

The committee has provided significant safeguards in the report to ensure that the funds transferred by this amendment will go to planning for the most viable projects and “studies that will enhance the Nation’s economic development, job growth, and international competitiveness; are for projects located in areas that have suffered recent natural disasters; or are for projects to address legal requirements.”

Support for this amendment is definitive action we can take to directly support timely development of critical water infrastructure projects.

I urge my colleagues to support this amendment. I thank the distinguished chair and ranking member for their work on this bill.

Mr. Chairman, I ask for a positive vote on this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. GOSAR).

The amendment was agreed to.

The Acting CHAIR. The Committee will rise informally.

The Speaker pro tempore (Mr. VALADAO) assumed the chair.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Byrd, one of its clerks, announced that the Senate has agreed to without amendment a Joint Resolution of the House of the following title:

H.J. Res. 88. Joint Resolution disapproving the rule submitted by the Department of Labor relating to the definition of the term “Fiduciary”.

The SPEAKER pro tempore. The Committee will resume its sitting.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

The Committee resumed its sitting.

AMENDMENT OFFERED BY MR. RODNEY DAVIS OF ILLINOIS

Mr. RODNEY DAVIS of Illinois. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR (Mr. CARTER of Georgia). The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 5, after the dollar amount, insert “(reduced by \$10,000,000)(increased by \$10,000,000)”.

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from Illinois and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. RODNEY DAVIS of Illinois. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, America’s navigation infrastructure is crumbling. Most of the locks and dams on the Upper Mississippi River and Illinois Waterway System were built in the 1920s and 1930s, and have far outlived their life expectancy. Unfortunately, we have

not kept up with the maintenance and upgrades necessary to ensure that they can transport 21st century cargo that fuels and feeds the world.

Sixty percent of the grain exported from the United States goes through these locks and dams before hitting the global marketplace. But delays at navigation locks continue to get worse, lasting as long as 12 hours at a given time. And while a 2003 study by the Illinois Farm Bureau estimated these delays to cost midwestern farmers \$500 an hour, one can only assume how much more these delays cost today.

In the Water Resources Development Act of 2007, Congress authorized the construction of seven new 1,200-foot locks along the Upper Mississippi River and the Illinois Waterway System. This bill also authorized the Navigation and Ecosystem Sustainability Program, or NESP, an important dual-purposed program that allows the Corps of Engineers to address both navigation and ecosystem restoration in an integrated approach.

It is supported widely by industry as well as conservation groups. In addition, the Governors of five States, from both political parties—Minnesota, Wisconsin, Illinois, Iowa, and Missouri—and more than 50 bipartisan Members of the House and Senate have expressed support advancing NESP.

Unfortunately, the administration has taken few steps to implement NESP, and, once again, did not request any funding to continue pre-construction engineering and design activities for authorized lock projects on the Upper Mississippi River and Illinois Waterway System. If these pre-construction efforts are delayed further, we risk further delays of these projects actually getting off the ground and moving forward at such time as the moneys for them are available.

With this amendment, we tell the Corps that enough is enough. It is time to stop delaying the necessary work. We must ensure these construction projects are ready to go on day one.

I also want to thank my colleague, DARIN LAHOOD, who was going to come speak on this amendment, but I don’t see him here. It started a little sooner, Mr. Chairman, than what we envisioned. But Mr. LAHOOD, I know, would like to reiterate some of the comments I made. And he represents two of these locks that are included in this study.

Mr. Chairman, how much time do I have remaining?

The Acting CHAIRMAN. The gentleman from Illinois has 2½ minutes remaining.

Mr. RODNEY DAVIS of Illinois. Mr. Chairman, I am going to try and stall until my colleague gets here.

I do want to say this amendment, this project, has wide bipartisan support. This is an opportunity for us to look at the global marketplace and the products that go up and down the Mississippi River and the Illinois Waterway System. This is how we feed the world.

We have some of the most fertile and expensive farmland in Illinois, Mis-

souri, Iowa, Wisconsin, and Minnesota, and so many of these products that use these systems are the ones that are exporting into the global marketplace and also to Third World countries to feed those who need food the most.

As a matter of fact, just a few weeks ago, my colleague, Mr. LAHOOD, and I toured some outdated facilities.

Ms. KAPTUR. Will the gentleman yield?

Mr. RODNEY DAVIS of Illinois. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. I am happy to hear the gentleman’s deep interest in that corridor of Illinois and Mississippi, and I would look forward to the gentleman’s assistance on trying to prevent the Asian carp from moving further north in those channels and into the entire Great Lakes system, destroying our natural fish population.

So I just wanted to put that on the record, and I thank the gentleman so much for showing an interest in both the infrastructure and the environmental restoration in those corridors.

Mr. RODNEY DAVIS of Illinois. Reclaiming my time, I would like to thank the gentlewoman, too. This is an opportunity to address both of those issues.

Obviously, representing part of the Mississippi River, like I do, we have seen the Asian carp problem firsthand. As a matter of fact, a plant opened in my district not too long ago to process Asian carp to be able to get fish oil and fishmeal that is used for pet food and other commodities. Unfortunately, they didn’t anticipate the smell.

So you can’t really build a fish processing plant around homes. And I think they figured that out. But we need ingenious ideas and opportunities like that to be able to address that Asian carp problem, because it is an invasive species and we need to do everything we can in a bipartisan way to work together to put a stop to it entering the Great Lakes or any other waterway.

Ms. KAPTUR. Will the gentleman yield?

Mr. RODNEY DAVIS of Illinois. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I learned that, in the Peoria region, all the natural fish have disappeared now as a result of the invasion of the Asian carp there.

Mr. RODNEY DAVIS of Illinois. Reclaiming my time, I wouldn’t say all the natural fish, but I know that the Asian carp infestation has grown substantially more than what was envisioned when they were brought in.

Mr. Chairman, may I inquire how much time I have remaining?

The Acting CHAIR. The gentleman’s time has expired.

Mr. RODNEY DAVIS of Illinois. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. RODNEY DAVIS).

The amendment was agreed to.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

CONSTRUCTION

For expenses necessary for the construction of river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related projects authorized by law; for conducting detailed studies, and plans and specifications, of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and plans and specifications, shall not constitute a commitment of the Government to construction); \$1,945,580,000, to remain available until expended; of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by Public Law 104-09303; and of which such sums as are necessary to cover one-half of the costs of construction, replacement, rehabilitation, and expansion of inland waterways projects shall be derived from the Inland Waterways Trust Fund, except as otherwise specifically provided for in law: *Provided*, That the Secretary may initiate up to, but not more than, four new construction starts during fiscal year 2017: *Provided further*, That the new construction starts will consist of three projects where the majority of the benefits are derived from navigation transportation savings or from flood and storm damage reduction and one project where the majority of the benefits are derived from environmental restoration: *Provided further*, That for new construction projects, project cost sharing agreements shall be executed as soon as practicable but no later than August 31, 2017: *Provided further*, That no allocation for a new start shall be considered final and no work allowance shall be made until the Secretary provides to the Committees on Appropriations of both Houses of Congress an out-year funding scenario demonstrating the affordability of the selected new starts and the impacts on other projects: *Provided further*, That the Secretary may not deviate from the new starts proposed in the work plan, once the plan has been submitted to the Committees on Appropriations of both Houses of Congress.

AMENDMENT OFFERED BY MR. CLAWSON OF FLORIDA

Mr. CLAWSON of Florida. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 3, after the dollar amount, insert "(increased by \$50,000,000)".

Page 46, line 16, after the dollar amount, insert "(reduced by \$50,000,000)".

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from Florida and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. CLAWSON of Florida. Mr. Chairman, I offer an amendment to the Energy and Water Development and Related Agencies Appropriations bill. I especially have full appreciation and admiration and respect for the chairman. I know he is going to go against me and this is going to get voted down, but as both a leader and the chairman,

I have full admiration for what he does for our country, and he is an example to people like me, by the way.

My amendment would move \$50 million from the Strategic Petroleum Reserve account into the Army Corps' construction account, which finances our Nation's water infrastructure projects.

The Strategic Petroleum Reserve account, currently funded at \$257 million, has increased by millions of dollars in each omnibus. This funding is currently \$68 million higher than it was back in the 2014 omnibus.

There is a management/cost question here because, at the same time the costs have been going up at a significant level, the amount of oil a barrel stored has stayed flat or gone down.

The American taxpayer is paying more and more every year, in a low inflation environment, mind you, for the same amount or less oil. I just think we ought to put the pressure on people to manage within their cost structure as opposed to asking the taxpayer to pay the increase.

Moreover, I want the Army Corps' construction account to increase by \$50 million because in South Florida we are suffering a year of ecological and economic disaster. It is an El Nino year, and the rains have raised the levels of stagnant water in Lake Okeechobee beyond the capacity of the Herbert Hoover Dike.

Consequently, unwanted fresh waters flow east and west down the St. Lucie and Caloosahatchee Rivers, polluting the Gulf of Mexico. Countless fish and wildlife pay a price with their lives, and our fishermen and tourism industry pay a major economic price as well, while the cost structure of the Strategic Petroleum Reserve account goes up.

As summer approaches, Lake Okeechobee water levels are, again, rising dangerously and we are about to have another ecological disaster. It is on our doorstep, and it is not right. My people can hardly bear it.

So I say let's do the right thing and move \$50 million more into the Army Corps' construction account for projects that will help my district and other districts around the country with similar projects.

To quote the conscience of our Congress, JOHN LEWIS, I think he would say: let's make this place a little cleaner, let's make our environment a little greener, and maybe our country a little kinder. Less money for SG&A costs, more money for fresh water and for our environment and for our economy.

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

Mr. SIMPSON. Mr. Chairman, I claim the time in opposition.

The Acting CHAIR. The gentleman from Idaho is recognized for 5 minutes.

Mr. SIMPSON. Mr. Chairman, first, let me say that I appreciate the gentleman's kind words, and I am sympathetic to my colleague's interest in

funding the construction account, including the flood and storm damage reduction projects such as the Herbert Hoover Dike.

Unfortunately, because we no longer do earmarks, as Congress used to do, moving \$50 million into an account doesn't guarantee that project would necessarily be done by the Army Corps of Engineers. It just increases the total amount in that account. In fact, the underlying bill increases the construction funding by \$856 million, or almost 80 percent above the budget request of the administration.

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For flood and storm damage reduction activity specifically, the bill more than doubles the budget request. This includes a total of \$392 million, for which the Herbert Hoover Dike could compete for additional funding. Since the dike is a DSC1 dam safety project, I am sure it will compete well for the work plan funds if it is able to use additional funding in fiscal year 2017.

However, we must balance all the needs, and that means I cannot support a reduction in the Strategic Petroleum Reserve account. The Strategic Petroleum Reserve stores petroleum to protect the Nation from adverse economic impacts due to petroleum supply interruptions.

The funding in this bill is necessary for the operation and maintenance of the Reserve as well as to address the backlog of deferred maintenance at the Reserve. We must adequately fund these activities to maintain our energy security.

For example, it does us no good to have this petroleum if we can't access it in an emergency. For those reasons, even though I am sympathetic to what the gentleman is trying to do, I urge my colleagues to vote "no" on the amendment.

Ms. KAPTUR. Will the gentleman yield?

Mr. SIMPSON. I yield to the gentleman from Ohio.

Ms. KAPTUR. As with the chairman of the subcommittee, I rise in reluctant opposition to this amendment. I like its intent, but not the means by which the able gentleman from Florida (Mr. CLAWSON) gets to his bottom line.

I think our major objection on this side is cutting the Strategic Petroleum Reserve. While I do support the Corps' construction account—and, just for the RECORD, the account that we have proposed for construction is \$855 million over the 2017 budget request and \$83.3 million over what is being expended this time.

But we have a \$60 billion backlog, \$60 billion for what we need to do in the Corps throughout this country. So we have a problem there; so, I would therefore oppose the amendment and recommend a "no" vote.

But maybe, in working with the gentleman, we can find ways in future years to increase the overall account again. But I truly appreciate his leadership and his efforts on this important issue.

I thank the chairman for yielding.

Mr. SIMPSON. I appreciate the gentlewoman's comments. Maybe at some point in time this Congress will get back to the point where Members of Congress can actually direct what activities are being done and individual projects in their districts because nobody knows their district better than the Members of Congress do.

When we had earmarks in the past, admittedly, we went too far, did some frivolous things, all that kind of stuff, and I understand why we instituted an earmark ban. But sometimes we go too far in the other direction. That pendulum sometimes swings too far in the other direction.

Members of Congress ought to have a say in what is done in their districts. At this time that is hard to do, but I appreciate what the gentleman is trying to do.

Mr. CLAWSON of Florida. Will the gentleman yield?

Mr. SIMPSON. I yield to the gentleman from Florida.

Mr. CLAWSON of Florida. With all humility, I appreciate the increase in the projects and understand that you all are doing a great job.

You all have to understand that this is a disaster and everybody gets disaster funding in our country but my district and my State.

So when there is a hurricane somewhere else, the President says it is emergency funding and everybody gets their money. But when it is an El Nino year and all that dirty water comes down that river and my district gets wiped out by it, the President doesn't do anything. We don't do anything.

It is about to happen again in August. You all have to understand, for my constituents, that lake is up high again and it is rainy season. We are going to say, no, my bill is not going to get heard on the floor of the House, and my district is going to be underwater with dirty water. There is going to be fish piled up on the beach, and we are going to be a Congress that hasn't done anything about it.

So I hear you all and understand and agree with it and appreciate it. But we have to have a bias for action, in my view. So I am just going for more.

I hope you all forgive me for wanting a recorded vote, but you all have to understand my folks are suffering right now. I hope Members understand that. This is a big deal to us.

Mr. SIMPSON. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. CLAWSON).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CLAWSON of Florida. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

AMENDMENT OFFERED BY MR. RICE OF SOUTH CAROLINA

Mr. RICE of South Carolina. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 3, after the dollar amount, insert "(increased by \$2,241,850)".

Page 50, line 21, after the dollar amount, insert "(reduced by \$2,241,850)".

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from South Carolina and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from South Carolina.

Mr. RICE of South Carolina. Mr. Chairman, I would like to start by thanking Chairman SIMPSON and Ranking Member KAPTUR for their hard work on this important legislation.

My amendment transfers \$2.2 million from the Department of Energy, Departmental Administration account, to the Army Corps of Engineers' construction account.

The intent of this amendment is for additional construction funds to be used for the Army Corps' shore protection mission.

Shore protection projects are critical safeguards for life and property in coastal districts like mine, protecting millions of lives and billions of dollars of property.

These projects protect against storm surge, erosion, and flooding, which are all too common. Not only are our beaches an important safety buffer, but they are also economic drivers.

The State of South Carolina knows this well after suffering the devastating flood event associated with Hurricane Joaquin last October.

As a result of this major disaster, the authorized Myrtle Beach shore protection project suffered damages of approximately 700,000 cubic yards of sand and \$17 million. My amendment would protect projects across the country like the Myrtle Beach project.

I want to thank the chairman for working with me in the wake of the disaster on pertinent flood and storm damage accounts in this year's funding bill.

I also want to thank the Army Corps for working with project sponsors for inclusion in this year's work plan.

Two of the reaches of the project fit Public Law 84-99 emergency criteria, resulting in a Corps recommendation of action. The Corps, while they recommended action, did not have available resources to address both reaches this year, imposing a safety and property vulnerability in our area.

For that reason, I think it appropriate to increase the Corps' construction account to allow significant projects like the one in north Myrtle Beach, which lost 241,850 cubic yards of sand in October, to compete for funding.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from South Carolina (Mr. RICE).

The amendment was agreed to.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for flood damage reduction projects and related efforts in the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, \$345,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund.

OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; providing security for infrastructure owned or operated by the Corps, including administrative buildings and laboratories; maintaining harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; surveying and charting northern and northwestern lakes and connecting waters; clearing and straightening channels; and removing obstructions to navigation, \$3,157,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for coastal harbors and channels, and for inland harbors shall be derived from the Harbor Maintenance Trust Fund; of which such sums as become available from the special account for the Corps of Engineers established by the Land and Water Conservation Fund Act of 1965 shall be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available; and of which such sums as become available from fees collected under section 217 of Public Law 104-303 shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which such fees have been collected: *Provided*, That 1 percent of the total amount of funds provided for each of the programs, projects, or activities funded under this heading shall not be allocated to a field operating activity prior to the beginning of the fourth quarter of the fiscal year and shall be available for use by the Chief of Engineers to fund such emergency activities as the Chief of Engineers determines to be necessary and appropriate, and that the Chief of Engineers shall allocate during the fourth quarter any remaining funds which have not been used for emergency activities proportionally in accordance with the amounts provided for the programs, projects, or activities.

AMENDMENT OFFERED BY MS. GRAHAM

Ms. GRAHAM. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 6, line 5, after the dollar amount, insert "(increased by \$3,000,000)".

Page 8, line 10, after the dollar amount, insert "(reduced by \$3,000,000)".

The Acting CHAIR. Pursuant to House Resolution 743, the gentlewoman from Florida and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. GRAHAM. Mr. Chairman, I yield myself such time as I may consume.

The Apalachicola, Chattahoochee, and Flint River system is a critically important asset to the Southeastern United States' ecology, economy, and heritage.

Unfortunately, it has also become a point of intense political friction and lengthy, ongoing, and extremely costly litigation. I strongly believe that, if we could get away from the politics and the lawsuits, we would have a much better chance of resolving this issue in a way that brings us together rather than divides us.

That is why I am optimistic about the recent work of the Apalachicola, Chattahoochee, and Flint Stakeholders, a diverse group of private citizens who live and work in the ACF Basin. They represent the whole spectrum of stakeholders, public and private, from Florida, Georgia, and Alabama.

They have been able to unite around the common mission of changing the management of the ACF Basin to create a healthier economy and environment, which will benefit everyone, and they have made a number of recommendations to the Corps of Engineers to meet their goal of a sustainable ACF Basin.

The ACF Stakeholder group has identified significant gaps in fundamental, scientific, and technical knowledge needed to best manage this natural resource. One of those recommendations is that the Corps conduct more basic scientific research on the entire river basin and bay.

My amendment is intended to provide a small amount of money to the Corps so that they can simply do more of that kind of research in the ACF.

In short, there is a whole lot that we still don't know about how water moves throughout the ACF Basin, and I believe it is simply common sense that, if we have better information about this unique natural resource, we, in turn, can manage it better for today and generations to come.

Let's follow the good example of the ACF Stakeholders and work together to get this done.

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

Mr. SIMPSON. Mr. Chairman, I claim time in opposition, although I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Idaho is recognized for 5 minutes.

There was no objection.

Mr. SIMPSON. Mr. Chairman, I will not oppose this amendment because it does not require the Corps to fund anything in particular.

We have had other similar amendments already tonight, and I would just like to remind my colleagues that these amendments—simply increasing the funding level of a particular account, they do not direct that funding to a particular activity.

If they did fund specific projects, those would be congressional earmarks that are no longer allowed. As we talked about on the last amendment, frankly, that is something I would like to change myself, and I know that the ranking member would, also.

But since this amendment only changes the overall account level, I will not oppose it.

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

Ms. GRAHAM. Mr. Chairman, I just want to thank the chair and the ranking member for working with me on this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Florida (Ms. GRAHAM).

The amendment was agreed to.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, \$200,000,000, to remain available until September 30, 2018.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation's early atomic energy program, \$103,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary to prepare for flood, hurricane, and other natural disasters and support emergency operations, repairs, and other activities in response to such disasters as authorized by law, \$34,000,000, to remain available until expended.

EXPENSES

For expenses necessary for the supervision and general administration of the civil works program in the headquarters of the Corps of Engineers and the offices of the Division Engineers; and for costs of management and operation of the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the United States Army Engineer Research and Development Center, and the United States Army Corps of Engineers Finance Center allocable to the civil works program, \$180,000,000, to remain available until September 30, 2018, of which not to exceed \$5,000 may be used for official reception and representation purposes and only during the current fiscal year: *Provided*, That no part of any other appropriation provided in this title shall be available to fund the civil works activities of the Office of the Chief of Engineers or the civil works executive direction and management activities of the division offices: *Provided further*, That any Flood Control and Coastal Emergencies appropriation may be used to fund the supervision and general administration of emergency operations, repairs, and other activities in response to any flood, hurricane, or other natural disaster.

OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS

For the Office of the Assistant Secretary of the Army for Civil Works as authorized by 10 U.S.C. 3016(b)(3), \$4,750,000, to remain available until September 30, 2018: *Provided*, That not more than 25 percent of such amount may be obligated or expended until the Assistant Secretary submits to the Committees

on Appropriations of both Houses of Congress a work plan that allocates at least 95 percent of the additional funding provided under each heading in this title (as designated under such heading in the report of the Committee on Appropriations accompanying this Act) to specific programs, projects, or activities.

GENERAL PROVISIONS—CORPS OF ENGINEERS—CIVIL

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. (a) None of the funds provided in this title shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates or initiates a new program, project, or activity;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by this Act;

(4) reduces funds that are directed to be used for a specific program, project, or activity by this Act;

(5) increases funds for any program, project, or activity by more than \$2,000,000 or 10 percent, whichever is less; or

(6) reduces funds for any program, project, or activity by more than \$2,000,000 or 10 percent, whichever is less.

(b) Subsection (a)(1) shall not apply to any project or activity authorized under section 205 of the Flood Control Act of 1948, section 14 of the Flood Control Act of 1946, section 208 of the Flood Control Act of 1954, section 107 of the River and Harbor Act of 1960, section 103 of the River and Harbor Act of 1962, section 111 of the River and Harbor Act of 1968, section 1135 of the Water Resources Development Act of 1986, section 206 of the Water Resources Development Act of 1996, or section 204 of the Water Resources Development Act of 1992.

(c) The Corps of Engineers shall submit reports on a quarterly basis to the Committees on Appropriations of both Houses of Congress detailing all the funds reprogrammed between programs, projects, activities, or categories of funding. The first quarterly report shall be submitted not later than 60 days after the date of enactment of this Act.

SEC. 102. None of the funds made available in this title may be used to award or modify any contract that commits funds beyond the amounts appropriated for that program, project, or activity that remain unobligated, except that such amounts may include any funds that have been made available through reprogramming pursuant to section 101.

SEC. 103. The Secretary of the Army may transfer to the Fish and Wildlife Service, and the Fish and Wildlife Service may accept and expend, up to \$5,400,000 of funds provided in this title under the heading "Operation and Maintenance" to mitigate for fisheries lost due to Corps of Engineers projects.

SEC. 104. None of the funds in this Act shall be used for an open lake placement alternative for dredged material, after evaluating the least costly, environmentally acceptable manner for the disposal or management of dredged material originating from Lake Erie or tributaries thereto, unless it is approved under a State water quality certification pursuant to section 401 of the Federal Water Pollution Control Act (33 U.S.C. 1341); *Provided further*, That until an open lake placement alternative for dredged material is approved under a State water quality certification, the Corps of Engineers shall continue upland placement of such dredged material consistent with the requirements of section 101 of the Water Resources Development Act of 1986 (33 U.S.C. 2211).

SEC. 105. None of the funds made available in this title may be used for any acquisition that is not consistent with 48 CFR 225.7007.

SEC. 106. None of the funds made available by this Act may be used to carry out any water supply reallocation study under the Wolf Creek Dam, Lake Cumberland, Kentucky, project authorized under the Act of July 24, 1946 (60 Stat. 636, ch. 595).

SEC. 107. The Secretary of the Army, acting through the Chief of Engineers, may accept from the Trinity River Authority of Texas, if received by September 30, 2016, \$31,233,401 as payment in full for amounts owed to the United States, including any accrued interest, for the approximately 61,747.1 acre-feet of water supply storage space in Joe Pool Lake, Texas (previously known as Lakeview Lake) for which payment has not commenced under Article 5.a. (relating to project investment costs) of contract number DACW63-76-C-0106 as of the date of enactment of this section.

SEC. 108. None of the funds made available in this or any other Act making appropriations for Energy and Water Development for any fiscal year may be used by the Corps of Engineers to develop, adopt, implement, administer, or enforce any change to the regulations in effect on October 1, 2012, pertaining to the definitions of the terms “fill material” or “discharge of fill material” for the purposes of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

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AMENDMENT OFFERED BY MR. BEYER

Mr. BEYER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 13, beginning on line 3, strike section 108.

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from Virginia and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. BEYER. Mr. Chairman, this amendment is very simple: it strikes section 108 of this bill. Section 108 would prevent the Army Corps of Engineers from updating the definitions of the terms “fill material” or “discharge of fill material.”

These definitions underlie section 404 of the Clean Water Act which governs dredge and fill permitting, one of the most important components of the act.

To freeze those definition in time, as section 108 does, ties the hands of the implementing agencies, despite evolving scientific understanding and current regulatory insights. Current and future administrations must have discretion to implement key terms and clarify them when needed.

The alternative puts our Nation's waters at risk.

My amendment would remove this anti-Clean Water Act rider.

When Congress first enacted the Clean Water Act, the section 404 permit process was supposed to be used for certain construction projects, like bridges and roads, where raising the bottom elevation of a water body or converting an area into dry land was unavoidable.

But under a 2002 rule change, the definition of “fill material” was broadened to include “rock, sand, soil, clay, plastics, construction debris, wood

chips, overburden from mining or other excavation activities.”

The revised rule also removed regulatory language which previously excluded “waste” discharges from section 404 jurisdiction, a change that some argue allows the use of 404 permits to authorize certain discharges that harm the aquatic environment.

The Clean Water Act section 404(b)(1) guidelines are not well suited for evaluating the environmental effects of discharging hazardous wastes, such as mining refuse and similar materials, into a water body or wetland.

In sum, the net effect of the 2002 rule change was to alter the Corps permit process in ways that Congress had never intended.

It was not congressional intent to allow mining refuse and similar material—some of it hazardous—to qualify as fill material and, thereby, bypass a more thorough environmental review and meet Federal pollution standards.

Downstream water users have every right to be concerned that the section 404 process fails to protect them from the discharge of hazardous substances.

Lower Slate Lake in Alaska is the perfect example. A permit allows the discharge of toxic wastewater from a gold ore processing mill to go untreated directly into the lake, despite the fact that the discharge violates EPA's standards for the mining industry. Mining waste can contain toxic chemicals known to pose health risks to humans and aquatic animals. Continuing the practice of dumping this waste into our Nation's streams and rivers is dangerous and irresponsible.

EPA estimates that 120 miles per year of headwater streams are buried with the chemical-laden discharge as a result of surface mining operations under existing divisions of “fill.” Equally important, a 2008 EPA study found evidence that mining activities can have severe impacts on downstream aquatic life and the biological conditions of a stream. That same study found that 9 out of every 10 streams downstream from surface mining operations were impaired based on assessments of aquatic life.

Mr. Chairman, this provision, section 108, is a preemptive strike against protecting our drinking water. Since there is no time limit on this provision, it would not only block the current administration but any future administration from considering changes.

Mr. Chairman, I urge my colleagues to support my amendment and strike section 108 from this bill.

I reserve the balance of my time.

Mr. SIMPSON. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from Idaho is recognized for 5 minutes.

Mr. SIMPSON. Mr. Chairman, I rise in opposition to this amendment. The language in the bill is intended simply to maintain the status quo regarding what is fill material for the purposes of the Clean Water Act.

The existing definition was put in place through a rulemaking initiated by the Clinton administration and was finalized by the Bush administration. That rule aligned the definitions on the books of the Corps and the EPA so that both agencies were working with the same definition.

Changing the definition again, as some have proposed, could effectively kill mining operations across much of this country. For that reason, I support the underlying language and would oppose this amendment.

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

Mr. BEYER. Mr. Chairman, I yield back the balance of my time.

Ms. KAPTUR. Mr. Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. Mr. Chair, I support the gentleman's amendment to strike section 108, and I thank Congressman BEYER of Virginia for offering it.

The provision the gentleman seeks to strike is one of three egregious attacks on the Clean Water Act, including locking in place a state of confusion about the scope of pollution control programs and sacrificing water quality for small streams and wetlands that contribute to the drinking water of one in three Americans.

I urge my colleagues to support the Beyer amendment. Freshwater is a precious resource, one which should be protected in the best scientific manner possible.

I thank the gentleman from Virginia for doing something really important for the country through this amendment to clean up this bill.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. BEYER).

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

Mr. SIMPSON. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

The Clerk will read.

The Clerk read as follows:

SEC. 109. Notwithstanding section 404(f)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1344(f)(2)), none of the funds made available by this Act may be used to require a permit for the discharge of dredged or fill material under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) for the activities identified in subparagraphs (A) and (C) of section 404(f)(1) of the Act (33 U.S.C. 1344(f)(1)(A), (C)).

SEC. 110. None of the funds made available in this or any other Act making appropriations for Energy and Water Development for any fiscal year may be used by the Corps of Engineers to develop, adopt, implement, administer, or enforce any change to the regulations and guidance in effect on October 1, 2012, pertaining to the definition of waters under the jurisdiction of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

including the provisions of the rules dated November 13, 1986, and August 25, 1993, relating to such jurisdiction, and the guidance documents dated January 15, 2003, and December 2, 2008, relating to such jurisdiction.

AMENDMENT OFFERED BY MR. BEYER

Mr. BEYER. Mr. Chairman, Congresswoman EDDIE BERNICE JOHNSON, Congressman MATT CARTWRIGHT, and I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 13, beginning on line 20, strike section 110.

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from Virginia and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. BEYER. Mr. Chairman, much like the previous discussion, our amendment would simply strike section 110.

As it stands, section 110 would prevent the implementation of the Clean Water Rule. The Environmental Protection Agency and the Army Corps of Engineers adopted the Clean Water Rule following a lengthy and inclusive public rulemaking process.

It restores the Clean Water Act protections to streams, wetlands, and other important waters of the United States.

Without the Clean Water Rule, the streams that provide drinking water systems serving one in three Americans will remain at risk.

Almost everyone agreed that clarity was needed in light of the Supreme Court rulings in 2001 and 2006 that interpreted the regulatory scope of the Clean Water Act more narrowly than the agencies and lower courts. Those cases created uncertainty about the scope of waters protected under the Clean Water Act.

Calls for EPA to issue a rule even came from such organizations as the National Cattlemen's Beef Association, the American Farm Bureau Federation, the Western Business Roundtable, and the National Association of Manufacturers.

Prohibiting the EPA from implementing this rule, as section 110 would direct, would perpetrate this confusion. There are countless cases to reiterate this point.

For example, the EPA acknowledged enforcement difficulties in a case in which storm water from construction sites carried oil, grease, and other pollutants into tributaries to the San Pedro River, which is an internationally recognized river ecosystem supporting diverse wildlife, but where the waters in question flow only for part of the year.

The agency stated that it had to discontinue all enforcement cases in this area because it was so time-consuming and costly to prove that the Clean Water Act protects these rivers. So we need to end the confusion.

But, unfortunately, we are left with the Clean Water Rule not currently

being enforced because of a Federal Court ruling that blocked its implementation while it is being litigated.

The Corps and the EPA will continue to make Clean Water Act jurisdictional determinations based on the 2010 guidelines, as they did before the promulgation of the 2015 rule, doing the best they can with the ambiguity that they are forced to work with. So this confusion will continue.

It needs to be said that opponents of the Clean Water Rule have it wrong. The rule respects agriculture and the law by maintaining all of the existing exemptions for agricultural discharges and waters. It identifies specific types of water bodies to which it does not apply—areas like artificial lakes and ponds, and many types of drainage and irrigation ditches. It does not extend Federal protection to any waters not historically protected under the Clean Water Act, and it is fully consistent with the law and the decisions of the Supreme Court.

I want to reiterate. The administration has created a strong, common-sense rule to make clean water a priority by protecting the sources that feed the drinking water for more than 117 million Americans, including 2.3 million Virginians. If we continue to block the rule to protect clean water, at least 57 percent of Virginia's streams and 20 million acres of wetlands nationwide will continue to be at risk.

American businesses need to know when the Federal Government has authority and when it doesn't. Without updated guidance and the clarity it provides, businesses will often not know when they need Army Corps of Engineers' permits. This uncertainty could result in civil and criminal liability and will certainly cost them extra money.

Overall, the Clean Water Act riders are part of an effort to return us to a time when we had no uniform, national, minimum clean water standards, and States had conflicting policies or no policies to protect the public. That was a time when rivers were so polluted they caught fire and when responsible downstream States suffered the consequences of lax or weak upstream State policies.

Mr. Chairman, I urge my colleagues to oppose these Clean Water Act riders and to support my amendment to strike section 110.

I reserve the balance of my time.

Mr. SIMPSON. Mr. Chairman, I rise in opposition to this amendment.

The Acting CHAIR. The gentleman from Idaho is recognized for 5 minutes.

Mr. SIMPSON. Mr. Chairman, I strongly oppose this amendment. We have debated this issue for many years now.

The fact is, the gentleman is right in one regard in that the Clean Water Act, in trying to define what waters of the United States by navigable waters, is hard. Navigable to what?

Consequently, every organization that I know of supports a new rule that

brings certainty and clarity to it. That is what the Supreme Court said on two different occasions: that the Corps of Engineers and the Environmental Protection Agency had gone too far, and that Federal jurisdiction over the Clean Water Act was not as broad as they had claimed, and that we needed certainty and clarity in this rule. So the EPA took that and said: okay, I know what will give certainty; we will just regulate everything.

That is pretty much what they have done with this rule. Everybody who proposes this as a really good deal is under the assumption that the waters were not regulated before if they didn't fall under the Clean Water Act. The reality is that the EPA didn't regulate them, but the States regulated them, and the States did a darn good job of it in most cases.

We do need some clarity. But as cases have said, as the Supreme Court has said, the EPA has gone too far. Deciding how water should be used is the responsibility of State and local officials who are more familiar with the people and the local issues.

Under the WOTUS rule, the Federal reach of jurisdiction would be so broad that it could significantly restrict landowners' ability to make decisions about their property and a local government's right to plan for its own development. While there may be a desire for clarity on the issue of the Federal jurisdiction, providing clarity does not trump the need to stay within the limits of the law.

Bringing certainty to this, you know, that is a nice thing to say. A hanging brings certainty, but I am not sure it is the result you want, which is what we have got here.

The WOTUS rule would expand Federal jurisdiction far beyond what was ever intended by the Clean Water Act.

The provision in the Energy and Water Development bill does not weaken the Clean Water Act; it stops the administration from expanding Federal jurisdiction. For that purpose, I strongly urge my colleagues to vote "no" on this amendment.

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

Mr. BEYER. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Ohio (Ms. KAPTUR), the distinguished ranking member of the subcommittee.

Ms. KAPTUR. Mr. Chair, I thank the gentleman from Virginia for yielding and support his amendment strongly. It strikes a harmful provision that prevents the Corps from addressing deficiencies in regulatory uncertainties related to Clean Water Act regulations. Without this amendment, the bill would contribute to delays, uncertainty, and increased costs both for the government, for companies, and individuals who discharge into wetlands, streams, lakes, and other waters.

It will increase delays in the implementation of important public works projects and lead to protracted litigation on the disparity between existing

Federal regulations and two Supreme Court decisions.

The provision that this amendment strikes does not apply to just this year. It applies to any subsequent Energy and Water Development Act precluding potential changes that may be necessary to protect public health and the environment, and ensuring that uncertainty continues indefinitely.

I believe the amendment allows the Corps the needed flexibility to deal with the confusion that has surrounded Clean Water Act jurisdiction in the wake of the two Supreme Court decisions, and we should be allowing the Corps to take actions that address the Supreme Court's ruling, bringing clarity and certainty to the regulatory process, not prolonging the confusion.

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If this amendment is not passed, it could mean an estimated one-fifth of wetlands and 2 million miles of small streams will not be protected.

I urge my colleagues to support the Beyer amendment. Freshwater is a precious resource, one which should be protected in the best scientific manner possible. We owe it to future generations.

Mr. BEYER. Mr. Chair, I yield back the balance of my time.

Mr. SIMPSON. Mr. Chairman, they are absolutely right. This would block the implementation of this rule in the future. That is what we are trying to do. We are saying this rule is no good, start again. It doesn't mean that these streams would be in danger or anything else.

We are saying to the Army Corps and to the EPA, go back and start again, because they were wrong in this rule and they far overreached their authority of the Clean Water Act. I think that is what a court is going to decide, and this probably won't be necessary because a court is probably going to throw this out.

The reality is we all want clean water. If this amendment is not adopted and our language goes into effect, it doesn't mean that these wetlands and these streams are going to be unregulated. They will be regulated, as they were before, by the State governments. We have a Federal system. We have Federal law. We have State laws. The State laws do some things. They have regulated water within their States for years and have done a pretty good job of it.

Is the Clean Water Act necessary? You bet it is. You are right. The Cuyahoga River hasn't started a fire for a long time because of the cleanup that has been done, but that doesn't mean that they need to regulate every little mud puddle and stream in the State of Idaho.

I strongly oppose this amendment, as I have in years gone by. And I would say it again: This is telling the EPA and the Army Corps of Engineers to start over again. Follow the intent of the Clean Water Act and the intent of Congress when it was passed.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. BEYER).

The amendment was rejected.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 111. As of the date of enactment of this Act and each fiscal year thereafter, the Secretary of the Army shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm, including an assembled or functional firearm, at a water resources development project covered under section 327.0 of title 36, Code of Federal Regulations (as in effect on the date of enactment of this Act), if—

- (1) the individual is not otherwise prohibited by law from possessing the firearm; and
- (2) the possession of the firearm is in compliance with the law of the State in which the water resources development project is located.

AMENDMENT OFFERED BY MR. DESAULNIER

Mr. DESAULNIER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 14, strike lines 7 through 19.

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from California and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. DESAULNIER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment simply strikes a controversial provision that is irrelevant to the underlying bill.

Section 111 of the bill explicitly prohibits the Secretary of the Army from preventing someone from bringing a loaded weapon onto Federal Army Corps property. This divisive gun policy is nothing more than another attempt by the majority, unfortunately, to promote the interests of the gun lobby. It chips away at the safety and well-being of the Army Corps personnel and surrounding communities.

Not only is this gun rider widely considered bad policy, the Energy and Water Appropriations bill is an inappropriate mechanism for debating the pros and cons of gun possession on Federal lands, and is inconsistent with the majority's promotion of regular order.

Last week, the House debated the National Defense Authorization Act, which is certainly a more appropriate legislative vehicle for a discussion about guns. I offered an amendment to that bill to improve smart gun technology, and the majority didn't even allow it to be debated on the floor. In fact, not a single gun bill has been considered by the House in the 114th Congress. If the majority is eager to debate the merits of carrying loaded weapons on Federal properties, I am certain that many of us on this side of the aisle would be more than willing to participate in that debate.

By virtue of attaching this policy rider to an appropriations bill, and by

virtue of the majority dismissing requests to debate gun research and smart gun technology, it seems that the majority would rather force a contentious issue through Congress with no debate at all. This approach is at odds with the purpose for which we are all here: to debate issues important to our constituents and this country and, by virtue of that debate, advance policies to improve our country.

Mr. Chairman, this policy rider is misplaced and misguided.

I reserve the balance of my time.

Mr. SIMPSON. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from Idaho is recognized for 5 minutes.

Mr. SIMPSON. Mr. Chairman, it is hard to understand that we are doing this without any debate when the gentleman is, in fact, debating. That is what we are doing. That is what we did in committee. That is what we did in subcommittee. That is how this process works.

I rise in opposition to the amendment. The current regulation prohibits citizens from exercising their Second Amendment rights guaranteed in the Constitution on Corps land. Many people don't realize it, but the Army Corps of Engineers is the largest Federal provider of outdoor recreation in the country.

The language in this bill would simply align Corps policy with the policy for national parks and national wildlife refuges established by Congress in 2009. We heard the same debate when we said, no, people ought to be able to exercise their Second Amendment rights in national parks. They shouldn't have to disassemble their guns, put them in their trunk, and everything else when they go through national parks. We instituted that policy, and today you can exercise your Second Amendment rights in national parks. It hasn't been a problem. The same thing with national wildlife refuges.

Therefore, I oppose this amendment. Let's make sure that every American has the right to exercise their Second Amendment rights guaranteed in the Constitution.

I yield back the balance of my time. Mr. DESAULNIER. Mr. Chairman, while I respect that perspective, I appreciate the gentleman from Idaho's perspective, and hope that we can work together in the future to make sure that public safety is protected on Army Corps of Engineers property.

Mr. Chairman, it is clear today that this is not a day for a breakthrough on gun debate, in my view.

I ask unanimous consent to withdraw my amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from Florida.

There was no objection.

The Acting CHAIR. The amendment is withdrawn.

The Clerk will read.

The Clerk read as follows:

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, \$11,000,000, to remain available until expended, of which \$1,300,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission: *Provided*, That of the amount provided under this heading, \$1,350,000 shall be available until September 30, 2018, for expenses necessary in carrying out related responsibilities of the Secretary of the Interior: *Provided further*, That for fiscal year 2017, of the amount made available to the Commission under this Act or any other Act, the Commission may use an amount not to exceed \$1,500,000 for administrative expenses.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES
(INCLUDING TRANSFERS OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, federally recognized Indian tribes, and others, \$982,972,000, to remain available until expended, of which \$22,000 shall be available for transfer to the Upper Colorado River Basin Fund and \$5,551,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund: *Provided*, That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further*, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 6806 shall be derived from that Fund or account: *Provided further*, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which the funds were contributed: *Provided further*, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further*, That of the amounts provided herein, funds may be used for high-priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, \$55,606,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), and 3405(f) of Public Law 102-575, to remain available until expended: *Provided*, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102-575: *Provided further*, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

CALIFORNIA BAY-DELTA RESTORATION
(INCLUDING TRANSFERS OF FUNDS)

For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act, consistent with plans to be approved by the Secretary of the Interior, \$36,000,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes: *Provided*, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management: *Provided further*, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program.

POLICY AND ADMINISTRATION

For expenses necessary for policy, administration, and related functions in the Office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until September 30, 2018, \$59,000,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed five passenger motor vehicles, which are for replacement only.

GENERAL PROVISIONS—DEPARTMENT
OF THE INTERIOR

SEC. 201. (a) None of the funds provided in this title shall be available for obligation or expenditure through a reprogramming of funds that—

- (1) creates or initiates a new program, project, or activity;
- (2) eliminates a program, project, or activity;
- (3) increases funds for any program, project, or activity for which funds have been denied or restricted by this Act;
- (4) restarts or resumes any program, project or activity for which funds are not provided in this Act, unless prior approval is received from the Committees on Appropriations of both Houses of Congress;
- (5) transfers funds in excess of the following limits—

(A) 15 percent for any program, project or activity for which \$2,000,000 or more is available at the beginning of the fiscal year; or

(B) \$300,000 for any program, project or activity for which less than \$2,000,000 is available at the beginning of the fiscal year;

(6) transfers more than \$500,000 from either the Facilities Operation, Maintenance, and Rehabilitation category or the Resources Management and Development category to any program, project, or activity in the other category; or

(7) transfers, where necessary to discharge legal obligations of the Bureau of Reclamation, more than \$5,000,000 to provide adequate funds for settled contractor claims, increased contractor earnings due to accelerated rates of operations, and real estate deficiency judgments.

(b) Subsection (a)(5) shall not apply to any transfer of funds within the Facilities Operation, Maintenance, and Rehabilitation category.

(c) For purposes of this section, the term “transfer” means any movement of funds into or out of a program, project, or activity.

(d) The Bureau of Reclamation shall submit reports on a quarterly basis to the Com-

mittees on Appropriations of both Houses of Congress detailing all the funds reprogrammed between programs, projects, activities, or categories of funding. The first quarterly report shall be submitted not later than 60 days after the date of enactment of this Act.

SEC. 202. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the “Cleanup Program—Alternative Repayment Plan” and the “SJVDP—Alternative Repayment Plan” described in the report entitled “Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995”, prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

SEC. 203. Section 205(2) of division D of Public Law 114-113 is amended by striking “2016” and inserting “2017”.

SCIENTIFICALLY SUPPORTED IMPLEMENTATION
OF OMR FLOW REQUIREMENTS

SEC. 204. (a) To maximize water supplies for the Central Valley Project and the State Water Project, in implementing the provisions of the smelt biological opinion or salmonid biological opinion, or any successor biological opinions or court orders, pertaining to management of reverse flow in the Old and Middle Rivers, the Secretary of the Interior shall—

(1) consider the relevant provisions of the applicable biological opinions or any successor biological opinions;

(2) manage export pumping rates to achieve a reverse OMR flow rate of -5,000 cubic feet per second unless existing information or that developed by the Secretary of the Interior under paragraphs (3) and (4) leads the Secretary to reasonably conclude, using the best scientific and commercial data available, that a less negative OMR flow rate is necessary to avoid a significant negative impact on the long-term survival of the species covered by the smelt biological opinion or salmonid biological opinion. If the best scientific and commercial data available to the Secretary indicates that a reverse OMR flow rate more negative than -5,000 cubic feet per second can be established without an imminent negative impact on the long-term survival of the species covered by the smelt biological opinion or salmonid biological opinion, the Secretary shall manage export pumping rates to achieve that more negative OMR flow rate;

(3) document, in writing, any significant facts about real-time conditions relevant to the determinations of OMR reverse flow rates, including—

(A) whether targeted real-time fish monitoring pursuant to this section, including monitoring in the vicinity of Station 902, indicates that a significant negative impact on the long-term survival of species covered by

the smelt biological opinion or salmonid biological opinion is imminent; and

(B) whether near-term forecasts with available models show under prevailing conditions that OMR flow of -5,000 cubic feet per second or higher will cause a significant negative impact on the long-term survival of species covered by the smelt biological opinion or salmonid biological opinion;

(4) show, in writing, that any determination to manage OMR reverse flow at rates less negative than -5,000 cubic feet per second is necessary to avoid a significant negative impact on the long-term survival of species covered by the smelt biological opinion or salmonid biological opinion, and provide, in writing, an explanation of the data examined and the connection between those data and the choice made, after considering—

(A) the distribution of Delta smelt throughout the Delta;

(B) the potential effects of documented, quantified entrainment on subsequent Delta smelt abundance;

(C) the water temperature;

(D) other significant factors relevant to the determination; and

(E) whether any alternative measures could have a substantially lesser water supply impact; and

(5) for any subsequent smelt biological opinion or salmonid biological opinion, make the showing required in paragraph (4) for any determination to manage OMR reverse flow at rates less negative than the most negative limit in the biological opinion if the most negative limit in the biological opinion is more negative than -5,000 cubic feet per second.

(b) NO REINITIATION OF CONSULTATION.—In implementing or at the conclusion of actions under subsection (a), the Secretary of the Interior or the Secretary of Commerce shall not reinitiate consultation on those adjusted operations unless there is a significant negative impact on the long-term survival of the species covered by the smelt biological opinion or salmonid biological opinion. Any action taken under subsection (a) that does not create a significant negative impact on the long-term survival to species covered by the smelt biological opinion or salmonid biological opinion will not alter application of the take permitted by the incidental take statement in the biological opinion under section 7(o)(2) of the Endangered Species Act of 1973.

(c) CALCULATION OF REVERSE FLOW IN OMR.—Within 90 days of the enactment of this title, the Secretary of the Interior is directed, in consultation with the California Department of Water Resources to revise the method used to calculate reverse flow in Old and Middle Rivers, for implementation of the reasonable and prudent alternatives in the smelt biological opinion and the salmonid biological opinion, and any succeeding biological opinions, for the purpose of increasing Central Valley Project and State Water Project water supplies. The method of calculating reverse flow in Old and Middle Rivers shall be reevaluated not less than every five years thereafter to achieve maximum export pumping rates within limits established by the smelt biological opinion, the salmonid biological opinion, and any succeeding biological opinions.

AMENDMENT OFFERED BY MR. MCNERNEY

Mr. MCNERNEY. Mr. Chairman, I have an amendment at the desk that amends a portion of the bill not yet read for amendment. I ask unanimous consent to offer it at this point in the reading.

The Acting CHAIR. Is there objection to the request of the gentleman from California?

There was no objection.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Strike page 22, line 1, through page 42, line 16.

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from California and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. MCNERNEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am submitting an amendment with Representatives Lieu and Garamendi to strike provisions in the underlying legislation that are taken from H.R. 2898.

This important appropriations bill contains policy provisions that would further drain freshwater from the California delta with overpumping. These provisions would damage the delta's ecosystem and would cause serious economic harm to the communities we serve.

These provisions would undermine 40 years of progress in developing a true stewardship over the land and resources. Since these laws, which have helped make this progress possible, there have been countless attempts to scale back or undo them.

The provisions in the bill will weaken the Endangered Species Act and set a precedent of putting aside environmental protections. It misstates California water law and perpetuates a water war in the West at a time when we are working to bridge those divides. Families, farmers, and small businesses north and south of the California delta need water. This is a State issue, not a regional one.

Meanwhile, the results for farmers, families, businesses in the delta, as well as fishermen will be devastating. Fish will vanish and saltwater will intrude, permanently damaging some of the most productive farmland in the world.

Mr. Chairman, California water use seems to rely on an endless supply of freshwater. Unfortunately, there is only a finite amount of freshwater.

Historically, in limited water conditions, water has been taken from one region to supply another region. The Owens Valley and the Colorado River are perfect examples of what happens—one region benefits and another region suffers. That is exactly what is going to happen here. The delta region will suffer. Is that what we really want?

Mr. Chairman, California and Federal officials have been able to increase exports from the California delta. This action has helped maximize use of what little water exists in the State. A lack of water is our biggest threat, not operational flexibility.

It is completely inappropriate for a policy of this magnitude to be included in an annual must-pass appropriations bill. We should not be using an appropriations bill to ram through mis-

guided policies that reward a few powerful stakeholders at the expense of others. This bill should not be included in this year's Energy and Water Appropriations bill. I urge my colleagues to support my amendment.

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

Mr. VALADAO. Mr. Chairman, I claim the time in opposition to this amendment.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. VALADAO. Mr. Chairman, one of the most interesting things we always hear is water is a finite resource and we shouldn't waste it.

It always blows my mind because this simple graph right here is a very strong example of what happened from one year to the next. Right here is what came into the delta in 2015, and right here is what happened in 2016—the amount of water that came in and the amount of water that was exported to the south of the delta—and this is the amount of water going through the delta this year. So the amount of water that went through the delta and out into the ocean and completely wasted, right here in this graph, and this is how much we are able to capture.

That is a huge difference and a huge waste of water. Communities in my district have been suffering because of a lack of action in this House. This is not a State issue. This is policy that was implemented years ago; and as we watch and see the delta continue to go and continue to decline and the species continue to disappear, doing this has actually not helped the species, has done nothing.

There is language in this bill that actually helps protect the species, the predator species. We have the ability in this bill to start a program that could actually help eliminate the striped bass. We have seen studies. As much as 60 to 90 percent of delta smelt are consumed by striped bass.

Why don't we allow that language to move forward? There was a motion today to strike some of that language, as well, in another bill as there is in this one.

This is a problem. As communities continue to struggle, this is what we end up with. I think this is the most important picture. This is in my district. This is not in a Third World country. This is in the United States of America. This is right here in California, and this is something that is happening in these communities because of this water being wasted.

□ 1900

We are putting people out of work, and we now see shanty towns. These shanty towns are not just regular folks—these are families. You see a stroller here, and you see some children's toys.

Is this what we want to support?

Anybody who supports this amendment is supporting this in the United

States of America, and I can't imagine why we would want to do that.

Again, this is commonsense language that helps to address the problem that we have. We try to bring some common sense to the protection of the delta, and we look at it from all different angles. If Members want to continue this debate elsewhere, I am happy to do it. We have passed legislation. It sits in the Senate. The Senate hasn't acted. We are going to keep pushing and looking for a way to bring this to the forefront so we can offer a solution.

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

Mr. MCNERNEY. Mr. Chair, I yield 2 minutes to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. Mr. Chairman, welcome to California water wars, Members of Congress. Here we are again, back to our water war.

We need to solve the problem of the delta, but you don't do it by gutting the environmental protections of the delta. Have no doubt about it. This is another water war in California that we do not need.

What we need is some wise legislation that actually can solve the problem. Gutting the Endangered Species Act, overriding the biological opinions, taking away the Clean Water Act, and simply turning the pumps on is not a solution. It is, in fact, the death knell of the delta. Along with Governor Brown's twin tunnels, it will destroy the delta. So let's not go that way. Let's find the right solution in which science—that is the realtime monitoring of what is happening in the delta—is how we determine whether to ramp up or to reduce the pumping in the delta. That is not in this bill.

Take a look at the opponents here. We have the two delta interests, Mr. MCNERNEY and I. We have the San Joaquin Valley interests. Gentlemen and ladies, welcome to California water wars. This is not the way to handle it—not in an appropriation, not in a bill that guts the environmental protections and simply turns the pumps on.

Mr. MCNERNEY. Mr. Chair, how much time do I have remaining?

The Acting CHAIR. The gentleman from California has 30 seconds remaining.

Mr. MCNERNEY. Mr. Chair, we hear about water being wasted in its going out to the ocean, but that water is pushing saltwater away from our farms and the delta. It is allowing salmon fish to go out to the ocean. It is providing jobs all up and down the coast. I don't really accept the word "waste."

I implore my colleagues from southern California: let's work together. There are solutions out there. We can recycle; we can store rainwater; we can become more efficient and find wastage and stop evaporations. There are plenty of things we can do to produce new water. These provisions in this bill produce no new water. It just serves one portion of the State to benefit another.

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

Mr. VALADAO. Mr. Chair, how much time do I have remaining?

The Acting CHAIR. The gentleman from California has 2½ minutes remaining.

Mr. VALADAO. Mr. Chair, I yield 1½ minutes to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. I thank the gentleman.

Mr. Chair, water wars. I have been at this for a while, too, as my friend from northern California has. People are suffering right now for no good reason.

According to independent studies, under the existing biological opinions, over a million acre feet of water have been wasted because of non-pumping. What I mean by "wasted" is not one fish—not one smelt, not one salmon—would have been lost in the delta because of pumping; but because of over-cautiousness on the part of the Department of the Interior and the Department of Fish and Wildlife, we have let that water go. Tell that to the people who live in that shanty town. Tell that to the people who actually import produce from China to live on.

I know that people like to paint us as the party that doesn't care about the Hispanic community. Tell that to the hundreds of thousands of people who have been put out of work in the Central Valley. This is wrong.

I congratulate Mr. VALADAO for the hard work and the passion that he has put into this because he cares about the people he represents, and we should care about them, too.

There is no good reason why we have let this happen. We have allowed this to happen for a number of reasons, most of which don't make any sense to most people who understand this stuff. We have a chance, I think, to fix this and to pass Mr. VALADAO's legislation. Let's move on.

Ms. KAPTUR. Mr. Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. Mr. Chair, I yield to the gentleman from California (Mr. MCNERNEY).

Mr. MCNERNEY. I thank the gentlewoman from Ohio.

Mr. Chair, I just want to follow up on a few things.

We talked about water that goes out to the ocean as being wasted. Again, the delta is becoming more salty every year. We have been exporting 70 percent of the freshwater that comes to the delta. The saltwater has been intruding. We need the freshwater to push out that saltwater for the fishermen who live up and down the coast. I feel for the farmers who are in the south part of the valley—it is devastating; it is horrible—but we also see the same thing happening with fishermen on the north coast.

Basically, we are doing the same thing that has been done historically. At Owens Valley, we are going to take

water from one part of the State, and we are going to give it to another. We are going to benefit one part, and we are going to hurt another. That is not the way to do business.

We can find comprehensive solutions that include infrastructure investments, recycling, WaterSMART projects. There are ways to create new water. We don't have to keep grabbing water from one another to grow fruits and vegetables or to have fishermen survive on the north coast.

Ms. KAPTUR. Mr. Chair, I yield to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. Mr. Chair, all of us can get pretty excited about water in California, and I see my colleagues from the San Joaquin Valley and beyond who are lined up here to protest what has happened over this last year.

There is no doubt that in this last year the rainy season didn't work for anybody. We can find a solution if we base that solution on solid science, if we base it on the realtime monitoring of where the fish are. I know there is a monitoring provision in this bill. Also, this particular bill, as written, would push aside the environmental protections and simply allow the pumps to be turned on even with the monitoring. What we really need to do is to base the delta operation on the realtime monitoring of where the species are and then adjust the pumps accordingly.

There is a solution. My colleague, Mr. MCNERNEY, just talked in detail about the necessity of building additional infrastructure for water. We need Sites Reservoir in the northern part of the State. We need to rebuild the San Luis Reservoir, and the Los Banos Grandes needs to be built. We need to build the infrastructure, the recycling, and all of the other things.

We do not need to take, as this bill does, the Endangered Species Act, the Clean Water Act, and the biological opinions and push them out of the way and just allow the pumps to turn on. That is not a solution. That is a solution for the destruction of the largest estuary on the west coast of the Western Hemisphere.

I don't doubt for a moment the sincerity of my colleagues from the San Joaquin Valley and from southern California. They are sincere about the concern, and we share that concern. 300,000 acres of my rice farm didn't get planted this last year because of the drought. We also know the damage that a drought can do, but there is a way of solving this problem. This is not the bill. This bill will set off a war. Obviously, we are already at it here on the floor of the House.

Let's put this aside. Let's sit down, as we can do, and develop a solution that keeps in place the environmental laws and allows the flexibility that is present within those laws to be used to the maximum extent and not push the laws and the biological opinions out of the way to the detriment of the largest

estuary on the west coast of the Western Hemisphere. It is critical for salmon and other species in the ocean as well as for the agriculture in the delta and the 4 million or 5 million people who depend upon that water from the delta.

I ask my colleagues to work with all of us, and I will take the chair of the subcommittee up on his offer. I will take the gentleman up on his offer and sit down with him, and we will work this out, but not in this way, at this moment on this floor, with a bill that really does gut the environmental laws and that guts the environmental species as well as the Clean Water Act.

Ms. KAPTUR. Mr. Chair, how much time do I have remaining?

The Acting CHAIR (Mr. REED). The gentlewoman from Ohio has 1 minute remaining.

Ms. KAPTUR. Mr. Chair, I yield to the gentleman from California (Mr. MCNERNEY), who has fought so very hard on this issue.

Mr. MCNERNEY. I thank the gentlewoman.

Mr. Chair, I am basically appealing to my colleagues. There are solutions out there. We can find a whole State solution to which all stakeholders have input. Right now that is not what this is. This is pitting one region against the other, and it is going to perpetuate what has been called the California water war. We didn't need to go there. There are solutions.

Ms. KAPTUR. Mr. Chair, I yield back the balance of my time.

Mr. VALADAO. Mr. Chair, I yield the balance of my time to the gentleman from California (Mr. MCCARTHY), the majority leader.

Mr. MCCARTHY. I thank the gentleman for yielding.

Mr. Chair, I am always amazed by the debates on this floor, and I think they are healthy. I like to listen to what people say and what people desire. Let me explain what I have heard as a desire to deal with the water crisis in California.

People request that whatever we do, do not change the Endangered Species Act. Could we work together on both sides? Could we make sure we stay within the biological opinion?

For some of those people who are watching at home, they may not have watched the last three terms of this Congress. This drought is not new. But what is interesting is, if you just go back in this decade of the snowpack in California—let's go back 5 years—we had 160 percent of snowpack, which was an amazing year for California.

But do you know what was allocated from the State Water Project for water?

Eighty percent out of 160 percent. The next year, we had only 55 percent. In 2015, we only had 8 percent of snowpack. This year was an El Nino, so we got up to 87 percent. Yet, if you look at the numbers, we have only pumped about the same amount of water as we did when we had 8 percent.

My parents would always read me bedtime stories. The one I loved the most was one in which they talked about a grasshopper and an ant. It was interesting how one of them would save for that rainy day. In this case, it would be putting the water away. It would be saving for that next year because, as we go through these years, our snowpack is always not the same.

If we are not pumping the water down, where is it going?

It is going to the ocean.

For the last three terms, we have tried to solve the water crisis, and, every time, we have heard these same arguments; so every term we did something different. A term ago, we got together with Republicans and Democrats, and we worked with our Senate leaders on the other side; but when it got time to make a final decision, I was told: no, no, we couldn't do this because it didn't go through committee, and there weren't enough people in the room.

So we said: All right. Well, we will go back to the drawing board.

This time we went through and we put Republicans and Democrats in the room.

Do you know what is interesting?

It just so happens Republicans are in the majority and Democrats are in the minority, but not in that room. There were more Democrats than there were Republicans, and we stayed months in there talking. We came to a lot of agreements. Maybe some people who were in the room won't say that on the outside, but on the inside, they agreed to a lot of the pieces of the legislation.

I will tell you that those pieces that we agreed to are in this bill.

Do you know why?

Because we listened. We don't change the Endangered Species Act. We don't go beyond the biological opinion.

Are you concerned about fish?

We say in this piece of legislation to pump higher unless there is a concern in the harming of the fish. You don't have to come back to Congress to change the level of pumping. So those solutions I hear on the floor are in the bill. I think it is about time that we stop making false accusations and actually stand for what we need.

□ 1915

Do you know what in these rooms I heard a lot about? Desalinization. And I said I will help with that. Because the whole concept of desalinization is we will spend a lot of money with a lot of energy to take that ocean water and take the salt out of it and make it freshwater.

Don't you think it would kind of be smart of us first to make sure that our freshwater is not becoming saltwater first? That is all we are asking here. We are saying let's live within the biological opinion.

We are protecting the Endangered Species Act, but we are doing something different in California. We are planning for the future. We are plan-

ning for those years that you won't have the big snowpack. We are planning for the years that California continues to grow. We are also planning for those people who work in the fields. We are planning for the people who want to build the homes.

Central Valley may be a little different than everywhere else, but those jobs are just as important as any job anywhere else in California. So, yes, we have sat in the rooms. Yes, there were more on the minority side than on the majority. Yes, we listened to you and we took what we heard and put it into a bill.

Because the other thing I heard when we couldn't do this is that it had to be regular order. That is why it could not be in the omnibus bill even though that was an idea from my Senate colleague in the other house.

So you know what? This is regular order on the floor of the House with the ideas that we heard, and it is in the bill.

Mr. VALADAO. Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. MCNERNEY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MCNERNEY. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

The Clerk will read.

The Clerk read as follows:

TEMPORARY OPERATIONAL FLEXIBILITY FOR FIRST FEW STORMS OF THE WATER YEAR

SEC. 205. (a) IN GENERAL.—Consistent with avoiding an immediate significant negative impact on the long-term survival upon listed fish species over and above the range of impacts authorized under the Endangered Species Act of 1973 and other environmental protections under subsection (d), the Secretary of the Interior and the Secretary of Commerce shall authorize the Central Valley Project and the California State Water Project, combined, to operate at levels that result in negative OMR flows at -7,500 cubic feet per second (based on United States Geological Survey gauges on Old and Middle Rivers) daily average as described in subsections (b) and (c) to capture peak flows during storm events.

(b) DAYS OF TEMPORARY OPERATIONAL FLEXIBILITY.—The temporary operational flexibility described in subsection (a) shall be authorized on days that the California Department of Water Resources determines the net Sacramento-San Joaquin River Delta outflow index is at, or above, 13,000 cubic feet per second.

(c) COMPLIANCE WITH ENDANGERED SPECIES ACT AUTHORIZATIONS.—In carrying out this section, the Secretary of the Interior and the Secretary of Commerce may continue to impose any requirements under the smelt biological opinion and salmonid biological opinion during any period of temporary operational flexibility as they determine are reasonably necessary to avoid additional significant negative impacts on the long-term survival of a listed fish species over and

above the range of impacts authorized under the Endangered Species Act of 1973, provided that the requirements imposed do not reduce water supplies available for the Central Valley Project and the California State Water Project.

(d) OTHER ENVIRONMENTAL PROTECTIONS.—

(1) STATE LAW.—The actions of the Secretary of the Interior and the Secretary of Commerce under this section shall be consistent with applicable regulatory requirements under State law. The foregoing does not constitute a waiver of sovereign immunity.

(2) FIRST SEDIMENT FLUSH.—During the first flush of sediment out of the Sacramento-San Joaquin River Delta in each water year, and provided that such determination is based upon objective evidence, OMR flow may be managed at rates less negative than -5,000 cubic feet per second for a minimum duration to avoid movement of adult Delta smelt (*Hypomesus transpacificus*) to areas in the southern Sacramento-San Joaquin River Delta that would be likely to increase entrainment at Central Valley Project and California State Water Project pumping plants.

(3) APPLICABILITY OF OPINION.—This section shall not affect the application of the salmonid biological opinion from April 1 to May 31, unless the Secretary of Commerce finds, based on the best scientific and commercial data available, that some or all of such applicable requirements may be adjusted during this time period to provide emergency water supply relief without resulting in additional adverse effects over and above the range of impacts authorized under the Endangered Species Act of 1973. In addition to any other actions to benefit water supply, the Secretary of the Interior and the Secretary of Commerce shall consider allowing through-Delta water transfers to occur during this period if they can be accomplished consistent with section 3405(a)(1)(H) of the Central Valley Project Improvement Act. Water transfers solely or exclusively through the California State Water Project that do not require any use of Reclamation facilities or approval by Reclamation are not required to be consistent with section 3405(a)(1)(H) of the Central Valley Project Improvement Act.

(4) MONITORING.—During operations under this section, the Commissioner of Reclamation, in coordination with the United States Fish and Wildlife Service, National Marine Fisheries Service, and California Department of Fish and Wildlife, shall undertake expanded monitoring programs and other data gathering to improve Central Valley Project and California State Water Project water supplies, to ensure incidental take levels are not exceeded, and to identify potential negative impacts, if any, and actions necessary to mitigate impacts of the temporary operational flexibility to species listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(e) EFFECT OF HIGH OUTFLOWS.—In recognition of the high outflow levels from the Sacramento-San Joaquin River Delta during the days this section is in effect under subsection (b), the Secretary of the Interior and the Secretary of Commerce shall not count such days toward the 5-day and 14-day running averages of tidally filtered daily Old and Middle River flow requirements under the smelt biological opinion and salmonid biological opinion, as long as the Secretaries avoid significant negative impact on the long-term survival of listed fish species over and above the range of impacts authorized under the Endangered Species Act of 1973.

(f) LEVEL OF DETAIL REQUIRED FOR ANALYSIS.—In articulating the determinations required under this section, the Secretary of

the Interior and the Secretary of Commerce shall fully satisfy the requirements herein but shall not be expected to provide a greater level of supporting detail for the analysis than feasible to provide within the short timeframe permitted for timely decision making in response to changing conditions in the Sacramento-San Joaquin River Delta.

(g) OMR FLOWS.—The Secretary of the Interior and the Secretary of Commerce shall, through the adaptive management provisions in the salmonid biological opinion, limit OMR reverse flow to -5,000 cubic feet per second based on date-certain triggers in the salmonid biological opinions only if using real-time migration information on salmonids demonstrates that such action is necessary to avoid a significant negative impact on the long-term survival of listed fish species over and above the range of impacts authorized under the Endangered Species Act of 1973.

(h) NO REINITIATION OF CONSULTATION.—In implementing or at the conclusion of actions under this section, the Secretary of the Interior shall not reinitiate consultation on those adjusted operations if there is no immediate significant negative impact on the long-term survival of listed fish species over and above the range of impacts authorized under the Endangered Species Act of 1973. Any action taken under this section that does not create an immediate significant negative impact on the long-term survival of listed fish species over and above the range of impacts authorized under the Endangered Species Act of 1973 will not alter application of the take permitted by the incidental take statement in those biological opinions under section 7(o)(2) of the Endangered Species Act of 1973.

STATE WATER PROJECT OFFSET AND WATER RIGHTS PROTECTIONS

SEC. 206. (a) OFFSET FOR STATE WATER PROJECT.—

(1) IMPLEMENTATION IMPACTS.—The Secretary of the Interior shall confer with the California Department of Fish and Wildlife in connection with the implementation of this section on potential impacts to any consistency determination for operations of the State Water Project issued pursuant to California Fish and Game Code section 2080.1.

(2) ADDITIONAL YIELD.—If, as a result of the application of this section, the California Department of Fish and Wildlife—

(A) determines that operations of the State Water Project are inconsistent with the consistency determinations issued pursuant to California Fish and Game Code section 2080.1 for operations of the State Water Project; or

(B) requires take authorization under California Fish and Game Code section 2081 for operation of the State Water Project in a manner that directly or indirectly results in reduced water supply to the State Water Project as compared with the water supply available under the smelt biological opinion and the salmonid biological opinion; and as a result, Central Valley Project yield is greater than it otherwise would have been, then that additional yield shall be made available to the State Water Project for delivery to State Water Project contractors to offset that reduced water supply.

(3) NOTIFICATION RELATED TO ENVIRONMENTAL PROTECTIONS.—The Secretary of the Interior and Secretary of Commerce shall—

(A) notify the Director of the California Department of Fish and Wildlife regarding any changes in the manner in which the smelt biological opinion or the salmonid biological opinion is implemented; and

(B) confirm that those changes are consistent with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(b) AREA OF ORIGIN AND WATER RIGHTS PROTECTIONS.—

(1) IN GENERAL.—The Secretary of the Interior and the Secretary of Commerce, in carrying out the mandates of this section, shall take no action that—

(A) diminishes, impairs, or otherwise affects in any manner any area of origin, watershed of origin, county of origin, or any other water rights protection, including rights to water appropriated before December 19, 1914, provided under State law;

(B) limits, expands or otherwise affects the application of section 10505, 10505.5, 11128, 11460, 11461, 11462, 11463 or 12200 through 12220 of the California Water Code or any other provision of State water rights law, without respect to whether such a provision is specifically referred to in this section; or

(C) diminishes, impairs, or otherwise affects in any manner any water rights or water rights priorities under applicable law.

(2) SECTION 7 OF THE ENDANGERED SPECIES ACT.—Any action proposed to be undertaken by the Secretary of the Interior and the Secretary of Commerce pursuant to both this section and section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) shall be undertaken in a manner that does not alter water rights or water rights priorities established by California law or it shall not be undertaken at all. Nothing in this subsection affects the obligations of the Secretary of the Interior and the Secretary of Commerce under section 7 of the Endangered Species Act of 1973.

(3) EFFECT OF ACT.—

(A) Nothing in this section affects or modifies any obligation of the Secretary of the Interior under section 8 of the Act of June 17, 1902 (32 Stat. 390, chapter 1093).

(B) Nothing in this section diminishes, impairs, or otherwise affects in any manner any Project purposes or priorities for the allocation, delivery or use of water under applicable law, including the Project purposes and priorities established under section 3402 and section 3406 of the Central Valley Project Improvement Act (Public Law 102-575; 106 Stat. 4706).

(c) NO REDIRECTED ADVERSE IMPACTS.—

(1) IN GENERAL.—The Secretary of the Interior and Secretary of Commerce shall not carry out any specific action authorized under this section that will directly or through State agency action indirectly result in the involuntary reduction of water supply to an individual, district, or agency that has in effect a contract for water with the State Water Project or the Central Valley Project, including Settlement and Exchange contracts, refuge contracts, and Friant Division contracts, as compared to the water supply that would be provided in the absence of action under this section, and nothing in this section is intended to modify, amend or affect any of the rights and obligations of the parties to such contracts.

(2) ACTION ON DETERMINATION.—If, after exploring all options, the Secretary of the Interior or the Secretary of Commerce makes a final determination that a proposed action under this section cannot be carried out in accordance with paragraph (1), that Secretary—

(A) shall document that determination in writing for that action, including a statement of the facts relied on, and an explanation of the basis, for the decision;

(B) may exercise the Secretary's existing authority, including authority to undertake the drought-related actions otherwise addressed in this title, or to otherwise comply with other applicable law, including the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(C) shall comply with subsection (a).

(d) ALLOCATIONS FOR SACRAMENTO VALLEY WATER SERVICE CONTRACTORS.—

(1) DEFINITIONS.—In this subsection:

(A) EXISTING CENTRAL VALLEY PROJECT AGRICULTURAL WATER SERVICE CONTRACTOR WITHIN THE SACRAMENTO RIVER WATERSHED.—The term “existing Central Valley Project agricultural water service contractor within the Sacramento River Watershed” means any water service contractor within the Shasta, Trinity, or Sacramento River division of the Central Valley Project that has in effect a water service contract on the date of enactment of this section that provides water for irrigation.

(B) YEAR TERMS.—The terms “Above Normal”, “Below Normal”, “Dry”, and “Wet”, with respect to a year, have the meanings given those terms in the Sacramento Valley Water Year Type (40-30-30) Index.

(2) ALLOCATIONS OF WATER.—

(A) ALLOCATIONS.—Subject to subsection (c), the Secretary of the Interior shall make every reasonable effort in the operation of the Central Valley Project to allocate water provided for irrigation purposes to each existing Central Valley Project agricultural water service contractor within the Sacramento River Watershed in accordance with the following:

(i) Not less than 100 percent of the contract quantity of the existing Central Valley Project agricultural water service contractor within the Sacramento River Watershed in a “Wet” year.

(ii) Not less than 100 percent of the contract quantity of the existing Central Valley Project agricultural water service contractor within the Sacramento River Watershed in an “Above Normal” year.

(iii) Not less than 100 percent of the contract quantity of the existing Central Valley Project agricultural water service contractor within the Sacramento River Watershed in a “Below Normal” year that is preceded by an “Above Normal” or “Wet” year.

(iv) Not less than 50 percent of the contract quantity of the existing Central Valley Project agricultural water service contractor within the Sacramento River Watershed in a “Dry” year that is preceded by a “Below Normal”, “Above Normal”, or “Wet” year.

(v) Subject to clause (ii), in any other year not identified in any of clauses (i) through (iv), not less than twice the allocation percentage to south-of-Delta Central Valley Project agricultural water service contractors, up to 100 percent.

(B) EFFECT OF CLAUSE.—Nothing in clause (A)(v) precludes an allocation to an existing Central Valley Project agricultural water service contractor within the Sacramento River Watershed that is greater than twice the allocation percentage to a south-of-Delta Central Valley Project agricultural water service contractor.

(3) PROTECTION OF ENVIRONMENT, MUNICIPAL AND INDUSTRIAL SUPPLIES, AND OTHER CONTRACTORS.—

(A) ENVIRONMENT.—Nothing in paragraph (2) shall adversely affect—

(i) the cold water pool behind Shasta Dam;

(ii) the obligation of the Secretary of the Interior to make water available to managed wetlands pursuant to section 3406(d) of the Central Valley Project Improvement Act (Public Law 102-575; 106 Stat. 4722); or

(iii) any obligation—

(I) of the Secretary of the Interior and the Secretary of Commerce under the smelt biological opinion, or the salmonid biological opinion, or any other applicable biological opinion; or

(II) under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or any other applicable law (including regulations).

(B) MUNICIPAL AND INDUSTRIAL SUPPLIES.—Nothing in paragraph (2)—

(i) modifies any provision of a water Service contract that addresses municipal or in-

dustrial water shortage policies of the Secretary of the Interior and the Secretary of Commerce;

(ii) affects or limits the authority of the Secretary of the Interior and the Secretary of Commerce to adopt or modify municipal and industrial water shortage policies;

(iii) affects or limits the authority of the Secretary of the Interior and the Secretary of Commerce to implement a municipal or industrial water shortage policy;

(iv) constrains, governs, or affects, directly or indirectly, the operations of the American River division of the Central Valley Project or any deliveries from that division or a unit or facility of that division; or

(v) affects any allocation to a Central Valley Project municipal or industrial water service contractor by increasing or decreasing allocations to the contractor, as compared to the allocation the contractor would have received absent paragraph (2).

(C) OTHER CONTRACTORS.—Nothing in subsection (b)—

(i) affects the priority of any individual or entity with Sacramento River water rights, including an individual or entity with a Sacramento River settlement contract, that has priority to the diversion and use of Sacramento River water over water rights held by the United States for operations of the Central Valley Project;

(ii) affects the obligation of the United States to make a substitute supply of water available to the San Joaquin River exchange contractors;

(iii) affects the allocation of water to Friant division contractors of the Central Valley Project;

(iv) results in the involuntary reduction in contract water allocations to individuals or entities with contracts to receive water from the Friant division; or

(v) authorizes any actions inconsistent with State water rights law.

SEC. 207. None of the funds in this Act shall be available to implement the Stipulation of Settlement (Natural Resources Defense Council, et al. v. Kirk Rodgers, et al., Eastern District of California, No. Civ. 9 S-88-1658 LKK/GGH) or subtitle A of title X of Public Law 111-11.

SEC. 208. None of the funds in this Act shall be available for the purchase of water in the State of California to supplement instream flow within a river basin that has suffered a drought within the last two years.

SEC. 209. The Commissioner of Reclamation is directed to work with local water and irrigation districts in the Stanislaus River Basin to ascertain the water storage made available by the Draft Plan of Operations in New Melones Reservoir (DRPO) for water conservation programs, conjunctive use projects, water transfers, rescheduled project water and other projects to maximize water storage and ensure the beneficial use of the water resources in the Stanislaus River Basin. All such programs and projects shall be implemented according to all applicable laws and regulations. The source of water for any such storage program at New Melones Reservoir shall be made available under a valid water right, consistent with the State water transfer guidelines and any other applicable State water law. The Commissioner shall inform the Congress within 18 months setting forth the amount of storage made available by the DRPO that has been put to use under this program, including proposals received by the Commissioner from interested parties for the purpose of this section.

TITLE III

DEPARTMENT OF ENERGY
ENERGY PROGRAMS

ENERGY EFFICIENCY AND RENEWABLE ENERGY

For Department of Energy expenses including the purchase, construction, and acquisi-

tion of plant and capital equipment, and other expenses necessary for energy efficiency and renewable energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$1,825,000,000, to remain available until expended: *Provided*, That of such amount, \$149,500,000 shall be available until September 30, 2018, for program direction.

AMENDMENT OFFERED BY MR. GRIFFITH

Mr. GRIFFITH. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 43, line 24, after the dollar amount, insert “(reduced by \$50,000,000)”.

Page 45, line 16, after the dollar amount, insert “(increased by \$45,000,000)”.

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from Virginia and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. GRIFFITH. Mr. Chairman, this is a fairly simple amendment, and it is a commonsense amendment.

While the technologies could also be used that this amendment will plus up for natural gas or oil, I will focus my attention on coal because that is what happens in my district predominantly.

Over the last several years, as many of us know, there have been numerous burdensome regulations on the coal industry and industries that burn coal.

The very least we can do is to make sure that coal-fired power plants and others dependent on coal, among those most heavily targeted, have the technologies necessary to meet the standards being imposed on them.

In recent months, I have had many conversations and discussions with a number of folks in southwest Virginia, but also folks at the Department of Energy, about ways that we can better do the research necessary to make clean coal technology available.

One thing is very clear. There is a future for coal, and it lies in many ways in the technologies being researched and supported by the Department of Energy’s Office of Fossil Energy Research. We would love to get parity. This amendment doesn’t bring us to parity, but it gets us a little bit closer.

My amendment would simply add \$45 million for fossil energy research and development from the energy efficiency and renewable energy account for the purpose of aiding clean coal technology.

Now, just so you understand, the research money for energy efficiency and renewable energy would still be at \$1.775 billion and the research money for fossil fuels, including coal, would only get plussed up to 690.

So you still have a greater amount of money by a little bit more than 2 to 1 going to other energies besides the fossil fuels.

Some of the key power providers in Virginia have made it clear that coal

will continue to be a part of their strategy for a long time to come.

Dominion Power, at a recent conference that we had, indicated that, by 2030, they expect that about 30 percent of their energy production will be from coal. American Electric Power indicated that about half of theirs in 2030 would still be from coal.

Now, what we have to do is we have to make sure that we get our technologies in line to make sure that we can continue to burn coal, but burn it in a cleaner fashion. While there are various clean coal technologies currently in development, they will not be ready for commercial use for years to come unless we change the timeline.

So my amendment would change that timeline. It will shorten that time by putting more money into research for clean coal technologies.

So we have two intersecting interests here. Let's figure out a way we can keep the jobs, particularly in southwest Virginia and central Appalachia, and also burn coal more cleanly.

My amendment gives us a ray of hope, a step forward, to keeping those high-paying coal jobs, at least some of them—we have lost thousands in the last few years—but keeping those jobs while also finding ways to burn the coal more cleanly.

This amendment will support both of these goals by ensuring additional funding for clean coal research. That research can also be used in natural gas. My favorite is chemical looping.

This is a reasonable approach, and I hope that the body will adopt this amendment.

I appreciate that the underlying bill does provide a slight increase in fossil fuel energy research over last year's level. But when you are losing as many jobs as my district has, you have to fight for everything you can get.

I reserve the balance of my time.

Ms. KAPTUR. Mr. Chair, I claim the time in opposition.

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. Mr. Chair, I appreciate Congressman GRIFFITH's efforts here, but, unfortunately, I rise in opposition to the amendment.

Let me just say that, in the base bill that we have worked very hard on, there are \$645 million in the account for fossil energy. That is about \$13 million more over the current fiscal year. In addition, it is \$285 million above the budget request.

So I think, if you put it in that frame, we have done quite well with difficult choices inside our bill. The energy efficiency and renewable energy account is already \$248 million below this year and more than a billion below the budget request.

So I would say to the gentleman that I don't think the offset you have provided is a very good one.

We know that renewable energy is at the forefront of an energy transformation that is already happening across our country, and we do need a more balanced approach to energy.

While I do support fossil energy research and development and, frankly, transition for communities that have been harmed by the transformation in the energy sector—coal communities and coal-shipping communities across this country—I really can't support this level of disproportionate funding.

So I strongly oppose the amendment and do not agree with its offset. I would urge my colleagues to join me in a "no" vote.

I reserve the balance of my time.

Mr. GRIFFITH. Mr. Chairman, may I inquire as to how much time I have remaining?

The Acting CHAIR. The gentleman from Virginia has 1 minute remaining.

Mr. GRIFFITH. Mr. Chair, I appreciate the gentlewoman's comments and recognize that they did plus it up a little bit.

But when you look at the folks that I represent and the thousands of folks who have lost their jobs in the mining industry, we have to do more. We have to do more.

Everybody likes to talk about we are going to help, we are going to transition. But some of my counties, quite frankly, what are you going to transition them to?

There are no great roads. We should work on that as well. Frankly, we have got trees and mountains. Recently, one of my counties had to build a new high school because all of their high schools were in the floodway. We had two pieces of land that were flat enough to build the high school on in the entire county.

So when people say transition, I always say: What are you going to do when you don't have the land to build factories and you don't have the resources to do something else?

They have always done mining. They can continue to do mining. Let's meet and compromise here and put research money in so that they can continue to mine, continue to have jobs, and we can have a cleaner burning fuel, but still use our coal.

I yield back the balance of my time.

Ms. KAPTUR. Mr. Chair, might I inquire how much time I have remaining?

The Acting CHAIR. The gentlewoman from Ohio has 3 minutes remaining.

Ms. KAPTUR. Mr. Chair, I couldn't agree with Congressman GRIFFITH more about the necessity of transitioning communities.

When I look back to the 1990s when something called NAFTA passed—the North American Free Trade Agreement—we were promised that there would be a North American development bank and that any community that was harmed in the South or the North would be helped.

The Federal Government never kept its word. It never kept its word. Go try to find that North American development bank today and we look at hollowed-out communities across this country.

If we look at the coal communities in—and Ohio has a lot of coal. We actu-

ally have more Btus under the ground between Virginia, Pennsylvania, Ohio, all the way to Illinois, than the Middle East has oil. It is just a little bit harder. So we look at these communities that have been so devastated, and the Federal Government kind of sat on the side.

Yes, we had the Appalachian Regional Commission terribly underfunded without the kind of bonding and development authority that should exist.

I look at the steel communities that I represent. People in my district are getting pink slips every day at our big steel companies because of imported steel, and the Federal Government sits on its hand here at the Federal level in the International Trade Commission and the National Economic Office over at the National Security Council. It upsets me a great deal that we haven't been able to help communities so impacted.

I hope that, for those communities that are suffering because of the transition in the energy sector partly due to the discovery of natural gas, quite frankly, in places like Ohio—and I am not sure about Virginia—we really need the type of transition program that we should have had back in the 1990s for the NAFTA communities and that we should have had for the steel communities. The Federal Government is just too far away from the places where we live to even see it sometimes.

So I share the gentleman's passion on that, but I really don't think that we should take from the accounts that are providing some of the future answers. I hope that regions like yours could move into the new energy economy as well.

Up in the Lake Erie area where I live, we are trying very, very hard to capture the wind. Lake Erie is the Saudi Arabia of wind, and it is part of our new future and part of a new grid. We hope to be very successful there. I hope that some of these new technologies could also burgeon in regions of Virginia. There is no reason that they can't.

I believe the Department of Energy, the Department of Labor, the Department of Commerce, and all of our departments have an obligation to the communities that have been harmed because of policies that happen in the private sector or the public sector, but we haven't been so good at that as the Federal Government.

So I reluctantly oppose the gentleman's amendment, but I understand his motivation. I urge my colleagues to vote "no" on the Griffith amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. GRIFFITH).

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

Ms. KAPTUR. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by

the gentleman from Virginia will be postponed.

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AMENDMENT OFFERED BY MR. MCNERNEY

Mr. MCNERNEY. Mr. Chairman, as the designee of the gentleman from Tennessee (Mr. COHEN), I offer an amendment.

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 43, line 24, after the dollar amount, insert “(increased by \$2,000,000)”.

Page 50, line 21, after the dollar amount, insert “(reduced by \$2,000,000)”.

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from California and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. MCNERNEY. Mr. Chair, I yield myself such time as I may consume.

This amendment would increase funding for the Energy Efficiency and Renewable Energy account by \$2 million for the SuperTruck II program. The SuperTruck program was started by the Department of Energy to improve freight and heavy duty vehicle efficiency.

The Committee on Appropriations acknowledged in their committee report the success of the SuperTruck II program but recommended only \$20 million of the requested \$60 million for the SuperTruck II program to further improve efficiency in these vehicles.

SuperTruck II will continue dramatic improvements in the efficiency of heavy-duty class 8 long-haul and regional-haul vehicles through system-level improvements. These improvements include hybridization, more efficient idling, and high efficiency HVAC technologies. By increasing the funding for the SuperTruck II program by \$2 million, it will allow the Department of Energy to better achieve their freight efficiency goals.

This amendment is fully offset by a decrease in the departmental administration account.

I thank my colleague, STEVE COHEN, for his continued work on this important issue. I would also like to thank Chairman SIMPSON and Ranking Member KAPTUR for their hard work on this bill. I urge my colleagues to vote “yes” on the amendment.

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

Mr. COHEN. Mr. Chair, I rise in support of an amendment Congressman JERRY MCNERNEY and I are offering today to the Fiscal Year 2017 Energy and Water Appropriations Act.

Our amendment would increase funding for the Energy Efficiency and Renewable Energy account by \$2 million for the SuperTruck II program, and it is fully offset.

The SuperTruck program at the Department of Energy (DOE) helps research and develop more fuel efficient long-haul, tractor-trailers, which is important not just for our environment but also for our economy.

The types of improvements we may see as a result of this program include better engine efficiency, aerodynamics, and truck weight.

The Appropriations Committee included \$20 million of the requested \$60 million for the SuperTruck II program. While I am grateful for the funding, I believe we can do more.

I would like to thank Congressman MCNERNEY for his help on this amendment as well as Chairman SIMPSON and Ranking Member KAPTUR for all their efforts on this bill.

I urge my colleagues to support this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. MCNERNEY).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BUCK

Mr. BUCK. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 43, line 24, after the dollar amount, insert “(reduced to \$0)”.

Page 44, line 1, after the dollar amount, insert “(reduced to \$0)”.

Page 44, line 25, after the dollar amount, insert “(reduced to \$0)”.

Page 45, line 1, after the dollar amount, insert “(reduced to \$0)”.

Page 45, line 16, after the dollar amount, insert “(reduced to \$0)”.

Page 45, line 17, after the dollar amount, insert “(reduced to \$0)”.

Page 80, line 12, after the dollar amount, insert “(increased by \$3,481,616,000)”.

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from Colorado and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. BUCK. Mr. Chairman, I thank you for the opportunity to speak about this amendment to the Energy and Water Development and Related Agencies Appropriations Act of 2017.

This amendment zeroes out several Federal agency programs that have been in the business of picking winners and losers. Federal bureaucrats are not venture capitalists or R&D specialists. They have no business exposing billions of taxpayer dollars to potentially risky investments.

We must continue to invest in renewable, nuclear, and fossil energy technologies; but the investments in these projects should be left to the private sector, where firms can decide whether or not to take on the risk.

Additionally, the discoveries from these projects are owned by the companies themselves, rather than placed into the private domain to benefit our Nation more fully. Moreover, wherever the Federal Government doles out taxpayer dollars, high-paid lobbyists stand at the ready to collect their share.

The success of companies pursuing new energy technologies should depend on those technologies’ merits. This amendment eliminates those crony subsidies.

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

Ms. KAPTUR. Mr. Chair, I rise in opposition to the amendment.

The Acting Chair. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. Mr. Chair, it is interesting that a Member from Colorado, which is where the National Renewable Energy Laboratory—I would sure like to have that in Ohio—is headquartered. I have actually visited that site and have been so impressed by the basic research that has been done in so many arenas that has brought new products to market.

When I look at the solar industry, for example, were it not for the photovoltaic research of the U.S. Department of Energy back in the early days, it would not now be employing more people than those who work in many of the other energy sectors put together. It is amazing to me that it is one of the fastest growing segments of our market.

But the basic research that had to be done—the thin film research, the work on silicates, on cadmium tellurides, so many of the ingredients—frankly, there was no company that was able to take that risk in the past. And they certainly couldn’t get the funding; I can guarantee you that. Some of this research started back in the 1980s. So I think that the energy efficiency and renewable energy programs are just terribly important.

On the nuclear front, there is no private company that has figured out how to really handle the waste product from nuclear. We have to invest in nuclear energy to build a safer world for the future, and the Department of Energy does that. No private company takes that on.

In fact, we have a lot of waste. There are environmental management projects across this country, hundreds of billions of dollars. We have to handle cleanup from past years and the cold war. No private company is able to do that on its own. That is something that is a legacy of our defense structure.

I am really not quite sure what the gentleman’s objective is here, but I don’t want to take America backwards. I want her to move forward.

We are now at 91 percent in terms of our ability to fund our energy use here in our country, compared to half that just several years ago. That is a real accomplishment. It is something that the public sector and the private sector are able to work on together.

I really think that the gentleman’s efforts are misguided, and I would have to oppose this amendment.

Mr. SIMPSON. Will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Idaho.

Mr. SIMPSON. I thank the gentlewoman for yielding.

Like the ranking member, I would oppose this amendment. It would reduce funds in the following accounts: EERE, nuclear energy, fossil energy, and other accounts throughout this bill.

We spend an awful lot of time making sure that we continue our responsibility to effectively manage government spending, and we have worked

tirelessly to that end. These are targeted funds to provide needed investments and to efficiently and safely utilize our natural resources and invest in the next technological innovations.

It is interesting that years ago, we used to have what were called the Bell Laboratories, and they did a lot of the research and stuff that is now done by government. Because it has gotten too expensive, any individual company can't do a lot of the research that is done.

I will give you an example in the nuclear energy arena. At the Idaho National Lab, we have the advanced test reactors. It is the only one in the United States that does this. Private companies come, as well as government and other organizations, to test new fuels, new designs of fuels, and those types of things. This is not something that can be done by the private sector.

So there are a lot of things that the government does and research that the government does that the private sector, frankly, just doesn't have the resources to do that need to get done. That is what we expect our national laboratories to do. That is what EERE does, what fossil energy research does, and other things.

As I said, some of these programs, like the ATR, some of the funding is paid by the companies that come and use the facility and those types of things, as they have to. And besides that, it is good for our national security.

It is an interesting fact—and I think my numbers are accurate; if they are not exactly accurate, they are pretty close—that when the first nuclear-powered submarine was launched, it was fueled for 6 months and then had to be refueled. But through the research that they have been able to do, the Navy, with the advanced test reactor, we now fuel ships for the life of the ship, which is an incredible advancement. But that is done through government research.

So while it would be nice to say the private sector ought to do all these things, the reality is the private sector can't do all of those things.

I would agree with the gentlewoman and oppose the gentleman's amendment.

Ms. KAPTUR. Mr. Chair, I yield back the balance of my time.

Mr. BUCK. Mr. Chair, the ranking member asked what the purpose is, and I would be glad to answer that.

We have over \$19 trillion of debt. We are running up huge annual deficits in this country. We do not have a major war going on right now, and we do not have a recession going on right now, but we continue to overspend.

This is an area where I contend that the private sector has got to do a lot more than it is doing if we are going to try to balance our budget some day. That may seem like folly to some, but I think the impact of going off the fiscal cliff is far greater than the impact of cutting funds for research in this area.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. BUCK).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. BUCK. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado will be postponed.

VACATING DEMAND FOR RECORDED VOTE ON AMENDMENT OFFERED BY MR. BEYER

Mr. SIMPSON. Mr. Chairman, I ask unanimous consent to withdraw my request for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. BEYER) to the end that the Chair puts the question de novo.

The Acting CHAIR. Is there objection to the request of the gentleman from Idaho?

There was no objection.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. BEYER).

The amendment was rejected.

AMENDMENT OFFERED BY MS. MICHELLE LUJAN GRISHAM OF NEW MEXICO

Ms. MICHELLE LUJAN GRISHAM of New Mexico. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 43, line 24, after the dollar amount, insert "(increased by \$25,000,000) (reduced by \$25,000,000)".

The Acting CHAIR. Pursuant to House Resolution 743, the gentlewoman from New Mexico and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New Mexico.

Ms. MICHELLE LUJAN GRISHAM of New Mexico. Mr. Chair, New Mexico is, frankly, very fortunate to have many natural resources, including vast amounts of minerals, oil, and natural gas; but water is, by far, New Mexico's most precious commodity.

As a Representative from New Mexico, I have witnessed the devastating impact that long-term severe drought can have on businesses, communities, and the State. Drought conditions threaten the livelihoods of farmers and ranchers who depend on this natural resource to run their operations.

In addition, there are many communities in New Mexico, both in urban and rural areas, that may not survive without an affordable and a sustainable water source. These conditions go beyond New Mexico and extend, in fact, to the entire Southwest.

Based on the most recent available science, experts believe that this region of the country will continue to experience megadroughts in the future.

It is critical that we make investments now not only to protect and conserve this scarce resource but to also research and develop alternative, afford-

able, and sustainable water technologies to ensure that Southwest communities and businesses can continue to thrive in persistent drought conditions.

My amendment would prioritize \$25 million for an energy water desalination hub, as proposed by the Department of Energy. The hub will develop the technology to reduce the cost, energy input, and carbon emission levels of water desalination.

Desalination technology has been around for many years, and I have visited several countries that are currently using desalination technology.

New Mexico would greatly benefit from this technology, since the State has large brackish water reserves that could become viable water resources through desalination. Desalination can also help the State's oil and gas industry to address water shortage and wastewater disposal challenges.

Despite the number of benefits and industry advancements, unfortunately water desalination is still cost-prohibitive for small communities and companies. This is why I think it is crucial that we develop this technology to make it as affordable and energy-efficient as possible.

Making important investments in water technologies like water desalination will be critical in determining the future of Southwest communities and businesses.

Now, I am disappointed, of course, that this is not something that is currently included in the bill. I am looking forward to working with the majority on this really important issue.

At this time, Mr. Chairman, I am prepared to withdraw my amendment.

Ms. KAPTUR. Will the gentlewoman yield?

Ms. MICHELLE LUJAN GRISHAM of New Mexico. I yield to the gentlewoman from Ohio.

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Ms. KAPTUR. I thank the gentlewoman for yielding.

I think Congresswoman LUJAN GRISHAM has done such a phenomenal job here, and I appreciate her interest in the necessity of desalination work and how important the Department of Energy is in finding a solution that is cost effective and the most advanced energy system we can have to desalinate as we move forward. I share her interest in finding funding for this important work, and, hopefully, in a conference situation, we can provide a way to provide some resources.

I really applaud the gentlewoman for her path-breaking efforts on behalf of a very important issue.

Ms. MICHELLE LUJAN GRISHAM of New Mexico. Mr. Chair, I ask unanimous consent to withdraw my amendment.

The Acting CHAIR. Is there objection to the request of the gentlewoman from New Mexico?

There was no objection.

The Acting CHAIR. The amendment is withdrawn.

AMENDMENT OFFERED BY MR. PERRY

Mr. PERRY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 43, line 24, after the dollar amount, insert “(increased by \$15,000,000)”.

Page 50, line 21, after the dollar amount, insert “(reduced by \$15,000,000)”.

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from Pennsylvania and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. PERRY. Mr. Chair, the current bill cuts hydropower by \$15 million, and this amendment seeks to restore it. It offsets it with Department of Energy, or DOE, administrative costs. Actually, the amendment reduces outlays by \$8 million because, Mr. Chair, water power programs are vitally important to reducing our dependence on foreign energy sources.

Hydropower is available in every region of the country, every single region. Literally, 2,200 hydropower plants provide America’s most abundant source of clean, renewable energy and account for 67 percent of domestic renewable generation, for a total of 7 percent of the total generation across the country.

This amendment stands to create 1.4 million new jobs by 2025, Mr. Chair, and this would be harnessing a truly renewable and green source of energy.

Let me just talk about some of the advantages of hydro as opposed to wind and solar.

Hydro has a predictable, year-round output. Solar and wind require, often, a battery backup or an alternative power source if they are going to be viable. Even routine maintenance on a windmill way up there is problematic and expensive, where hydro is right down on the ground where we are. It is easy to maintain.

Hydropower facilities are quiet and often unobtrusive. Most of the neighbors don’t even know they are there. Oftentimes, we hear complaints about wind generation and the noise it also generates along with the power.

Hydropower—I think this is the most important—is baseload. It is a baseload source of energy. It occurs 24 hours a day, 365 days a year. It is actually what backs up the other intermittent sources of alternative energy. So, it is really important in that context.

Now, hydropower faces a comprehensive regulatory approval process, and some folks don’t like that. But the important part about that is everybody is involved: FERC, Federal and State resource agencies, local governments, tribes, NGOs, and the public. Everybody gets buy-in before a hydro plant goes on line. Sixty thousand megawatts of preliminary permits and projects await final approval and are pending currently before the Commission in 45 States.

Mr. Chair, this is not parochial.

There are 80,000 nonpowered dams across the U.S. right now that could accept hydropower. There are 600 that have an immediate capability to produce energy right now. That is 80,000 and 600 across the country right now. Pennsylvania, itself, has 678 megawatts of untapped power in the form of hydro.

Mr. Chair, I thank the chairman for the opportunity to offer the amendment. I understand the \$15 million concerns some Members, and I, too, am concerned about spending. So this one is bipartisan, but I am hopeful others will follow.

Mr. PERRY. Mr. Chair, I ask unanimous consent to withdraw my amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Acting CHAIR. The amendment is withdrawn.

AMENDMENT OFFERED BY MS. BONAMICI

Ms. BONAMICI. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 43, line 24, after the dollar amount, insert “(increased by \$9,000,000)”.

Page 50, line 21, after the dollar amount, insert “(reduced by \$9,000,000)”.

The Acting CHAIR. Pursuant to House Resolution 743, the gentlewoman from Oregon and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Oregon.

Ms. BONAMICI. Mr. Chairman, I rise today to offer a bipartisan amendment with my colleague from Pennsylvania, Congressman PERRY, and my colleague from Maine, Congresswoman PINGREE, in support of water power technologies.

Mr. Chairman, our amendment would increase funding to the Department of Energy’s Water Power Program by \$9 million. This increase is offset by an equal amount by the departmental administration account.

As Congress promotes technologies that can help lower our constituents’ energy bills, we must invest in new and innovative solutions, and my colleague just made a case for why hydropower is so important.

The Department of Energy has estimated that our Nation’s marine energy resources could, in the future, represent a very good portion of U.S. generation needs.

Oregon State University, the University of Washington, and the University of Alaska Fairbanks are leveraging Federal funding from the Water Power Program to support the testing and research activities of the Northwest National Marine Renewable Energy Center, a center that will provide visionary entrepreneurs with the domestic location to test wave energy devices, along with other technology, instead of traveling to Scotland to use their test center.

Without continued Federal investment, Europe will remain the leader.

China is investing heavily in these technologies as well.

Federal partnerships with educational institutions and the private sector are necessary to further the research and development efforts already well underway and close the gap for these technologies on the verge of commercial viability.

The National Hydropower Association, along with its Pumped Storage and Marine Energy Councils have endorsed our bipartisan amendment. Investments in these technologies and this source of energy will spur domestic industry and create good-paying jobs and economic opportunities in our communities.

Mr. Chairman, I urge the adoption of this bipartisan amendment.

I reserve the balance of my time.

Mr. PERRY. Mr. Chair, I seek the time in opposition, though I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Pennsylvania is recognized for 5 minutes.

There was no objection.

Mr. PERRY. Mr. Chairman, I want to congratulate my good friend and colleague from Oregon. She has been a champion on this before. She fully understands, as I do, that resources across the country are strained. We don’t have a lot of extra money to go around. And for all the reasons that I pointed out and the reasons that she pointed out and the Northwest agreeing with the Northeast, let’s work together on what works.

We know this works. It is one of the oldest sources of electric energy in the world. Why are we wasting our time and collective energy in the form of funds and time on these other things that might be nice and they might be great years after the development, but this works right now and doesn’t break the bank?

This is a good amendment, and I urge all my colleagues on both sides to support it.

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

Ms. BONAMICI. Mr. Chairman, again, I want to thank my colleague from Pennsylvania and my colleague from Maine for cosponsoring this important amendment. This is a modest increase in the Water Power Program. It supports marine and hydropower energy technology, and I urge all of my colleagues to support this bipartisan amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Oregon (Ms. BONAMICI).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. POLIS

Mr. POLIS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 43, line 24, after the dollar amount, insert “(increased by \$9,750,000)”.

Page 45, line 16, after the dollar amount, insert “(reduced by \$13,000,000)”.

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from Colorado and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. POLIS. Mr. Chairman, this bill, in its current form, appropriates considerably above the administration's mark for fossil energy research and development. My amendment doesn't take away all of the amount that has been plussed up. It just takes a small amount of that—\$13 million out of the \$645 million, which is the amount the bill is above last year's appropriations—and directs those funds to the Energy Efficiency and Renewable Energy fund, which is an extremely important fund that funds a lot of important activities across our country.

As an example, the Energy Efficiency and Renewable Energy fund is working with American manufacturers to apply 3-D printing, also called additive manufacturing, to renewable technologies. Blades are one of the most costly components of wind turbines, but additive manufacturing has the promise of reducing costs. There is a lot of important basic research that supports it.

In addition, they are working on—it is funded by EERE—advanced technologies for microgrid projects, coordinated with the Electric Power Research Institute, to have localized grids that are connected to traditional grids—but can also disconnect—to operate autonomously and help mitigate grid disturbances, meaning more security for our national energy system when we can avoid large-scale downtime from large grid outages.

Another example is solar resource maps, leading to solar exports to enhance the quality and accuracy of our research maps across the country, helping to facilitate exports of solar PV products to other countries, like India, by identifying high-quality solar projects in India that are creative and profitable.

Another example of the EERE is the Vehicle Technologies Office to the Clean Cities coalition in support of a project fostering electric vehicle readiness in the Rocky Mountain area to foster State policies to increase the adoption of plug-in electric vehicles.

As we know, plug-in engines powered from the grid are far more efficient at converting energy, whether it comes from a balance of coal and wind and solar, than an internal combustion engine that just runs off gasoline.

So the budget estimate for the fund that we are talking about was \$360 million. The plus up recommended was \$645 million. This would simply remove \$13 million and allocate it to a very important account that I hope we can build bipartisan support for.

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

Mr. SIMPSON. Mr. Chairman, I claim the time in opposition.

The Acting CHAIR. The gentleman from Idaho is recognized for 5 minutes.

Mr. SIMPSON. Mr. Chairman, I rise to oppose this amendment. The amendment would cut funding for the Fossil Energy Research and Development program and increase the EERE program by a similar amount.

Fossil fuels, such as coal, oil, and natural gas, provide for 81 percent of the energy used by the Nation's homes and businesses and generates 67 percent of the Nation's electricity. It will continue to provide for the majority of our energy needs for the foreseeable future.

Let me repeat that. They provide for 81 percent of the energy used by the Nation's homes and businesses and generate 67 percent of the Nation's electricity.

The bill rejects the administration's proposed reductions in fossil energy and, instead, funds these programs at \$645 million, or \$13 million above last year's request.

With this additional funding, the Office of Fossil Energy will research how to capture emissions from our power plants on how water can be more effectively used in power plants and how coal can be used to produce electric power through fuel cells.

This amendment would reduce the funding for a program that ensures we use our Nation's abundant fossil fuel resources as well and as cleanly as possible. In fact, just increasing the efficiency of fossil fuel by 1 percent would power millions of households, all without using a pound of additional fuel from the ground. That is the kind of research this program represents.

Therefore, I must oppose this amendment, and I urge Members to vote "no" on this amendment.

I yield back the balance of my time.

Mr. POLIS. I yield 1 minute to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. I thank the gentleman from California for yielding, and I rise in support of the Polis amendment to increase funding for the Office of Energy Efficiency and Renewable Energy. That office is one of the most forward-looking segments within the Department of Energy and the group that is driving the huge surge we are seeing across the country in energy innovation.

The future we all envision is in renewable energy, smart grids, energy storage, and energy efficiency. One hundred and ninety countries made it clear to the world that they support this new future in Paris at the end of the last year, and the funding of EERE is critical to ensuring the U.S. leads the world into that future.

Let me mention the solar energy account, in particular, is yielding serious benefits. The number of workers in this growing renewable sector has doubled over the last 5 years, and its rapid expansion shows no signs of slowing down, with solar projected to add 9.5 gigawatts of new energy this year, more than any other energy source.

□ 2000

It employs more Americans than work on oil rigs and in gas fields, just in the solar sector.

So I support this amendment to expand the Energy Efficiency and Renewable Energy Office and the increase in funding that Congressman POLIS is offering for a clean energy future for all.

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

I am hopeful that this amendment will pass. I have prepared some other amendments that specifically look at the fossil fuel R&D as a wasteful expenditure.

To be clear, this one does not contemplate that. It still increases the level substantially from the budget estimate, which is \$360 million for this account. The recommended 2017 level in the chairman's mark is \$645 million, so there is a plus-up of \$285 million over the President's budget for this line item.

So I think it is entirely appropriate to just take \$13 million from that, without prejudice with regard to the rest, put it into the Energy Efficiency Renewable Energy Fund, which I had the opportunity to talk about some of the great advances that it makes for energy security with regard to our grid, for manufacturing, and job creation through 3D printing of wind blades, and many other worthy causes.

I am hopeful that this body chooses to gain from the best of both worlds by adopting this amendment.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. POLIS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

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

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado will be postponed.

AMENDMENT OFFERED BY MR. POLIS

Mr. POLIS. Mr. Chairman, I have an amendment at the desk.

Mr. SIMPSON. Mr. Chairman, I reserve a point of order.

The Acting CHAIR. A point of order is reserved.

The Clerk will report the amendment.

The Clerk read as follows:

Page 43, line 24, after the dollar amount, insert "(increased by \$285,000,000)".

Page 45, line 16, after the dollar amount, insert "(decreased by \$285,000,000)".

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from Colorado and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. POLIS. Mr. Chairman, look, now let's get serious here. Fossil fuel research and development is simply the wrong direction for our country. Putting more and more money behind oil and gas, which we need to move away from, over time, is only increasing our sunk costs in an economy that leads to

climate change and long-term ruin. Not only our economy is ruined by the use of oil and gas, but health and safety for communities, our oceans, our air, and our world.

The fact that this bill has appropriated almost \$300 million more than the President requested shows how lopsided the priorities in the bill are. This is an enormous subsidy for the oil and gas industry. One of the most profitable industries in the world is more than capable of funding its own research and development without subsidies from the Federal Government using the taxpayer money from hard-working Americans to further fund them.

This bill would simply reduce the fossil fuel account back to the President's recommended level, and the remainder would go to reduce the budget deficit.

I think that this is an important point to point out, that many of the components of the fossil energy R&D expenditure line make our air dirtier, our water dirtier, and, of course, move to destruction of the climate. So, in many ways, the less we can do the better.

At a time of record budget deficits, finding smart savings by reducing handouts to the oil and gas industry is something that can help restore some semblance of fiscal responsibility to our Nation.

There is an example of an account under the Division of Fossil Energy that creates technology that allows oil and gas companies to drill in oil shale formations where there is less than 50,000 barrels per day.

We should be doing less oil shale drilling, not ways to find more. As a district and a State directly affected by oil shale drilling, we deal with all of the economic externalities and costs every day. Oil shale is one of the most dirty extraction methods that exists, and the distillation for oil shale releases toxic pollutants into the air, like sulfur dioxide, lead, and nitrogen oxide.

If companies want to research new extraction technologies, more power to them, as long as they abide by the EPA and other health and safety guidelines. But for taxpayer money and subsidies to go to developing something that has been devastating for my State and for the country is really an abomination, and I am hopeful that, in the name of reducing a budget deficit and finding smart savings, we can reduce this line significantly back to the \$360 million that was in the original budget estimate.

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

POINT OF ORDER

Mr. SIMPSON. Mr. Chairman, I must insist on my point of order.

The Acting CHAIR. The gentleman will state his point of order.

Mr. SIMPSON. Mr. Chairman, the amendment proposes to amend portions of the bill not yet read.

The amendment may not be considered en bloc under clause 2(f) of rule

XXI because the amendment proposes to increase the level of outlays in the bill.

I ask for a ruling from the Chair.

The Acting CHAIR. Does any other Member seek to be heard on the point of order?

Mr. POLIS. I do, Mr. Chairman.

The Acting CHAIR. The gentleman from Colorado is recognized.

Mr. POLIS. Mr. Chairman, it is simply the deficit savings account, so when the money isn't spent, that is where it goes. The deficit savings account is not an outlay. It is simply not being spent in the first place.

The Acting CHAIR. Does any other Member wish to be heard on the point of order?

If not, the Chair is prepared to rule.

To be considered en bloc pursuant to clause 2(f) of rule XXI, an amendment must not propose to increase the levels of budget authority or outlays in the bill.

Because the amendment offered by the gentleman from Colorado proposes a net increase in the level of outlays in the bill, as argued by the chairman of the Subcommittee on Appropriations, it may not avail itself of clause 2(f) to address portions of the bill not yet read.

The point of order is sustained. The amendment is not in order.

PARLIAMENTARY INQUIRIES

Mr. POLIS. Mr. Chairman, point of parliamentary inquiry.

The Acting CHAIR. The gentleman will state his parliamentary inquiry.

Mr. POLIS. Mr. Chairman, when would it be in order to present the amendment?

The Acting CHAIR. The Chair has ruled on that particular amendment. The gentleman may seek to offer an amendment at the appropriate point in the reading of the bill.

Mr. POLIS. Mr. Chairman, further point of parliamentary inquiry.

If the deficit reduction account is not cited, what happens to the savings that are designated under the bill?

The Acting CHAIR. The Chair will not respond to a hypothetical. The matter can be addressed in debate.

The Clerk will read.

The Clerk read as follows:

ELECTRICITY DELIVERY AND ENERGY RELIABILITY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for electricity delivery and energy reliability activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$225,000,000, to remain available until expended: *Provided*, That of such amount, \$28,000,000 shall be available until September 30, 2018, for program direction.

NUCLEAR ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and

other expenses necessary for nuclear energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion and the purchase of no more than three emergency service vehicles for replacement only, \$1,011,616,000, to remain available until expended: *Provided*, That of such amount, \$80,000,000 shall be available until September 30, 2018, for program direction.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For Department of Energy expenses necessary in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), \$645,000,000, to remain available until expended: *Provided*, That of such amount \$59,475,000 shall be available until September 30, 2018, for program direction.

AMENDMENT OFFERED BY MR. POLIS

Mr. POLIS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 45, line 16, after the dollar amount, insert "(reduced by \$645,000,000)".

Page 80, line 12, after the dollar amount, insert "(increased by \$645,000,000)".

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from Colorado and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. POLIS. Mr. Chairman, I believe that the amendment has been revised, and if I might request that the Clerk report the revised amendment.

The Acting CHAIR. Would the gentleman like to withdraw his earlier amendment?

Mr. POLIS. Mr. Chairman, I ask unanimous consent to withdraw the earlier amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from Colorado?

There was no objection.

AMENDMENT OFFERED BY MR. POLIS

Mr. POLIS. Mr. Chairman, I have an amendment at the desk.

Mr. SIMPSON. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

The Clerk will report the amendment.

The Clerk read as follows:

Page 45, line 16, after the dollar amount, insert "(reduced by \$285,000,000)".

Page 80, line 12, after the dollar amount, insert "(increased by \$285,000,000)".

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from Colorado and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. POLIS. Mr. Chairman, I believe with this new structure of this amendment we have now addressed the procedural issue around deficit reduction. We are now, again, with this amendment, seeking to reduce the fossil energy subsidies back to the level requested by the President and return the savings to our Federal coffers, namely, by not spending them in the first place.

So, again, in previous amendments, we talked about spending some on renewable energy. In this case, it doesn't increase any of those lines. What it does do is simply decrease the subsidies to the fossil energy industry, including some of the research priorities we talked about, which private companies are welcome to pursue.

But I don't want to go back to Mr. and Mrs. Taxpayer in my district and say, guess what, your hard-earned tax money is going to subsidize these multi-billion dollar international corporations to do their research for them.

This amendment would do that. It would then allow the savings to not be spent and to reduce our deficit.

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

Mr. SIMPSON. Mr. Chairman, I withdraw my reservation of a point of order.

The Acting CHAIR. The reservation of the point of order is withdrawn.

Mr. SIMPSON. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from Idaho is recognized for 5 minutes.

Mr. SIMPSON. Mr. Chairman, I rise to oppose the gentleman's amendment. He would cut \$285 million out of the fossil energy program.

What is interesting about this is that they say that this is an unbalanced bill because we have increased funding for fossil energy. And if you look at the amount of the electricity in this country and the energy that is produced by fossil energy, the research done in fossil energy by those big companies, as the gentleman suggests, is important, and it is proportional to the amount of energy produced by fossil fuels in this country.

To suggest that let's make sure that we don't do any fossil fuel research or we cut it substantially suggests that we don't do any subsidies to any of the other fuels in this country. We don't do any wind subsidies. We don't do any solar subsidies or any of the other types of things for these big companies. In fact, we do loan guarantees for a lot of them that go out of business.

So I think this is important, and striking the majority of these funds—or at least taking it back to what the President recommended—the problem is that the bill created a balanced, all-of-the-above energy policy.

It is the administration's proposal that was unbalanced, and focused

mainly on renewable energies and ignored, to a large degree, the majority of the fuel that we use today, the energy sources we use today, and that is the fuel of fossil fuels.

As I said in the last debate on one of the earlier amendments, 81 percent of the fuel we use today, and if you ask most experts, they don't expect that to go down in the near future or even in the long-term future. It is going to remain a major portion of our energy portfolio for years to come.

So I would oppose this amendment. What we do in the fossil energy research program is very important to developing the clean source of energy that we all want.

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

□ 2015

Mr. POLIS. Mr. Chairman, we have a somewhat ironic situation where the Republicans are saying: President Obama, you don't want to spend enough. President Obama, you have to spend more.

This from the so-called party of fiscal responsibility telling our President's budget: You aren't spending enough, you aren't spending enough on fossil fuels on this case, spend hundreds of billions of dollars more of money we don't have that we are borrowing from China and Saudi Arabia to fund a legacy technology that we are moving away from.

Of course, we still rely on fossil fuels. The gentleman won't have any disagreement, and I am not trying to zero out the account. We are simply reducing it to the level that the President wants to spend at rather than throwing more and more money hand over fist like this Republican tax-and-spend Congress continues to do.

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

Mr. SIMPSON. Mr. Chairman, I have to say that that is just kind of a bogus argument. It is not that we are saying to the President: You have to spend this money in this area.

We are rebalancing the portfolio. We are not spending any more money than the President recommended in the entire bill—well, we are about \$285 million, or \$259 million, but most of that is in the weapons activities. But we are rebalancing the portfolio. We are spending less than the President wants to spend in other areas. So to say, oh, we are just trying to spend money is not the case. We have different priorities.

We want an all-of-the-above energy strategy, which is what this bill represents. We spend money in solar, we spend money in wind, we spend money in nuclear, and we spend money in fossil energy. Those are all important. So just because the gentleman doesn't like fossil energy doesn't mean that we ought to do away with the research on it.

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

Mr. POLIS. Mr. Chairman, what this amendment would do is reduce the budget deficit by \$285 million. It gives Congress an opportunity to say: Let's not spend more than the President of the United States wants; let's make some reasonable cutbacks to levels that are in the budget estimate already; and rather than throw subsidies hand over fist to the most profitable industry on the face of the planet, instead of rebalancing, let's move towards balancing our budget.

I came here to reduce our deficit. I support a constitutional amendment to balance our budget. We haven't been able to have a vote on that in this body this session of Congress. By reducing this \$285 million of expenditures where we found an area where Congress actually wants to spend \$285 million more than President Obama wants to spend, let's just go back to what President Obama wants to spend, okay, rather than be even more profligate throwing money hand over the fist after a legacy industry and research that should be done by highly profitable private companies, let's simply cut it back to the level in the President's budget and move towards balancing rather than rebalancing.

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

Mr. SIMPSON. Mr. Chairman, I suggest that if that is the case, then I suspect that the gentleman, if that is his desire, then I suspect that the gentleman supports the Republican plan to not spend as much money in the EERE as the President wanted because we are spending less in EERE, and in some other programs within the Department of Energy we are spending less than the administration wanted. So I am glad to hear that he would support the Republican position on that because we are spending less.

Now, there is one thing we both agree on. I would like to see a balanced budget amendment before us. I think it would be important that we would pass one. That is not what we are debating today. What we are debating today is the Energy and Water Development program. What we do is we have a cap on how much we can spend. That cap is within the bipartisan budget that was agreed to last year. I suspect the gentleman probably voted for it. I don't know that for sure, but I suspect he probably did. This is within that budget.

If the gentleman wants to decrease the funding in EERE and all of the other programs that the Republicans have reduced funding in, then, gee, I will go along with him.

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

Mr. POLIS. Mr. Chair, I would and I have supported across the board 1 percent cuts and 3 percent cuts. I am happy to do it on this bill, too. I hope that somebody offers one. I haven't prepared one. Usually Mrs. BLACKBURN prepares those. I usually vote for them as long as they are reasonable.

What we have here is a targeted cut that can reduce the budget deficit by \$285 million by simply spending as much as President Obama wants to spend. We shouldn't need a balanced budget amendment. I support it. Let's bring it to the floor. I am glad the gentleman agrees. I hope he tells his conference and the majority leader to work with Democrats on a bipartisan amendment to balance our budget.

But in the meantime, we needn't wait for that. Let's start right now. Let's cut \$285 million which will actually make a dent in this bill and move towards balancing the budget rather than simply put it off for tomorrow and tomorrow and tomorrow.

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

Mr. SIMPSON. Mr. Chairman, I would just say that in EERE, the administration requested \$2.9 billion. We funded it at 1.8—1.8 something—1.86 or something like that. We saved a billion dollars. So we actually are rebalancing the portfolio in what we think is important. That is what we do.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado.

The question was taken; and the Acting Chair announced that the noes appeared to have it.

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

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado will be postponed.

The Clerk will read.

The Clerk read as follows:

OFFICE OF TECHNOLOGY TRANSITIONS

For Department of Energy expenses necessary for technology transitions and commercialization activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), section 1001 of the Energy Policy Act of 2005 (42 U.S.C. 16391), and the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), \$7,000,000, to remain available until September 30, 2018.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For Department of Energy expenses necessary to carry out naval petroleum and oil shale reserve activities, \$14,950,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

STRATEGIC PETROLEUM RESERVE

For Department of Energy expenses necessary for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), \$257,000,000, to remain available until expended.

NORTHEAST HOME HEATING OIL RESERVE

For Department of Energy expenses necessary for Northeast Home Heating Oil Reserve storage, operation, and management activities pursuant to the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), \$6,500,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For Department of Energy expenses necessary in carrying out the activities of the Energy Information Administration, \$122,000,000, to remain available until expended.

AMENDMENT OFFERED BY MR. KATKO

Mr. KATKO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 47, line 1, after the dollar amount, insert "(reduced by \$3,000,000)".

Page 72, line 9, after the dollar amount, insert "(increased by \$3,000,000)".

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from New York and a Member opposed each will control 5 minutes.

Mr. SIMPSON. Mr. Chairman, can we get a clarification of what amendment the gentleman is offering?

The Acting CHAIR. The Clerk will report the amendment.

The Clerk reread the amendment.

The Acting CHAIR. The Chair recognizes the gentleman from New York.

Mr. KATKO. Mr. Chairman, over the past several years, the Northern Border Regional Commission has provided vital resources to economically distressed communities along the northern border of New England and New York. Each year, the commission selects a number of projects through a competitive process that are aimed at spurring economic development, improving infrastructure, and increasing access to health care among other things.

This region, like many other communities in our country, has experienced severe economic challenges in recent years. Mills and factories have closed, populations of States are static or have declined in some areas, and some industries are particularly hard-hit, like the nuclear industry, and the change in market dynamics related thereto.

For example, the Vermont Yankee Nuclear Power Plant is closed. The FitzPatrick Nuclear Power Plant in my district is closing and putting out of work 600 individuals with very high-paying jobs in an economically distressed community.

This commission provides a smart, efficient, and targeted way of spurring economic development across this region. My amendment would increase the appropriation level in this bill from \$5 million to \$8 million in order to maintain the vital work of this commission. This increase is fully offset by a decrease in funding for the Energy Information Administration.

This amendment can give displaced workers job training, give them back work, improve infrastructure, and boost the economy across this challenged region.

At this time, however, I will withdraw my amendment, but I hope I can work with the chairman moving forward to ensure that this vital program is maintained to the benefit of the economies in the northern border region.

Mr. SIMPSON. Will the gentleman yield?

Mr. KATKO. I yield to the gentleman from Idaho.

Mr. SIMPSON. Mr. Chairman, I appreciate the gentleman's, my colleague's, passion for the Northern Border Regional Commission, and I will work with him in conference to see if additional funds can be provided because it provides an important function in that area.

So I thank the gentleman.

Mr. KATKO. Mr. Chair, I ask unanimous consent to withdraw my amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from New York?

There was no objection.

The Acting CHAIR. The amendment is withdrawn.

The Clerk will read.

The Clerk read as follows:

NON-DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$226,745,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For Department of Energy expenses necessary in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954 (42 U.S.C. 2297f et seq.) and title A, subtitle X, of the Energy Policy Act of 1992 (42 U.S.C. 2296a et seq.), \$698,540,000, to be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, to remain available until expended, of which \$32,959,000 shall be available in accordance with title A, subtitle X, of the Energy Policy Act of 1992.

SCIENCE

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not more than 17 passenger motor vehicles for replacement only, including one ambulance and one bus, \$5,400,000, to remain available until expended: *Provided*, That of such amount, \$184,697,000 shall be available until September 30, 2018, for program direction.

NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of the Nuclear Waste Policy Act of 1982 (Public Law 97-425), including the acquisition of real property or facility construction or expansion, \$150,000,000, to remain available until expended, and to be derived from the Nuclear Waste Fund: *Provided*, That of the amount provided under this heading, \$5,000,000 shall be made available to affected units of local government, as defined in section 2(31) of the

Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(31)), to support the Yucca Mountain geologic repository, as authorized by such Act.

ADVANCED RESEARCH PROJECTS AGENCY—
ENERGY

For Department of Energy expenses necessary in carrying out the activities authorized by section 5012 of the America COMPETES Act (42 U.S.C. 16538), \$305,889,000, to remain available until expended: *Provided*, That of such amount, \$29,250,000 shall be available until September 30, 2018, for program direction.

AMENDMENT OFFERED BY MR. SCHIFF

Mr. SCHIFF. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 49, line 7, after the dollar amount, insert “(increased by \$19,111,000)”.

Page 50, line 21, after the dollar amount, insert “(reduced by \$19,111,000)”.

The Acting CHAIR (Mr. EMMER of Minnesota). Pursuant to House Resolution 743, the gentleman from California and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. SCHIFF. Mr. Chairman, I rise to offer a bipartisan amendment with Representatives GIBSON, PETERS, DOLD, and SWALWELL of California, to increase funding for the Advanced Research Project Agency-Energy, otherwise known as ARPA-E.

I offered similar bipartisan amendments many times in the past, and they have passed with bipartisan support.

The House bill includes roughly \$306 million for ARPA-E this year, which is an improvement over prior years, but it still falls \$44 million below the President's request.

This amendment would not make up the full deficit of \$44 million, but would increase funding for ARPA-E by \$19 million with the offset taken from the administrative account. With this amendment, the House bill would fund ARPA-E at \$325 million. That is the same level as the Senate bill, which acted in a bipartisan fashion to increase funding. While passage of the amendment would mean that ARPA-E is still funded well below the President's request, it will reinforce our commitment to supporting high-risk, high-reward, and game-changing research.

ARPA-E is a revolutionary program that advances high-potential, high-impact energy technologies that are simply too early for market investment. ARPA-E projects have the potential to radically improve U.S. economic security, national security, and environmental well-being. ARPA-E empowers America's energy researchers with funding, technical assistance, and market readiness.

ARPA-E is modeled after the highly successful Defense Advanced Research Projects Agency, or DARPA, which has produced groundbreaking inventions for the Department of Defense and the Nation.

Energy is a national security issue. It is an economic imperative. It is a health concern. It is an environmental necessity. Investing wisely in this type of research going on at ARPA-E is exactly the direction we should be going as a nation. We want to lead the energy revolution. We don't want to see this advantage go to China or some other country.

If we are serious about staying in the forefront of the energy revolution, we must continue to fully invest in the kind of cutting-edge work that ARPA-E represents. By providing this additional funding with the offset, we will send a clear signal of the seriousness of our intent to remain the world leader.

I have a couple of my GOP colleagues who wanted to speak, Mr. GIBSON and Mr. DOLD. I don't know if they are present.

Mr. Chairman, I urge support for the bipartisan measure.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. SCHIFF).

The amendment was agreed to.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

TITLE 17 INNOVATIVE TECHNOLOGY LOAN
GUARANTEE PROGRAM

Such sums as are derived from amounts received from borrowers pursuant to section 1702(b) of the Energy Policy Act of 2005 (42 U.S.C. 16512(b)) under this heading in prior Acts, shall be collected in accordance with section 502(7) of the Congressional Budget Act of 1974: *Provided*, That for necessary administrative expenses to carry out this Loan Guarantee program, \$37,000,000 is appropriated, to remain available until September 30, 2018: *Provided further*, That \$30,000,000 of the fees collected pursuant to section 1702(h) of the Energy Policy Act of 2005 shall be credited as offsetting collections to this account to cover administrative expenses and shall remain available until expended, so as to result in a final fiscal year 2017 appropriation from the general fund estimated at not more than \$7,000,000: *Provided further*, That fees collected under section 1702(h) in excess of the amount appropriated for administrative expenses shall not be available until appropriated: *Provided further*, That the Department of Energy shall not subordinate any loan obligation to other financing in violation of section 1702 of the Energy Policy Act of 2005 or subordinate any Guaranteed Obligation to any loan or other debt obligations in violation of section 609.10 of title 10, Code of Federal Regulations.

AMENDMENT OFFERED BY MR. WEBER OF TEXAS

Mr. WEBER of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 49, line 18, after the dollar amount, insert “(reduced by \$7,000,000)”.

Page 80, line 12, after the dollar amount, insert “(increased by \$7,000,000)”.

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from Texas and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

□ 2030

Mr. WEBER of Texas. Mr. Chairman, I yield myself such time as I may consume.

I rise to offer a commonsense amendment to the Energy and Water Appropriations bill that I would think all Members can support.

First, I want to thank Chairman SIMPSON for his work on this legislation and for continuing to prioritize the needs of the Nation's harbors and waterways.

One of the most important responsibilities of the Science, Space, and Technology Committee is to conduct oversight of the DOE programs under the committee's jurisdiction, Mr. Chairman.

This includes the DOE Loan Programs Office. Our commitment to rigorous oversight has led us to request that this office provide us with their internal watch list, which describes each loan in their current portfolio that DOE has determined to have existing or potential challenges that may impact repayment or to be at risk of default. Can you say “Solyndra,” Mr. Chairman? This request was made in December, and, to date, the Department of Energy has refused.

The DOE Loan Guarantee Program has a track record of failed loans. In March, reports surfaced that a solar power company with \$1.6 billion in taxpayer loan guarantees could fail to meet its contractual obligations and be shut down. This is the kind of potential failure, Mr. Chairman, that taxpayers can least afford. Full congressional oversight of this program is absolutely necessary. The DOE has no justification for withholding this list from Congress.

My amendment, Mr. Chairman, would reduce the program's administrative budget by \$7 million of Treasury funds, but leave in place the \$30 million the DOE collects from fees generated by existing loan guarantee recipients. These fees are used to monitor and oversee the existing loan guarantee portfolio.

In the past year, DOE has announced several new loan solicitations. However, the Department's failure to respond to a congressional inquiry leaves us seeing red. That is what is wrong with our budget. Now the deficit is in the red.

This requires us to act to protect taxpayer funds, Mr. Chairman. This amendment would simply prevent the Department from issuing new loans until it has complied with our investigation and provides the requested documents to our committee.

I reserve the balance of my time.

Mr. SIMPSON. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Idaho is recognized for 5 minutes.

Mr. SIMPSON. Mr. Chairman, while I share my colleague's concern regarding the Loan Guarantee Program and the nonresponse from the Department to the Science, Space, and Technology

Committee that has requested the information—and I will guarantee you that I will do all I can to make sure that they do respond to that—the elimination of the funding would hurt Federal oversight of more than \$8 billion in loan guarantees that are already out there.

The committee recommendation only provides costs the program needs to monitor loans and conduct the proper oversight to ensure taxpayer funds are being effectively managed, and you should have access to that information that you have requested.

Let me be clear. The funds provided in this bill support administrative operations only. Further, the bill rejects the President's request for new loan guarantee authority.

The loans already committed will require oversight for many years to come. Eliminating these funds for this administrative function is the wrong approach and effectively removes the government's ability to retrieve billions of dollars in loan fees.

Therefore, I have to oppose this amendment, but I understand why the gentleman is offering it. I would say that I will work with you to make sure that the Department is more responsive to the requests of the committees.

Ms. KAPTUR. Will the gentleman yield?

Mr. SIMPSON. I yield to the gentleman from Ohio.

Ms. KAPTUR. Mr. Chairman, I thank the chairman very much for yielding and join him in opposing this, I think, well-intentioned amendment. The amendment would actually cut funding for the oversight of existing loans. I don't think, in view of some of the things that have happened in the past, that is the best course.

The program has had a significant beneficial impact on innovative energy projects coast to coast that are generating energy today. Therefore, I would agree with the chairman in opposing the amendment.

I urge my colleagues to support our efforts to vote "no" at this time.

Mr. SIMPSON. Mr. Chairman, I yield back the balance of my time.

Mr. WEBER of Texas. Mr. Chairman, may I inquire how much time I have remaining?

The Acting CHAIR. The gentleman from Texas has 2½ minutes remaining.

Mr. WEBER of Texas. Mr. Chairman, in my district on the Gulf Coast of Texas, which is laden with energy—and I agree with Mr. SCHIFF of California that energy is a national security issue—we have to have agencies that are focused on energy, on programs, on loan guarantees, where Americans get the most bang for their buck.

These agencies must be accountable. They have to understand that Congress has to be in the driver's seat and is in the driver's seat. We need to hold them accountable. They need to provide us with that list.

While I appreciate my colleague from Idaho's willingness to work with us to

make sure that the agency complies, I appreciate the gentlewoman's comments. We are going to have to get their attention. They have fees to continue to run their program that they collect from those companies that they actually make the loan guarantees to.

I have to insist that we get their attention. My colleagues in the 14th Congressional District of the State of Texas want us to rein in some of these agencies and make them accountable to the elected representatives of the American people. So I have to insist that I push forward with this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. WEBER).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. WEBER of Texas. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT OFFERED BY MR. WELCH

Mr. WELCH. Mr. Chairman, I have an amendment at the desk, and I ask unanimous consent to offer it at this point in the reading.

The Acting CHAIR. Is there objection to the request of the gentleman from Vermont?

There was no objection.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 46, line 16, after the dollar amount, insert "(reduced by \$2,500,000)".

Page 72, line 9, after the dollar amount, insert "(increased by \$2,500,000)".

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from Vermont and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Vermont.

Mr. WELCH. Mr. Chairman, the northern border region, from Maine, to New Hampshire, to Vermont, to New York, is a particularly hard hit economic area. The Northern Border Regional Commission has been a tremendous asset to help folks across that region—by the way, inhabited by Republicans and Democrats—to start reviving their economy.

The Commission is modeled, by the way, after the Appalachian Regional Commission and provides Federal funds for critical economic and community development projects throughout the Northeast. These lead to new jobs and stronger communities.

Importantly, the Northern Border Regional Commission helps orient Federal appropriations toward State-prioritized projects. The State is very much a player in allocating where this money goes.

Through the collective vote of the Governors of these States, they coordinate with the Federal co-chair to rank

the funding applications. This ensures accountability and effectiveness. It has worked.

In Vermont, for instance, the Commission has helped fund a number of projects: \$226,000 for Lyndon State College to establish a new 4-year degree in hospitality and tourism management, one of the big drivers of our economy in the Northern Border Region; \$250,000 to the Northern Community Investment Corporation for telecommunications infrastructure that rural areas have to have; and \$250,000 to the Vermont Agency of Transportation to connect with the Washington Railroad network in Barton, Vermont.

The Commission is having a similarly positive effect across the Northeast: New York, New Hampshire, Maine, as well as Vermont. Our amendment recognizes the effective work the Commission is doing and the large need that remains unmet by restoring funding for the program to last year's level of \$7.5 million.

We are trying to avoid a cut, and we are trying to maintain level funding. The increase in funding will go a long way in the communities across the northern border to help them revitalize their economy.

I yield back the balance of my time.

Mr. SIMPSON. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from Idaho is recognized for 5 minutes.

Mr. SIMPSON. Mr. Chairman, first let me say that I understand the gentleman's concerns for the economic hardships of his region and appreciate his passion on this issue. His amendment would be an increase of 50 percent above the funding in the bill.

Additionally, the amendment would pay for that increase with a cut to the Strategic Petroleum Reserve account. The bill funds the Reserve account at the budget request in order to ensure the continued operability of the Reserve. This funding will provide for the basic annual costs as well as addressing some of the deferred maintenance backlog.

I know it doesn't always sound exciting, but the Strategic Petroleum Reserve is a Federal asset that must be properly maintained. It contributes to our Nation's energy security and economic stability.

For these reasons, I must oppose the amendment.

I urge my colleagues to vote "no."

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Vermont (Mr. WELCH).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. WELCH. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Vermont will be postponed.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

ADVANCED TECHNOLOGY VEHICLES
MANUFACTURING LOAN PROGRAM

For Department of Energy administrative expenses necessary in carrying out the Advanced Technology Vehicles Manufacturing Loan Program, \$5,000,000, to remain available until September 30, 2018.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), \$233,971,000, to remain available until September 30, 2018, including the hire of passenger motor vehicles and official reception and representation expenses not to exceed \$30,000, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount; *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total \$103,000,000 in fiscal year 2017 may be retained and used for operating expenses within this account, as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of 31 U.S.C. 3302; *Provided further*, That the sum herein appropriated shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2017 appropriation from the general fund estimated at not more than \$130,971,000; *Provided further*, That of the total amount made available under this heading, \$31,000,000 is for Energy Policy and Systems Analysis.

AMENDMENT OFFERED BY MR. ELLISON

Mr. ELLISON. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 50, line 21, after the dollar amount, insert “(reduced by \$1,000,000) (increased by \$1,000,000)”.

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from Minnesota and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

(Mr. ELLISON asked and was given permission to revise and extend his remarks.)

Mr. ELLISON. Mr. Chairman, we can raise living standards for working families all across the United States if we use the Federal dollars to create good jobs.

My amendment would reprogram funds to create an Office of Good Jobs in the Department of Energy that would help ensure that the Department's procurement grant making and regulatory decisions encourage the creation of decently paid jobs, collective bargaining rights, and responsible employment practices.

Right now the U.S. Government is America's leading low-wage job creator, funding over 2 million poverty jobs through contracts, loans, and grants with corporate America. That is more than the total number of low-wage workers employed by Walmart and McDonald's combined.

This is a fact, Mr. Chairman, and I think it should alarm all of us. The Federal Government should not lead the race to the bottom for poorly paid low-wage jobs.

U.S. contract workers earn so little that nearly 40 percent use public assistance programs, Mr. Chairman, like food stamps and section 8, to feed and shelter their families.

To add insult to injury, many of these low-wage U.S. contract workers are driven deeper into poverty because their employers steal their wages and break other Federal labor laws. Not all. Many Federal contractors are excellent, but some do steal wages, and they tend to get away with it.

Take, for example, the story of Edilicia Banegas. Edilicia is a single mom. Edilicia worked for 7 years at the Ronald Reagan Building food court, a Federal building.

Her employer stole her wages, paid her with cash under the table, used checks from two different establishments in the same food court to avoid paying her overtime, and retaliated against her when she and her coworkers stood up for their rights.

Edilicia has been on strike several times to highlight the plight of low-wage Federal contract workers in Washington, D.C., and across the country.

Well, what about the story of Mayra Tito. Mayra is a Pentagon food court worker who was fired for challenging her managers to comply with labor laws and for going on strike multiple times.

She is a first-generation immigrant struggling to pay her tuition at George Mason University and now works odd jobs to make ends meet. Her experience at the Pentagon has inspired her to go to law school to help workers defend their rights.

Mr. Chairman, research shows that Federal contractors break Federal laws somewhat on a regular basis. A U.S. Senate report, for example, found that over 30 percent of the biggest penalties for lawbreaking were filed against the biggest U.S. contractors, people who the procurement process got money from the U.S. taxpayer.

□ 2045

But workers aren't the only ones who would benefit from this new office. This new office would also benefit law-abiding businesses and high-road employers—employers who play by the rules but who get put at a competitive disadvantage because they obey the law. The Office of Good Jobs would direct taxpayer dollars to American businesses that play by the rules and ensure that cheaters don't get a leg up.

It is unfair to make law-abiding companies compete with contractors who are willing to cut corners. Think about it: you are a law-abiding company that fought hard for that contract, but now the Federal Government is going to give it to your competitors who are willing to steal from their workers?

Plus, we know that contractors who consistently adhere to labor laws are more likely to have greater productivity and an increased likelihood of timely, predictable, and successful delivery of goods and services to the Federal Government. Bad contractors usually not only cheat workers, but they cheat the Federal Government by poor performance.

In conclusion, Mr. Chair, these are tax dollars that should be used to build the middle class, to support high-road employers, and to provide the best possible service to the American public. An Office of Good Jobs would achieve that. Abandon the days when the U.S. Government was the leading funder of low-wage jobs. After all, Mr. Chair, when you and I and all of the other taxpayers have to fund low-wage workers with section 8 and food stamps, that comes out of our pockets. Make these folks pay their workers right. Let's set up an Office of Good Jobs.

I reserve the balance of my time.

Mr. SIMPSON. Mr. Chair, I claim the time in opposition.

The Acting CHAIR. The gentleman from Idaho is recognized for 5 minutes.

Mr. SIMPSON. Mr. Chair, this amendment, basically, is duplicative and ignores the existing responsible contractor award system that is already in place. Contracting officers must already consult the System for Award Management to ensure a contractor can be awarded a contract. Businesses on the Excluded Parties List System have been suspended or debarred through a due process system and may not be eligible to receive or renew contracts for such cited offenses.

The best way to ensure the government contracts or provides grants to the best employers is to enforce the existing suspension and debarment system. Bad actors who are in violation of basic worker protections should not be awarded Federal contracts. We all agree with that. That is why the Federal Government already has a system in place to deny Federal contracts to bad actors. If a contractor fails to maintain high standards of integrity and business ethics, agencies already have the authority to suspend or debar the employer from government contracting. In 2014, Federal agencies issued more than 1,000 suspensions and nearly 2,000 debarments to employers who bid on Federal contracts.

The amendment will delay the procurement process with harmful consequences to our Nation's nuclear safety and security. On numerous occasions, the nonpartisan Government Accountability Office has highlighted costly litigation stemming from the complex regulatory rules, including from the Fair Labor Standards Act. This amendment punishes employers who may unknowingly or unwillingly get caught in the Federal Government's maze of bureaucratic rules and reporting requirements.

The procurement process is already plagued by delays and inefficiencies.

This amendment will make these problems worse for the Department of Energy—the second largest contracting agency outside of the Department of Defense—further delaying critical support for national nuclear security operations.

This amendment will work against those who are working hard to protect the Department of Energy and the Army Corps of Engineers assets, which is inconceivable given the safety needs of our Nation.

I urge my colleagues to oppose this amendment.

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

Mr. ELLISON. Mr. Chair, how much time is remaining?

The Acting CHAIR. The gentleman from Minnesota has 15 seconds remaining.

Mr. ELLISON. Mr. Chair, let's have an Office of Good Jobs that makes sure that the Federal Government leads the example in creating good jobs, not encourages a race to the bottom as we are doing now. This is a good amendment, and if we want to restore the American middle class, all Members should vote "yes."

Mr. Chair, it is intended that the appropriation for Departmental Administration be used to establish an Office of Good Jobs in the Department aimed at ensuring that the Department's procurement, grant-making, and regulatory decisions encourage the creation of decently paid jobs, collective bargaining rights, and responsible employment practices. The office's structure shall be substantially similar to the Centers for Faith-Based and Neighborhood Partnerships located within the Department of Education, Department of Housing and Urban Development, Department of Homeland Security, Department of Health and Human Services, Department of Labor, Department of Agriculture, Department of Commerce, Department of Veterans Affairs, U.S. Department of State, Small Business Administration, Environmental Protection Agency, Corporation for National and Community Service, and U.S. Agency for International Development.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. ELLISON).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. ELLISON. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Minnesota will be postponed.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$44,424,000, to remain available until September 30, 2018.

ATOMIC ENERGY DEFENSE ACTIVITIES
NATIONAL NUCLEAR SECURITY
ADMINISTRATION
WEAPONS ACTIVITIES
(INCLUDING RESCISSION OF FUNDS)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$9,285,147,000, to remain available until expended: *Provided*, That of such amount, \$97,118,000 shall be available until September 30, 2018, for program direction: *Provided further*, That of the unobligated balances from prior year appropriations available under this heading, \$42,000,000 is hereby rescinded: *Provided further*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

DEFENSE NUCLEAR NONPROLIFERATION
(INCLUDING RESCISSION OF FUNDS)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$1,821,916,000, to remain available until expended: *Provided*, That funds provided by this Act for Project 99-D-143, Mixed Oxide Fuel Fabrication Facility, and by prior Acts that remain unobligated for such Project, may be made available only for construction and program support activities for such Project: *Provided further*, That of the unobligated balances from prior year appropriations available under this heading, \$14,000,000 is hereby rescinded: *Provided further*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

AMENDMENT OFFERED BY MR. LANGEVIN

Mr. LANGEVIN. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 53, line 11, after the dollar amount, insert "(reduced by \$5,000,000)".

Page 54, line 14, after the dollar amount, insert "(increased by \$5,000,000)".

Mr. SIMPSON. Mr. Chair, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

Pursuant to House Resolution 743, the gentleman from Rhode Island and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Rhode Island.

Mr. LANGEVIN. Mr. Chair, I offer this amendment with my good friend and colleague, Congressman LARSEN of Washington, to support the continued

assessment of the feasibility of using low-enriched uranium, or LEU, in naval reactor fuel that would meet military requirements for aircraft carriers and submarines.

Using low-enriched uranium in naval reactor fuel brings significant national security benefits related to nuclear nonproliferation; it could lower security costs and support naval reactor research and development at the cutting edge of nuclear science.

As we continue to face the threat of nuclear terrorism and as countries continue to develop naval fuel for military purposes, the imperative to reduce the use of highly enriched uranium, or HEU, will become increasingly important over the next several decades.

Using LEU for naval reactors is not an impossible task. France's nuclear navy already has converted from HEU to LEU fuel. We must evaluate the feasibility for the U.S. Navy as well and take into account the potential benefits to U.S. and international security of setting a norm for using LEU instead of nuclear bomb-grade material. Furthermore, the U.S. Navy will eventually exhaust its supply of highly enriched uranium.

Unless an alternative to using low-enriched uranium fuel is developed in the coming decades, the United States would have to resume its production of bomb-grade uranium for the first time since 1992, ultimately undermining U.S. nonproliferation efforts.

Last year, on a bipartisan basis, Congress authorized and appropriated first-year funding in FY16 for naval LEU fuel R&D. Already, this year, the House Armed Services Committee and the Senate Appropriations Committee have again supported LEU R&D efforts. It is now critical that the full House provide funding for this critical research that is paramount to our national security interests. This \$5 million in funding would support the early testing and manufacturing development that is required to advance the LEU technology for use in naval fuel, yielding significant benefits for nuclear nonproliferation as well as security cost savings.

The time has come to invest in new technologies to address this threat and to reduce the reliance on highly enriched uranium. I urge my colleagues to support this amendment, and I hope that the majority will join with me in supporting this.

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

POINT OF ORDER

Mr. SIMPSON. Mr. Chair, I must insist on my point of order.

The Acting CHAIR. The gentleman will state his point of order.

Mr. SIMPSON. The amendment proposes to amend portions of the bill not yet read.

The amendment may not be considered en bloc under clause 2(f) of rule XXI because the amendment proposes to increase the level of outlays in the bill.

I ask for a ruling from the Chair.

Mr. LANGEVIN. Mr. Chair, I ask unanimous consent to withdraw my amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

The Acting CHAIR. The amendment is withdrawn.

AMENDMENT OFFERED BY MR. LANGEVIN

Mr. LANGEVIN. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 53, line 11, after the dollar amount, insert “(increased by \$5,000,000)”.

Page 54, line 14, after the dollar amount, insert “(reduced by \$5,000,000)”.

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from Rhode Island and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Rhode Island.

Mr. LANGEVIN. Mr. Chair, now that the technical correction was made to the amendment, my argument stands as to the previous amendment.

As I said, the goal of the amendment is to allow R&D to take place using LEU, low-enriched uranium, for naval reactor fuel that would meet military requirements for aircraft carriers and submarines. As I said, this is already done by France in their nuclear navy, which has already converted from using HEU to LEU fuel. This is a much more secure and stable fuel than using HEU.

Again, the Navy will exhaust its fuel at some point in the coming decades, and unless we have an alternative fuel that would power our nuclear aircraft carriers and nuclear submarines, we would have to start producing weapons-grade uranium, once again, for fuel in powering our aircraft carriers and submarines. By switching over to LEU, it would, ultimately, reduce costs, be more secure, and provide a long-term fuel for powering our Navy. This is a commonsense approach, as I said with regard to the previous amendment before the technical correction was made.

Last year, the Congress, on a bipartisan basis, authorized and appropriated first-year funding for FY16 for Navy LEU fuel in R&D. Already, this year, the House Armed Services Committee and the Senate Appropriations Committee have again supported LEU R&D efforts.

I believe now the time is critical that the full House provide funding for this critical research that is paramount to our national security interests. It supports R&D, and it gives our Navy options for powering our nuclear carriers and submarines.

I would ask that my colleagues support the amendment.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Rhode Island (Mr. LANGEVIN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GARAMENDI

Mr. GARAMENDI. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 53, lines 11 through 16, strike “Provided” through “Provided further” and insert “Provided”.

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from California and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. GARAMENDI. Mr. Chair, I yield myself such time as I may consume.

I just heard the most interesting discussion a few moments ago about highly enriched uranium. In fact, we are in the process of spending several billions of dollars in rebuilding our highly enriched uranium facility so that we can produce more nuclear weapons.

The subject of this amendment is about old nuclear weapons. We have some 30-plus metric tons of unused plutonium that is sitting in various storage facilities around the United States. We have designed, in an agreement with Russia, to dispose of about 30 metric tons of that plutonium, and Russia has agreed to dispose of a little bit more than we are going to dispose of. This was all supposed to be done at the Mixed Oxide Fuel Facility in South Carolina, at the Savannah River facility.

□ 2100

It is going to cost about a billion dollars back in 2001. The estimate in 2014 was \$7.7 billion. And in 2015, the estimate is some \$30 billion, and most people say it isn't going to work.

So we have sinkholes for money, and we have black holes for money. And this is the ultimate black hole into which perhaps \$30 billion will be spent. And, at the end of the day, it will probably create more problems and not solve the problem of the 30-or-so metric tons of plutonium that actually came out of various bombs that have been dismantled over the last several years.

So why are we continuing?

In the appropriation bill, it calls for \$340 million to be spent on construction of a facility that the Department of Energy says shouldn't be built. But, hey, we are the Congress and we can throw around \$340 million with great aplomb and not even worry about it.

So this is a very simple amendment. It doesn't save us the \$340 million, which is what we really ought to do. What this amendment really does is say: don't spend it on further constructing this useless—well, not useless—but totally expensive facility, the MOX facility. Don't waste the money on this boondoggle.

And we can spend the money on maybe what the Department of Energy thinks we ought to do, which is to dilute and dispose or maybe we could build a fast reactor, which we actually

have built in the past and which Russia is actually using to dispose of its plutonium. They are generating energy in doing so while disposing of their unused plutonium.

So why don't we just accept this amendment and eliminate the construction clause? Keep the \$340 million in South Carolina so that they could be happy and maybe they could spend it on something that might actually work.

I reserve the balance of my time.

Mr. WILSON of South Carolina. Mr. Chair, I claim the time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. WILSON of South Carolina. Mr. Chair, I thank Chairman MIKE SIMPSON for his leadership.

I rise today in opposition to the amendment and in support of the mixed oxide fuel fabrication facility, or the MOX project, which is located at the Savannah River site in Aiken and Barnwell, South Carolina, adjacent to Augusta, Georgia.

I support the facility for a very simple reason. It is the only viable method of permanently disposing of weapons-grade plutonium and turning it into green fuel for nuclear reactors.

Furthermore, it is the only means of upholding our nuclear nonproliferation agreement with the Russian Federation. I say so with the background of myself having served as the Deputy General Counsel of the Department of Energy and the only person currently serving in Congress who has ever worked at the Savannah River site.

The citizens of South Carolina accepted nuclear waste under the pledge by the Department of Energy that there would be a facility to process and remove the plutonium. After years of empty promises, the actions by this administration to close MOX with no viable alternative makes South Carolina a repository for nuclear waste, putting the people of South Carolina and Georgia at risk.

The facility is nearly 70 percent completed. There has been a shortsighted decision to terminate the MOX project without appropriate considerations. The administration has failed to complete a rebaselining of the MOX project, as required by law.

The administration has failed to consult key partners, including the EPA or the State of New Mexico as a receiving location. The administration cannot definitely state that the Waste Isolation Pilot Plant has the capacity for 34 tons of weapons-grade plutonium or even if it will reopen.

The administration has failed to communicate with Russia about the plan to close MOX, causing Vladimir Putin to not attend the recent nuclear summit in Washington. Putin himself stated:

“This is not what we agreed on.

“But serious issues, especially with regard to nuclear arms, are quite a different matter and one should be able to meet one's obligations.”

MOX is a proven technology. It has worked overseas. It is crucial for our national security, and any decision to halt or alter its mission should only be carried out after a thorough and careful evaluation.

I urge my colleagues to support MOX, to stand up for our national security initiatives, to support the only viable alternative for plutonium disposition, and to reject the amendment.

I am grateful that today the U.S. Chamber of Commerce has issued a letter in support of MOX:

“The Chamber opposes any efforts to reduce funding for National Nuclear Security Administration’s mixed-oxide (MOX) fuel facility at the Department of Energy’s Savannah River Site. This project is critical to honoring the United States’ Plutonium Disposition Protocol and the advancement of domestic nuclear fuel production.”

I yield back the balance of my time.

Mr. GARAMENDI. Mr. Chair, how much time do I have remaining?

The Acting CHAIR. The gentleman from California has 1¾ minutes remaining.

Mr. GARAMENDI. Mr. Chair, with great respect for my friend from South Carolina, who is a most able advocate for his neighborhood, the MOX facility is the ultimate sinkhole for Federal dollars.

In fact, there is a viable alternative, and there are quite possibly two different viable alternatives. One is the Russian fast reactor. We have our own fast reactor. It clearly is disposing of the plutonium stockpile in Russia and creating energy along the way that they are using. We also have our own fast reactor systems that have been built in the past, and they could be viable and could be located at the Savannah River facility to dispose of the plutonium.

We are going to need to come to some conclusion here. This is a debate that we really must have. The Senate has two different versions, and the House has two different versions about what to do. Maybe the gentleman and I could wrestle and we could decide which one is the version we would actually take on here.

This does not stop the facility. It simply says to stop construction, use the money to look at designs, use the money to look for ongoing solutions, which the gentleman, I believe, is incorrect. But if he is right, it could be the MOX facility.

But we need to solve this problem. It is a very, very serious problem. We are required by a treaty with Russia to dispose of our unused plutonium, which is another amendment that I will take up at the end of the day, but I will talk about that much later tonight.

Mr. WILSON of South Carolina. Will the gentleman yield?

Mr. GARAMENDI. I yield to the gentleman from South Carolina.

Mr. WILSON of South Carolina. Mr. Chair, usually Congressman GARAMENDI and I agree on issues like small monitor reactors.

The Acting CHAIR. The time of the gentleman from California has expired.

Mr. SIMPSON. Mr. Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Idaho is recognized for 5 minutes.

Mr. SIMPSON. Mr. Chair, this debate has been going on for a while. I appreciate what the gentleman is saying.

I have been having this debate with the Secretary of Energy for some time. I understand where the people from South Carolina are coming from. We are talking about jobs and we are talking about the economy.

I don’t have a dog in this fight, but what I do have is responsibility as chairman of this committee. Five years from now, we are not sitting up here talking about the same thing, another chairman and another Secretary of Energy and another President.

The Department of Energy is famous for starting programs and getting half-way down and then spending billions of dollars and then walking away from them. Yucca Mountain is the biggest hole in the ground—they spent \$14 billion to build—than anything I have ever seen. And it is not the only thing that the Department of Energy has done.

But they come to us now and say: Hey, we have a plan and it is going to be cheaper. We think that MOX is going to cost \$30 billion. Other people say: Nah, that is a stretch. We are looking more like 20 or something like that.

Nobody can get the numbers right, so we ask them to rebase it. They haven’t done that. But they come to us and say: We have a plan. We think that what we ought to do is just dilute this stuff and then dispose of it.

Okay. Great. What is that going to take?

Well, first of all, we have a treaty with Russia.

Have the Russians agreed to this?

Well, no, but we think they will.

Well, you know, there are a lot of things I think that my wife will agree to that she doesn’t in the long run.

So we are going to go out and we are going to stop construction of this on the hope that the Russians are going to agree with us. Of course, we have such a good relationship going on with them right now. But the Department says: Oh, I think they will be okay, and they have indicated they are willing to talk.

Okay. We are going to dispose of it.

Where are we going to dispose of it? WIPP?

WIPP is shut down right now, but we are going to get WIPP reopened.

Is that where we are going to put it? Is WIPP large enough to hold this? Are we going to have to do another land withdrawal in New Mexico? Is the State of New Mexico okay with this?

Well, we don’t know. We haven’t talked to them yet.

So what you want to do is stop this before you have a plan of what you want to do with it, and that is just crazy. And that is my problem.

If the Department would come to us and say that the Russians have agreed to amend the treaty, and New Mexico has agreed that they will take the stuff, then maybe we could have a serious discussion. But right now, it is just all pie in the sky.

I will tell you that if you really don’t care about the treaty and you really don’t care about where they dispose of it—dispose of it in New Mexico—the cheapest thing to do is just store it, but nobody wants to do that.

So all we are saying is let’s be reasonable on this and let’s recognize that you have a facility here that is 67 percent complete. I think we ought to go down the same road. Although there are others, I have to admit, that look at \$340 million—and probably it will be \$500 million when it gets going as we continue, as construction ramps up—but look at that as: Oh, that is taking money out of my programs in my town, and I don’t want that to happen. So let’s stop MOX, and that means my favorite project will get more money.

I know there is a lot of that going on, too. So I understand where the gentleman is coming from. There are other people that agree with him.

There are people on my side of the aisle that come up and ask why are we spending money on that boondoggle?

It is not a boondoggle. The fact is it is supposed to create MOX fuel.

While the Department says there are no energy companies that want the MOX fuel, that is not true. There are some who would sign long-term agreements. The problem is they see this debate and are wondering whether we are going to have any or not. But the problem is the Department won’t come to us with a solid proposal that we can rely on that is an alternative that we could weigh one against the other.

I don’t want 5 years or 10 years from now a chairman of the Subcommittee on Energy and Water Development, and Related Agencies at that time and a Secretary of Energy to be down on the street corner arguing about: Well, gee, we stopped MOX. We got that big cement pile out there. We stopped construction on that. We have a problem with New Mexico, and the Russians are on our back. They won’t do anything about the treaty. What are we going to do? Let’s think of something else.

So until somebody has a reasonable alternative that they could compare it to and the cost to, we need to continue with this MOX project. And that is why the funding is in there for this bill and that is why we will fight for it in conference, even though the Senate, I know, wants to stop it and do other things.

So, anyway, that is why that is there. I appreciate what the gentleman is doing. I understand his concerns. Other people have those concerns, but the right path for us to follow is to continue the project that currently exists.

I yield back the balance of my time.

Ms. KAPTUR. Mr. Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. Mr. Chair, I have great respect for Congressman GARAMENDI. I know how thoughtful he is, and normally I do support his efforts.

I have to say that, in this instance, I think the priority has to be on completing construction of MOX. I think there was a reference made tonight that 67 percent of the construction is already completed. 90 percent of the equipment has been procured. 50 percent of the equipment is onsite. 1,800 people are directly employed. 4,000 American contractors and suppliers are being utilized in 43 States. And MOX is the only proven pathway we have for disposing of the 34 metric tons of U.S. weapons-grade plutonium in a pragmatic way.

I have to say that one of my goals in supporting this effort—having worked now with the Department of Energy on a number of programs, my goodness, it seems never to be able to finish anything. So we talk about Yucca Mountain—the chairman of the subcommittee made significant reference to that—billions of dollars and a hole sits in the ground unused.

Back when Jimmy Carter was President, he had a goal of putting solar panels on the Department of Energy. It didn't happen until recently. I mean, it has been three decades, four decades, before they could even finish something like that.

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We look at Hanford and the cleanup that is necessary there. I mean, how many more centuries is it going to take? The one thing we can say about MOX, yes, it is treaty required and we are trying to meet our treaty obligations, but it is moving toward completion.

I mean, this is a miracle for the Department of Energy. Perhaps fast reactor might be better. But how do we know it won't cost an equal amount or more? We know South Carolina wants this. The Congressman from the region is here.

If we talk about WIPP, how do we know they even want the material? We have all these problems like Yucca Mountain. We have material we want to bury in the ground, and then the people say in the State that you build the facility: Well, now we don't want it.

So, frankly, of all the subcommittees I have served on or full committee—I have served on a majority of them—I have never seen a department that can't get its act together and get the work done.

So as much as I respect you, Congressman GARAMENDI, and you are right on so many efforts, I think to stop this project now with more than two-thirds of it constructed and hundreds of contracts let with vendors in 43 States—canceling those would expose our government to major liability and court costs from lawsuits and so forth.

The House bill prioritizes funds for national security to allow the United States to uphold its worthy non-proliferation and disarmament goals, which we share, and focuses on completing the MOX facility at the Savannah River site in the most cost-effective manner that the Department is capable of doing. I really think that we need to get it done. We are close to doing that.

We don't need another disaster sitting out there that is unused or this delay and stop and delay and hesitation and uncertainty and so forth. We need to complete this. We need to take care of the spent plutonium in a very responsible manner.

I share the chairman's perspective on this and continue to hold the author of the amendment—Congressman GARAMENDI—in the highest regard. I share your desire for nonproliferation. I think one of the best things we can do is get this material processed and leave the world a safer place in our time and generation.

I do oppose the amendment.

I yield back the balance of my time.

Mr. JODY B. HICE of Georgia. Mr. Chair, I rise in opposition to the gentleman's amendment.

The MOX facility at the Savannah River Site is absolutely crucial to our environmental clean-up missions, which produces green fuel, and national security.

The MOX facility is already over 70% completed, and is the best way to uphold the Plutonium Management and Disposition Agreement, our nuclear non-proliferation agreement with Russia.

The Waste Isolation Pilot Plant facility has been absolutely riddled with problems and shutdowns in recent years.

Not only would we be unable to fulfill our international obligations, but eliminating the MOX facility would make the Savannah River Site a de facto permanent repository for nuclear waste.

This is absurd—we need to deposit our nuclear waste at a geographically stable site in a largely uninhabited area. We have already identified the best location for permanent storage—Yucca Mountain in Nevada.

Until we restart the process for storing our nuclear waste at the Yucca Mountain site, it would be incredibly irresponsible to allow the nuclear waste to build up at a less safe and less stable site when we could be processing this material at the MOX facility and convert our plutonium into fuel that can be used at our commercial nuclear reactors.

Unfortunately, this amendment to eliminate funding to the MOX facility is counterproductive and short-sighted.

I urge my colleagues to vote against this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. GARAMENDI).

The amendment was rejected.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry

out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, \$1,420,120,000, to remain available until expended: *Provided*, That of such amount, \$44,100,000 shall be available until September 30, 2018, for program direction.

FEDERAL SALARIES AND EXPENSES

For expenses necessary for Federal Salaries and Expenses in the National Nuclear Security Administration, \$382,387,000, to remain available until September 30, 2018, including official reception and representation expenses not to exceed \$12,000.

AMENDMENT OFFERED BY MR. POLIS

Mr. POLIS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 54, line 14, after the dollar amount, insert “(reduced by \$1,000,000)”.

Page 56, line 1, after the dollar amount, insert “(increased by \$500,000)”.

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from Colorado and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. POLIS. Mr. Chairman, the \$500,000 in funds will be for sites where remediation is currently being conducted by the Office of Legacy Management at DOE in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act, called CERCLA—these are called CERCLA sites—and/or the Resource Conservation and Recovery Act, RCRA.

So it is CERCLA sites and RCRA sites. There are eight of them in seven different States. There are two in Ohio, one in California, one in Kentucky, one in Utah, one in Florida, one in Colorado, and one in Mississippi.

In Colorado, Rocky Flats, which is a now-shuttered nuclear weapons plant, has oversight by DOE. They do some water testing, but downwind and downstream communities have concerns about potential contamination.

These funds will help complete testing, which is vital for scientific knowledge, for public confidence, and for public health. We need them as we move forward with various uses of the land and properties in the area, including, in the case of Rocky Flats, opening to extensive public visitation.

Several municipalities and communities in my district have voted to ask for more soil samples. The portion they have asked for this regarding is both on Fish and Wildlife- and DOE-managed areas.

I personally have heard from many scientists, residents, even somebody who investigated the former Rocky Flats plant 30 years ago, who feel that it is very important that we make sure that the downstream areas and the site are not still contaminated and not hazardous for human visitors.

We need to have the proper science by testing the air, water and soil, relatively low-cost propositions that

would be funded by this small change from administrative accounts. These funds, to be clear, would be applied to all CERCLA lands, such as Rocky Flats and the others.

Mr. Chairman, to conclude, I am very grateful to work with the committee and their staff on this important testing for CERCLA and RCRA lands like those at Rocky Flats and in the other seven States.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. POLIS).

The amendment was agreed to.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

ENVIRONMENTAL AND OTHER DEFENSE
ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed one fire apparatus pumper truck, one aerial lift truck, one refuse truck, and one semi-truck for replacement only, \$5,226,950,000, to remain available until expended: *Provided*, That of such amount, \$290,050,000 shall be available until September 30, 2018, for program direction: *Provided further*, That of such amount, \$26,800,000 shall be available for the purpose of a payment by the Secretary of Energy to the State of New Mexico for road improvements in accordance with section 15(b) of the Waste Isolation Pilot Plant Land Withdrawal Act (Public Law 102-579): *Provided further*, That the amount made available by the previous proviso shall be separate from any appropriations of funds for the Waste Isolation Pilot Plant.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$776,425,000, to remain available until expended: *Provided*, That of such amount, \$254,230,000 shall be available until September 30, 2018, for program direction.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, are approved for official reception and representation expenses in an amount not to exceed \$5,000: *Provided*, That during fiscal year 2017, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN
POWER ADMINISTRATION

For expenses necessary for operation and maintenance of power transmission facilities and for marketing electric power and energy, including transmission wheeling and ancil-

lary services, pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, \$1,000,000, including official reception and representation expenses in an amount not to exceed \$1,500, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944, up to \$1,000,000 collected by the Southeastern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the Southeastern Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2017 appropriation estimated at not more than \$0: *Provided further*, That notwithstanding 31 U.S.C. 3302, up to \$60,760,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

OPERATION AND MAINTENANCE,
SOUTHWESTERN POWER ADMINISTRATION

For expenses necessary for operation and maintenance of power transmission facilities and for marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed \$1,500 in carrying out section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the Southwestern Power Administration, \$45,643,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), up to \$34,586,000 collected by the Southwestern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Southwestern Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2017 appropriation estimated at not more than \$11,057,000: *Provided further*, That notwithstanding 31 U.S.C. 3302, up to \$73,000,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

CONSTRUCTION, REHABILITATION, OPERATION
AND MAINTENANCE, WESTERN AREA POWER
ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized,

\$307,144,000, including official reception and representation expenses in an amount not to exceed \$1,500, to remain available until expended, of which \$299,742,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That notwithstanding 31 U.S.C. 3302, section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), and section 1 of the Interior Department Appropriation Act, 1939 (43 U.S.C. 392a), up to \$211,563,000 collected by the Western Area Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Western Area Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2017 appropriation estimated at not more than \$95,581,000, of which \$88,179,000 is derived from the Reclamation Fund: *Provided further*, That notwithstanding 31 U.S.C. 3302, up to \$367,009,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

FALCON AND AMISTAD OPERATING AND
MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, \$4,070,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 2 of the Act of June 18, 1954 (68 Stat. 255): *Provided*, That notwithstanding the provisions of that Act and of 31 U.S.C. 3302, up to \$3,838,000 collected by the Western Area Power Administration from the sale of power and related services from the Falcon and Amistad Dams shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the hydroelectric facilities of these Dams and associated Western Area Power Administration activities: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2017 appropriation estimated at not more than \$232,000: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred: *Provided further*, That for fiscal year 2017, the Administrator of the Western Area Power Administration may accept up to \$323,000 in funds contributed by United States power customers of the Falcon and Amistad Dams for deposit into the Falcon and Amistad Operating and Maintenance Fund, and such funds shall be available for the purpose for which contributed in like manner as if said sums had been specifically appropriated for such purpose: *Provided further*, That any such funds shall be available without further appropriation and without fiscal year limitation for use by the Commissioner of the United States Section of the International Boundary and Water Commission for the sole purpose of operating, maintaining, repairing, rehabilitating, replacing,

or upgrading the hydroelectric facilities at these Dams in accordance with agreements reached between the Administrator, Commissioner, and the power customers.

FEDERAL ENERGY REGULATORY COMMISSION
SALARIES AND EXPENSES

For expenses necessary for the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, official reception and representation expenses not to exceed \$3,000, and the hire of passenger motor vehicles, \$346,800,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed \$346,800,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2017 shall be retained and used for expenses necessary in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as revenues are received during fiscal year 2017 so as to result in a final fiscal year 2017 appropriation from the general fund estimated at not more than \$0.

GENERAL PROVISIONS—DEPARTMENT
OF ENERGY
(INCLUDING TRANSFER AND RESCISSION OF
FUNDS)

SEC. 301. (a) No appropriation, funds, or authority made available by this title for the Department of Energy shall be used to initiate or resume any program, project, or activity or to prepare or initiate Requests For Proposals or similar arrangements (including Requests for Quotations, Requests for Information, and Funding Opportunity Announcements) for a program, project, or activity if the program, project, or activity has not been funded by Congress.

(b)(1) Unless the Secretary of Energy notifies the Committees on Appropriations of both Houses of Congress at least 3 full business days in advance, none of the funds made available in this title may be used to—

(A) make a grant allocation or discretionary grant award totaling \$1,000,000 or more;

(B) make a discretionary contract award or Other Transaction Agreement totaling \$1,000,000 or more, including a contract covered by the Federal Acquisition Regulation;

(C) issue a letter of intent to make an allocation, award, or Agreement in excess of the limits in subparagraph (A) or (B); or

(D) announce publicly the intention to make an allocation, award, or Agreement in excess of the limits in subparagraph (A) or (B).

(2) The Secretary of Energy shall submit to the Committees on Appropriations of both Houses of Congress within 15 days of the conclusion of each quarter a report detailing each grant allocation or discretionary grant award totaling less than \$1,000,000 provided during the previous quarter.

(3) The notification required by paragraph (1) and the report required by paragraph (2) shall include the recipient of the award, the amount of the award, the fiscal year for which the funds for the award were appropriated, the account and program, project, or activity from which the funds are being drawn, the title of the award, and a brief description of the activity for which the award is made.

(c) The Department of Energy may not, with respect to any program, project, or activity that uses budget authority made available in this title under the heading "Department of Energy—Energy Programs", enter into a multiyear contract, award a multiyear grant, or enter into a multiyear cooperative agreement unless—

(1) the contract, grant, or cooperative agreement is funded for the full period of performance as anticipated at the time of award; or

(2) the contract, grant, or cooperative agreement includes a clause conditioning the Federal Government's obligation on the availability of future year budget authority and the Secretary notifies the Committees on Appropriations of both Houses of Congress at least 3 days in advance.

(d) Except as provided in subsections (e), (f), and (g), the amounts made available by this title shall be expended as authorized by law for the programs, projects, and activities specified in the "Bill" column in the "Department of Energy" table included under the heading "Title III—Department of Energy" in the report of the Committee on Appropriations accompanying this Act.

(e) The amounts made available by this title may be reprogrammed for any program, project, or activity, and the Department shall notify the Committees on Appropriations of both Houses of Congress at least 30 days prior to the use of any proposed reprogramming that would cause any program, project, or activity funding level to increase or decrease by more than \$5,000,000 or 10 percent, whichever is less, during the time period covered by this Act.

(f) None of the funds provided in this title shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates, initiates, or eliminates a program, project, or activity;

(2) increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act; or

(3) reduces funds that are directed to be used for a specific program, project, or activity by this Act.

(g)(1) The Secretary of Energy may waive any requirement or restriction in this section that applies to the use of funds made available for the Department of Energy if compliance with such requirement or restriction would pose a substantial risk to human health, the environment, welfare, or national security.

(2) The Secretary of Energy shall notify the Committees on Appropriations of both Houses of Congress of any waiver under paragraph (1) as soon as practicable, but not later than 3 days after the date of the activity to which a requirement or restriction would otherwise have applied. Such notice shall include an explanation of the substantial risk under paragraph (1) that permitted such waiver.

SEC. 302. The unexpended balances of prior appropriations provided for activities in this Act may be available to the same appropriation accounts for such activities established pursuant to this title. Available balances may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 303. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 3094) during fiscal year 2017 until the enactment of the Intelligence Authorization Act for fiscal year 2017.

SEC. 304. None of the funds made available in this title shall be used for the construction of facilities classified as high-hazard nuclear facilities under 10 CFR Part 830 unless independent oversight is conducted by the Office of Enterprise Assessments to ensure the project is in compliance with nuclear safety requirements.

SEC. 305. None of the funds made available in this title may be used to approve critical

decision-2 or critical decision-3 under Department of Energy Order 413.3B, or any successive departmental guidance, for construction projects where the total project cost exceeds \$100,000,000, until a separate independent cost estimate has been developed for the project for that critical decision.

SEC. 306. (a) None of the funds made available in this or any prior Act under the heading "Defense Nuclear Nonproliferation" may be made available to enter into new contracts with, or new agreements for Federal assistance to, the Russian Federation.

(b) The Secretary of Energy may waive the prohibition in subsection (a) if the Secretary determines that such activity is in the national security interests of the United States. This waiver authority may not be delegated.

(c) A waiver under subsection (b) shall not be effective until 15 days after the date on which the Secretary submits to the Committees on Appropriations of both Houses of Congress, in classified form if necessary, a report on the justification for the waiver.

SEC. 307. (a) NEW REGIONAL RESERVES.—The Secretary of Energy may not establish any new regional petroleum product reserve unless funding for the proposed regional petroleum product reserve is explicitly requested in advance in an annual budget submission and approved by the Congress in an appropriations Act.

(b) The budget request or notification shall include—

(1) the justification for the new reserve;

(2) a cost estimate for the establishment, operation, and maintenance of the reserve, including funding sources;

(3) a detailed plan for operation of the reserve, including the conditions upon which the products may be released;

(4) the location of the reserve; and

(5) the estimate of the total inventory of the reserve.

SEC. 308. (a) Any unobligated balances available from amounts appropriated in prior fiscal years for the following accounts that were apportioned in Category C (as defined in section 120 of Office of Management and Budget Circular No A-11), are hereby rescinded in the specified amounts:

(1) "Atomic Energy Defense Activities—National Nuclear Security Administration—Weapons Activities", \$64,126,393.

(2) "Atomic Energy Defense Activities—National Nuclear Security Administration—Defense Nuclear Nonproliferation", \$19,127,803.

(3) "Atomic Energy Defense Activities—National Nuclear Security Administration—Naval Reactors", \$307,262.

(b) No amounts may be rescinded under subsection (a) from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 309. Not to exceed \$2,000,000, in aggregate, of the amounts made available by this title may be made available for project engineering and design of the Consolidated Emergency Operations Center.

TITLE IV
INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, notwithstanding 40 U.S.C. 14704, and for expenses necessary for the Federal Co-Chairman and the Alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, \$146,000,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD
SALARIES AND EXPENSES

For expenses necessary for the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100-456, section 1441, \$31,000,000, to remain available until September 30, 2018.

DELTA REGIONAL AUTHORITY
SALARIES AND EXPENSES

For expenses necessary for the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, notwithstanding sections 382C(b)(2), 382F(d), 382M, and 382N of said Act, \$15,000,000, to remain available until expended.

DENALI COMMISSION

For expenses necessary for the Denali Commission including the purchase, construction, and acquisition of plant and capital equipment as necessary and other expenses, \$11,000,000, to remain available until expended, notwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998: *Provided*, That funds shall be available for construction projects in an amount not to exceed 80 percent of total project cost for distressed communities, as defined by section 307 of the Denali Commission Act of 1998 (division C, title III, Public Law 105-277), as amended by section 701 of appendix D, title VII, Public Law 106-113 (113 Stat. 1501A-280), and an amount not to exceed 50 percent for non-distressed communities.

NORTHERN BORDER REGIONAL COMMISSION

For expenses necessary for the Northern Border Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, \$5,000,000, to remain available until expended: *Provided*, That such amounts shall be available for administrative expenses, notwithstanding section 15751(b) of title 40, United States Code.

SOUTHEAST CRESCENT REGIONAL COMMISSION

For expenses necessary for the Southeast Crescent Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, \$250,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION
SALARIES AND EXPENSES

For expenses necessary for the Commission in carrying out the purposes of the Energy Reorganization Act of 1974 and the Atomic Energy Act of 1954, \$936,121,000, including official representation expenses not to exceed \$25,000, to remain available until expended, of which \$20,000,000 shall be derived from the Nuclear Waste Fund: *Provided*, That of the amount appropriated herein, not more than \$7,500,000 may be made available for salaries, travel, and other support costs for the Office of the Commission, to remain available until September 30, 2018, of which, notwithstanding section 201(a)(2)(c) of the Energy Reorganization Act of 1974 (42 U.S.C. 5841(a)(2)(c)), the use and expenditure shall only be approved by a majority vote of the Commission: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$786,853,000 in fiscal year 2017 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That of the amounts appropriated under this heading, not less than \$5,000,000 shall be for activities related to the development of regulatory infrastructure for advanced nuclear technologies, and \$18,000,000 shall be for international activities, except that the amounts

provided under this proviso shall not be derived from fee revenues, notwithstanding 42 U.S.C. 2214: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2017 so as to result in a final fiscal year 2017 appropriation estimated at not more than \$149,268,000: *Provided further*, That of the amounts appropriated under this heading, \$10,000,000 shall be for university research and development in areas relevant to the Commission's mission, and \$5,000,000 shall be for a Nuclear Science and Engineering Grant Program that will support multiyear projects that do not align with programmatic missions but are critical to maintaining the discipline of nuclear science and engineering.

AMENDMENT OFFERED BY MR. KEATING

Mr. KEATING. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 72, line 24, after the dollar amount, insert "(reduced by \$1,000,000) (increased by \$1,000,000)".

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from Massachusetts and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. KEATING. Mr. Chairman, I rise today to offer an amendment with the gentleman from Vermont (Mr. WELCH), a champion of these issues.

Our amendment is simple and straightforward. It seeks to provide adequate resources for the Nuclear Regulatory Commission in order to ensure the safe and effective decommissioning of nuclear power plants.

Last year Entergy Corporation, the owner and operator of the Pilgrim Nuclear Power Plant in Plymouth, Massachusetts, after facing severe losses in revenue and plagued by serious safety concerns, announced that the plant would be decommissioned by 2019.

Since coming to Congress, I have been concerned about the safety of Pilgrim's day-to-day operations as well as the security of its spent fuel storage.

Following Entergy's announcement, I have worked with State and local representatives from southeastern Massachusetts to prioritize the safety of the decommissioning process, security of the plant's spent fuel, and displacement of over 600 workers employed at this site.

Just this week, attention has focused on the NRC's recent report that revealed that the Pilgrim Nuclear Power Station came up short yet again during an investigation of their follow-through on critical systems maintenance.

While this infraction ultimately falls on the responsibility of Entergy, it is equally important that the NRC has the necessary resources to address concerns as they arise, including through cooperation with local communities.

As we have often cited, decommissioning of nuclear power plants has an enormous economic and financial impact on host communities. We have urged that decommissioning funds be

used strictly for removal of spent fuel from wet storage to dry cask storage, restoration and remediation of the site, and maintenance of emergency preparedness and security resources throughout the entire process.

Finally, it is my hope that the NRC prioritizes workforce development opportunities. As the number of decommissioned plants increases, so, too, will thousands of high-skilled, well-paying jobs.

I thank my colleagues for their consideration of this amendment and urge their support.

I yield such time as he may consume to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. Mr. Chairman, I thank the gentleman. We have a lot of merchant nuclear plants that are now starting to get decommissioned. The first one that got decommissioned was in Vernon, Vermont. We have now got Pilgrim.

The communities there face enormous challenges. One, we lose a lot of good jobs. Number two, there is the question: How do you get that asset back in production? That is where the local community, like select boards, citizen groups, are enormously concerned, and rightly so. It is their community, and they want to get it back operational.

The purpose of this amendment is to try to get the NRC the resources it needs and, also, the process it needs for citizen community involvement to be accepted. They are in a new era.

Generally, the NRC has been about regulating the safety of the plant. Now we are moving into the era where they have to deal with the decommissioning of the plant.

Safety issues continue to be of paramount concern, but economic vitality in the future is an urgent concern. Our goal here is to make certain that those folks who are in the community and their elected representatives have the capacity for significant input.

□ 2130

We are very pleased that the NRC is starting a rulemaking process to try to open it up a bit. We want to encourage them to do so. This legislation is a big step towards that.

Mr. KEATING. I also want to thank Chairman SIMPSON and Ranking Member KAPTUR for their consideration of the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. KEATING).

The amendment was agreed to.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$12,129,000, to remain available until September 30, 2018: *Provided*, That revenues from

licensing fees, inspection services, and other services and collections estimated at \$10,044,000 in fiscal year 2017 shall be retained and be available until September 30, 2018, for necessary salaries and expenses in this account, notwithstanding section 3302 of title 31, United States Code: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2017 so as to result in a final fiscal year 2017 appropriation estimated at not more than \$2,085,000: *Provided further*, That of the amounts appropriated under this heading, \$969,000 shall be for Inspector General services for the Defense Nuclear Facilities Safety Board, which shall not be available from fee revenues.

NUCLEAR WASTE TECHNICAL REVIEW BOARD
SALARIES AND EXPENSES

For expenses necessary for the Nuclear Waste Technical Review Board, as authorized by Public Law 100-203, section 5051, \$3,600,000, to be derived from the Nuclear Waste Fund, to remain available until September 30, 2018.

GENERAL PROVISIONS—INDEPENDENT
AGENCIES

SEC. 401. The Nuclear Regulatory Commission shall comply with the July 5, 2011, version of Chapter VI of its Internal Commission Procedures when responding to Congressional requests for information.

SEC. 402. (a) The amounts made available by this title for the Nuclear Regulatory Commission may be reprogrammed for any program, project, or activity, and the Commission shall notify the Committees on Appropriations of both Houses of Congress at least 30 days prior to the use of any proposed reprogramming that would cause any program funding level to increase or decrease by more than \$500,000 or 10 percent, whichever is less, during the time period covered by this Act.

(b)(1) The Nuclear Regulatory Commission may waive the notification requirement in subsection (a) if compliance with such requirement would pose a substantial risk to human health, the environment, welfare, or national security.

(2) The Nuclear Regulatory Commission shall notify the Committees on Appropriations of both Houses of Congress of any waiver under paragraph (1) as soon as practicable, but not later than 3 days after the date of the activity to which a requirement or restriction would otherwise have applied. Such notice shall include an explanation of the substantial risk under paragraph (1) that permitted such waiver and shall provide a detailed report to the Committees of such waiver and changes to funding levels to programs, projects, or activities.

(c) Except as provided in subsections (a), (b), and (d), the amounts made available by this title for "Nuclear Regulatory Commission—Salaries and Expenses" shall be expended as directed in the report of the Committee on Appropriations accompanying this Act.

(d) None of the funds provided for the Nuclear Regulatory Commission shall be available for obligation or expenditure through a reprogramming of funds that increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act.

(e) The Commission shall provide a monthly report to the Committees on Appropriations of both Houses of Congress, which includes the following for each program, project, or activity, including any prior year appropriations—

- (1) total budget authority;
- (2) total unobligated balances; and
- (3) total unliquidated obligations.

TITLE V
GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 502. (a) None of the funds made available in title III of this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by or transfer authority provided in this Act or any other appropriations Act for any fiscal year, transfer authority referenced in the report of the Committee on Appropriations accompanying this Act, or any authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality.

(b) None of the funds made available for any department, agency, or instrumentality of the United States Government may be transferred to accounts funded in title III of this Act, except pursuant to a transfer made by or transfer authority provided in this Act or any other appropriations Act for any fiscal year, transfer authority referenced in the report of the Committee on Appropriations accompanying this Act, or any authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality.

(c) The head of any relevant department or agency funded in this Act utilizing any transfer authority shall submit to the Committees on Appropriations of both Houses of Congress a semiannual report detailing the transfer authorities, except for any authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality, used in the previous 6 months and in the year-to-date. This report shall include the amounts transferred and the purposes for which they were transferred, and shall not replace or modify existing notification requirements for each authority.

SEC. 503. None of the funds made available by this Act may be used in contravention of Executive Order No. 12898 of February 11, 1994 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations).

SEC. 504. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

SEC. 505. None of the funds made available by this Act may be used to conduct closure of adjudicatory functions, technical review, or support activities associated with Yucca Mountain geologic repository license application, or for actions that irrevocably remove the possibility that Yucca Mountain may be a repository option in the future.

SEC. 506. None of the funds made available by this Act may be used to further implementation of the coastal and marine spatial planning and ecosystem-based management components of the National Ocean Policy developed under Executive Order No. 13547 of July 19, 2010.

AMENDMENT NO. 1 OFFERED BY MR. FARR

Mr. FARR. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 79, beginning on line 24, strike section 506.

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from California and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. FARR. Mr. Chair, I rise once again because every year we face this amendment and it does get knocked out in conference. But I rise with concern that it keeps coming back, because I think it is based on a lot of misunderstanding, and it really can cause serious problems.

For many years, Congress has been struggling with all these sorts of conflicts at the sea. Different Federal entities have different responsibilities—some for mineral management, some for fishing, some for coastal zone protection, Coast Guard for buoys. And when we were in the State legislature, State after State complained that there was a conflict of seas.

Congress actually appointed a commission to review these, a bipartisan commission. The membership was appointed by President Bush. The commission came back with an oceans report indicating that we had to avoid these conflicts among agencies. What we would do is create a National Ocean Policy, which required all the Federal agencies to look at their responsibilities and to make sure that they were all coordinated so that they carry out the functions that they have been responsible for, but carry them out in a timely fashion.

What this language in this bill says is you can't carry out these responsibilities under the National Ocean Policy. It is really stupid to knock it out, because what it will do is cost the people who want permits from the Federal Government a lot more time and money. And in fact, what it really does is jeopardize our national security because, believe it or not, one of the ways that people are sneaking into our exclusive economic zone is through fishing boats. And fishing boats are the responsibility more of National Marine Fisheries and the Coast Guard, and they have to be able to communicate with each other on issues.

So it is just one thing after another. I am really saying let's knock this language out.

The other thing I would like to say is that I hate to make this thing partisan, but I was just at a huge Oceans conference in Monterey, in the district I represent, with a lot of national scientists and NGOs.

The one thing that they pointed out time after time is how the Republicans are just attacking issues on the oceans, on marine fisheries, on oil and gas development, and so on.

And a policy like this is not something that is not actually beneficial to

try to get bureaucracy to work in knocking it out so that it goes back to the old bureaucracy. It is harmful for the government, it is harmful for users of ocean resources, and it is more harmful for people that are trying to get a handle on what is killing our oceans and killing our fish.

So we spend absolutely no money on oceans planning. The National Ocean Policy does not supersede any local or State regulations or create any new Federal regulations. It just creates a mechanism by which 41 numerous ocean agencies, departments, working groups, and committees can coordinate and communicate to manage effectively. It is a bottom-up, not top-down project.

National Ocean Policy leverages taxpayer dollars by reducing duplication between Federal, State, and local agencies, by streamlining data collection, by strengthening public involvement, by actually resulting in better decisionmaking and more decisionmaking, less costly decisionmaking.

National Ocean Policy is a tool for planning, not a mandate to strip local and stakeholder control from our oceans' resource. It was supported by President Bush. It has been supported by President Obama. It is bipartisan, bicameral, bi-everything, and this language just makes it impossible to carry on the responsibilities that we have in using our natural resources in a responsible fashion.

I ask that the amendment be adopted.

I reserve the balance of my time.

Mr. SIMPSON. Mr. Chairman, I claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from Idaho is recognized for 5 minutes.

Mr. SIMPSON. Mr. Chair, I rise in opposition to the amendment.

While there may be instances in which the greater coordination would be helpful to ensure our ocean and coastal resources are available to future generations, any such coordination must be done carefully to protect against Federal overreach.

As we have seen recently with the proposed rule to redefine waters of the United States, strong congressional oversight is needed to ensure that we protect private property rights.

Unfortunately, the way this administration developed its National Ocean Policy increases the opportunities for overreach. The implementation plan is so broad and so sweeping that it may allow the Federal Government to affect agricultural practices, mining, energy producers, fishermen, and anyone else whose actions may have an impact directly or indirectly on the oceans.

The fact is the administration did not work with Congress to develop this plan and has even refused to provide relevant information to Congress, so we can't be sure how sweeping it actually will be. That is why I support the language in the underlying bill and, therefore, oppose the amendment and suggest that the Committee on Natural

Resources is the one that should be taking this up if they want to develop a National Ocean Policy.

Mr. FARR. Will the gentleman yield?

Mr. SIMPSON. I yield to the gentleman from California.

Mr. FARR. First, whoever wrote your statement is wrong on the facts. I was here. This report that was done by the Bush administration was brought to the United States Congress, to the Natural Resources Committee. I was a member. Mr. Pombo was the chairman. He would not allow Admiral Watkins, who was chair of the committee, to testify on it. He would not allow a bill, carried by Republican members—Mr. Greenwood, Mr. Saxton, and others—to be heard. Every attempt was made to bring that report to Congress to enact as a bill, and the Natural Resources Committee rejected it, just slammed the door.

What President Obama does, there was more in the recommendations because there was actually a way of governing regional areas, much like the National Marine Fisheries does with their regional fishery boards. None of that was allowed. He only uses executive order to get all the Federal agencies together so they can come up with a National Ocean Policy, and not a thing in that policy mentions any of that.

Mr. SIMPSON. Reclaiming my time, in fact, we were not wrong. Congress did not approve a national ocean plan.

Now, we can argue about it whether they should have or whether they shouldn't have or whether Chairman Pombo should have brought it up or shouldn't have brought it up, or whatever, but that is way the process works around here. There are things that aren't brought up that I think ought to be brought up.

I have got a wildfire funding bill that hasn't been brought up. I think it ought to be brought up. That doesn't mean the administration can go out and say: Hey, that is the right thing to do. We are going to do it by executive order.

That is the problem with this administration, that they have got a phone and they have got a pen if they don't get what they want out of Congress and Congress decides not to act for whatever reason. We didn't act on immigration. I think that was wrong. I think we should have. But guess what. We didn't. That doesn't free the President to say: Well, if you won't do it, I am going to do it.

That is kind of what he did with the National Ocean Policy, and that is the problem we have here. That is why I oppose the amendment, even though it might be the right thing for us to do in the long run.

I urge a "no" vote on this amendment.

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

Mr. FARR. Mr. Chair, I yield 1 minute to the gentleman from Rhode Island (Mr. CICILLINE).

Mr. CICILLINE. I thank the gentleman for yielding go.

Mr. Chair, I rise in strong support of the amendment offered by my colleague from California, which would strike this misguided provision to prohibit funding of the National Ocean Policy, which permits better coordination among Federal agencies responsible for coastal planning.

This provision in particular would undermine the National Oceanic and Atmospheric Administration's participation in planning; would hurt States, communities, and businesses; and would keep States like Rhode Island from managing resources in a way that best fits their needs and priorities.

The administration has made it clear that the National Ocean Policy does not create new regulations, supercede current regulations, or modify any agency's established mission, jurisdiction, or authority. Rather, it helps coordinate the implementation of existing regulations by Federal agencies to establish a more efficient and effective decisionmaking process.

In the Northeast, our Regional Ocean Council has allowed our States to pool resources and businesses to have a voice in decisionmaking and has coordinated with Federal partners to ensure all stakeholders have a voice in the process, and it was the first in the Nation to release a draft regional ocean plan.

It is astounding to me that, since 2012, more than 15 riders undermining ocean planning have been introduced to House bills, including riders on several previous appropriations bills.

I urge my colleagues to support this amendment.

Mr. FARR. Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. FARR).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FARR. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 507. None of the funds made available by this Act may be used for the removal of any federally owned or operated dam.

SPENDING REDUCTION ACCOUNT

SEC. 508. The amount by which the applicable allocation of new budget authority made by the Committee on Appropriations of the House of Representatives under section 302(b) of the Congressional Budget Act of 1974 exceeds the amount of proposed new budget authority is \$0.

AMENDMENT OFFERED BY MS. BROWNLEY OF CALIFORNIA

Ms. BROWNLEY of California. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill, before the short title, insert the following:

SEC. _____. None of the funds made available by this Act may be used in contravention of section 2102 of the Water Resources Reform and Development Act of 2014 or section 210 of the Water Resources Development Act of 1986.

The Acting CHAIR. Pursuant to House Resolution 743, the gentlewoman from California and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. BROWNLEY of California. Mr. Chairman, I rise to offer a very brief amendment to the bill. I offer this amendment on behalf of myself and my good friend from California (Mrs. NAPOLITANO).

Many of my colleagues, especially those who are members of the Congressional Ports Caucus, have worked very hard in recent years to ensure that the Army Corps of Engineers has the funding necessary for operations and maintenance of our waterways. We achieved a great victory in WRRDA 2014, which set annual targets for the harbor maintenance trust fund usage.

□ 2145

It is vitally important that we not only hit the WRRDA targets, but that we also ensure that the Army Corps and the White House Office of Management and Budget allocate harbor maintenance trust fund resources properly, according to the authorizing statute.

The Brownley-Napolitano amendment simply directs that none of the funds in the bill can be spent contrary to existing law.

Our amendment is supported by the American Association of Port Authorities. I urge my colleagues to support this commonsense amendment to ensure that the Army Corps and the OMB follow the direction provided by Congress in the 2014 law which passed the House in a vote of 412-4.

Mr. Chairman, again, it is critically important for Congress to ensure that the administration follows the law.

This amendment is intended to ensure that the Corps and the administration and the OMB implement the law as directed by Congress.

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

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. BROWNLEY).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BURGESS

Mr. BURGESS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill, before the short title, insert the following new section:

SEC. _____. None of the funds made available in this Act may be used—

(1) to implement or enforce section 430.32(x) of title 10, Code of Federal Regulations; or

(2) to implement or enforce the standards established by the tables contained in section 325(i)(1)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6295(i)(1)(B)), or to implement or enforce section 430.32(n) of title 10, Code of Federal Regulations, with respect to BPAR incandescent reflector lamps, BR incandescent reflector lamps, and ER incandescent reflector lamps.

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from Texas and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. BURGESS. Mr. Chairman, I rise today to offer an amendment that will actually maintain current law.

Since its passage in 2007, I have heard from tens of thousands of constituents about how the language of the 2007 Energy Independence Security Act takes away consumer choice when deciding what type of light bulb to use in their homes.

Mr. Chairman, they are right. While the government has passed energy efficiency standards in other realms over the years, they never moved so far and lowered standards so drastically.

It is to a point where technology is still years away from making bulbs that are compliant with the law at a price point that the average American can afford.

Opponents to my amendment will claim that the 2007 language did not ban the incandescent bulb. That is true. It bans the sale of the 100-watt, the 60-watt and then the 45-watt bulb.

The replacement bulbs are far from economically efficient even if they may be regarded as energy efficient. A family living paycheck to paycheck simply cannot afford the replacement cost of these bulbs.

But the economics of the light bulb mandate are only part of the story. With the extreme expansion of Federal powers undertaken by the Obama administration during the first 2 years of the Obama administration, Americans woke up to just how far the Constitution's Commerce Clause has been manipulated from its original intent. The light bulb mandate is the perfect example of this.

The Commerce Clause was intended by our Founding Fathers to be a limitation to Federal authority, not a catch-all nod to allow for any topic to be regulated by Washington.

Indeed, it is clear that the Founding Fathers never intended this clause to be used to allow the Federal Government to regulate and pass mandates on consumer products that do not pose a risk to either human health or safety.

This exact amendment has been accepted for the past 4 years by the House. The first 3 years it was accepted by a voice vote. It has been included in the annual appropriations legislation signed into law by President Obama every year since its first inclusion in 2011.

It allows consumers to continue to have a choice and to have a say about what they put in their homes. It is just common sense.

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

Ms. KAPTUR. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. Mr. Chairman, I strongly oppose this damaging rider which would block the Department of Energy from implementing or enforcing commonsense energy efficiency standards for light bulbs. I have the highest respect for Dr. BURGESS, but not on this particular topic.

This rider was a bad idea when it was first offered 5 years ago, and it is even more unsupportable now. Every claim made by proponents of this rider has been proven wrong.

Dr. BURGESS told us that the energy efficiency standards would ban incandescent light bulbs. That is simply false. You can go to any store today and see shelves of modern, energy-efficient, incandescent light bulbs that meet the standard. I have bought them myself.

They are the same as the old bulbs except that they last longer, they use less electricity, and they save consumers money.

We have heard for years that the energy efficiency standards restrict consumer choice. But if you have shopped for light bulbs lately, you know that simply isn't true.

Modern incandescent bulbs, compact fluorescent light bulbs, and LEDs of every shape, size, and color are now available. Consumers have never had more choice. The efficiency standards spurred innovation that dramatically expanded options for consumers.

Critics of the efficiency standards claimed that they would cost consumers money. In fact, the opposite is true. When the standards are in full effect, the average American family will save about \$100 every year. That comes to \$13 billion in savings nationwide every year. But this rider threatens those savings, and that is why consumer groups have consistently opposed this rider.

Here is the reality. The 2007 consensus energy efficiency standards for light bulbs were enacted with bipartisan support and continue to receive overwhelming industry support.

U.S. manufacturers are already meeting the efficiency standards. The effect of the rider is to allow foreign manufacturers to sell old, inefficient light bulbs in the United States that violate the efficiency standards.

That is unfair to domestic manufacturers who have invested millions of dollars in the United States in those plants to make efficient bulbs here that meet the standards.

Why on earth would we want to pass a rider that favors foreign manufacturers who ignore our laws and penalizes U.S. manufacturers who are following our laws?

But it even gets worse. The rider now poses an additional threat to U.S. manufacturing. The bipartisan 2007 energy

bill requires the Department of Energy to establish updated light bulb efficiency standards by January 1 of next year.

It also provided that, if final updated standards are not issued by then, a more stringent standard of 45 lumens per watt automatically takes effect. Incandescent light bulbs currently cannot meet this backstop standard.

This rider blocks DOE from issuing the required efficiency standards and ensures that the backstop will kick in. Ironically, it is this rider that could effectively ban the incandescent light bulb.

The Burgess rider directly threatens existing light bulb manufacturing jobs in Pennsylvania, Ohio, Illinois, across our region. It would stifle innovation and punish companies that have invested in domestic manufacturing.

This rider aims to reverse years of technological progress only to kill jobs, increase electricity bills for our constituents, and worsen pollution.

It is time to choose common sense over rigid ideology, and it is time to listen to the manufacturing companies, consumer groups, and efficiency advocates, who all agree that that rider is harmful.

I urge all Members to vote “no” on the Burgess light bulb rider, no matter how well intended.

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

Mr. BURGESS. Mr. Chairman, I would merely observe that, in calendar year 2007, the political analyst George Will opined at the end of that year that the American Congress essentially had two mandates, to deliver the mail and defend the borders, that it had failed miserably at both jobs.

Instead of performing either of those jobs, it banned the incandescent bulb, probably the single greatest invention to have occurred in America in the 1800s.

This is a commonsense bill. Our constituents have asked for this. The Congress has supported it. The amendment, in fact, maintains current law.

I urge all Members to support it.

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

Ms. KAPTUR. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. BURGESS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GARAMENDI

Mr. GARAMENDI. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds made available by this Act may be used to expand plutonium pit production capacity at the PF-4 facility at Los Alamos National Laboratory.

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from California and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. GARAMENDI. Mr. Chairman, about an hour and a half ago we had a very important debate on this floor concerning some 30-plus metric tons of unused surplus plutonium to be disposed of in South Carolina at the mixed oxide fuel facility. The debate went on.

I want to thank my colleagues on the majority side for elucidating the issue and bringing to our attention, as did I, that we have some 34 metric tons of plutonium lying around in various depositories around the United States. And from our discussion earlier, it is pretty clear it is not going to be disposed of any time soon.

Now, this bill would set about the United States putting together facilities that would create even more plutonium somewhere in the range of 80 nuclear bomb pits. This is the essential element in a nuclear bomb. For what purpose?

Well, we really probably can't talk about it here in this public setting, but it appears to be a rather unclear purpose as to why we would need to build a new facility at a multibillion dollar cost for the production of more plutonium pits when we have 34 metric tons of them sitting in various repositories.

So I guess I just kind of ask: Why are we doing that?

Well, this amendment would simply limit the PF-4 facility in Los Alamos, New Mexico, to no more than 10 pits a year, which they can produce. Probably a little bit of refurbishing will be necessary as the years progress, but we really do not need to spend a few billion dollars on a brand-new facility to make brand-new atomic bomb plutonium pits.

Why would we do that? Well, I don't think we do need to do that. We can get by with 10 a year. And I suppose, if we really got into a situation where we need to build more, we could run 2 shifts a day, maybe even 3 shifts a day, and get production up to some 20.

Nobody has really bothered to explain in detail why we need more than 10, and certainly nobody has explained in detail why we need 80.

So that is what this amendment does. It simply says: Let's save our money. Let's not put it into a facility that we don't need and go about our business of making just 9 or 10 new nuclear plutonium pits a year.

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

Mr. SIMPSON. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from Idaho is recognized for 5 minutes.

Mr. SIMPSON. Mr. Chairman, I oppose this amendment because I am concerned that the amendment would limit the activities that may be necessary to maintain our nuclear weapons stockpile. That is basically it.

We need to be modernizing the legacy facilities of the National Nuclear Secu-

rity Administration. And these are old facilities, if we are going to have a credible nuclear deterrent.

That is what this is all about, is keeping our nuclear deterrent and making sure that we have the facilities to produce those things that are necessary. It is as simple as that.

I urge Members to vote “no” on this amendment.

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

□ 2200

The Acting CHAIR. The gentleman from California has 2 minutes remaining.

Mr. GARAMENDI. Mr. Chairman, 2 minutes is probably insufficient to persuade my colleagues on the majority side that my argument is worthy of support; but nonetheless, I will take a shot at it.

We can build 9 or 10 pits a year now. If we go to two shifts, we could build 20. The only reason we would need 80 has to do with a revamped, refurbished nuclear bomb, which I will talk about tomorrow morning, because at the request of the majority, I was asked to put it off until tomorrow morning.

In any case, where are we today?

We have enough nuclear weapons to pretty much destroy the entire world or any enemy that would like to take us on.

Do we need to have 80 new nuclear pits a year?

In all the testimony I have heard in the various classified sessions, the answer is: We would like to have it. We would like to have that capability because sometime maybe somehow we may have a nuclear war, and we will expend all of our existing bombs and we will need to somehow make more.

I am not exactly sure why we would be making more after a nuclear war, but there are some who would argue that would be necessary.

I don't get it. I really don't understand when we have the capability to build sufficient nuclear bomb components, the pit, the plutonium pit, why we would want to spend a few billion dollars—an unknown number, by the way, not unlike the MOX facility, it is likely to rapidly escalate.

But our Los Alamos scientists would like to have something new and fancy when something old is quite necessary. My wife always said that there is a choice between nice and necessary. I have yet to hear the argument for necessary, why we should set our path on spending several billion dollars on a new pit production facility. I am sure there is some argument to be made. In any case, I have a sense that I might lose this vote on the floor when I will ask for a vote.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. GARAMENDI).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. GARAMENDI. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

Mr. SIMPSON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WILSON of South Carolina) having assumed the chair, Mr. EMMER of Minnesota, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5055) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2017, and for other purposes, had come to no resolution thereon.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PAYNE (at the request of Ms. PELOSI) for the first series of votes today on account of medical appointments.

Ms. MAXINE WATERS of California (at the request of Ms. PELOSI) for May 23.

Ms. MAXINE WATERS of California (at the request of Ms. PELOSI) for today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2613. An act to reauthorize certain programs established by the Adam Walsh Child Protection and Safety Act of 2006; to the Committee on the Judiciary.

ADJOURNMENT

Mr. EMMER of Minnesota. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 5 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, May 25, 2016, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

5473. A letter from the Board Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule — Regulatory Capital Rules: Regulatory Capital, Implementation of Tier 1/Tier 2 Framework (RIN: 3052-AC81) received May 19, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Agriculture.

5474. A letter from the Acting Director, Office of Communications and Legislative Affairs, Equal Employment Opportunity Com-

mission, transmitting the Commission's final rule — Genetic Information Non-discrimination Act (RIN: 3046-AB02) received May 17, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Education and the Workforce.

5475. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting the Department's final rule — Energy Conservation Program: Test Procedure for Battery Chargers [Docket No.: EERE-2014-BT-TP-0044] (RIN: 1904-AD45) received May 20, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

5476. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's direct final rule — Air Plan Approval; Connecticut; Sulfur Content of Fuel Oil Burned in Stationary Sources [EPA-R01-OAR-2014-0364; A-1-FRL-9939-63-Region 1] received May 20, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

5477. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's direct final rule — Air Plan Approval; New Hampshire; Ozone Maintenance Plan [EPA-R01-OAR-2012-0289; FRL-9946-69-Region 1] received May 20, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

5478. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Air Plan Approval; North Carolina; Regional Haze [EPA-R04-OAR-2015-0518; FRL-9946-76-Region 4] received May 20, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

5479. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Air Plan Disapprovals; MS; Prong 4-2008 Ozone, 2010 NO₂, SO₂, and 2012 PM_{2.5} [EPA-R04-OAR-2015-0798; FRL-9946-77-Region 4] received May 20, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

5480. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Air Quality Plan Approval; South Carolina; Infrastructure Requirements for the 2010 Sulfur Dioxide National Ambient Air Quality Standard [EPA-R04-OAR-2015-0151; FRL-9946-82-Region 4] received May 20, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

5481. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Connecticut; Infrastructure Requirements for Lead, Ozone, Nitrogen Dioxide, Sulfur Dioxide, and Fine Particulate Matter [EPA-R01-OAR-2015-0198; FRL-9940-14-Region 1] received May 20, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

5482. A letter from the Director, Office of Regulatory Affairs and Collaborative Action, Bureau of Indian Affairs, Department of the Interior, transmitting the Department's final rule — Title Evidence for Trust Land Acquisitions [167A2100DD/AAK001030/

A0A501010.999 900 253G] (RIN: 1076-AF28) received May 19, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

5483. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Federal Implementation Plan for True Minor Sources in Indian Country in the Oil and Natural Gas Production and Natural Gas Processing Segments of the Oil and Natural Gas Sector; Amendments to the Federal Minor New Source Review Program in Indian Country to Address Requirements for True Minor Sources in the Oil and Natural Gas Sector [EPA-HQ-OAR-2014-0606; FRL-9946-56-OAR] (RIN: 2060-AS27) received May 20, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

5484. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's Major final rule — Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources [EPA-HQ-OAR-2010-0505; FRL-9944-75-OAR] (RIN: 2060-AS30) received May 20, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

5485. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFIS, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Comprehensive Ecosystem-Based Amendment 1; Amendments to the Fishery Management Plans for Coastal Pelagic Species, Pacific Coast Groundfish, U.S. West Coast Highly Migratory Species, and Pacific Coast Salmon [Docket No.: 150629565-6224-02] (RIN: 0648-BF15) received May 19, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

5486. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFIS, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Groundfish Fishery; Fishing Year 2016; Recreational Management Measures [Docket No.: 160120042-6337-02] (RIN: 0648-BF69) received May 19, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

5487. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFIS, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — International Fisheries; Pacific Tuna Fisheries; Fishing Restrictions for the Area of Overlap Between the Convention Areas of the Inter-American Tropical Tuna Commission and the Western and Central Pacific Fisheries Commission [Docket No.: 150924885-6324-02] (RIN: 0648-BF38) received May 19, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

5488. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFIS, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Halibut Fisheries; Catch Sharing Plan [Docket No.: 160127057-6280-02] (RIN: 0648-BF60) received May 19, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec.