCE:

H. Res. 951. A resolution denouncing the wrongful and unjust seizure and confiscation of private property of Iranians both inside and outside of Iran, including United States citizens of Iranian descent, by the Government of Iran; to the Committee on Foreign Affairs.

By Ms. JUDY CHU of California (for herself, Mr. AL GREEN of Texas, Ms. ROYBAL-ALLARD, Ms. LEE, Ms. MATSUI, Mr. MCNERNEY, Mr. SABLAN, Mrs. NAPOLITANO, Ms. LOFGREN, Mr. SCHIFF, Mr. BERA, Mrs. WATSON COLEMAN, Ms. GABBARD, Mr. POCAN, Ms. WILSON of Florida, Mr. SWALWELL of California, Mr. BEYER, Mr. WELCH, Ms. ESHOO, Mr. CAPUANO, Mr. ELLISON, Mr. TED LIEU of California, Ms. VELÁZQUEZ, Mrs. DAVIS of California, Mr. GARAMENDI, Mrs. TORRES, Mr. COSTA, Mr. TAKANO, Ms. MENG, Mr. GALLEGO, Mr. CUMMINGS, Mr. GRIJALVA, Mr. NADLER, Mr. LOWENTHAL, Mrs. DINGELL, Ms. HANABUSA, Mr. DANNY K. DAVIS of Illinois, Ms. DUCKWORTH, Mr. SCOTT of Virginia, Ms. BORDALLO, Mr. THOMPSON of California, Mr. COHEN, Ms. FUDGE, Mr. PETERS, Ms. CLARKE of New York, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PALLONE, Ms. SCHAKOWSKY, Mr. BECERRA, Mr. RUIZ, Mr. HUFFMAN, Ms. LINDA T. SÁNCHEZ of California, and Mr. GUTIÉRREZ):

H. Res. 952. A resolution recognizing the immense contributions of Congressman Michael M. Honda throughout his tenure in Congress; to the Committee on House Administration.

By Mr. LOWENTHAL (for himself, Ms. BONAMICI, Mr. CÁRDENAS, Mr. CARTWRIGHT, Ms. JUDY CHU of California, Mr. CICILLINE, Mr. CONNOLLY, Mr. COSTA, Mr. CROWLEY, Mrs. DINGELL, Mr. ELLISON, Mr. GRIJALVA, Mr. GUTIÉRREZ, Mr. HONDA, Ms. JACKSON LEE, Mr. KEATING, Mrs. LAWRENCE, Ms. LEE, Mr. LEVIN, Ms. LOFGREN, Ms. MATSUI, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. MCNERNEY, Ms. NORTON, Mr. PETERS, Mr. POCAN, Ms. LINDA T. SÁNCHEZ of California, Mr. SHERMAN, and Ms. SPEIER):

H. Res. 953. A resolution recognizing the 68th anniversary of the Universal Declaration of Human Rights and the celebration of ''Human Rights Day''; to the Committee on Foreign Affairs.

By Mr. QUIGLEY (for himself, Ms. DUCKWORTH, Mr. DOLD, Ms. KELLY of Illinois, Mr. GUTIÉRREZ, Mr. LIPINSKI, Ms. SCHAKOWSKY, and Mr. BOST):

H. Res. 954. A resolution congratulating the Chicago Cubs on winning the 2016 Major League Baseball World Series; to the Committee on Oversight and Government Reform.

By Mr. SALMON (for himself, Mr. DUNCAN of South Carolina, Mr. DESJARLAIS, Mr. PRICE of North Carolina, Mr. PALLONE, and Mr. ROSKAM):

H. Res. 955. A resolution expressing the sense of the House of Representatives regarding the progress of peace and justice, accountability, and reconciliation in Sri Lanka after 26 years of a debilitating armed conflict, and support for inclusive development and a strong and enduring relationship between the United States and Sri Lanka; to the Committee on Foreign Affairs.

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. DEFAZIO:

H.R. 6476.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress)

By Mr. CHABOT:

H.R. 6477.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this legislation is based is found in article I, section 8, clause 9; article III, section 1, clause 3; and article III, section 2, clause 2, of the Constitution, which grant Congress authority over federal courts.

By Ms. CLARK of Massachusetts:

H.R. 6478.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. THORNBERRY:

H.R. 6479.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 and Article IV, Section 3 of the United States Constitution.

By Mr. NUNES:

H.R. 6480.

Congress has the power to enact this legislation pursuant to the following:

The intelligence and intelligence-related activities of the United States Government, including those under Title 50, are carried out to support the national security interests of the United States, to enable the armed forces of the United States, and to support the President in executing the foreign policy of the United States.

Article I, section 8 of the Constitution of the United States, in pertinent part, that ''Congress shall have power . . . to . . . provide for the common Defense and general Welfare of the United States''; ''. . . to raise and support armies . . .''; to ''make Rules concerning Captures on Land and Water''; and ''To make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers and all other Powers vesting in the Constitution in the Government of the United States, or in any Department or Officer thereof.''

By Ms. KAPTUR:

H.R. 6481.

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 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. SMITH of New Jersey:

H.R. 6482.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. PRICE of North Carolina:

H.R. 6483.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States, the general welfare clause.

By Mr. RUSH:

H.R. 6484.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: ''The Congress shall have power to . . . provide for the . . . general welfare of the United States . . .''; and

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. CARTWRIGHT:

H.R. 6485.

Congress has the power to enact this legislation pursuant to the following:

Article I; Section 8; Clause 1

By Mr. RUSH:

H.R. 6486.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: ''The Congress shall have power to provide for the . . . general welfare of the United States . . .''; and

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. ROYCE:

H.R. 6487.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 1 (relating to the general welfare of the United States);

By Ms. MOORE:

H.R. 6488.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 3

By Mr. SAM JOHNSON of Texas:

H.R. 6489.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of section 8 of article I of the Constitution, to ''lay and collect taxes . . . and provide for the common defense and general welfare of the United States.''

By Mr. SMITH of Texas:

H.R. 6490.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18:

The Congress shall have power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department of Officer thereof.

By Mr. GOSAR:

H.R. 6491.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2 (the Property Clause)

Under this clause, Congress has the power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States. By virtue of this enumerated power, Congress has governing authority over the lands, territories, or other property of the United States—and with this authority Congress is vested with the power to all owners in fee, the ability to sell, lease, dispose, exchange, convey, or simply preserve land. The Supreme Court has described this enumerated grant as one ''without limitation'' Kleppe v New Mexico, 426 U.S. 529, 542–543 (1976) (''And while the furthest reaches of the power granted by the Property Clause have not been definitely resolved, we have repeatedly observed that the power over the public land thus entrusted to Congress is without limitation.'')

Historically, the federal government transferred ownership of federal property to either private ownership or the states in order to pay off large Revolutionary War debts and to assist with the development of infrastructure. The transfers codified by this legislation are thus constitutional.

By Mr. ELLISON:

H.R. 6492.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to Article I, Section 7, Clause 1 and Section 8, Clause 1.

By Mr. VEASEY:

H.R. 6493.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution

By Mr. VEASEY:

H.R. 6494.

Congress has the power to enact this legislation pursuant to the following:

The Twenty-Fourth Amendment to the U.S. Constitution prohibiting the payment of poll tax in elections for federal officials.

By Mr. VEASEY:

H.R. 6495.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Ms. JUDY CHU of California:

H.R. 6496.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. CARTER of Georgia:

H.R. 6497.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. CICILLINE:

H.R. 6498.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8.

By Mr. DANNY K. DAVIS of Illinois:

H.R. 6499.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States

By Mr. DELANEY:

H.R. 6500.

Congress has the power to enact this legislation pursuant to the following:

The primary constitutional authority for this bill is Article 1 Section 8 of the U.S. Constitution.

By Ms. DELAURO:

H.R. 6501.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 and Article 1, Section 8, Clause 18 of the United States Constitution.

By Ms. DUCKWORTH:

H.R. 6502.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18, United States Constitution

By Mr. FORTENBERRY:

H.R. 6503.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority for this bill is pursuant to Article I, Section 8, Clause 18 of the United States Constitution.

By Ms. GABBARD:

H.R. 6504.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 9, Clause 7

Article 1, Section 8, Clause 1

Article 1, Section 8, Clause 18

By Mr. GRAYSON:

H.R. 6505.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, of the United States Constitution.

By Mr. GRAYSON:

H.R. 6506.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, of the United States Constitution.

By Mr. GRAYSON:

H.R. 6507.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, of the United States Constitution.

By Mr. GRIJALVA:

H.R. 6508.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. HECK of Washington:

H.R. 6509.

Congress has the power to enact this legislation pursuant to the following:

United States Constitution, Article I, Section 8, the reported bill is authorized by Congress' power ''to make Rules for the Government and Regulation of the land and naval Forces.''

By Mr. HONDA:

H.R. 6510.

Congress has the power to enact this legislation pursuant to the following:

Section 8 of article I of the Constitution.

By Mr. HUFFMAN:

H.R. 6511.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18: 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 office thereof.

By Mr. KILMER:

H.R. 6512.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1.

By Mr. KING of Iowa:

H.R. 6513.

Congress has the power to enact this legislation pursuant to the following:

Section 8, Clause 1 of the United States Constitution

By Mr. LANCE:

H.R. 6514.

Congress has the power to enact this legislation pursuant to the following:

Article I, Sec. 8, Clause 1, of the United States Constitution

This states that ''Congress shall have power to . . . lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States.''

By Mr. MULLIN:

H.R. 6515.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1 of the United States Constitution

By Mr. O'ROURKE:

H.R. 6516.

Congress has the power to enact this legislation pursuant to the following:

Under Article I, Section 8 of the Constitution, Congress has the power ''to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or any Department or Officer thereof''.

By Mr. O'ROURKE:

H.R. 6517.

Congress has the power to enact this legislation pursuant to the following:

Under Article I, Section 8 of the Constitution, Congress has the power ''to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or any Department or Officer thereof''.

By Mr. PITTS:

H.R. 6518.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

By Mr. QUIGLEY:

H.R. 6519.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 of the U.S. Constitution

By Miss RICE of New York:

H.R. 6520.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Miss RICE of New York:

H.R. 6521.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. SCHRADER:

H.R. 6522.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under:

U.S. Const. art. 1, §1;

U.S. Const. art. 1, §8, cl. 13;

U.S. Const. art. 1, §8, cl. 14; and

U.S. Const. art. 1, §8, cl. 18.

By Ms. SPEIER:

H.R. 6523.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8 of the United States Constitution.

By Mr. TONKO:

H.R. 6524.

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 Mrs. WATSON COLEMAN:

H.R. 6525.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 213: Ms. MAXINE WATERS of California.

H.R. 303: Mr. DELANEY.

H.R. 333: Ms. MENG.

H.R. 446: Ms. LOFGREN.

H.R. 707: Mr. FITZPATRICK.

H.R. 759: Mrs. BEATTY.

H.R. 797: Mr. LARSON of Connecticut.

H.R. 825: Ms. MENG.

H.R. 849: Mr. DELANEY.

H.R. 1089: Mr. DELANEY.

H.R. 1095: Mr. NOLAN and Mr. RUSH.

H.R. 1130: Ms. MENG.

H.R. 1170: Ms. MENG.

H.R. 1220: Mr. VEASEY.

H.R. 1258: Mr. ZELDIN, Mrs. DINGELL, Ms. FUDGE, Ms. DEGETTE, Mr. RICHMOND, Mr. EVANS, Mr. SABLAN, Mr. LIPINSKI, and Ms. PLASKETT.

H.R. 1312: Ms. MENG.

H.R. 1399: Mr. LARSON of Connecticut, Ms. SPEIER, and Mr. MCCAUL.

H.R. 1453: Ms. MENG.

H.R. 1457: Mr. FRANKS of Arizona, Mr. COLLINS of Georgia, Mr. SHERMAN, Mr. DOGGETT, Mr. MARINO, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1559: Ms. MENG.

H.R. 1688: Mr. CUELLAR and Ms. MENG.

H.R. 1733: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1974: Mr. KEATING.

H.R. 2022: Ms. MENG.

H.R. 2035: Mr. TED LIEU of California and Ms. MENG.

H.R. 2065: Ms. MENG.

H.R. 2124: Ms. MOORE, Ms. GABBARD, Mr. RUPPERSBERGER, and Mr. COHEN.

H.R. 2138: Ms. MENG.

H.R. 2143: Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. KIND, Mr. SMITH of Washington, and Ms. LOFGREN.

H.R. 2293: Ms. FUDGE.

H.R. 2296: Ms. MENG.

H.R. 2397: Mr. DELANEY.

H.R. 2430: Mr. BEN RAY LUJÁN of New Mexico.

H.R. 2450: Mr. SERRANO.

H.R. 2493: Ms. MENG, Mr. NORCROSS, Ms. NORTON, and Ms. BROWNLEY of California.

H.R. 2600: Mr. TED LIEU of California.

H.R. 2610: Mr. DELANEY.

H.R. 2641: Mr. KATKO and Ms. LOFGREN.

H.R. 2694: Mr. BRENDAN F. BOYLE of Pennsylvania.

H.R. 2698: Mr. GROTHMAN.

H.R. 2849: Ms. MENG and Mr. NORCROSS.

H.R. 2858: Mr. ZELDIN.

H.R. 2972: Mr. DAVID SCOTT of Georgia.

H.R. 3054: Mr. ELLISON.

H.R. 3166: Ms. JUDY CHU of California.

H.R. 3180: Ms. MENG.

H.R. 3244: Mr. KIND.

H.R. 3268: Ms. FUDGE, Mr. CARSON of Indiana, Mr. SABLAN, and Ms. PLASKETT.

H.R. 3390: Mr. NOLAN.

H.R. 3410: Mr. CARTWRIGHT.

H.R. 3466: Ms. MENG.

H.R. 3526: Mr. BRENDAN F. BOYLE of Pennsylvania.

H.R. 3535: Ms. MENG.

H.R. 3666: Ms. MENG and Mr. LIPINSKI.

H.R. 3742: Mr. DESANTIS, Mr. DELANEY, Mr. DENHAM, Mr. CRAWFORD, and Mr. LYNCH.

H.R. 3882: Mrs. TORRES.

H.R. 4162: Mr. BRENDAN F. BOYLE of Pennsylvania.

H.R. 4456: Mr. BRENDAN F. BOYLE of Pennsylvania.

H.R. 4519: Ms. MENG.

H.R. 4524: Ms. JUDY CHU of California.

H.R. 4558: Mr. HUFFMAN.

H.R. 4592: Mr. GRIFFITH and Mr. LAHOOD.

H.R. 4616: Ms. MENG.

H.R. 4622: Mr. BRENDAN F. BOYLE of Pennsylvania.

H.R. 4626: Mr. GOHMERT.

H.R. 4756: Ms. MENG.

H.R. 4784: Mr. LIPINSKI.

H.R. 4803: Ms. MENG.

H.R. 4810: Mr. DELANEY.

H.R. 4959: Mr. YOUNG of Alaska.

H.R. 5082: Mr. SWALWELL of California.

H.R. 5090: Mr. BERA.

H.R. 5128: Mr. WALZ.

H.R. 5183: Ms. MENG.

H.R. 5231: Mr. O'ROURKE.

H.R. 5235: Mr. BERA and Mr. DENHAM.

H.R. 5406: Mrs. MCMORRIS RODGERS.

H.R. 5410: Mr. MOONEY of West Virginia.

H.R. 5426: Mr. GALLEGO.

H.R. 5474: Mr. KEATING.

H.R. 5584: Mr. ZELDIN.

H.R. 5683: Mr. DELANEY.

H.R. 5686: Mrs. CAROLYN B. MALONEY of New York.

H.R. 5689: Mr. VEASEY, Mr. PERLMUTTER, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. CLAY, Mr. TED LIEU of California, and Mr. HIMES.

H.R. 5695: Ms. SCHAKOWSKY and Mr. AL GREEN of Texas.

H.R. 5721: Mr. THOMPSON of California.

H.R. 5735: Mr. BUCSHON, Mrs. BROOKS of Indiana, Mr. TED LIEU of California, Mr. VISCLOSKY, Mr. HONDA, and Ms. LOFGREN.

H.R. 5738: Ms. BONAMICI.

H.R. 5758: Mr. LOWENTHAL and Mrs. KIRKPATRICK.

H.R. 5779: Mr. BRENDAN F. BOYLE of Pennsylvania.

H.R. 5894: Mr. LEVIN and Mr. DESAULNIER.

H.R. 5956: Ms. ROYBAL-ALLARD.

H.R. 5999: Mr. WENSTRUP.

H.R. 6012: Mrs. BLACKBURN.

H.R. 6020: Mr. VAN HOLLEN.

H.R. 6117: Ms. LOFGREN, Mr. DESAULNIER, Mr. SERRANO, Mr. GRIJALVA, Ms. FUDGE, Ms. ADAMS, Mr. SABLAN, and Mr. TAKANO.

H.R. 6147: Mr. BRIDENSTINE, Ms. BORDALLO, Mr. TONKO, Ms. CLARK of Massachusetts, and Mr. FOSTER.

H.R. 6157: Mr. DEFAZIO.

H.R. 6226: Mr. CAPUANO and Mr. LYNCH.

H.R. 6234: Mr. GALLEGO.

H.R. 6236: Mr. JEFFRIES, Ms. CLARK of Massachusetts, Ms. LOFGREN, and Mr. RYAN of Ohio.

H.R. 6253: Mr. MOULTON and Mr. RYAN of Ohio.

H.R. 6307: Ms. BORDALLO.

H.R. 6340: Ms. MATSUI and Mr. LEVIN.

H.R. 6342: Mr. QUIGLEY.

H.R. 6382: Mr. KEATING, Ms. SLAUGHTER, Ms. JACKSON LEE, and Mr. HASTINGS.

H.R. 6421: Mr. GENE GREEN of Texas, Mr. RENACCI, and Mr. COSTELLO of Pennsylvania.

H.R. 6428: Mr. BRENDAN F. BOYLE of Pennsylvania and Ms. BROWNLEY of California.

H.R. 6433: Mr. POE of Texas and Mr. GOHMERT.

H.R. 6434: Mrs. WATSON COLEMAN.

H.R. 6443: Ms. JUDY CHU of California.

H.R. 6452: Mr. GRIJALVA and Mr. HUFFMAN.

H.R. 6453: Mr. DENT and Mr. RUSH.

H.R. 6468: Mr. ABRAHAM.

H.J. Res. 47: Mr. DESAULNIER.

H.J. Res. 102: Mr. SHERMAN.

H. Con. Res. 144: Mr. DUFFY.

H. Con. Res. 153: Ms. SLAUGHTER.

H. Con. Res. 159: Mr. DESAULNIER, Mr. LOWENTHAL, Mrs. COMSTOCK, and Mr. JOYCE.

H. Con. Res. 171: Mr. PERLMUTTER, Mr. MCGOVERN, and Mr. BOST.

H. Con. Res. 178: Ms. VELÁZQUEZ and Mr. GRIJALVA.

H. Res. 28: Mr. YODER.

H. Res. 540: Mr. ENGEL, Mr. LANGEVIN, and Ms. KUSTER.

H. Res. 552: Mr. DEFAZIO.

H. Res. 590: Mr. ROGERS of Kentucky and Mr. VEASEY.

H. Res. 831: Mr. RODNEY DAVIS of Illinois and Mr. ZELDIN.

H. Res. 882: Mr. MCNERNEY.

H. Res. 899: Mr. THOMPSON of California.

H. Res. 926: Ms. MAXINE WATERS of California and Mr. VEASEY.

H. Res. 948: Mr. MCNERNEY, Mr. DESAULNIER, Ms. ESHOO, Mrs. NAPOLITANO, Mr. SWALWELL of California, Ms. LOFGREN, Mr. TAKANO, Mr. LOWENTHAL, Ms. ROYBAL-ALLARD, Ms. JUDY CHU of California, Ms. WILSON of Florida, Mr. GALLEGO, Mr. HONDA, Mr. GRIJALVA, Mr. ELLISON, Mr. POCAN, Mr. CUMMINGS, Mr. THOMPSON of California, Ms. FUDGE, Mr. COHEN, Ms. NORTON, Mr. SCOTT of Virginia, Ms. KELLY of Illinois, Mr. RICHMOND, Mr. CLYBURN, Mrs. DINGELL, Ms. JACKSON LEE, Mr. NADLER, Mr. CICILLINE, Mr. JEFFRIES, Mr. GUTIÉRREZ, Mr. AL GREEN of Texas, Mrs. WATSON COLEMAN, and Mr. BUTTERFIELD.